

Zoning Ordinance Springfield, Tennessee

In the process of being codified

This document includes the text of the original ordinance adopted by the City of Springfield in 1990 as well as all amendments to the ordinance approved by the Springfield Board of Mayor and Alderman since the adoption date. All changes in this document are cited with the appropriate ordinance number that modified the original document. Please contact us with any questions.

City of Springfield
Department of Community Development and Planning
405 North Main Street
Springfield, TN 37172
615-682-2200

David Brewer, City Engineer
Kimberly Atlee, Senior Planner
David Fauth, Planner
Mark Fields, Codes Administrator
David Benham, Building Inspector
Wayne Leding, Building Inspector
Robert Jones, Building Inspector

CHAPTER 1

ORDINANCE NO.

AN ORDINANCE pursuant to the authority granted by Sections 13-7-201 through 13-7-206, Tennessee Code Annotated, to provide for the establishment of districts within the planning jurisdiction of The City of Springfield, Tennessee; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities, and similar purposes to include special districts for areas subject to flooding and areas developed as a planned unit; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to provide for the administration and for enforcement; to provide penalties for the violation; and to provide for conflicts with other ordinance or regulations; and to repeal certain provisions of "The Springfield Municipal Code", as amended, in conflict herewith.

WHEREAS, Sections 13-7-201 through 13-7-206, Tennessee Code Annotated, empower cities to enact a zoning ordinance and to provide for its administration, enforcement, and amendment thereof; and

WHEREAS, the Board of Mayor and Aldermen of The City of Springfield, Tennessee (hereinafter called "City") deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City and the Region designated as the Springfield Regional Planning Area to adopt a revised comprehensive zoning ordinance of the City and the Springfield Regional Planning Area; and

WHEREAS, the Board of Mayor and Aldermen, pursuant to the provisions of Section 13-7-202, Tennessee Code Annotated, heretofore vested in its Planning Commission authority to recommend revised boundaries for various revised districts with appropriate revised regulations to be enforced therein; and

WHEREAS, the Planning Commission has recommended a revised division of the City and the Region into revised districts and has prepared revised regulations pertaining to such districts in accordance with a comprehensive plan designed to

lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate uses and for the land throughout the municipality and the Regional Planning Area; and

WHEREAS, the Planning Commission has submitted its final report to the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given public notice of hearings related to revised zoning districts, the proposed revised regulations, and restrictions, and has held such public hearings; and

WHEREAS, all the requirements of Sections 13-7-202 through 13-7-306, Tennessee Code Annotated, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRINGFIELD, TENNESSEE, as follows:

Section 1. All existing zoning regulations and the division of the City and region into zoning districts according to the current and existing Zoning Map of The City of Springfield, Tennessee, and the Official Zoning Map of the Springfield Region, as contained and provided for in Articles I through XIV of the municipal ordinance and Articles I through XV of the regional ordinance of Title 11 of the Springfield Municipal Code and all Ordinances previously adopted subsequent to the enactment of the said Springfield Municipal Code which are amendatory of said articles of Title 11 thereof, are hereby repealed in their entirety and there is adopted new Chapters 2 through 15 of Title 11 as follows, to-wit:

CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING, CONSTRUCTION OF LANGUAGE AND DEFINITIONS

11-201. Intent and Purpose

This title is enacted pursuant to Title 13 of Tennessee Code Annotated for the following purposes:

- A. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- B. To divide the City and the Planning Region into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
- C. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas;
- D. To provide adequate light, air, privacy, and convenience of access to property;
- E. To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;
- F. To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
- G. To fix reasonable standards to which buildings or structures shall conform;
- H. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- I. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- J. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- K. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- L. To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

- M. To conserve the taxable value of land and the buildings thereon throughout the City and Region;
- N. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- O. To provide for condemnation of such nonconforming buildings and structures and of land, as the Board of Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
- P. To define and limit the powers and duties of the administrative officers and bodies as provided herein; and
- Q. To include in the general purposes additionally the specific purposes stated in the various chapters throughout this Title.

11-202. Rules for Construction of Language

In the construction of this Title, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. The particular shall control the general;
- B. The word "shall" is always mandatory and not discretionary;
- C. The word "may" is permissive;
- D. The word "lot" shall include the words "piece" or "parcel";
- E. The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for";
- F. In the case of any difference of meaning or implication between the text of this Title and any caption, illustration or table the text shall control;
- G. The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use permit;
- H. The words "conditionally permitted" or "permitted by conditional use permit" means permitted subject to the requirements for a conditional use by special permit pursuant to Chapter 15 of this Title, and all other applicable provisions;
- I. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary;

J. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions or events shall apply;
- (2) "Or" indicates that any of the connected items, conditions, provisions, or events shall apply;
- (3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination; and

K. All public officials, bodies, and agencies to which reference is made are those of The City of Springfield, Tennessee.

11-203. Definitions

Except where definitions are specifically included in various sections of this Title words in the text or tables of this Title shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Accessory – An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

Activity – The performance of a function or operation, which constitutes the use of land.

Adult Oriented Establishments – the following definitions under this term shall apply as necessary:

Adult Book Store – An establishment having as more than 50% of the face value of its stock in trade, book, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by depicting, describing, or relating to “specified anatomical areas” as defined below.

Adult Cabaret – Any restaurant, bar, dance hall, night club or other such place which features dancers, strippers, male or female impersonators or similar entertainers for the entertainment of a predominantly adult clientele.

Adult Motion Picture Theater – Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” (as defined Below) for observation by patrons therein.

Adult Oriented Establishments – includes but is not limited to “ adult bookstores,” “ adult motion picture theaters,” or “ adult cabarets” and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An “adult oriented establishment” further includes, without being limited to any “adult entertainment studio” or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import.

Adult Theater – A theater, concert hall, auditorium, or similar establishment, which, by any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” (as defined below) or by “specified sexual activities”.

Entertainer – Any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort, or independent contractor.

Escort – A person who for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort.

Escort Service – means a person as defined herein, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts.

Open Office – an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service

having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints.

Sexual Encounter Establishments – an establishment other than a hotel, motel or similar establishment offering public accommodations, which, for any form or consideration, provides a place where two or more persons may congregate, associate, or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” The definition does not include an establishment for a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engaging in sexual therapy.

Specified Anatomical Areas – Specified anatomical areas shall mean any of the following: 1). Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola and 2). Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – specified sexual activities shall mean any of the following: 1) Human genitals in a state of sexual stimulation or arousal. 2). Acts of human masturbation, sexual intercourse or sodomy. 3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Alley – A public way intended to provide only secondary vehicular access to abutting properties.

Anchor Stores – commercial structures 30,000 square feet or greater, including grocery, department, home supply, or electronics stores.

Attached – Jointed together by party wall(s).

Automobile Wrecking – The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, found.

Basement – A story where the floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a "Cellar" which is a story more than one-half (1/2) below such level).

Big-box Stores – commercial structures typically 50,000 square feet or greater, including grocery, department, home supply, or electronics stores.

Buffer Strip – A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building – A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Building Height – A measure taken from the average grade elevation at the base of the front of the building to the peak of the roofline.

Building Permit – A written permit issued by the Community Development Director or his assistant and is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use of any zone lot.

Bulk – Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

- A. The size (including height and floor area) or other structures;
- B. The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot;
- C. The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
- D. All open areas relating to buildings or other structures and their relationship thereto.

Cellar – (See Basement)

Common Open Space – A parcel or parcels of land and/or an area of water within the site designated as a planned unit development or density development, and designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

Community Development Director – Within this ordinance, the community development director shall also be known as the building inspector.

Completely Enclosed – Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Conditional Use – A conditional use (otherwise known as a special exception) is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Title.

Curb Level – The mean of the elevations of the side lot lines extended to the street line.

Development Area Per Dwelling Unit – The net amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot.

Display Surface Area (of a Sign) – The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the display surface area of a sign.

Dwelling, Attached – A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings each contain not more than two dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another.

Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case dimensions of such land shall not be reduced below those required for provisions of separate lots. The term attached dwelling is intended to

apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

Dwelling, Mobile Home – A vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

- A. is not designed and constructed in accordance with the applicable provisions of the adopted building code except Appendix I "Mobile Home Standards", and
- B. is not designed and constructed in accordance with applicable provisions of the adopted housing codes; and
- C. does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.
- D. is denoted by a RED tag issued by the Federal Department of Housing and Urban Development.

Dwelling, Multi-Family – A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity.

Dwelling, One-Family – A building containing only one dwelling unit. The term is general, including such specialized forms as one-family detached, one-family semi-detached and one-family attached houses (townhouses, patio and atrium houses, and the like if containing only one family). For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, One-Family Detached – A one-family dwelling entirely separated from structures on adjacent lots. (Modular homes are included and each have a GREEN tags issued by the State of Tennessee Department of Commerce and Insurance. Modular homes are regulated according to standards set in the South Building Code).

Dwelling, Semi-Detached – A building containing not more than two dwelling units, attached at a side to not more than one other building containing not more than two dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district, or so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case the dimensions of such land shall not be reduced below those required for provisions of separate lots.

Dwelling, Two-Family Detached – A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling Unit – A room or rooms connected together, constituting a separate independent housekeeping establishment for one-family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking, and sleeping facilities.

Extended stay hotel or motel – A hotel or motel as defined in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

Family – One person, or two or more persons related by blood or marriage, or adoption together with incidental domestic servants and temporary nonpaying guests. The term "family" shall not be construed to include a fraternity, sorority, club, foster home with more than 4 children, or institutional group.

Floor Area – The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

- A. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this Title; and
- B. In the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio – The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0).

Gross Area – An area of land, which is inclusive of all land uses and streets, and other public areas located within the development.

Home Occupations – An occupation conducted in a dwelling unit, provided that:

- A. Only one person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- D. Home occupations within accessory structures may be permitted upon appeal to the Board of Zoning Appeals;
- E. There shall be no sales on the premises in connection with such home occupation;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

Hotel – An establishment providing transient lodging which includes a twenty-four (24) hour front desk attendant, food service, room service, laundry or dry-cleaning service, meeting rooms, health club or swimming club, concierge/guest services, may or may not include restaurants but no in-room food preparation. Guest rooms must be accessible from an indoor corridor.

Immobile – A vehicle incapable of moving under its own power.

Incidental Alterations

A. Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:

- (1) Alterations of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
- (2) A minor addition to the exterior of a residential building, such as an open porch;
- (3) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
- (4) Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or

B. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:

- (1) Making windows or doors in exterior walls;
- (2) Replacement of building facades having non-load-bearing capacity;
- (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Junk Yard or Salvage Yard – A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing more than two (2) immobile or unlicensed cars shall be deemed a junkyard. (See immobile).

Land With Incidental Improvements – A tract of land, which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

Landowner – The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landowner" for the purpose of this Title.

Landscaping – The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

Lot – For purposes of this Title, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Area – The entire area of a zone lot.

Lot Area Per Dwelling Unit – That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.

Lot Coverage – That portion of a zone lot which when viewed directly from above could be covered by a building or any part of a building.

Lot Frontage – The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

Lot Line – A boundary of a zone lot.

Lot Line Equivalent – A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- A. Joins points specified in these regulations, or
- B. Is an extension of a street line or lot line.

Lot Measurements

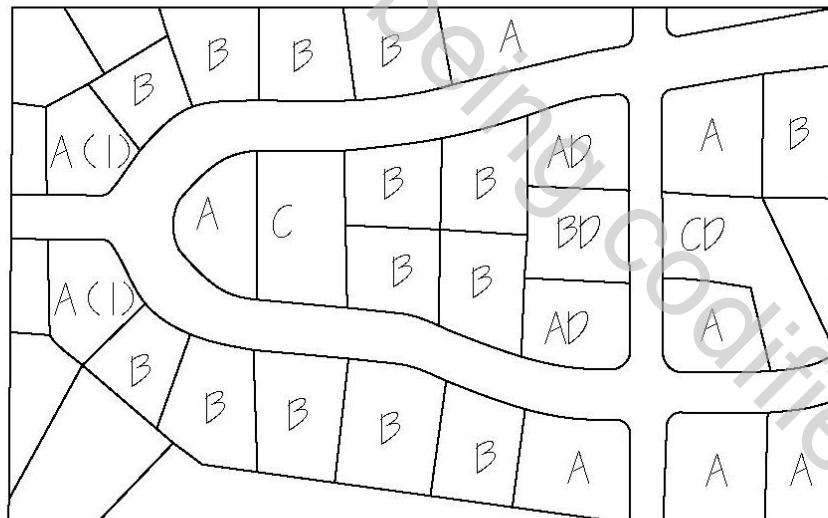
- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

Lot of Record – A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this Title.

Lot Types – The diagram (Figure 1), which follows, illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots;

FIGURE 1



In the diagram, **A=Corner Lot**, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn

from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A (1) in the diagram.

B=Interior Lot, defined as a lot other than a corner lot with only one (1) frontage of a street.

C=Through Lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D=Reversed Frontage Lot defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or through lot (C-D).

Major Office/Industrial Structures – single office/mixed use structures 10,000 square feet or greater, or single industrial structures 50,000 square feet or greater.

Master Development Plan – Used within the context of the planned unit development provisions refers to either a preliminary plan, which may be approved by the Planning Commission, or a final plan, which may be approved by the Planning Commission and the Board of Mayor and Aldermen. The "Master Development Plan" shall mean the proposal for the development of a planned unit development including, but not limiting to, the requirements for a preliminary plan as stipulated in this Title and those for a final plat as stipulated in this Title.

Mini-warehouses – A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family, such as motor vehicles, personal household items, boats, motorcycles and other such items. Commercial or industrial storage may be allowed as long as the facility is not used as a transfer (distribution) and storage business where the use of vehicles is part of such business.

Mobile Home – (See Dwelling, Mobile Home)

Mobile Home Park – A development, which is designed and constructed to accommodate mobile homes.

Mobile Home Space – A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Mobile Home Stand – That part of an individual mobile home space, which has been reserved for the placement of the mobile home.

Motel – An establishment providing transient lodging which includes a twenty-four (24) hour front desk attendant, room service, may or may not include restaurants but no in-room food preparation and in which the guest rooms are accessible from outdoor parking areas or walkways and are rented on a less than monthly basis.

Noncomplying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:
 - (1) Location along district boundary;
 - (2) Signs; or
 - (3) Accessory off-street parking and loading;

either on the effective date of this ordinance or as a result of any subsequent amendment.

- C. Any lot of record, which, at the time of adoption of this ordinance, does not contain sufficient lot area to meet the area requirements for the district in which it is located.

Nonconforming Use – A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Title or as a result of any subsequent amendment.

Overall Density – The dwelling units per gross acre of the total area with a residential planned unit development.

Party Wall – A wall separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

Person – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Planned Unit Development – A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land, which may be separated only by a street or other right-of-way. A planned unit development shall not include a normal subdivision, but a subdivision may be included as a part of such a development.

Principal Activity – An activity, which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building – A building, which contains the principal activity or use located on a zone lot on which it is situated.

Profession (Professional Office) – The term profession, as used in this Title, is not limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. The term may also include insurance agents, insurance adjusters, realtors, or any persons engaged in sales or trade, which utilize an office environment without display or storage space for goods. In permitting professional offices as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only occupied by persons engaged in professions, as herein defined, shall be permitted.

Required Yard – That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Residence – A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- B. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or

- C. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- D. In a mixed building, that part of the buildings used for a nonresidential uses, except uses accessory to residential use.

Semi-Permanent Residential Establishment – An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis; but excluding institutional living arrangements involving the provision of a specific kind of forced residence, such as nursing homes, orphanages, asylums, halfway houses and prisons.

Setback Line – A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

Signage – Area in square feet of the continuous perimeter of copy including any wording, numerals, emblems, or representative which is used to announce, direct attention to, or advertise, and is visible from outside a building including signage inside a building which is located in a window and illuminated.

Single Ownership – Means a proprietary interest of a landowner as defined herein.

Story – A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- A. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade; or
- B. An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two (2) feet above the floor of such space.

Street – A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property.

Street Line – A lot line dividing a lot from an abutting street.

Structure – An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

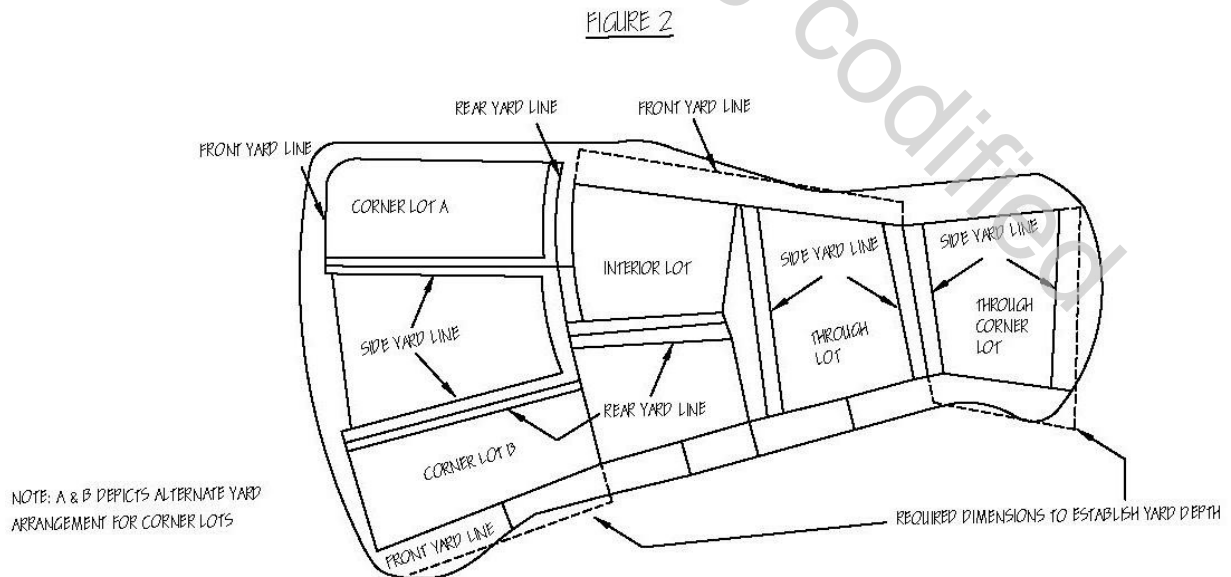
Subdivision – The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land area subdivided.

Use – The performance of a function or operation, which constitutes the use of land.

Use and Occupancy Permit – A written permit issued by the zoning administrator required before occupying or commencing to use any building or other structure or any zone lot; except that an occupancy permit shall not be required for an owner-occupied dwelling.

Yard – That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent from a depth or width set forth in the applicable regulations.

Yard, Diagram – The following "Yard Diagram (Figure 2)" shall be used in clarifying the usage of the "line" and "yard" definitions of this Title:



Yard, Front – A yard extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one such yard shall be designated for each corner lot; at least two such yards shall be designated for each through lot, and each through corner lot.

Yard, Rear – A yard extending for the full length of a rear lot line.

Yard, Side – A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

Zone or Zoning Lot – Is either:

- A. A lot of record existing on the effective date of this Title or any subsequent amendment, or
- B. A tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Title or any subsequent amendment was in single ownership, or
- C. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under "landowner".

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of this Title. If such lot, however, is occupied by a noncomplying building, such zone lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.

Zoning Permit – A written permit issued by the zoning administrator and is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot.

Process of being codified

CHAPTER 3

USE CLASSIFICATION

11-301. General Classification Rules.

The provisions of this chapter shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria, which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Appeals shall make the determination based upon the characteristics of the unlisted use.

11-302. Listing of Activity Classifications.

All activities are hereby classified into the following activity types:

A. Residential Activities:

(1) Permanent

- (a) Dwelling, attached
- (b) Dwelling, one-family detached
- (c) Dwelling, semi-attached
- (d) Dwelling, two-family detached
- (e) Dwelling, mobile home
- (f) Dwelling, multi-family
- (g) Mobile Home Park

(2) Semi-Permanent:

- (a) Apartment Hotel
- (b) Boarding or Rooming Houses
- (c) Residential Hotel

B. Community Facility Activities:

- (1) Administrative
- (2) Community Assembly
- (3) Community Education
- (4) Cultural and Recreation Services
- (5) Essential Service
- (6) Extensive Impact
- (7) Health Care
- (8) Intermediate Impact
- (9) Personal and Group Care Facilities
- (10) Religious Facilities

C. Commercial Activities:

- (1) Animal Care and Veterinarian Services
- (2) Automotive Parking
- (3) Automotive Service and Repair
- (4) Building Materials and Farm Equipment
- (5) Consumer Repair Services
- (6) Construction Sales and Services
- (7) Convenience Commercial
- (8) Entertainment and Amusement Services
- (9) Financial, Consulting, and Administrative
- (10) Food and Beverage Service
- (11) Food Service - Drive-in
- (12) General Business and Communication Services
- (13) General Personal Service
- (14) General Retail Trade
- (15) Group Assembly
- (16) Medical and Professional Services
- (17) Transient Habitation
- (18) Transport and Warehousing
- (19) Vehicular, Craft, and Related Equipment Sales, Retail and Delivery
- (20) Wholesale Sales

D. Manufacturing Activities:

- (1) Limited
- (2) Intermediate
- (3) Extensive

E. Agricultural, Resource Production, and Extractive Activities:

- (1) Agricultural Services
- (2) Crop and Animal Raising
- (3) Mining and Quarrying
- (4) Plant and Forest Nurseries
- (5) Commercial Feed Lots and Stockyards

11-303. Accessory Uses.

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this Title.

11-304. Classification of Combinations of Principal Activities.

The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities.

A. Separate Classification of Each Establishment

The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.

B. Separate Classification of Different Classes of Activities Conducted by a Single Establishment

If the principal activities conducted by a single establishment, management, or institution resemble two or more different classes of activities, the principal activities of each class shall be classified separately.

C. Classification of Different Activities Within the Same Class, Conducted by a Single Establishment

If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities.

11-305. Residential Activities

A. Permanent Residential:

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities, however, only those dwelling types as indicated by individual district regulations may be permitted herein.

- (1) Dwelling, attached
- (2) Dwelling, one-family detached
- (3) Dwelling, two-family detached
- (4) Dwelling, semi-detached
- (5) Dwelling, mobile home
- (6) Dwelling, multi-family
- (7) Mobile Home Park

B. Semi-Permanent Residential:

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, halfway houses, and prisons, except as provided by general law of the state. The following dwelling

or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities, however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

- (1) Apartment Hotel
- (2) Boarding or Rooming House
- (3) Residential Hotel

11-306. Community Facility Activities

A. Administrative Services:

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

- (1) City, County, State, and Federal Offices
- (2) Civil Defense Facilities
- (3) Court Buildings
- (4) Fire Department Facilities
- (5) Police Department Facilities
- (6) Post Offices

B. Community Assembly:

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

- (1) Civic, Social, Fraternal, and Philanthropic Associations Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
- (2) Temporary Nonprofit Festivals

C. Community Education:

The activities typically performed by the following institutions:

- (1) Public and Private Nursery Schools

(2) Kindergarten, Primary, and Secondary Schools

D. Cultural and Recreational Services:

The activities of a cultural or recreational nature, which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

- (1) Art Galleries
- (2) Libraries
- (3) Museums
- (4) Parks, Playgrounds, and Playfields
- (5) Planetariums and Aquariums
- (6) Recreational Centers and Gymnasiums
- (7) Swimming Pools and Beaches
- (8) Zoological and Botanical Gardens

E. Essential Services:

Includes the maintenance and operation of the following installations:

- (1) Electrical and Gas Substations
- (2) Electric, Gas, Water, and Sewer Distribution and Collection Lines
- (3) Pumping Facilities for Water and Sewer Systems
- (4) Rights-of-Way for Transportation Modes
- (5) Telephone Switching Facilities

F. Extensive Impact Facilities:

The activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

- (1) Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices
- (2) Correction and Detention Institutions
- (3) Electricity Generating Facilities and Transmission Lines

- (4) Garbage Incineration Plants including Cogeneration Facilities
- (5) Major Fuel Transmission Lines and Facilities
- (6) Major Mail Processing Centers
- (7) Military Installations
- (8) Public and Private Utility Corporations and Truck Yards, including Storage yards
- (9) Radio and Television Transmission Facilities
- (10) Railroad, Bus, and Transit Terminals
- (11) Railroad Yards and Other Transportation Equipment Marshalling and Storage Yards
- (12) Sewage Treatment Plants
- (13) Stadiums, Sports Arenas, Auditoriums, and
- (14) Bandstands

G. Health Care Facilities:

Include the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

- (1) Centers for Observation or Rehabilitation
- (2) Convalescent Homes
- (3) Hospitals
- (4) Medical Clinics

H. Intermediate Impact Facilities:

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

- (1) Cemeteries, Columbarium's, and Mausoleums
- (2) Colleges, Junior Colleges, and Universities, but excluding Profit-Making Business Schools
- (3) Commercial Boat Docks, Marinas, and Yacht Clubs
- (4) Golf Courses
- (5) Water Storage Facilities
- (6) Funeral Homes and Crematory Services

I. Personal and Group Care Facilities:

The activities and facilities to provide for the care of preteen age children, excluding living accommodations for the clientele, the elderly and/or disabled and handicapped persons needing special care or supervision but excluding facilities oriented toward medical or long-term care or medical rehabilitation and also excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- (1) Associations for Physically or Mentally Handicapped Persons
- (2) Day Care Facilities
- (3) Group Home for Physically or Mentally Handicapped Persons
- (4) Nursing Homes
- (5) Retirement or Rest Homes

J. Religious Facilities:

The activities or facilities utilized by various religious organizations for worship or community services functions but excluding any facility the primary function of which is to produce products or printed matter for sale or general distribution. The activities include:

- (1) Chapels
- (2) Churches
- (3) Convents or Monasteries
- (4) Sanctuaries
- (5) Synagogues
- (6) Temples

11-307. Commercial Activities

A. Animal Care and Veterinarian Services:

Include the provision of animal care, treatment, and boarding services.

- (1) Veterinarian Clinics and Kennels

B. Automotive Parking:

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

C. Automotive Services and Repair:

Includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

- (1) Auto Cleaning and Repair Services
- (2) Auto Glass Repair and Replacement Shops
- (3) Auto Inspection and Diagnostic Services
- (4) Auto Paint Shops
- (5) Auto Towing Services
- (6) Car Washes
- (7) Gasoline, Fuel, and Oil Sales and Services
- (8) Radiator and Muffler Shops
- (9) Tire Retreading and Repair Shops
- (10) Wheel Alignment and Transmission Repair Shops

D. Building Materials and Farm Equipment:

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

- (1) Farm Equipment and Supplies
- (2) Feed Milling and Sales
- (3) Heating, Plumbing, and Electrical Supplies
- (4) Lumber and Other Building Material Dealers
- (5) Retail Nurseries, Lawn and Garden Supply Stores
- (6) Seed Storage and Sales

E. Consumer Repair Services:

Include the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals.

- (1) Blacksmith Shops
- (2) Electrical Repair Shops
- (3) Gunsmith Shops
- (4) Instrument Repair Shops
- (5) Lawn Mower Repair Shops
- (6) Locksmith Shops
- (7) Office Equipment Cleaning and Repair
- (8) Refrigeration and Air Conditioning Repair
- (9) Reupholstery and Furniture Repair
- (10) Saddlery Repair Shops
- (11) Watch, Clock, and Jewelry Repair

F. Construction Sales and Services:

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

- (1) Builder's Hardware
- (2) Carpentering Contractors
- (3) Concrete Contractors
- (4) Excavation Contractors
- (5) General Building Contractors
- (6) Glazing Contractors
- (7) Highway and Street Construction Contractors
- (8) Masonry, Stonework, Tile Setting, and Plastering Contractors
- (9) Painting, Paper Hanging, and Decorating Services
- (10) Plumbing, Heating, and Electrical Contractors
- (11) Roofing and Sheet Metal Contractors

G. Convenience Commercial:

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently provided than no establishment shall exceed 5,000 square feet of gross floor area.

- (1) Barber Shops
- (2) Beauty Shops
- (3) Drug Stores
- (4) Grocery Stores (with or without self-service Gasoline Pumps)
- (5) Hardware Store (No outside storage)
- (6) Laundry and Dry-Cleaning Pick-up Stations
- (7) Liquor Stores
- (8) News Stands
- (9) Tobacco Shops

H. Entertainment and Amusement Services:

Include the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

- (1) Art Galleries (Commercial)
- (2) Batting and Golf Driving Ranges
- (3) Bowling Alleys and Billiard Parlors
- (4) Coin Operated Amusement Arcades
- (5) Dance Halls, Studios, and Schools
- (6) Exhibition Halls and Auditoriums
- (7) Motion Picture Theaters
- (8) Skating Rinks
- (9) Theaters - Legitimate
- (10) Theatrical Producers, Bands, Orchestras, and Entertainers

I. Financial, Consultative, and Administrative Services:

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive, management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this Title.

- (1) Agricultural Credit Institution
- (2) Banking and Bank-Related Functions
- (3) Credit Unions
- (4) Holding and Investment Organizations
- (5) Insurance Carriers, Agents, Brokers, and Services
- (6) Money Management and Investment Offices
- (7) Real Estates Brokers, Managers and Appraisers
- (8) Rediscount and Financing Institutions for Credit Agencies Other than Banks
- (9) Savings and Loan Associations
- (10) Securities Commodities, Brokers, Dealers, and Exchanges
- (11) Title Offices

J. Food and Beverage Service:

Includes the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

- (1) Restaurants
- (2) Taverns

K. Food Service Drive-In:

Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

- (1) Drive-In Restaurants
- (2) Fast Food Restaurants with Drive-Thru Services

L. General Business and Communication Services:

Include the provision of services of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but exclude the sale and/or storage of goods and chattel unless otherwise permitted by their ordinance.

- (1) Advertising Agencies and Services
- (2) Commercial Cleaning Services
- (3) Commercial Testing Laboratories
- (4) Communication Services
 - (a) Radio and Television Broadcasting Studios
 - (b) Telegraph Offices and Message Centers
 - (c) Telephone Exchanges and Relay Towers
 - (d) Television and Recording Production Studios
- (5) Computer and Data Processing Services
- (6) Credit Reporting, Adjustment, and Collection Agencies
- (7) Detective Agencies and Protective Services
- (8) Drafting Services
- (9) Employment, Personnel, and Temporary Help Services
- (10) Exterminating Services
- (11) Interior Decorator and Consulting Services
- (12) Mailing, Reproduction, and Commercial Art Services
- (13) Management, Consulting, and Public Relations Services
- (14) Membership Organizations
 - (a) Automobile Clubs
 - (b) Better Business Bureaus
 - (c) Chamber of Commerce
 - (d) Labor Unions
 - (e) Political Organizations
 - (f) Professional Associations
- (15) News Syndicates
- (16) Photo finishing Services

- (17) Research and Development Laboratories
- (18) Trading Stamp Services
- (19) Travel Agencies
- (20) Vehicular and Equipment Rental and Leasing Services

M. General Personal Services:

Including the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

- (1) Laundry, Cleaning, and Garment Services
- (2) Miscellaneous Personal Services
 - (a) Clothing Rental Agencies
 - (b) Health Spas
- (3) Photographic Studios
- (4) Shoe Repair and Hat Cleaning Shops
- (5) Special Training and Schooling Services
 - (a) Art and Music Schools
 - (b) Barber and Beauty Schools
 - (c) Business Schools
 - (d) Dancing Schools/Exercise Studios
 - (e) Driving Schools

N. General Retail Trade:

Include the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

- (1) Antique and Second-Hand Merchandise Stores
- (2) Automotive Parts (No exterior Storage)
- (3) Book and Stationery Stores
- (4) Camera Stores

- (5) Candy, Nut and Confectionery Stores
- (6) Children's and Infant's Stores
- (7) Dairy Products Stores
- (8) Department Stores
- (9) Drapery, Curtain, and Upholstery Stores
- (10) Drug Stores and Proprietary Stores
- (11) Family Clothing Stores
- (12) Floor Covering Stores
- (13) Florists
- (14) Fruit Stores and Vegetable Markets
- (15) Furniture Stores
- (16) Furriers and Fur Shops
- (17) Gift Shops
- (18) Grocery Stores
- (19) Hardware Stores (No outside storage)
- (20) Hobby, Toy, and Game Stores
- (21) Household Appliance Stores
- (22) Jewelry Stores
- (23) Liquor Stores
- (24) Luggage Shops
- (25) Meat and Seafood Markets
- (26) Men's and Boy's Clothing and Furnishing Stores
- (27) Miscellaneous Apparel and Accessory Stores

- (a) Custom Tailors
- (b) Shirt Shops
- (c) Sports Apparel Stores
- (d) Uniform Stores

- (28) Miscellaneous General Merchandise Stores

- (a) Direct Selling Organizations
- (b) Mail Order Houses

- (29) Miscellaneous Home Furnishings Stores

- (a) Bedding and Linen Stores
- (b) Cookware Stores
- (c) Cutlery Stores
- (d) Glassware and China Shops
- (e) Lamp and Shade Shops
- (f) Paint and Wallpaper Stores

- (30) Music Stores
- (31) News Stands
- (32) Radio and Television Stores
- (33) Retail Bakeries
- (34) Self-service Gasoline Pumps
- (35) Sewing and Piece Goods Stores
- (36) Shoe Stores
- (37) Sporting Goods Stores/Gun Shops
- (38) Tattoo Parlor – (1999 BZA Interpretation)
- (39) Tobacco Shops
- (40) Variety Stores
- (41) Women's Accessory and Specialty Stores
- (42) Women's Ready-to-Wear Store

O. Group Assembly:

Includes the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (500 or more) or that have a substantial potential impact upon adjoining property.

- (1) Amusement Parks
- (2) Commercial Camp Grounds
- (3) Commercial Resorts
- (4) Commercial Sports Arenas and Playing Fields
- (5) Drag Strips
- (6) Race Tracks (Auto, Motorcycle, Dog, and Horse)

P. Medical and Professional Services:

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professional the service of which is provided in an office environment.

- (1) Accounting, Auditing, and Bookkeeping Services
- (2) Artists' Studios (excluding Commercial Artists)
- (3) Attorneys and Law Offices
- (4) Chiropractors Offices
- (5) Consulting Scientists
- (6) Dental Offices and Laboratories
- (7) Educational and Scientific Research Services
- (8) Engineering and Architectural Services
- (9) Optometrists
- (10) Physicians' Offices and Clinics (Out Patient Services)
- (11) Psychologists and Psychotherapists
- (12) Songwriters and Music Arrangers
- (13) Urban Planning Services
- (14) Writers and Lecturers

Q. Transient Habitation:

Includes the provision of lodging services for transient guests. The term shall include three (3) different types of activities as defined in Section 11-203.

- (1) Hotels
- (2) Motels
- (3) Extended stay hotel or motel

R. Transport and Warehousing:

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

- (1) Bus and Truck Maintenance and Repair
- (2) Food Lockers

- (3) General Warehousing
- (4) Household Goods Storage
- (5) Packing and Crating Services
- (6) Refrigerated Warehousing
- (7) Truck Terminals and Freight Handling Services
- (8) Mini-warehouses

S. Vehicular, Craft, and Related Equipment:

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

- (1) Boat and Motor Dealers
- (2) Mobile Home Dealers
- (3) Motor Vehicle Dealers
- (4) Motorcycle Dealers
- (5) Recreational Vehicle and Utility Trailer Dealers

T. Wholesale Sales:

Include the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

- (1) Apparel, Piece Goods, and Notions
- (2) Beer, Wine and Distilled Alcoholic Beverages
- (3) Chemicals and Allied Products
- (4) Drugs, Drug Proprietary, and Sundries
- (5) Electrical Goods and Appliances
- (6) Farm Products Raw Materials
- (7) Farm Supplies
- (8) Furniture and Home Furnishings
- (9) Groceries and Related Products
- (10) Hardware, Plumbing, and Heating Equipment and Supplies
- (11) Lumber and Other Construction Materials
- (12) Machinery, Equipment, and Supplies
- (13) Metals and Minerals

- (14) Motor Vehicle and Automotive Parts and Supplies
- (15) Paints, Varnishes, and Supplies
- (16) Paper and Paper Products
- (17) Petroleum and Petroleum Products
- (18) Sporting, Recreational, Photographic, and Hobby Goods
- (19) Tobacco and Tobacco Products
- (20) Toys and Supplies

U. Contractor and Professional Offices (Indoor):

Includes the offices of specific contractors and professionals whose business does not create a negative impact on adjacent residential property. All storage must be located inside the structure, and no exterior storage is permitted. Minimal fabrications may occur inside the structure, provided there is no noticeable sound outside.

- (1) Engineers and Architects
- (2) Glazing Contractors
- (3) Office Equipment Cleaning and Repair
- (4) Painting, Paper Hanging, and Decorating Services
- (5) Plumbing, Heating and Electrical Contractors
- (6) Roofing Contractors

11-308. Manufacturing Activities.

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

A. Limited Manufacturing Activities:

Include the following operations:

- (1) The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:
 - (a) Apparel and Apparel Accessories
 - (b) Art Objects
 - (c) Bakery Goods

- (d) Beverages
- (e) Dairy Products
- (f) Instruments for Medical, Dental,
- (g) Engineering, Scientific, and Other Professional Purposes
- (h) Optical Instruments and Lens
- (i) Printed Matter
- (j) Signs

(2) Activities and operations which include the following:

- (a) Book Binding
- (b) Data Processing Service
- (c) Photocopying
- (d) Photoengraving
- (e) Precision Machining of Dies, Jigs, and Fixtures
- (f) Printing
- (g) Publishing
- (h) Record Pressing
- (i) Upholstering
- (j) Welding

B. Intermediate Manufacturing Activities:

Include the following:

(1) The manufacture, compounding, assembling, packaging, treatment or fabrication of products except for the following:

- (a) Cotton Seed Oil*
- (b) Explosives
- (c) Fireworks
- (d) Organic Fertilizers

(2) Other activities and operations except for the following:

- (a) Abrasive, Asbestos, and Non-metallic Mineral
- (b) Processing*

- (c) Arsenals
- (d) Asphaltic Cement Plants
- (e) Atomic Reactors
- (f) Automobile Wrecking Yards, Scrap and
- (g) Waste Materials (Automobile Graveyard)
- (h) Cement and/or Concrete Plants
- (i) Chemicals manufacturing in excess of 1 ton per day
- (j) Cotton Ginning*
- (k) Fat Rendering
- (l) Foundries
- (m) Grain Milling
- (n) Junk Yards
- (o) Offal Processing
- (p) Ore Reduction
- (q) Paper Mills
- (r) Petroleum Refining
- (s) Pulp Manufacturing
- (t) Radioactive Materials Waste Handling
- (u) Rolling and Finishing of Ferrous Materials*
- (v) Slaughtering of Animals
- (w) Smelting and Refining of Metals and Alloys*
- (x) Steel Works (other than those listed)
- (y) Tanning
- (z) Waste Disposal by Compacting or Incineration, as a principal use

*Not allowed along GI Zoning District Boundary.

C. Extensive Manufacturing Activities:

Include all Intermediate Manufacturing Activities (described above) and the exceptions listed above, except as follows:

- (1) Arsenals
- (2) Atomic Reactors
- (3) Explosives Manufacturing and Storage
- (4) Fireworks Manufacturing

- (5) Hazardous Wastes Storage and/or Transfer
- (6) Radioactive Waste Handling
- (7) Sanitary Landfills

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals in accordance with the Conditional Use Provisions.

11-309. Agricultural, Resource Production, and Extractive Activities

A. Agricultural Services:

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto.

- (1) Crop Drying, Storage, and Processing
- (2) Crop Planting, Cultivating, and Protection Services
- (3) Horticultural Services
- (4) Soil Preparation Services
- (5) Veterinary Services for Large Animals

B. Commercial Feed Lots and Stockyards:

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

C. Crop and Animal Raising:

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

- (1) Dairies
- (2) Farms
- (3) Raising of Plants, Animals, and Fish

(4) Truck Gardens

D. Mining, Drilling, and Quarrying:

Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals (i.e. phosphate rock).

- (1) Chemical Fertilizer and Non-metallic Mineral Mining
- (2) Clay, Ceramic, and Refractory Minerals
- (3) Coal Mining
- (4) Crude Petroleum and Natural Gas Production
- (5) Metal Ore and Mineral Mining
- (6) Sand and Gravel Quarrying
- (7) Stone Quarrying

E. Plant and Forest Nurseries:

Include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

- (1) Forest Nursery
- (2) Plant Nursery

CHAPTER 4

APPLICATION OF REGULATIONS, PROVISIONS AND SECTIONS

11-401. Application.

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within The City of Springfield, Tennessee, or within the jurisdiction and area extent of the Springfield Regional Planning Jurisdiction as granted to the City of Springfield, Tennessee, except as specifically or by necessary implication, authorized by this Title. Conditional uses are allowed only on permits granted by the Board of Zoning Appeals upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

11-402. Scope of Regulations.

A. New Uses, Lots, Buildings, or Other Structures

- (1) Any new building or other structure or any tract of land shall be used, constructed, or development only in accordance with the use, bulk, and all other applicable provisions of this Title.

B. Existing Uses, Lots, Building, or Other Structures

- (1) Any existing use legally established prior to the effective date of the ordinance enacting this Title, which does not comply with the provisions of this Title shall be subject to the nonconforming use provisions in Chapter 12 of this Title.
- (2) Any existing lot, parcel, building, or other structure legally established prior to the effective date of the ordinance enacting this Title, which does not comply with its provisions, other than use provisions, shall be subject to the noncomplying regulations in Chapter 12 of this Title.

C. Alteration of Existing Buildings and Other Structures

- (1) All structural alteration or relocation of existing buildings or structures occurring after the effective date of the ordinance enacting this Title and all enlargements of or additions to

existing uses occurring hereafter shall be subject to all regulations of this Title which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

11-403. Exceptions, Variances and Conditional Uses

Generally. Whenever the zoning ordinance in effect at the time of adoption of the ordinance enacting this Title has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in Chapter 12.

11-404. Renewals of Uses Where Exceptions, Variances or Conditional Uses Granted.

Where no limitation of the use was imposed at the time of authorization, such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter, the agency or similar constituted agency which originally authorized such use may, in appropriate cases, extend the period of continuance for one or more terms of not more than five years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such uses on the character of the neighborhood.

11-405. Change of Uses Where Exceptions, Variances, or Conditional Uses Granted.

In no event shall any use which was granted upon exception, variance, or condition, be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or non-conforming use as provided for in Chapter 12. For the purposes of this section, a change of use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change in use.

11-406. Rules for Interpretation of District Boundaries

A. Rules

When uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsection "(1)" through "(5)" above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of map.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections "(1)" through "(6)" above, the Board of Appeals shall interpret the district boundaries.

Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 500 feet beyond the district line into the remaining portion of the lot.

11-407. Application of District Regulations

A. General District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or

structurally altered except in conformity with all of the regulations herein specified for the district in which it is located,

- (2) No building or other structure shall hereafter be erected or altered:
- (a) To exceed the height or bulk,
 - (b) To accommodate or house a greater number of families,
 - (c) To occupy a greater percentage of lot area,
 - (d) To have narrower or smaller rear yards, front yards, side yards or other open space, than herein required; or in any other manner contrary to the provisions of this ordinance.
- (3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (4) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

CHAPTER 5

RESIDENTIAL DISTRICT REGULATIONS

11-501. Statement of Purpose.

The residential districts established in this chapter are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These general goals include, among others, the following more specific purposes:

- A. To provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the urban area, with due allowance for the need for a variety of choices in site selections;
- B. To permit improved movement on the public ways and effectively utilize existing public ways, and as far as possible, to mitigate the effects of heavy traffic and more particularly all through traffic, in residential areas;
- C. To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other dangers, and against offensive matter, heat, glare, humidity, and other objectionable influences;
- D. To protect residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and the bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles;
- E. To require the provision of open space in residential areas wherever practicable; and to encourage the provision of better standards of open space by permitting moderately larger bulk, higher density, and greater intensity with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break up the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living;
- F. To provide for access for light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures;
- G. To provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and to coordinate the intensity of residential land use with the appropriate community facilities;

- H. To provide a zoning framework conducive to freedom of architectural design in order to encourage the development of more attractive and economical building forms; and
- I. To promote the most desirable use of land and direction of building development in accordance with a well-considered general plan to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.

11-502. Standards for New Duplex and Multi-Family Units and Conversions in Residential Areas.

- A. Duplexes are allowed provided a site plan is prepared and approved by the Planning Commission.
- B. A concrete or paved drive shall be provided and two paved or concrete parking spaces for each dwelling unit. Parking shall be located in the side or rear yard only. There shall be no parking in the front yard. All parking for the units shall be provided on site, there shall be no street parking.
- C. Drainage shall be checked to see if the Storm Water Pollution requirements apply. Detention shall be provided if necessitated by slope or increased runoff due to impermeable surface area.
- D. Each dwelling unit shall have a separate meter for all utilities.
- E. The minimum lot frontage for a duplex shall be one- and one-half times the lot frontage for the district or 100 feet, whichever is greater. Buildings shall face the street and not be stacked behind each other.
- F. All multi-family developments shall be required to prepare a site plan in accordance with Section 11-1303 of this Zoning Ordinance.

11-503. A-Agricultural District.

These districts are designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and characterize rural rather than urban areas. These districts are designed, furthermore, to provide for very low-density residential development where public sanitary service is least practical. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. These districts also include community facilities, public

utilities, and major recreational facilities, which require large land areas and are appropriately located away from intense urban development.

A. Permitted Principal Uses and Structures

Within the A-Agricultural Districts as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached
Dwelling Two-Family Detached

Community Facility Activities

Essential Service

Agricultural, Resource Production, and Extractive Activities

Plant and Forest Nurseries
Crop and Animal Raising

B. Permitted Accessory Uses

Living quarters of persons regularly employed on the premises:

Private barns, stables, sheds, and other farm buildings.

Private garages and parking areas

Outdoor recreation facilities exclusively for the use of the residents.

Signs in compliance with the regulations set forth in Section 11-808 of Chapter 8.

Home occupations as defined and subject to the provisions of this Title.

Accessory uses or structures customarily incidental to the above permitted use.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13:

Community Facility Activities

Administrative
Community Assembly
Community Education
Cultural and Recreation Services
Extensive Impact
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

Community Activities

Animal Care and Veterinarian Services
Group Assembly

Agricultural Resource Production and Extractive Activities

Mining and Quarrying

D. Prohibited Uses

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions; provided, however, that all barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

Minimum lot area	2 acres
Maximum lot coverage by all buildings	10 percent

Maximum Building Height

35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, and exceptions to these provisions are contained in Chapter 8 of this Title.

(2) Basic Yard Regulations

The basic yard regulations below apply to all zone lots within A Districts, except as provided in Chapter 8, Section 11-805.

Minimum front yard	50 feet
Minimum side yard	25 feet
Minimum rear yard	30 feet
Minimum lot width at the street and at front setback	100 feet

11-504. R40 Low Density Residential Districts.

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. Further, it is the intent of this Title that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Title to exclude from these districts all buildings and other structures and uses having commercial

characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the R40 Low Density Residential Districts as shown on the Official Zoning Maps, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the R40 Low Density Residential District.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R40 District.

Minimum lot area	40,000 square feet
Maximum lot coverage by all buildings	20 percent
Minimum development area per dwelling unit	40,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R40 Districts, except as provided in Chapter 8, Sections 11-803 an 11-804.

Minimum front yard	40 feet
Minimum side yard	15 feet
Minimum rear yard	30 feet
Minimum lot width at the street and at front setback	100 feet

11-505. R20 Low Density Residential Districts.

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. Further it is the intent of this Title that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Title to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the R20 Low Density Residential Districts as shown on the Official Zoning Maps, the following activities as described in Chapter 3 are permitted:

Residential Activities

- Dwelling One-Family Detached
- Dwelling Two-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas;

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set Forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Administrative

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the R20 Low Density Residential District.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R20 District.

Minimum lot area	20,000 square feet
Maximum lot coverage by all buildings	20 percent
Minimum development area per dwelling unit	20,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R20 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	40 feet
Minimum side yard	15 feet
Minimum rear yard	30 feet
Minimum lot width at the street and at front setback	75 feet

11-506. RS20 Low Density Residential Single-Family Districts.

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single-family detached dwellings and accessory structures. These districts also include

community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. Further it is the intent of this Title that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Title to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the RS20 Low Density Residential Single-Family Districts as shown on the Official Zoning Maps, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas;

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Administrative
Community Education
Cultural and Recreation Services
Intermediate Impact
Personal and Group Care Facilities
Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the RS20 Low Density Residential Single-Family District.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any RS20 District.

Minimum lot area	20,000 square feet
Maximum lot coverage by all buildings	20 percent
Minimum development area per dwelling unit	20,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within RS20 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	40 feet
Minimum side yard	15 feet
Minimum rear yard	30 feet
Minimum lot width at the street and at front setback	75 feet

11-507. R15 Medium Density Residential Districts.

This class of districts is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. Only single-family residences are permitted by right. Many other types of residential uses may also be allowed conditionally. This class of district is intended also to permit community facility and public utility installations which are necessary to service and to serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this title.

A. Principal Permitted Uses and Structures

Within the R15 Medium Density Residential Districts as showing on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached
Duplexes

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas
Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;
Home occupations as defined and subject to the provisions of this Title;
Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Administrative
Community Education
Cultural and Recreation Services
Intermediate Impact
Personal and Group Care Facilities
Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the R15 Medium Density Residential Districts.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R15 District.

Minimum lot area	15,000 square feet
Maximum lot coverage by all buildings	30 percent
Minimum development area per dwelling unit	15,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R15 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	35 feet
Minimum side yards	10 feet, with 5 additional feet for each additional story
Minimum rear yard	30 feet
Minimum lot width at the street line and at setback line	75 feet

11-508. RS15 Medium Density Residential Single-Family Districts.

This class of districts is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. Only single-family residences are permitted by right. Many other types of residential uses may also be allowed conditionally. This class of district is intended also to permit community facility and public utility installations which are necessary to service and to serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this title.

A. Principal Permitted Uses and Structures

Within the RS15 Medium Density Residential Districts as showing on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Administrative

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the RS15 Medium Density Residential Single-Family Districts.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any RS15 District.

Minimum lot area	15,000 square feet
------------------	--------------------

Maximum lot coverage by all buildings	30 percent
Minimum development area per dwelling unit	15,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within RS15 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	35 feet
Minimum side yards	10 feet, with 5 additional feet for each additional story
Minimum rear yard	30 feet
Minimum lot width at the street line and at setback line	75 feet

11-509. R10 Medium Density Residential Districts.

This class of districts is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the

dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to service and to serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this Title to exclude from this class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the R10 Medium Density Residential Districts as showing on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached
Dwelling Two-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas
Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;
Home occupations as defined and subject to the provisions of this Title;
Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Residential Activities

Dwelling Multi-Family

Community Facilities

Administrative

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the R10 Medium Density Residential Districts.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R10 District.

Minimum lot area	10,000 square feet
Maximum lot coverage by all buildings	40 percent
Minimum development area per dwelling unit	10,000 square feet

Maximum Building Height

35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R10 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	30 feet
Minimum side yards	10 feet
Minimum rear yard	30 feet
Minimum lot width at the street line and at setback line	60 feet

11-510. RS10 Medium Density Residential Single-Family Districts.

This class of districts is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. Only single-family residential activities are permitted. This class of district is intended also to permit community facility and public utility installations which are necessary to service and to serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this Title to exclude from this class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these

regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the RS10 Medium Density Residential Single-Family Districts as showing on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Residential Activities

Dwelling One-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13.

Community Facilities

Administrative

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the RS10 Medium Density Residential Single-Family Districts.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any RS10 District.

Minimum lot area	10,000 square feet
Maximum lot coverage by all buildings	40 percent
Minimum development area per dwelling unit	10,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within RS10 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	30 feet
Minimum side yards	10 feet
Minimum rear yard	30 feet
Minimum lot width at the street line and at setback line	60 feet

11-511. R7 High Density Residential Districts.

This class of district is designed to provide suitable areas for high-density development where sufficient urban facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to service specifically the residents of this district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this Title to exclude from this class of district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Title.

A. Principal Permitted Uses and Structures

Within the R7 High Density Residential Districts as shown on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Residential Activities

- Dwelling One-Family Detached
- Dwelling Two-Family Detached
- Dwelling Attached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

Private garages and parking areas

Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;

Signs complying with applicable regulations set forth in Section 11-808 of Chapter 8;

Home occupations as defined and subject to the provisions of this Title;

Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 11-1306 of Chapter 13. (This section amended by Ordinance 01-14, eliminating mobile home as a conditional use in R7.)

Residential Activities

Mobile Home Park

Semi-Permanent

Community Facilities

Administrative

Community Education

Cultural and Recreation Services

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

D. Prohibited Uses

Any use not allowed by right, by accessory use, or conditional use is prohibited in the R7 Districts.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions or conversions located in any R7 District.

Minimum lot area	7,000 square feet
Maximum lot coverage by all buildings	40 percent
Minimum development area per dwelling unit	7,000 square feet
Maximum Building Height	35 feet

F. Yard Requirements

(1) General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Chapter 8 of this Title.

(2) Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R7 Districts, except as provided in Chapter 8, Sections 11-803 and 11-804.

Minimum front yard	25 feet
Minimum side yard	8 feet
Minimum rear yard	15 feet

Minimum lot width at the street and at setback line 50 feet

11-512. MH Mobile Home Residential Districts.

Purpose and Intent: It is the purpose and intent of this ordinance to provide adequate space within the Springfield Planning Region for the use of land for mobile home parks and mobile home subdivisions. No mobile home hereinafter shall be placed on any lot within the Springfield Planning Region that does not conform to the minimum standards as set forth in this ordinance except when the following conditions are proven to exist: 1). Vacant site/pads in existing mobile home parks or mobile home subdivisions may be replaced with another mobile home; 2). Individual mobile homes may be placed on a lot located in the Agricultural Districts, provided the lot consists of a minimum of four (4) acres and has a minimum of one hundred feet of frontage on a public right-of-way or a permanent easement of at least fifty (50) feet in width as prescribed in the Springfield Subdivision Regulations;

INSPECTIONS: The State has exclusive jurisdiction over the installation of manufactured homes. Any city, county and consolidated government resolutions, ordinances, regulations and code requirements on the installation of manufactured homes are preempted by State law.

A. MH-1 District. - Mobile Home Subdivisions

This section shall designate a district for mobile home developments characterized by larger lots and in general, more stringent development standards than traditional mobile home parks. Ownership of property in this district is usually divided among several individuals who own the land upon which a mobile home or other dwelling is located. Procedures for development of mobile home subdivisions shall be those prescribed by the Subdivision Regulations of Springfield, Tennessee and in conformance with the following provisions:

(1) Permitted Uses. The following lists the permitted uses allowed in the MH-1 District:

- (a) Mobile homes
- (b) Modular homes
- (c) Manufactured homes (including single family homes, and double wide mobile homes)
- (d) Accessory buildings to dwelling units

- (e) Recreation, service or utility buildings used in common by the residents of the vicinity
- (f) Public or private utilities
- (g) Parks and open spaces
- (h) Governmental uses
- (i) Office buildings for management, maintenance, or security of the development
- (j) Community assembly structures and/or areas

(2) Space Requirements. The following space requirements shall apply to all mobile home subdivisions.

- (a) Required Area for Development: Minimum of three (3) acres.
- (b) Required Lot Areas per Dwelling Unit: Minimum 7,000 square feet for each lot served by public sewer and minimum 15,000 square feet for each lot served by septic systems.
- (c) Minimum Individual Lot Width: seventy-five (75) feet.
- (d) Minimum Setbacks: Front yard = 20 feet, Rear yard = 20 feet, Side Yard = 15 feet.
- (e) Common Recreation and/or Open Space Requirements: A minimum of 200 square feet for each individual lot shall be set aside for common space or recreation to be utilized by the lot owners/tenants of each mobile home subdivision. Such common area shall be duly shown on the subdivision plat to be recorded. A means of maintenance agreements or upkeep of the recreation/open space shall be provided by the developer of the mobile home subdivision prior to establishment of the district.
- (f) Accessory Structures may be permitted in the rear or side yard of a lot, provided that they shall be located no closer than twenty (20) feet from the principal structure and shall not be located closer than ten (10) feet from the rear or side property line. Accessory structures in the MH-1 District shall be limited to those used solely for storage and use of personal equipment and/or utilitarian devices.

(3) Conditional Uses. The following uses may be permitted as conditional uses within the MH-1 District with approval by the Springfield Board of Zoning Appeals.

- (a) Child care permitted in this Ordinance as Day Care Centers and Home Day Care Facilities.
- (b) Neighborhood-oriented retail and/or service commercial uses designed to accommodate the residents within the MH-1 District. However, these uses shall only

apply in mobile home enclosed structure, and may not exceed 2,500 square feet in gross floor area.

(c) Single family residential structures

- (4) Off-Street Parking.** Each mobile home lot in a mobile home subdivision shall provide adequate space to be designed for at least (2) vehicles to be parked off of a public or private right-of-way.
- (5) Streets.** All streets in a mobile home subdivision shall be built and classified according to the standards established for public streets in the Springfield Subdivision Regulations.
- (6) Sidewalks and Pedestrian Areas.** At least one side of all interior streets and drives, public or private, shall be adjoined by a sidewalk of at least five (5) feet in width, running parallel to the interior street to the edge of the public right-of-way that provides access to the mobile home subdivision. In cases where the mobile home subdivision adjoins more than one street, only those streets classified as collectors or arterials in the Major Street and Road Plan, adopted by the Planning Commission, shall be required to have sidewalks connecting them to the interior of the mobile home subdivision.
- (7) Other Provisions Pertaining to Mobile Home Subdivisions:**
- (a) No lot owner shall occupy or use his lot, or permit the same or any part thereof to be occupied or used for any purpose other than as a private single-family residence.
 - (b) No mobile home unit shall be placed in such a manner as to interfere with the natural drainage of the area.
 - (c) No lot shall be resubdivided without following the expressed rules as outlined in the Springfield Subdivision Regulations.
 - (d) All mobile homes shall be placed on a permanent foundation in this district.
 - (e) All mobile home subdivisions shall meet the minimum requirements set forth in the Subdivision Regulations for the provision of all utilities.
 - (f) All new mobile home subdivisions shall be opaquely screened on all exterior perimeter boundary lines with evergreen landscaping and/or manmade earthen berms or fencing. In the event that earthen berms are utilized they shall be a minimum of six (6) feet in height. This provision shall not apply at street intersects in such a manner to cause a sight visibility problem.

B. MH-2 District. Mobile Home Parks.

The MH-2 District provides for the orderly development of mobile home parks within the Springfield Planning Region. Mobile home parks allow for the leasing of space upon a singular tract of land to more than one dwelling unit. Mobile home parks typically allow for the placement of mobile homes within an area that is generally more confined than that of a mobile home subdivision. Procedures for development of mobile home parks shall be in conformance with the following provisions:

(1) Permitted uses. The following is a list of the permitted uses allowed in the MH-2 District:

- (a) Mobile homes
- (b) Modular homes
- (c) Manufacturing housing (including single family homes, and doublewide mobile homes)
- (d) Accessory buildings to dwelling units
- (e) Recreation, service or utility buildings used in common by the residents of the vicinity
- (f) Public or private utilities
- (g) Parks and open space
- (h) Governmental uses
- (i) Office buildings for the management, maintenance, and security of the mobile home park
- (j) Community assembly structures and/or areas

(2) Space requirements. The following space requirements shall apply to all mobile home parks.

- (a) Required Area for Development: All mobile home parks shall consist of at least three (3) acres in size and may vary according to the proposed density. In all cases, a minimum of ten (10) dwelling units is required for the designation of the MH-2 District.
- (b) Required Lot Areas per Dwelling Unit: Minimum 5,000 square feet. All mobile home units shall be served by public sewer.

- (c) **Minimum Lot Width for a Mobile Home Park:** A Mobile Home Park must contain at least one hundred (100) feet of frontage on a public street right-of-way. Said right-of-way must be classified as either a collector or arterial street according to the Major Street and Road Plan as adopted by the Springfield Planning Commission.
- (d) **Minimum Setbacks:** Mobile homes must be Situated within a mobile home park in such a fashion that there is a twenty-five (25) foot clearance between each mobile home. No mobile home shall be situated within twenty-five (25) feet of a public or private street located within or outside of the mobile home park. Mobile homes parked end-to-end may be situated fifteen (15) feet apart. Each mobile home park shall maintain a minimum twenty-five (25) foot perimeter buffer, free of any building, mobile home or accessory structure, with the exception of any required screening, berms, fencing, or landscaping.
- (e) **Common Recreation and/or Open Space Requirements:** A minimum of 200 square feet for each individual lot shall be set aside for common space or recreation to be utilized by the tenants of each mobile home park. Such common area shall be duly shown on the site plan of the mobile home park as required. A means of maintenance agreements or upkeep of the recreation/open space shall be provided by the developer, owner, or operator of the mobile home park prior to establishment of the district. The perimeter buffer shall not be considered as area to be used for this purpose.
- (f) **Accessory Structures** may be permitted within mobile home parks in the rear or side yard of a dwelling unit, provided that they shall be located no closer than twenty-five (25) feet from the perimeter boundary of the park and at least ten (10) feet from any mobile home or other structure within the park. Accessory structures in the H-2 District shall be limited to those used solely for storage and use of personal equipment and/or utilitarian devices; or for storage of equipment necessary for the maintenance and operation of the mobile home park.
- (g) All mobile home parks shall provide a minimum fifty (50) foot easement for public utilities and other service or emergency equipment to access the development.

(3) Conditional Uses. The following uses may be permitted as conditional uses within the MH-2 District with approval by the Springfield Board of Zoning Appeals.

- (a) Child care as permitted in this Ordinance as Day Care Centers and Home Day Care Facilities.

- (b) Neighborhood-oriented retail and/or service Commercial uses designed to accommodate the residents within the MH- 2 District. However, these uses shall only apply in mobile home parks consisting of more than twenty-five (25) dwelling units, shall be located wholly within an enclosed structure, and may not exceed 2,500 square feet in gross floor area.
- (c) Single family residential structures.

(4) Off-Street Parking. Each designated plot for a dwelling unit in a mobile home park shall provide adequate space to be designated for at least two (2) vehicles to be parked off the public or private right-of-way or driveway.

(5) Streets. All public streets in a mobile home park shall be built and classified according to the standards established for public streets in the Springfield Subdivision Regulations. All private streets shall be built at least twenty (20) feet in width and allow sufficient area for essential and emergency vehicles to access all areas of the park and to turn around on dead end streets. Situations requiring dead-end streets shall provide a cul-de-sac to be paved at a minimum radius of forty (40) feet.

(6) Sidewalks and Pedestrian Areas. Walkways of not less than (3) three feet in width shall be provided from mobile home spaces to the pavement edge on the interior streets. At least one side of all interior streets and drives, public or private, shall be adjoined by a sidewalk of at least five (5) feet in width, running parallel to the interior streets, to the edge of the public right-of-way that provides access to the mobile home park. In cases where the mobile park adjoins more than one street, only those streets classified as collectors or arterials shall be required to have sidewalks connecting them to the interior or the mobile home park.

(7) Other Provisions Pertaining to Mobile Home Parks:

- (a) All developers of proposed mobile home parks be required to submit a site plan of the proposed configuration of the park for approval by the Springfield Planning Commission. The site plan shall be prepared by a licensed surveyor or engineer certified to practice in the State of Tennessee. All site plans shall address the general lay out of the proposal, existing and proposed contours, street design, utility connection and/or relocation, proposed means of sanitation removal and other pertinent information as required in the Springfield Zoning Ordinance or by the Planning Commission.
- (b) No mobile home unit shall be placed in such a manner as to interfere with the natural drainage of the area.

- (c) Skirting shall be constructed within thirty (30) days after placement of a mobile home unit in a mobile home park. Skirting shall be of a nature that fully encompasses the area between the base floor of the dwelling unit and the ground.
- (d) Mobile home parks shall be opaquely screened on all exterior perimeter boundary lines with evergreen landscaping and/or manmade earthen berms or fencing. In the event that earthen berms are utilized they shall be a minimum of four (4) feet in height. This provision shall not apply at street intersections in a manner that could cause a sight visibility problem.
- (e) All mobile home units shall be served by public water and sewer utilities.
- (f) All mobile home sites shall be equipped with a minimum of two electrical outlets, one 110 volts and one 220 volts.
- (g) All interior streets and/or drives shall be provided by the developers with street lighting so as to safely illuminate all pedestrian and vehicular travel ways.
- (h) All mobile home units shall be securely anchored according to the minimum standards set forth by the International Code Council.
- (i) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the adjoining property owners and tenants, including such measures as protection against noise, glare, traffic hazards, dust and pollution.
- (j) No inoperative, or unlicensed vehicle, nor uncontained junk, trash or other debris shall be permitted within a mobile home park. It shall be the responsibility of the mobile home park management to ensure the tenants abide with this requirement.
- (k) Development of mobile home parks and replacement mobile homes shall be with homes no more than five (5) years in age. *(Amended by Ordinance 10-09)*

11-513. HD - Historic Zoning District

A. Historic District Guidelines

GUIDELINES PROPOSED FOR THE SPRINGFIELD RESIDENTIAL HISTORIC DISTRICT

General Guidelines

- (1) All guidelines concerning remodeling are written to preserve the front of the house that faces the street and not intended to regulate any interior or rear remodeling.
- (2) Any property that is not in compliance with these guidelines at the time of their

adoption, will not have to bring it into compliance at that time. Only when the non-complying feature has been taken down, will the guidelines take effect.

Roofs

- (1) Make the shape and pitch of roofs on new construction imitate the shape and pitch of roofs on neighboring existing houses or other houses of the same architectural style. Replacement roofs must copy the shape and pitch of original roofs, and the soffit, fascia and trim detail between roof and wall should be compatible with the original.
- (2) The eaves on additions or new buildings should have an overhang that is compatible with the original eaves. A minimum overhang of at least twelve inches should be used on new buildings or additions to existing buildings. Repair or replace roof details (chimneys, roof cresting, finials, attic vent windows, molding and other unique roof features). Use some of these details in designing new buildings.
- (3) Materials used in roofing existing buildings or new construction shall duplicate the original roofing materials as much as possible. Asphalt or fiberglass shingles can be appropriate, as are slate, standing seam metal, or metal or wood shingle roof coverings.
- (4) Do not use satellite dishes, solar collectors, modern skylights on roof planes that are visible from the street, or install them where they interfere with decorative roof elements.

Windows

- (1) Reuse original windows, if possible. It will be much less expensive and much better historically to retain the original windows.
- (2) Storm windows are often considered when a homeowner wants to increase the heating and cooling efficiency of a building. Interior storm windows that cannot be seen from the street might be a better alternative to exterior storm windows. If exterior storm windows are used, they can be wood, or color clad metal to match the building's trim. Exterior storm windows shall only be used if they do not damage or obscure the original windows and frames.
- (3) If replacement windows are necessary, they must be the same overall size as the originals, with the same pane division.
- (4) Windows may not be replaced with fixed thermal glazing or be made inoperable.
- (5) Tinted or reflective glass shall not be used on primary or other important elevations. LO-E glass, which selectively blocks ultraviolet light, is allowed.
- (6) The designs shall be compatible with the overall design of other windows in the building.

- (7) Historic windows shall not be blocked in. If ceilings have been dropped, provide a setback to allow for the full height of the original window openings, do not cut across an existing window with a new floor or ceiling, so that the outside appearance of the window is changed.
- (8) Reuse existing, serviceable window hardware.

Porches

- (1) Porches on historic houses shall be repaired or replicated using wood materials for ceilings, balustrades, posts and columns that duplicate the original size and design. Reconstruction of the documented original porch is appropriate.
- (2) As a general rule, porches, particularly porches visible from a street, should not be enclosed. If porches are enclosed, the enclosure should be compatible with the original size and design of the porch and maintain the existing architectural elements, and installed in a way that it may be removed at a later date.
- (3) New buildings constructed in Springfield Residential District must contain front porches large enough to provide seating. The proportion of the porches to the front facades is to be consistent with the historic porches in the neighborhood Details such as columns, pots, piers, balustrades and porch flooring and ceilings will be built with materials that are consistent in appearance with historic materials.

Entrances

- (1) Entry features which must be preserved include sidelights and transoms, fan light windows, entablatures and original doors. All add character to the structures in the historic district.
- (2) It may be appropriate to design or construct a new entrance if the historic one is missing. Any restoration shall be based on historical, pictorial and physical documentation and be compatible with the historic character of the building.
- (3) A replacement entrance must not create a false historic appearance. A new entrance shall be compatible in size, scale, and materials.
- (4) Entrances shall not be removed when rehabilitating a building.
- (5) Secondary entrances seen from the public right-of way shall be compatible with the originals in size, scale and materials.
- (6) Determine if a storm door will be instrumental to saving energy. If a storm door is used, it must have a color-clad frame and a full view glass, or be designed to respect design features of the original entry door.
- (7) Retain, repair or replace historic screened doors.

Wall Coverings Wood

- (1) Do not use destructive paint removal methods such as propane or butane torches, sand blasting or water blasting. These methods can damage historic wood and create the need for expensive repairs. Water or sand blasting can abrade the soft material in wood. Water blasting can also result in soaking the wall so thoroughly that it will not hold paint until it has dried for many months.
- (2) Replacement siding, trim and patterned shingles shall duplicate the original.
- (3) New construction shall use materials that duplicate the appearance of neighboring historic buildings, so that the new buildings blend with the fabric of the area.
- (4) Repair wooden features by patching, piecing-in or otherwise reinforcing the wood. Repair may also include limited replacement with matching or compatible substitute materials, when elements remain and can be copied.
- (5) Wood features which are important in defining the overall historic character of the building shall not be removed.
- (6) Replace only the deteriorated wood. Reconstructing in order to achieve a uniform or "improved" appearance is inappropriate because of the loss of good historic materials.
- (7) An entire wooden feature that is too deteriorated to repair, or is completely missing, must be replaced in kind. If features are replaced, the materials they are made from shall be compatible with the original in size and scale. Replacement parts must be based on historical, pictorial and physical documentation. If documentation does not exist, a new sympathetically designed feature would be better than a hypothetical "old" one.
- (8) Remove damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand sanding or hand scraping)
- (9) When paint must be removed, electric hot-air guns and heat plates should be used only with extreme caution, since the high temperatures they cause can ignite material in the wall cavities and cause fire damage. When using electric heating devices, be sure to keep a fire extinguisher handy, since fires can start with these devices.
- (10) The use of synthetic sidings is not recommended; however, if used the important architectural elements of the building must remain visible. Original woodwork must not be removed or destroyed in the siding process.

Masonry

- (1) Never sandblast brick surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently destroy the surface of the material, may harm the mortar, and

speed up deterioration.

- (2) Identify and preserve masonry features that define the historic character of the building, including walls, railing, column and piers, cornices and door and window pediments.
- (3) Replace an entire masonry feature that is too deteriorated to repair, use the remaining physical evidence to guide the new work, and match new to old. Examples can include large sections of a wall, cornice, balustrade, column or stairway.
- (4) If historical, pictorial or physical documentation cannot be found about a masonry feature, a modern design sympathetic to the building would be more appropriate than a hypothetical historical one. A new masonry feature shall be compatible in size, scale, and materials.
- (5) Mortar shall match the original mortar in color, composition profile and depth. If necessary, analyze the original mortar to determine the proportions of lime, sand and cement. The width or joint profile shall not be changed unless change will return it to its original appearance.

Infill Building New Construction

- (1) Maintain the historic facade lines of streetscapes by locating the front wall of new buildings in the same plane as the facades of adjacent buildings. This can be an average of the setback of the adjacent structures. If all of the buildings setback along one side of the street at 10' to 25' setback, then a new building could have anywhere from 10' to 25' setback. Never violate the existing setback pattern by placing new buildings in front of the historic setback line. Avoid placing buildings at odd angles to the street.
- (2) Property owners have the right to rebuild structures on the existing footprints. Good documentation of the placement, setback, spacing etc., should be presented to the Commission for their review.
- (3) Relate the size and proportions of new structures to the scale of adjacent buildings.
- (4) Break up boxlike forms into smaller masses like those of buildings from the historic period. New buildings should be designed with a mix of wall areas with door and window elements in the facade like those found on nearby historic houses. The placement of door and window openings should be imitated.
- (5) Relate the vertical, horizontal or non-directional facade character of new buildings to the directional alignment of nearby buildings. A new building should reinforce the horizontal and vertical connection between historic houses present on the street.
- (6) Relate the roof forms of the new building to those found in the area, duplicating existing roof shapes and pitches.
- (7) New buildings should equal the average height of existing and adjacent buildings.

- (8) New housing shall be built with raised foundations/water tables or designed to suggest that there is a raised water table equal to those of adjacent buildings.
- (9) In new buildings, the height of roofs and eaves shall conform to adjacent properties. Height of stories, windows and door must be compatible with adjacent historic buildings.
- (10) The materials used for new buildings will be consistent in appearance with existing historic building materials along the street.
- (11) Front elevations must be designed with a strong sense of entry.
- (12) Do not reproduce the styles, motifs or details of historic older architecture.
- (13) New additions must be located at the rear or on an inconspicuous side of a historic building. To give extra freedom in this area, additions may set back as far as any other house on the same side of the block.
- (14) New additions must be designed so that it is clear what is new and what is old, but must be compatible in terms of mass, materials, size, texture, scale, and relationship of solids to void.
- (15) New additions shall not alter the basic character of the building, or cause a lessening of historic character.

Fences

- (1) Front yard fences shall be of a compatible style to blend with the style of the house and shall be a maximum of 42" to 48" in height. Side yard fencing shall be graduated to a maximum of 6 feet if built so as to not to obscure the streetscape sight line.
- (2) Chain link shall not be allowed in the front yard.

Landscaping

- (1) To cut trees of a 12" diameter or greater in yards adjacent to a public roadway, a tree replanting plan and time table for replanting shall be required. If there are already other trees existing in these areas, replanting may not be necessary.

B. Special Provisions for Bed and Breakfast Establishments, Museums and Event Houses in the Historic District.

Bed and Breakfast Establishments and Museums

- (1) **Conditional Uses.** Bed and Breakfast Establishments and Museums may be approved as home occupations in the Springfield Historic District with approval of the Board of Zoning Appeals and subject to the following criteria:

- (a) The use of the dwelling unit as a bed and breakfast inn or museum shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (b) No traffic shall be generated by such bed and breakfast inn or museum in greater volumes than would normally be expected in a residential neighborhood.
- (c) One off street parking space per room to be occupied by bed and breakfast guests shall be provided for, in addition to any residential parking on premises. For museums, one space for each 400 square feet devoted to such use shall be provided in addition to any residential parking on premises. Parking areas shall be located in the rear or side yard and designed or screened so as not to detract from the character of the dwelling or neighborhood.
- (d) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
- (e) Small signs advertising the bed and breakfast inn or museum are allowable, subject to the provisions of Section 11-808 of this ordinance, and provided they are in character with the neighborhood and are otherwise approved by the Springfield Historic Commission.
- (f) No more than three (3) rooms or 15 percent of the dwelling unit to be used as the bed and breakfast Inn (whichever is the most restrictive) shall be allowed to be used for occupancy by guests as the bed and breakfast Inn or for museum use.
- (g) Proprietors of the bed and breakfast Inn or museum shall be residents of the dwelling in which it is located.
- (h) All area, setback and yard requirements of the district must be met.
- (i) An accurately drawn site plan shall be presented to the Springfield Planning Office in accordance with the site plan provisions of the Springfield Zoning Ordinance. Copies should be provided for the Site Plan Review Committee as well as for the Historic Preservation Commission.
- (j) The Board of Zoning Appeals may attach other conditions on the use of the structure or site, which are necessary to protect the neighborhood and historic district and the intent of the Zoning Ordinance.

Event Houses

- (1) **Conditional Uses.** Event Houses may be approved as home occupations in the Springfield Historic District with approval of the Board of Zoning Appeals and subject to the following criteria:

Definition: An event house is a home occupation used for small and intimate functions within a single-family residence on an occasional basis. Event House uses may include weddings, wedding receptions, bridal and baby showers, birthday celebrations, luncheons, rehearsal dinners, meetings, private parties, small corporate events, etc. Seating arrangements are usually limited in availability. Hours of operation can be flexible, usually afternoon through evening hours.

- (a) The use of the dwelling unit as an event house shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (b) No traffic shall be generated by such event house in greater volumes than would normally be expected in a residential neighborhood.
- (c) No more than three (3) rooms or 15 percent of the dwelling unit shall be allowed to be used for event house functions (whichever is most restrictive). A portion of the lawn may be used for events, if neighboring properties are not disturbed.
- (d) For event houses, one off street parking space for each 4 seats or 4 persons of the occupancy load shall be provided, in addition to residential parking on premises. Each home shall have at least two parking spaces for its residents. Parking areas shall be located in the rear or side yard and designed or screened so as not to detract from the character or dwelling or neighborhood.
- (e) Additional parking on adjacent property can be used with written permission of the owner. In lieu of on-site parking, valet parking may be utilized for off street parking if approved by owner of the parking lot.
- (f) The outside appearance of the dwelling unit shall maintain conformance with the general character of the historic neighborhood.
- (g) Small signs advertising the event house are allowable, subject to the provisions of Section 11-808 of this ordinance, and provided they are in character with the historical neighborhood and are otherwise approved by the Springfield Historic Preservation Commission.
- (h) Proprietors of the event house shall be residents of the dwelling in which it is located.
- (i) All area, setback and yard requirements of the district must be met.
- (j) An accurately drawn site plan shall be presented to the Springfield Planning Office in accordance with the site plan provisions of the Zoning Ordinance. Copies should be provided with the site plan provisions of the Zoning Ordinance. Copies should be provided for the Site Plan Review Committee as well as the Historic Preservation Commission.

- (k) The Board of Zoning Appeals may attach other conditions on the use of the structure or site, which are necessary to protect the neighborhood, the Historic District and the intent of the Zoning Ordinance.
- (l) All parking and driveways shall be shown on the site plan and shall be paved with asphalt or concrete. Storm water pollution guidelines shall be adhered to.
- (m) No alcoholic beverages shall be sold by the proprietor of the event house, but persons using the facility may bring alcoholic beverages.
- (n) If the event house establishment becomes a nuisance to the neighborhood, the conditional use permit can be revoked by the BZA by action after notice and public hearing.
- (o) The right to operate an event house runs with the ownership and not the land.
- (p) Each new owner of the house must make application to the BZA for a permit.

CHAPTER 6

COMMERCIAL DISTRICT REGULATIONS

11-601. Statement of Purpose.

The commercial districts established by this chapter are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. They are further designed to provide space for the many and diverse types of commercial activity needed to serve people and industry and maintain the economic base of the city, preserve and enhance property values and promote the constructive improvement and orderly growth of the existing well-located commercial centers and districts, prevent indiscriminate mixture of commercial activity within commercial areas and the scattering of commercial uses in the residential and agricultural districts, project adjacent residential areas from offensive and detrimental influences, and promote the most efficient and desirable use of land.

11-602. CLS Commercial Limited Service.

This class of district is intended to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. These districts may occur along or away from arterial streets, characteristically are small, and are widely distributed throughout the community for convenient accessibility. The bulk regulations are established to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity. The establishment of a new district of this nature must be preceded by the development of residential areas capable of supporting the proposed activities.

A. Principal Permitted Uses and Structures

Within the Commercial Limited Service Districts as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Community Facility Activities

Essential Service

Commercial Activities

- Convenience Commercial
- Food and Beverage Service

B. Permitted Accessory Uses and Structures

Signs as permitted in Section 11-808 of Chapter 8.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Reserved (For Conditional Uses)

D. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a lot, including all new developments, enlargements, extensions or conversions in any CLS District.

Maximum Lot Coverage	40 percent
Maximum Height of Buildings	25 feet
Minimum Building Setback	40 feet

In areas where uses in this district front on a street with residential properties, the setback line shall be the same as the residential properties but in no case less than thirty feet.

F. Area Regulations

Minimum Lot Area	20,000 square feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	10 feet

G. Corner Lots

On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirements are greater than for this district.

H. Use of Required Yard Areas

The following uses may be made of yard areas, provided that such uses are otherwise permissible in this district.

Landscaping

All yards not occupied by driveways and sidewalks shall be devoted to landscaping.

Driveways

Sidewalks

I. Other Requirements

(1) Enclosure Requirements:

All uses shall be conducted within completely enclosed buildings except for parking, loading, and other accessory uses listed herein which by their nature must exist outside a building.

(2) Floor Space Limitation

No establishment shall occupy more than 5,000 square feet of floor space.

(3) Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear of building only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed.

11-603. CC Core Commercial Districts.

This district is designed to provide for a wide range of retail, office, amusement, and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. Residential uses are also permitted.

A. Principal Permitted Uses and Structures

Within the Core Commercial District as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Residential Activities

Permanent

Dwelling, One-Family Detached

Dwelling, Two-Family Detached

Dwelling, Semi-Detached

Dwelling Attached

Dwelling, Multi-Family

Loft and Accessory Apartments are allowed in the CC Core Commercial District provided that two off street parking spaces per dwelling unit are provided. The spaces can be owned or leased and must be located within walking distance of the building in which the apartments are located.

Subject to the requirements contained in Chapter 8.

Semi-Permanent

Community Facility Activities

Administrative
Community Assembly
Cultural and Recreation Services
Essential Service
Religious Facilities

Commercial Activities

Automotive Parking
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Services
General Business and Communication Services
General Personal Services
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
(1) Hotels
(2) Motels

B. Permitted Accessory Uses and Structures

Signs as permitted in Section 11-808 of Chapter 8.

Accessory off-street parking facilities as required in Section 11-807 of Chapter 8.

Facilities and buildings customarily incidental and appurtenant to a permitted use.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Chapter 13, section 11-1306 F. (5)

Adult Oriented Establishments

D. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein are prohibited.

E. Bulk Regulations

Maximum Lot Coverage	75 percent
Maximum Building Height	70 feet
Minimum Building Setback	None
Minimum Development Area per Dwelling Unit	2,000 square feet

F. Area Regulations

(1) Minimum Lot Size

Within the CC District, there is no minimum lot size except for residential activities, which shall have a minimum lot size of 7,000 square feet.

(2) Required Yards

Within the CC Districts, no yards, as such, are required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed from the ground to the sky.

G. Use of Open Space

The following uses may be made of any open space provided such uses are otherwise permissible in this district.

Landscaping

All open areas not occupied by driveways, sidewalks, and parking and loading areas shall be devoted to landscaping.

Driveways

Off-street Parking

Sidewalks

H. Other Requirements

(1) Exterior Storage

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of buildings only.

11-604. MRO Multiple Residential and Office Districts.

This class of district is intended to provide adequate and suitable space in appropriate locations for medium to high-density residential uses and for limited commercial uses, which are mutually compatible. Commercial uses, having a minimum of characteristics objectionable to residential uses, are permitted, if the activities therein minimize direct contact with the ultimate consumers of goods or services, do not principally involve the sale, transfer, storage, or processing of goods or chattels. In addition, use of buildings and land is permitted for community facilities and utilities necessary for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

A. Principal Permitted Uses and Structures

Within the Multiple Residential and Office Districts as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Residential Activities

Permanent

Dwelling, One-Family Detached

Dwelling, Two-Family Detached

Dwelling, Multi-Family

Dwelling, Semi-Detached
Dwelling Attached

Subject to the requirements contained in Chapter 8.

Semi-Permanent

Apartment Hotel
Boarding and Rooming Houses
Residential Hotel

Community Facility Activities

Administrative
Community Assembly
Community Education
Community Colleges and Universities, if endorsed by the Board of Mayor and Aldermen
Cultural and Recreation Services
Essential Service
Personal and Group Care Facilities
Religious Facilities

Commercial Activities

Automotive Parking
Contractor and Professional Offices (Indoor)
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Services
General Business and Communication Services
General Personal Services
Medical and Professional Services
Transient Habitation
(1) Hotels
(2) Motels

B. Permitted Accessory Uses and Structures

Signs in accordance with the regulations contained in Section 11-808 of Chapter 8.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

(1) Conditional Uses Applying to Historic or Redevelopment Projects of Five (5) Acres or More.

- (a) In addition to the permitted uses contained in Section 11-604 A of this chapter, the following uses may be allowed in historic or rehabilitation projects of five (5) acres or more with approval of the Board of Zoning Appeals.
- (b) Consumer Repair Services as described in 11-307 E.
- (c) The following uses may also be allowed with conditions to protect the neighborhood established by the Board of Zoning Appeals.

- Carpentry Shop
- Fine Woodworking
- Counter Fabrication

D. Prohibited Uses and Structures

Any use or structure not of a nature specifically permitted herein is prohibited.

E. Bulk Regulations

Maximum Lot Coverage With Commercial Development Area* Covering 12% of Gross Area	60 percent
Maximum Lot Coverage Without Commercial Development Area*	40 percent
Maximum Building Height With Commercial Development Area* Covering 12% of Gross Area	70 feet
Maximum Building Height Without Commercial Development Area*	35 feet
Minimum Building Setback	30 feet See 11-811 for Multi Story Buildings
Minimum Development Area Per Dwelling Unit With Commercial Development Area* Covering 12% of Gross Area	4,000 square feet
Minimum Development Area Per Dwelling Unit Without Commercial Development Area*	7,000 square feet

* “Commercial Development Area” defined as: commercial building and parking area.

F. Area Regulations

Minimum Lot Area	10,000 square feet
Multi-Family Dwelling	15,000 square feet

Minimum Front Yard	10 feet
Minimum Side Yard	12 feet
Minimum Rear Yard	10 feet

G. Use of Required Yard Areas

The following uses may be made of yards areas, provided such uses are otherwise permissible in this district.

Landscaping

All required yard areas not occupied by driveways, and sidewalks shall be devoted to landscaping.

Driveways

Off-street Parking

Sidewalks

H. Other Requirements

(1) Exterior Storage

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of building with the exception of temporary placement of garbage cans for city pick-up.

(2) In the event that any permitted use other than residential should occupy a house, no change shall be made in the exterior appearance or architecture of the building except as may be required for public safety.

11-605. CS Commercial Services Districts.

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores, eating and drinking places; financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

A. Principal Permitted Uses and Structures

Within the Commercial Service Districts as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Residential Activities

Semi-Permanent

Apartment Hotel

Boarding and Rooming Houses

Residential Hotel

Community Facility Activities

Administrative

Community Assembly

Community Education

Cultural and Recreation Services

Essential Service

Personal and Group Care Facilities

Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services

Automotive Parking

Automotive Servicing and Repair

Building Materials and Farm Equipment
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Services
Food Service - Drive-in
General Business and Communication Services
General Personal Services
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
(1) Hotels
(2) Motels
Vehicular, Craft, and Related Equipment Sales, Retail and Delivery
Wholesale Sales

B. Permitted Accessory Uses and Structures

Signs in accordance with the regulations contained in Section 11-808 of Chapter 8.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are not otherwise prohibited.

C. Conditional Uses

Mini-warehouses subject to specific standards, 11-1306, F. (4).

The following activities may be permitted only as conditional uses in accordance with Chapter 13, section 11-1306 F. (5)

Adult Oriented Establishments

Limited Manufacturing Activities subject to standards 11-1306, H.

Contractor and Professional Offices (Indoor)

Transient Habitation

(1) Extended stay hotel or motel

D. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein are prohibited.

E. Bulk Regulations

The bulk regulations appearing below apply to all buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions, or conversions in any CS District.

Maximum Lot Coverage	40 percent
Maximum Building Height	70 feet
Minimum Building Setback	40 feet

F. Area Regulations

Minimum Lot Area	10,000 square feet
Minimum Front Yard	15 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet

G. Use of Required Yard Areas

Landscaping

All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping.

Driveways

Sidewalks

Off-street Parking

H. Other Requirements

(1) Exterior Storage

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of building with the exception of temporary placement of garbage cans for city pick-up.

11-606. CG Commercial General District.

This class of district is designed primarily to provide sufficient space in appropriate locations for establishments and uses engaged in wholesale trade, the warehousing of a wide variety of products having the highest performance standards and the least objectionable characteristics, limited industrial uses, and services ancillary thereto. Other commercial uses are also permitted. As these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts insofar as possible.

A. Principal Permitted Uses and Structures

Community Facility Activities

Administrative

Community Assembly

Cultural and Recreation Services

Essential Service

Commercial Activities

Animal Care and Veterinarian Services
Automotive Parking
Automotive Servicing and Repair
Billiard Parlors (*BZA interpretation 9-13-05*)
Building Materials and Farm Equipment
Construction Sales and Services
Convenience Commercial
Financial, Consulting, and Administrative
Food and Beverage Services
Food Service - Drive-in
General Business and Communication Services
General Retail Trade
Group Assembly
Transport and Warehousing
Vehicular, Craft, and Related Equipment Sales
Retail and Delivery
Wholesale Sales

Manufacturing Activities

Limited

B. Permitted Accessory Uses and Structures

Signs in accordance with the regulations contained in Section 11-808 of Chapter 8.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same zone lot and are not otherwise prohibited.

C. Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Chapter 13, Section 11-1306.

Adult Oriented Establishments

Community Facility Activities

Intermediate Impact

Extensive Impact

Religious Facilities

D. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein are prohibited.

E. Bulk Regulations

The bulk regulations appearing below apply to all buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions, or conversions in any CG District.

Maximum Lot Coverage 50 percent

Maximum Building Height 70 feet

Minimum Building Setback 40 feet

F. Area Regulations

Minimum Lot Area 10,000 square feet

Minimum Front Yard 15 feet

Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet

G. Use of Required Yard Areas

Landscaping

All required yard areas not occupied by sidewalks, parking areas, and driveways shall be devoted to landscaping as defined in Chapter 2, Section 11-203.

Driveways

Provided that no driveway shall occupy more than half of any required yard

Sidewalks

Off-street Parking

11-607. MPO Medical-Professional Office District.

This class of district is designed to provide adequate space in appropriate locations suitable for accommodating medical, dental, or similar personal services, and uses broadly ancillary thereto; and to provide for professional and business offices. In addition, certain commercial trade and service uses are permitted, if necessary, to serve the frequent and recurring needs of persons frequenting and working in this district. Bulk limitations are designed to maximize compatibility with lesser intense use of land or building in proximity residential districts.

A. Principal Permitted Uses and Structures

Within the Medical-Professional Office District as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Community Facility Activities

- Essential Service
- Health Care Facilities
- Personal and Group Care Facilities
- Religious Facilities

Commercial Activities

Convenience Commercial
Financial, Consulting, and Administrative
Food and Beverage Services
Medical and Professional Services

B. Permitted Accessory Uses and Structures

Signs in accordance with the regulations contained in Section 11-808 of Chapter 8.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are not otherwise prohibited.

C. Reserved (For Conditional Uses)

D. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein are prohibited.

E. Bulk Regulations

The bulk regulations appearing below apply to all buildings or other structures located on any zone lot or portion of a zone lot, including all new developments, enlargements, extensions, or conversions in any MPO District.

Maximum Lot Coverage	40 percent
Maximum Building Height	70 feet
Minimum Building Setback	40 feet

F. Area Regulations

Minimum Lot Size	20,000 square feet
Front Yard	15 feet
Side Yard	15 feet
Rear Yard	15 feet

G. Use of Required Yard Areas

Landscaping

All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping.

Driveways

Provided that no driveway shall occupy more than half of any required yard.

Sidewalks

H. Other Requirements

(1) Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened using the same material from which the principal use is constructed.

11-608. Supplementary Regulations Applying to All Commercial Districts

A. The following supplementary regulations shall apply to all commercial districts:

(1) Commercial buildings shall meet all setback, side yard, outdoor storage requirements, and other provisions of the district in which they are located.

- (2) No mobile home, double – wide mobile home, or pole barn shall be used as a commercial building.
- (3) All commercial buildings shall be landscaped as required by this zoning ordinance.
- (4) All commercial buildings or shopping centers planned as an integrated unit of 50,000 square feet or more shall be constructed of all brick or stone construction as approved by the Springfield Planning Commission. Commercial buildings less than 50,000 square feet shall be constructed with brick, stone, or decorative block fronts and fifty percent (50%) brick, stone, or decorative block on each side. Such buildings may be constructed with other durable and decorative materials, if required by their national or regional corporate owners or sponsors and approved by the Springfield Planning Commission.
- (5) Commercial buildings located in zones where outside storage is prohibited shall comply with the exterior storage provisions of the zoning ordinance. All such merchandise shall be located within fenced areas covered with roof or shade cloth. The exterior fences shall be made of decorative aluminum or other materials with the look of wrought iron.

B. Supplementary regulations applying to transient habitation:

- (1) Hotels shall have a minimum of fifty-five (55) rooms and shall provide all of the services and amenities as defined. Rooms shall not be rented to the same person(s) for periods of time exceeding one (1) month.
- (2) Motels shall have a minimum of one hundred (100) rooms and shall provide all of the services and amenities as defined. Rooms shall not be rented to the same person(s) for periods of time exceeding one (1) month.

CHAPTER 7

INDUSTRIAL DISTRICT REGULATIONS

11-701. Statement of Purpose.

The Industrial Districts established by this chapter are designed to provide sufficient space, in appropriate locations, to meet the needs for industrial expansion within the city and region; to encourage industrial development which is free from hazards to the public health and from other objectionable influences; to protect industrial activities against congestion, encroachment, and other adverse characteristics; to protect adjacent residential and commercial areas from offensive influences; and to promote the most efficient and desirable use of land. Within each industrial district, all uses are subject to the performance standards established in Chapter 11 of this Title.

11-702. Restrictive Industrial Districts.

This class of district is intended to provide space for a wide range of industrial and related uses, which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities, which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and complementary thereto are permitted.

A. Principal Permitted Uses and Structures

Within the Restricted Industrial Districts (RI) as shown on the Official Zoning Map, the following activities, as described in Chapter 3 are permitted:

Community Facility Activities

Essential Service

Industrial Activities

Limited

Commercial Activities

Animal Care and Veterinarian Services
Construction Sales and Service
Wholesale Sales
Transport and Warehousing

B. Permitted Accessory Uses and Structures

Signs in complying with the regulations established in Section 11-808 of Chapter 8.

Incidental services, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted as an integral part of a principal use and having no exterior display or advertising.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

Accessory off-street parking and loading facilities as required in Section 11-807 of Chapter 8.

C. Conditional Uses

The following are conditional uses within this district and may be permitted only in accordance with Chapter 13, Section 11-1306.

Community Facility Activities

Intermediate Impact
Extensive Impact

Industrial Activities

Intermediate

Temporary Parking of Vehicles on a Gravel Surface

The Board of Zoning Appeals may issue a temporary permit to park vehicles on a gravel surface for a period of six months when presented with evidence of a hardship of a business or industry. At the expiration of the time period, the area shall be paved as required by the zoning ordinance or taken out of service.

In granting the special exception, the BZA shall take into consideration screening of the area from residential areas or other more restrictive districts and its compatibility with surrounding land uses. The area shall be designed for the safe ingress and egress of vehicles to the street and in such a way that mud and gravel will not be carried onto adjacent streets.

D. Prohibited Uses

Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Chapter 11 are prohibited.

E. Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a lot, including all new developments, enlargements, extensions, or conversions in any RI District. *(Amended by Ordinance 00-30 to increase height limitations of buildings in certain zones from 35 to 70 feet.)*

Maximum Lot Coverage	50 percent
Maximum Height of Buildings	70 feet
Minimum Building Setback	50 feet

(Note: City's Deed Regulations in the North Industrial Park Require 125 Foot Setback)

F. Area Regulations

The following area requirements shall apply to all uses permitted in this district:

Lot Area

Individual building sites shall be of such size that the structures involved will have architectural unity and flexibility in arrangements and that all space requirements set forth herein are met:

Front Yard	20 feet
Side Yard	20 feet
Rear Yard	25 feet

Corner Lots -

On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirement is greater than that for this district.

G. Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping

All required yard areas not occupied by driveways, parking areas, or sidewalks shall be devoted to landscaping.

Driveways

Sidewalks

Off-street Parking

Provided that no parking areas shall be permitted in any required front yard.

H. Other Requirements

(1) Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.

(2) Provisions Applying along District Boundaries

In an RI District along such portion of the boundary which coincides with a lot line of a lot in a residential or agricultural district, the buildings and structures shall be set back at least 35 feet from such lot line.

(3) Exterior Storage

Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

(4) Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

11-703. General Industrial District.

This class of district is intended to provide space for the types of industrial activities, which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively well separated from non-industrial uses. Performance standards must still be met. New residential activities are excluded and commercial establishments and community facilities, which provide needed services for industry and are complementary thereto, are permitted.

A. Principal Permitted Uses and Structures

Within the General Industrial Districts (GI) as shown on the Official Zoning Map, the following activities as described in Chapter 3 are permitted:

Community Facility Activities

Essential Service

Industrial Activities

Limited

Intermediate

Extensive

Commercial Activities

Animal Care and Veterinarian Services

Construction Sales and Services

Convenience Commercial

Food and Beverage Services

Transport and Warehousing

Wholesale Sales

B. Permitted Accessory Uses and Structures

Signs in complying with the regulations established in Section 11-808 of Chapter 8.

Incidental services, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted as an integral part of a principal use and having no exterior display or advertising.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

Accessory off-street parking and loading areas as required in Section 11-807 of Chapter 8.

C. Conditional Uses

The following are conditional uses within this district and may be permitted only in accordance with Chapter 13, Section 11-1306.

Community Facility Activities

Extensive Impact

Intermediate Impact

Temporary Parking of Vehicles on a Gravel Surface

The Board of Zoning Appeals may issue a temporary permit to park vehicles on a gravel surface for a period of six months when presented with evidence of a hardship of a business or industry. At the expiration of the time period, the area shall be paved as required by the zoning ordinance or taken out of service.

In granting the special exception, the BZA shall take into consideration screening of the area from residential areas or other more restrictive districts and its compatibility with surrounding land uses. The area shall be designed for the safe ingress and egress of vehicles to the street and in such a way that mud and gravel will not be carried onto adjacent streets.

D. Prohibited Uses

Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Chapter 11 are prohibited.

E. Bulk Regulations

The bulk regulations appearing below apply to all buildings or other structures located on any zone lot or portion of a lot, including all new developments, enlargements, extensions, or conversions in any GI District.

Maximum Lot Coverage	50 percent
Maximum Building Height	35 feet

Minimum Building Setback 50 feet

F. Area Regulations

The following area requirements shall apply to all uses permitted in this district:

Minimum Lot Area 40,000 square feet

Minimum Front Yard 20 feet

Minimum Side Yard 25 feet

Minimum Rear Yard 20 feet

Corner Lots -

On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirement is greater than that for this district.

G. Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping

All required yard areas not occupied by driveways, parking areas, or sidewalks and shall be devoted to landscaping.

Driveways

Provided that no driveway shall occupy more than half of any required yard.

Sidewalks

Off-street Parking

Provided that no parking area shall be permitted in any required front yard.

H. Other Requirements

(1) Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

(2) Provisions Applying along District Boundaries

In a GI District along such portion of the boundary which coincides with a lot line of a lot in a residential or agricultural district, the buildings and structures shall be set back at least thirty-five (35) feet from such lot line.

(3) Exterior Storage

Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

(4) Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

CHAPTER 8

SUPPLEMENTARY DISTRICT REGULATIONS

11-801 Regulations Applicable to All Districts

A. Visibility at Intersections

On a corner lot in any district, except CC, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

B. Fences, Walls, and Hedges

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in Section A. above.

C. Accessory Buildings and Accessory Structures

No accessory buildings shall be erected in any required front yard. In addition, accessory buildings shall:

- (1) Be customarily incidental to the principal use established on the same lot.
- (2) Be subordinate to and serve such principal use.
- (3) Be subordinate in area, intent, and purpose to such principal use.
- (4) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (5) Satellite dishes and such antennas and towers of less than 35 ft. above ground level shall be classified as accessory structures and restricted to the rear yard in all residential districts. All rear and side yard requirements and height requirements shall be observed.
- (6) All antennas placed in residential areas that exceed the height regulations of the district must file a request for a conditional use permit. If freestanding, these antennas must be placed in the rear yard of the principal structure and meet all appropriate rear and side yard requirements.

D. Minimum Spacing of Buildings on a Single Zone Lot

In all districts, the minimum distance between any two buildings on any single zone lot shall be as provided in this section; except that these provisions do not apply to space between a building enclosing a principal permitted use and a garage or other unoccupied building accessory thereto.

(1) Minimum Distance between Buildings

Notwithstanding any other provisions of this Title, (except a mobile home; a one family detached dwelling, and a two-family detached dwelling). Two or more buildings may be constructed on a single zone lot if parking spaces and usable open space are and will continue to be available in the same proportion to all occupants of the buildings on the lot. The minimum distance between such buildings shall vary according to the height and length of a building combined with the amount of glassed area of the walls. Such minimum distance shall be either twenty (20) feet or the distance required under the following standards, whichever is greater:

- (a) Where two opposing walls contain no glassed area, required or other, separation shall be as required by fire regulations;
- (b) Where a wall contains twenty-five (25) percent or more of the glassed area, the building separation shall be ten (10) feet plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet of building length;
- (c) Where a wall contains some, but less than twenty-five (25) percent of the glassed area of any building, the building separation shall be five (5) feet plus one (1) foot for each fifteen (15) feet of building length.

This section shall not apply to any situation, which would permit a mobile home to be moved onto a lot occupied by a house.

(2) Minimum Required Yard Area

Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the outer boundaries of the zone lot.

(3) Minimum Distance between Windows and Side or Rear Lot Lines for Buildings Greater than Three Stories in Height other than Detached Dwellings

In all districts, as applicable, any window contained within a building designed for residential occupancy and having more than three (3) stories shall be a minimum of thirty (30) feet from any side or rear lot line. Said distance shall be measured in a horizontal plane at the windowsill level and perpendicular to such window.

(4) Subdivision of Zone Lot after Development

In all districts, after any portion of a zone lot has been developed under the provisions of this Section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

E. Exception to Height Regulations

The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas (in commercial and industrial districts), water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

F. Structures to have Access

No building shall be erected on a lot, which does not abut at least one public street for at least fifty (50) feet. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least forty (40) feet; or to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of this ordinance and shall not be used to provide access to more than one lot or tract of land. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets provided such development is in the form of condominium ownership of such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity.

G. Minimum Lot Area

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Title shall comply. This section shall not apply when a portion of a lot is acquired for a public purpose, or in projects approved under planned unit development.

H. Rear Yard Abutting a Public Street

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

I. Corner Lots

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

J. Future Street Lines

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way's as shown in the most current official Major Thoroughfare Plan.

K. Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Title are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

L. Parking, Storage, or Use of Major Recreation Equipment

For purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district in any front yard; provided, however, that such equipment may park anywhere on residential premises not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

M. Special Provisions for Party walls

In all districts, a building may be constructed so as to:

- (1) Utilize a party wall (see definition) or party walls existing on the effective date of this Title or lawfully erected under the terms of this Title; or
- (2) Incorporate a straight extension of a party wall or off an independent wall adjacent to a party wall existing on the date of this ordinance; or

- (3) Share a party wall(s) with other buildings, being erected at the same time on an adjoining zone lot or lots.

If a building is so constructed, the side and/or rear yard requirements shall be waived along the boundary of the zone lot coincident with said party wall(s), and one side yard shall be provided along any side lot line where a party wall is not so utilized, and any such line yard shall not be less than the minimum width for the district in which it is located.

N. Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership

- (1) Purpose

It is held to be in the public interest to protect the health, safety, and welfare of residents of developments, which by reason of ownership or method of development places numerous dwellings on a single parcel of ground in which the ownership remains undivided, and the general public by providing for the orderly continuance of street patterns and the extension of utilities service, drainage ways, etc., through such developments. It is the purpose and intent of these provisions to protect that interest by enabling the extension of these facilities by the dedication of easements, rights-of-way, etc., through such sites.

- (2) Requirement for Site Plan and Plat

Within such developments as described above the following shall apply:

- (a) A site plan meeting the provisions of Chapter 13, Section 11-1303 F. (4) shall be submitted and approved.
- (b) In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a plat meeting the requirements set forth below shall be prepared, submitted for approval, and upon approval, filed with the County Register.

- (3) Contents of Required Plat

The following information shall appear on all plats prepared in accordance with the provisions contained within this Section:

- (a) A boundary survey of the site indicating the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot;
- (b) The location and width of all streets, easements, rights-of-way, or other properties located within the site, which are to be dedicated to the public. The purpose and restrictions concerning all easements shall be noted;
- (c) The size and location of all utility lines and necessary valves, connections and other appurtenances which comprise utilities to be dedicated to the public;
- (d) The distance and bearing from one point along the boundary of the development to an established survey monument;
- (e) Certificate of accuracy, dedication, and acceptance as may be necessary to establish transfer of all dedicated properties and facilities (format of certificates may be taken from the Subdivision Regulations).

O. Temporary Use Permits

The following regulations shall govern the operation of certain necessary or seasonal uses, which are nonpermanent in nature. Application for a temporary use permit shall be made to the Board of Zoning Appeals through the Department of Community Development. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space of the proposed temporary use. The Board may grant such temporary use permits for the following uses subject to a public hearing, the specific regulations and time limits below, and any other limitation, which may be necessary to protect adjoining property. Temporary uses that are approved by the Board of Zoning Appeals may be reissued seasonally unless otherwise specified herein through an administrative process by the Department of Community Development as long as the use is consistent with the approved site plan and temporary use. Area and bulk regulations of the district in which the use is proposed to be located shall apply.

(1) Carnivals, Festivals, or Circuses:

Carnivals, festivals and circuses shall obtain a temporary use permit and must be located within the A, CS, CG, RI, or GI Districts; however, such permit shall be issued for a period of no longer than fourteen (14) days. Such use shall only be permitted on lots

where adequate off-street parking can be provided and where adjoining uses will not be affected. Religious, charity, and nonprofit organizations located within the City of Springfield sponsoring a carnival, festival, or circus as a non-profit fund-raising event shall be exempt from obtaining a temporary use permit under the provisions of this section, but shall be required to obtain a permit at no cost from the Community Development Department within no less than five (5) working days prior to the event in order to accommodate any necessary inspections for code compliance.

(2) Christmas Tree Sale:

Persons, businesses or organizations requesting to sell Christmas trees for profit shall obtain a 35-day temporary use permit for the display and sale of Christmas trees on open lots in Agricultural, Commercial and Industrial Districts only. Religious, charitable and non-profit organizations located within the city of Springfield shall be exempt from obtaining a temporary use permit under the provisions of this section, but shall be required to obtain a permit at no cost from the Community Development Department within no less than five (5) working days prior to the event in order to accommodate any necessary inspections for code compliance.

(3) Temporary Buildings for Construction Projects:

In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project through an administrative process by the Department of Community Development and Planning. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions by the Board of Zoning and Appeals; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the temporary use permit, whichever occurs sooner.

(4) Religious Tent Meetings or Revivals:

A temporary use permit may be issued for a tent or other temporary structure to house a religious meeting in any district, except the RS20, R20, R15, RS10, R10, R7, CLS, R40 and MRO Districts. Such permit shall be issued for not more than a 7-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. Churches and religious organizations

located within the City of Springfield holding religious or revival tent meetings on their own property shall not be required to have a temporary use permit under the provisions of this Section for religious tent meetings or revivals lasting seven (7) days or less.

(5) Temporary Dwelling Unit in Cases of Special Hardship:

In any residential district, a temporary use permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement shall be to provide temporary shelter only for the residents of the principal structure during the period of reconstruction and to prevent exceptional hardship on the same. Water supply and appropriate sewage disposal must be available. Such permit may be initially issued for nine (9) months, and one (1) extension for up to six (6) months may be granted.

(6) Storage Trailers:

Storage trailers shall only be located within the CS, CG, RI, and GI Districts. A temporary use permit may be issued for accessory storage in trailers (as in tractor trailer). Such permit may be issued for up to one (1) year for the purpose of allowing the proprietor sufficient time to find or construct permanent storage. The trailer shall be on the same zone lot and located to the rear of the building. One (1) extension may be granted for up to three (3) months. Within the CS and CG Districts, a seasonal temporary use permit may be issued for accessory storage in trailers (as in tractor trailers). Such permits for seasonal storage may be issued annually for a three (3) month period including October, November and December. All such storage trailers may locate on the same lot or adjoining lot that is zoned CS and CG. All seasonal storage trailers must be situated to the side or rear yard of the principal structure of the commercial use applying for the permit. In no event shall seasonal storage trailers be allowed to occupy any of the minimum required parking spaces specified in this ordinance for the commercial use applying for this permit. All seasonal storage trailers must be removed by January 1st immediately following the Christmas season for which the permit was issued.

(7) Seasonal Sale of Farm Produce:

A temporary use permit may be issued for the sale of farm produce for the sale of farm produce for a period of fourteen (14) days with Commercial and Industrial Districts only. Robertson County farmers selling produce grown on their own land are not subject to the

provisions of this Section, but may obtain a transient vendor's permit as authorized by Title 9, Chapter 2 of the Springfield Municipal Code.

(8) Temporary or Portable Office Buildings:

A temporary use permit may be issued for a temporary building while new construction or renovation is being undertaken within Commercial and Industrial Districts only. The permit may be issued for a period of six (6) months by the Board of Zoning Appeals. The structure shall be moved immediately at the completion of the construction or expiration of the permit, whichever occurs sooner.

11-802 Development Standards for Multi-Family Dwellings

A. Purpose

The special provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by planning commission review of the site plan required for all such developments. Provided, however, that in any instance where this use is located within a planned unit development this requirement may be fulfilled by submission of the plans required by those sections.

B. Design Criteria

The design criteria appearing below apply to all multi-family developments.

(1) General:

It is the intent that multi-family dwellings where they are permitted:

- (a) may be appropriately intermingled with other types of housing;
- (b) shall not form long, unbroken lines or row housings; and
- (c) shall constitute groupings making efficient economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

(2) Detailed:

- (a) The spacing of all buildings contained in multi-family dwellings shall be as set forth in Section 11-801 D. of this chapter.
- (b) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- (c) Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- (d) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- (e) Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

All public streets located within any multi-family development shall meet the construction specifications set forth in the Springfield Subdivision Regulations.

The planning commission shall act to ensure that any private drives, parking areas or other vehicular way used for common access for two or more residents will be suitably paved and maintained as a condition of approval of the project.

C. Access

(1) Access to Each Site

Each site developed for multi-family dwellings shall meet the requirements for access set forth in Section 11-801 F. of this chapter.

(2) Service Access

Access and circulation shall adequately provide for firefighting equipment, service deliveries, furniture moving vans and refuse collection.

D. Parking

Parking shall be provided in accordance with Section 11-807 of this Chapter.

(1) Off-Street Parking

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common highways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

11-803 Development Standards for Semi-detached Dwellings

A. Purpose

The provisions set forth herein are intended to apply to all semi-detached dwellings as defined by this Title regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by planning commission review of the site plan required for all developments. Provided, however, that in any instance where this use is located

within a planned unit development, this requirement may be fulfilled by submission of the plans required by those sections.

B. Design Criteria

Basically, semi-detached dwellings must conform to conventional requirements for two-family (duplex) detached dwellings. Provisions must be made for a perpendicular orientation of the dwelling group to the street. Therefore, only one unit of a dwelling group need abut a street, provided that proper access is available to the unit not abutting a street.

C. Lots

The minimum lot required for any semi-detached dwelling shall be as required by the provisions of the district in which such dwelling is located. Maximum lot coverage provisions of the district in which such dwelling is located shall apply.

D. Yards

The minimum required yards and use of required yards provisions of the district in which such dwelling is located shall apply; provided, however, that no side yard shall be required where such dwelling units are attached by a party wall.

11-804 Development Standards for Attached Dwellings

A. Purpose

The provisions set forth herein is intended to apply to all attached dwellings, as defined by this ordinance, whether such units are popularly described as townhouses, atrium houses, or by any other name. The specific provisions appearing below shall apply to all attached dwellings regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for implementation of these provisions by planning commission review of the site plan required for all developments by Section 11-1303 F. Provided, however, that in any instance where this use is located within a planned unit development, this requirement may be fulfilled by submission of the plans required by those sections.

B. Design Criteria, General

It is intended that townhouses where they are permitted:

- (1) may be appropriately intermingled with other types of housing;
- (2) shall not form long, unbroken lines of row housing;
- (3) and shall constitute groupings making efficient economical, comfortable and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

C. Design Criteria, Details

- (1) The density, or number of dwelling units permitted within a given area, shall generally be as provided by the basic district regulations. However, in no instance shall the number of single-family attached dwellings exceed sixteen (16) per net acre of such use.
- (2) The minimum lot required for any additional attached dwelling shall be 2,000 square feet. Individual attached dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zoning district shall apply to those attached dwellings located within it. No transfer of bulk is permitted among zoning districts.
- (3) Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two (22) feet.
- (4) Not more than six (6) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) town houses shall be contiguous.
- (5) The spacing of buildings containing attached dwellings shall be as required by Section 11-801 D.
- (6) Yards
 - (a) For units located along the periphery of a site containing attached dwellings. The yard provisions established for the district within which the attached dwelling is located shall apply along the periphery of any site on which attached dwellings may be located.
 - (b) For units located entirely within a site. No side or rear yard as such is required in connection with any attached dwelling located entirely within a site containing attached dwellings but each such unit shall on its own lot have one yard containing not less than seven hundred fifty (750) square feet. This yard shall be reasonably

secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.

- (7) For attached dwellings located along the periphery of any site the setback shall be as required for the district within which the unit is located. No setback is required for any unit located entirely within the internal portion of a site containing attached dwellings, unless the unit fronts a public street. Where the units' fronts on a public street, the setback shall be as required to meet district regulations.

D. Minimum Project Size

No building permit shall be issued for any development of attached dwellings, which contains less than six (6) dwelling units as defined in Chapter 2.

E. Maximum Permitted Height

No attached dwelling located within any zoning district shall exceed thirty-five (35) feet in height.

F. Open Space Requirements

A common open space provided within a development of attached dwellings shall:

- (1) meet the requirements for quality and improvement established in Section 11-804(d) of this article and as may be required as a condition of approval by the planning commission;
- (2) be protected by covenants as outlined in 11-802 B.(2)(e), which will insure the improvements and continued maintenance of all such properties;
- (3) serve as recreational area and open space only and;
- (4) be transferred to the private maintenance trust at a time and in the manner specified by the Board as a condition of approval of the project.

G. Access

- (1) Each town house dwelling shall meet the requirements for access set forth in Section 11-801 F. of this article;
- (2) Access and circulation shall adequately provide for firefighting equipment, service deliveries, furniture moving vans, and refuse collection; and

(3) Pedestrian access shall be provided at rear of each town house dwelling.

H. Parking Provisions

Parking shall be provided in accordance with Section 11-807. In a development of attached dwellings, it will not be necessary that off-street parking be provided on a specific lot so long as the requisite number of parking spaces is provided.

I. Grouped Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

J. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses, and the reduction of noise.

K. Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

L. Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; an additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with site plans.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

M. Visibility at Access Points

The provisions of Section 11-801 and Section 11-807 I. (3) concerning provisions for visibility at the intersections of all drives, streets, etc., shall be adhered to within all portions of all developments of attached dwellings.

11-805 Special Provisions Governing Mobile Home Parks

(Amended by Ordinance 96-33 and now included as a supplement to Chapter 5 as a new Section to this Title, Section, 11-510, MH Districts).

11-806 Other Special Regulations Pertaining to Bulk, Density, Area, and Yards

A. In all districts, if an amount of lot area not allocated to a dwelling unit is less than that required for one such dwelling, the remaining lot area may be used to satisfy lot area requirements if it represents not less than three-fourths of the total required.

B. Lot Area Requirements for Community Facility Activities in Residential Districts

In all districts, the minimum lot area for community facility activities shall be as required to meet off-street parking requirements in Section 11-807 C., or in no case less than twice the minimum lot area requirements for the district in which the use is located. In the case of public and private elementary and secondary schools, the required lot area shall be a minimum of five (5) acres.

C. Special Provisions for Existing Small Lots

In all districts, a single-family dwelling may be built upon a zone lot consisting entirely of a tract of land:

- (1) which has less than the prescribed minimum lot area, and
- (2) which was owned separately and individually from all other adjoining tracts of land, both on the effective date of this ordinance and, on the date of application for a zoning permit, and which was a lot record prior to the effective date of this ordinance.

D. Permitted Obstructions in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard except these items shall comply with Sections 11-801 A. and B.

- (1) In any yard:

Arbors and Trellises

Awnings or canopies projecting from a building wall over a required yard not more than six (6) feet and having no supports other than provided by the wall or its integral parts.

Chimneys projecting not more than three (3) feet into and not exceeding two (2) percent of the area of the required yard.

Eaves, gutters, or downspouts projecting into or over required yards not more than twenty-four (24) inches or twenty (20) percent of the width of such yard, whichever is the lesser distance.

Fire escapes or staircase, the riser of which shall be at least fifty (50) percent open and whose vertical projection downward into a required yard does not project more than three (3) feet into, and not exceeding ten (10) percent of the area of the required yard.

Flag poles having only one structural ground member.

Fountains

Mail Boxes

Open Terraces, including natural plant landscaping.

Retaining walls

Sculpture or other similar objects of art

Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ashtrays, light standards, and directional signs.

Walls or fences not exceeding six (6) feet in height measured from finished grade level at any point along the length of, and on any side of, such walls or fences, and not roofed or structurally part of a building.

(2) In any rear or side yard:

Clothes poles or clotheslines

Recreation equipment

Detached garages and storage buildings provided that a five (5) foot setback from the property line is observed.

E. Exceptions for Subdivision of Zone Lots after Development

In all districts, after a detached residential building has been constructed on a zone lot, such zone lot may be subdivided, subject to any other applicable regulations of this Title, so that portions of the building are located on different zone lots, provided that, after such a subdivision, no zone lot line may divide an area designed or intended for use as single dwelling unit within such building. Furthermore, after such a subdivision, side yard requirements shall apply only:

(1) Where side yard requirements applied along a side lot line of the original zone lot; and

(2) Where side lot lines of the subdivided zone lot separate detached buildings.

F. Storage Bags

In all districts where outside storage bags are allowed, enclosed exterior storage bags with a maximum capacity greater than 500 cubic feet are prohibited.

Storage bags shall not be allowed in any front yard.

11-807 Off-street Parking and Loading Requirements

The following regulations are adopted in order to provide needed space off the streets for parking or loading and unloading vehicles, to lessen congestion in the streets, to improve traffic safety, to provide for a higher standard of development, and thus, to promote and protect the public health, safety, and welfare.

The provisions of this section apply to all activities as set forth in this ordinance.

A. General Provisions

In all districts, accessory off-street parking, open or enclosed, shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use. In addition, all other applicable requirements of this section shall apply as a condition precedent to the use of such development.

A parking space is required for a portion of a unit of measure one-half or more of the amount set forth herein. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measurement specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Board of Zoning Appeals is required to prescribe the number of parking spaces, it shall base its determination on recommendations from the planning commission and such other factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

B. Residential Activities

(1) Permanent

- (a) One family detached, two-family detached dwellings, attached, and semi-detached.

Two (2) spaces for each dwelling unit with two (2) bedrooms or less; two (2) spaces for each dwelling unit with more than two (2) bedrooms.

- (b) Multi-family dwelling (3 or more);

Two (2) spaces for each dwelling unit with three (3) bedrooms or less; three (3) spaces for each dwelling unit with four (4) bedrooms or more.

- (c) Mobile Homes:

One space per mobile home.

(d) Where occupancy is to be primarily elderly persons over the age of 60, the number of developed spaces may be reduced to 1.5 space per unit. There must be room on the lot to provide two (2) spaces in the future.

(2) Semi-Permanent

(a) Boarding or rooming house, apartment hotel:

One space for each dwelling or rooming unit.

C. Community Facility Activities

Accessory off street parking shall be provided for the specified number of square feet of gross floor area of seating capacity or other specified unit of measurement (or fraction of one-half or more thereof) for the following activity types:

<u>Activity Type</u>	<u>Unit of Measurement</u>
Administrative	One (1) space for each 300 sq. ft. of gross floor area, plus one for each three employees.
Community Assembly	One (1) space for each two seats or 1/2 of capacity in persons whichever is greater.
Community Education	Kindergarten and Nursery: One (1) space for each employee.
Community Education	Elementary and Middle Schools, grade 1-7: Two (2) spaces for each classroom or one (1) space for each five (5) seats in the auditorium, whichever is greater.
Community Education	High School, Grades 8-12: Four (4) spaces for each classroom or one (1) space for each five (5) seats in the auditorium, whichever is greater.
Community Education	Vocational or Trade Schools: One (1) space for each 1,000 sq. ft. of gross floor area, plus one (1) space for each six (6) seats in any associated auditorium.
Cultural and Recreation Services	Art Galleries, Libraries, Museums, Zoological and Botanical Gardens, Planetariums and Aquariums: One (1) space for each 800 sq. ft. of gross floor area.
Swimming Pools:	Thirty (30) percent of capacity.
Parks, Playgrounds and Playfields:	Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.

Recreation Centers and Gymnasiums:	Fifty (50) percent of the capacity, plus one (1) space for each two (2) employees.
Essential Services	Two (2) spaces per facility.
Extensive Impact	Airports, Air Cargo Terminals, Heliports, or Aeronautical Devices: One (1) space for each two (2) employees, plus one (1) space for every 100 sq. ft. of gross floor area.
Correctional or Detention Institutions:	One (1) space for each two (2) employees, plus one (1) space for each patrol car.
Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities:	Two (2) spaces minimum. The Board of Zoning Appeals may require more.
Railroad, Bus, and Transit Terminals:	One (1) space for each 100 sq. ft. of waiting room.
Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards:	One (1) space for each two (2) employees.
Stadiums, Sports Arenas, Auditoriums, and Bandstands:	One (1) space for every four (4) seats.
Water and Sewage Treatment Plants:	One (1) space for each employee.
All Other Activities:	The Board of Zoning Appeals shall determine based upon pertinent factors of the use.
Health Care Facilities Centers for Observation or Rehabilitation, Convalescent Homes:	One (1) space for each four (4) beds, plus one (1) space for each 1,000 sq. ft. of gross floor area.
Hospitals:	One and one-half (1 1/2) spaces for each bed.
Medical or Dental Clinics:	Three (3) spaces for each staff member or doctor or dentist.
Intermediate Impact:	Colleges, Junior Colleges and Universities: One (1) space for each 1,000 sq. ft. of gross floor area suited for academic purposes, plus one (1) space for each six (6) seats in an auditorium, arena, or stadium on the same lot.
All Other Activities:	The Board of Zoning Appeals shall determine based upon the pertinent factors of the use.
Personal and Group Care Associations for Physically or Mentally Handicapped:	One (1) space for each employee.
Day Care Centers:	One (1) space for each employee.
Group Home Physically or Mentally Handicapped:	One (1) space for each employee.
Nursing Homes:	One (1) space for each employee, plus one (1) space for each two patients.
Retirement or Rest Homes:	One (1) space for each employee plus, one (1) space for each two patients.
Religious Facilities All Activity Types:	One (1) space for each three (3) seats.

D. Commercial Activities

One (1) accessory off-street parking space shall be provided for the specified number of square feet of gross floor area (or fraction thereof) or other measures as noted for the following activities:

Activity	Gross Floor Area (Square Feet)
Animal Care and Veterinarian Services	300
Automotive Services and Repair	One (1) space for each employee, plus four (4) spaces for each service bay.
Building Materials and Farm Equipment	1,000 plus one (1) space for each employee.
Consumer Repair Services	400
Construction Sales and Services	1,000
Convenience Commercial	150
Entertainment and Amusement Services, Art Galleries	800
Batting and Golf Ranges	1 space per station or cage, plus 1 space per employee on the largest work shift
Bowling Alleys	Five (5) spaces for each alley
Billiard Parlor	300
Coin Operated Amusement Arcades	200
Dance Halls, Studios, Schools and Skating Rinks	100
Exhibitions Halls, Auditoriums	40% of capacity (one (1) space for each seat at this capacity.)
Motion Picture and Legitimate Theater	One (1) space for each five (5) seats.
Financial, Consultive, and Administrative Services	400
Food and Beverage Services (Amended by Ordinance 09-13)	100
Food Service Drive-In	100
General Business and Communication Services	400
General Personal Services, Funeral and Crematory Services	one (1) space for each 100 sq. ft. of gross floor area or where a chapel is provided, one (1) space for each four (4) seats.
All Others	400
General Retail Trade	250
Group Assembly	One (1) space for each four (4) seats or as determined by the Board of Zoning appeals.
Medical and Professional Services	400
All Commercial Shopping Centers	5.5 Parking spaces (more than 3 stores) per 1,000 sq. ft. of gross leasable floor area
Transient Habitation	One (1) space for each room to be rented, plus one (1) space for each two (2) employees.

Transport and Warehousing	2 plus one (1) space for each 5,000 sq. ft. of open storage area.
Vehicular, Craft, and Related Equipment	500
Wholesale Sales	1,000

E. Manufacturing Activities

One (1) space for each 1,500 square feet of gross floor area or one (1) space for each three (3) employees during the largest shift, whichever is greater.

F. Agricultural, Resource Production, or Extractive Activities

<u>Activity Type</u>	<u>Unit of Measurement</u>
Agricultural Services	One (1) space for each employee and for veterinary services, one (1) space for each 300 sq. ft. of gross floor area.
Commercial Feed Lots and Stockyards	To be determined by the Board of Zoning Appeals.
Mining, Drilling, and Quarrying	One and one-half (1 1/2) spaces for each two (2) employees.
Plant and Forest Nurseries	Five (5) spaces, plus one (1) space for each five (5) acres.

G. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

H. Off-Site Parking Requirements

Off-street parking space accessory to any permitted use may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:

- (1) Such spaces are not located within a residential or agricultural district;
- (2) There is no way to arrange such spaces on the same zone lot as such use;
- (3) Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;
- (4) Such spaces are located no further than 200 feet from the nearest boundary of the zone lot to which they are accessory;

- (5) Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and
- (6) Such spaces conform to all applicable district regulations of the district in which they are located.

I. Off-Street Parking Lot Design Standards

(1) Design Objectives

Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design.

For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

(2) Submission of Site Plan

Any application for a zoning permit, or for a conditional use permit where no zoning permit is necessary, that requires five or more accessory off-street parking spaces to be provided on a zone lot, shall include a site plan - drawn to scale and fully dimensioned and be attached to said application showing the location, design and layout of such parking facilities and approved by the planning commission. A site plan drawn to meet the requirements of Section 11-1303 F. (2) will comply.

(3) Access Control

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply. These regulations are shown on the following illustrations.

(a) Maximum width of driveway openings at the property line:

Residential uses - Twenty-five (25) feet.

Gasoline service stations, freight and truck terminals, or other commercial and industrial uses customarily having a large volume of tractor-trailer vehicle traffic: Forty (40) feet.

All other non-residential uses: Thirty-five (35) feet.

- (b) Minimum distance from an adjoining interior lot line and a driveway opening - at the street right-of-way line:

Residential uses: Five (5) feet.

Non-residential uses: Twelve and one-half (12 1/2) feet.

- (c) Minimum distance from the intersection of street right-of-way lines on a corner lot and a driveway opening at the right-of-way line:

Residential uses: Twenty-five (25) feet.

Non-residential uses: Twenty-five (25) feet.

- (d) Minimum distance between two driveways serving the same property and which provide access to the same street, measured at property line:

Residential uses: Twenty-five (25) feet.

Non-residential uses: Twenty-five (25) feet.

All uses on a state highway: Twenty-five (25) feet or the same width as the widest driveway, whichever is greater.

- (e) Radius of Curb Return. The curb return radius shall meet the following requirements; provided, however, that no such radius shall exceed the distance between the driveway opening at the property line and the adjoining property line or one-half (1/2) the distance to an adjacent driveway:

Residential uses: Five (5) feet minimum, fifteen (15) feet maximum.

Non-residential uses: Five (5) feet minimum, twenty (20) feet maximum.

- (f) Drainage. All driveways shall be constructed with property drainpipes sized for the amount of water each should carry. Such pipes may be of concrete, metal, or other approved pipes, and headwalls and end walls shall be constructed.

(4) Surfacing

All off-street parking areas (excluding driveways and parking areas of one family detached homes) shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks.

(5) Lighting

Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way as not to create a nuisance, and such lighting shall not exceed 0.5-foot candle at or above any residential district boundary or commercial district boundary where residences are located and permitted.

(6) Parking Stalls

The size of each parking space shall be as shown on the sample layout illustration at the end of this Section (11-807) according to the angle of parking and appropriately marked with painted lines or curbs.

(7) Curbing

Concrete curb, according to City specifications, shall be constructed to facilitate drainage and retain all cars completely within the property together with appropriate landscaping, except at access driveways.

(8) Maneuvering Space

Minimum width of driveways providing maneuvering space within a parking lot for ingress to and egress from parking stalls shall be as follows:

- (a) 90-degree parking - 25 feet
- (b) 60-degree parking - 20 feet
- (c) 45-degree parking - 20 feet
- (d) 30-degree parking - 12 feet

These are shown on the following illustrations.

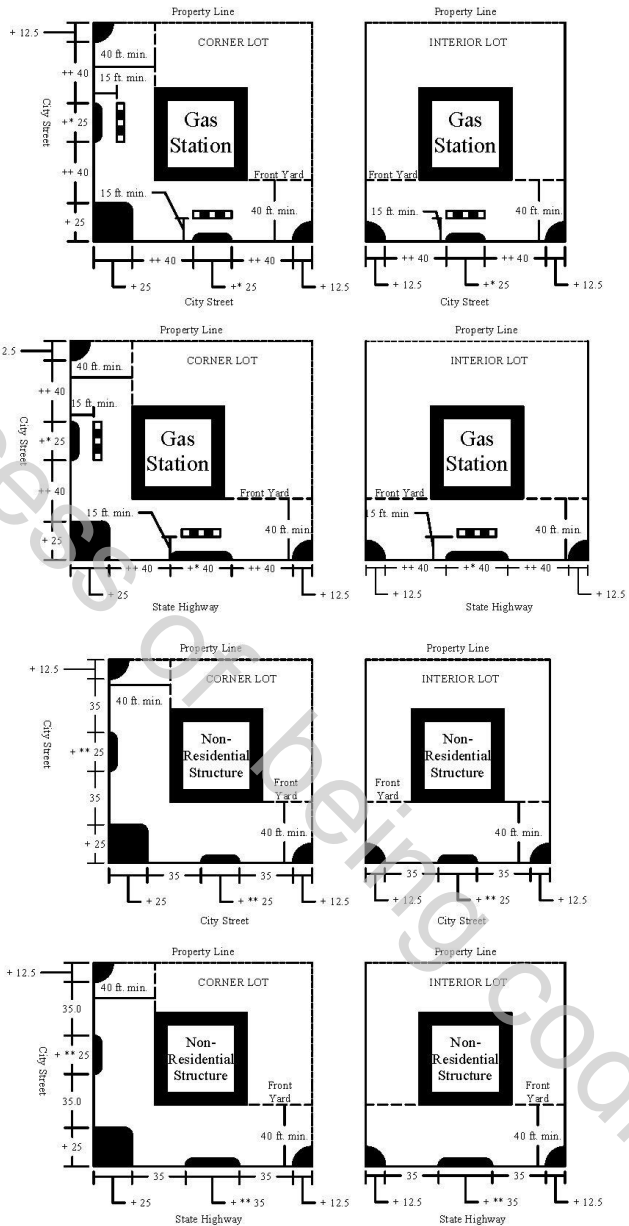
J. Off-street Loading and Unloading Requirements

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such spaces

shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

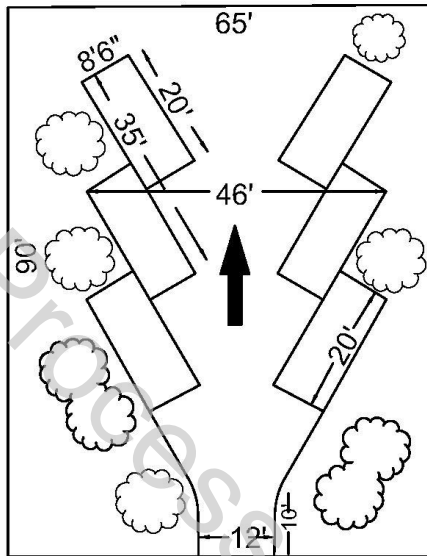
Total Usable Floor Area	Space Required
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

The Board of Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due considerations.

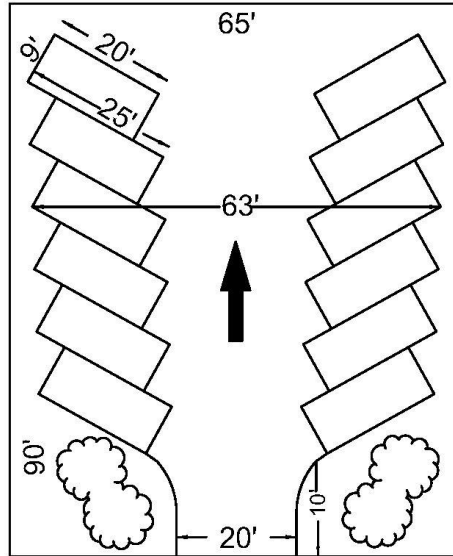


ACCESS CONTROL/DRIVEWAY CONSTRUCTION

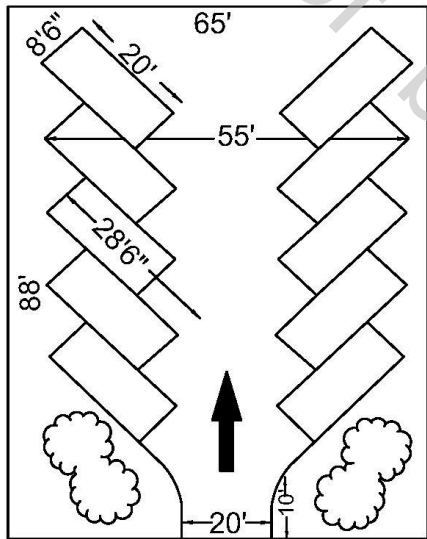
- + NO MAXIMUM
- ++ ALSO APPLIES TO TRUCKING TERMINALS AND OTHER COMMERCIAL AND INDUSTRIAL USES CUSTOMARILY HAVING LARGE TRACTOR-TRAILER VEHICULAR TRAFFIC.
- * 40 FT. MINIMUM ON STATE HIGHWAYS (AT LEAST AS WIDE AS ADJACENT DRIVEWAY/ENTRANCE)
- ** 35 FT. MINIMUM ON STATE HIGHWAYS (AT LEAST AS WIDE AS ADJACENT DRIVEWAY/ENTRANCE)



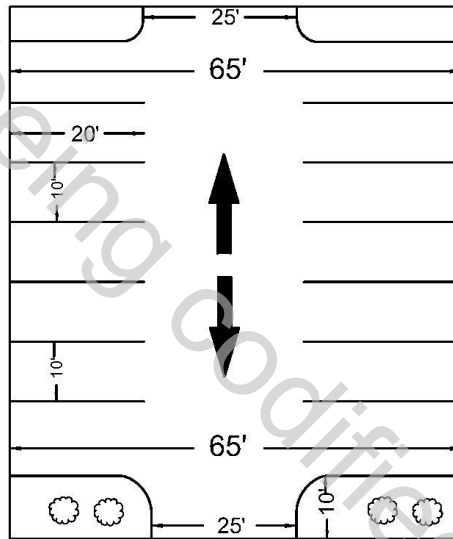
PARKING AT 30 DEGREE ANGLE



PARKING AT 60 DEGREE ANGLE



PARKING AT 45 DEGREE ANGLE



PARKING AT 90 DEGREE ANGLE

EXAMPLE PARKING LOT PLANS

11-808. SIGN REGULATIONS FOR CITY OF SPRINGFIELD

A. TITLE

A section of the Springfield Zoning Ordinance to establish regulations and standards for the construction, maintenance, and removal of signs. This section shall be known as the "Sign Regulations."

B. PURPOSE AND INTENT

- (1) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and property.
- (2) The purpose of our comprehensive sign plan is to create a uniform, easily understood, and very defined set of standards controlling all exterior signage. Our defined parameters are; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

C. APPLICABILITY

These sign regulations shall apply to all exterior signs and signs that are visible from the outside within Springfield city limits.

D. DEFINITIONS (for Sign Regulations only)

Abandoned Sign: Any sign in which the functions of direction, message, and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Administrator: The Community Development Director or their designee whose responsibility it is to administer the provisions of these regulations. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and interpreting and enforcing the provisions of these regulations.

Anchor Stores: Commercial structures of 30,000 square feet or greater, including grocery, department, home supply, or electronic stores.

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

Big-box Stores: Commercial structures of typically 50,000 square feet or greater, including grocery, department, home supply, or electronic stores.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or Plexiglas.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy: The characters, letters, or illustrations displayed on a sign face.

Directional Sign: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

Directory Sign: A sign, which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Electronic Message Sign: A sign conveying a computerized, changeable, message and consisting of panels of individually illuminated lights controlled by a central computer panel and shall be included in total allowable square footage allowed.

Freestanding Sign: The general term for any on-site sign, which is supported from the ground and not attached to a building.

Frontage, Building: The length of a building that faces a public street.

Frontage, Lot: The length of that part of a zoning lot that fronts a public street.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated Sign: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Major Office/Industrial Structures: Single office/mixed use structures of 10,000 square feet or greater, or single industrial structures of 50,000 square feet or greater.

Mansard: An inclined decorative roof-like projection that is attached to an exterior building façade.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Monument Sign: A freestanding sign with a base affixed to the ground, which measures at least two-thirds, the horizontal length of the sign.

Nonconforming Sign: A sign that met all legal requirements when constructed but that is not in compliance with current regulations. An illegal sign is not a nonconforming sign.

Obscene Sign: Any sign that exhibits statements, words, or pictures of an obscene nature, as defined by the United States Supreme Court. (*Amended by Ordinance 15-12*)

Off-Premise Sign: Any sign, which is not located on the premises that it identifies or advertises.

Pole Sign: A freestanding sign with a base at least seven (7) feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

Portable Sign: A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground.

Projecting Sign: A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

Sight Distance Triangle: The land adjoining a street intersection that is kept clear of obstructions between three and seven feet above ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flow lines of two streets at an intersection. Where local streets meet, the legs shall extend 35 feet away from the intersection of the flow lines. Where collector or arterial streets meet, the legs shall extend 45 feet away from the intersection of the flow lines.

Sign: Any device situated outdoors that displays letters, characters, or graphics to identify a land use or attract the public's attention.

Temporary Sign: A sign that is displayed only for a specified period of time.

Wall Sign: A sign painted on or attached to a wall of a building and parallel to the wall.

Window Sign: Any signage inside or outside displayed & visible from outside for advertisement is included in allowable sign square footage.

E. ADMINISTRATION

The Community Development Director or their designee shall have the responsibility and full authority to administer and enforce all provisions of these regulations, other than those provisions specifically reserved for the authority of the Springfield Municipal or Regional Board of Zoning Appeals.

F. PERMIT PROCEDURES

- (1) **Permit Required:** No sign or sign structure, except as provided in Sections (J) (exempt signs) and (O) (nonconforming signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purposes of these regulations, all signs except for temporary signs are considered accessory uses of real property and shall only be permitted and located on the premises of the principal use to which they pertain. No permit for a sign, except temporary signs meeting the requirements of this section, shall be issued for a sign unless the primary use of the property has been established under the provisions of the zoning ordinance.
- (2) **Permit Application:** Applications for sign permits shall be submitted on a form provided by the Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:
 - (a) Application date.
 - (b) Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
 - (c) Address of the property where the sign or sign structure will be erected.
 - (d) Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
 - (e) Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersections.
 - (f) Type of sign (e.g., monument, wall) and general description of structural design and construction materials.
 - (g) Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign.
 - (h) Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.
- (3) **Permit Review, Issuance, and Recording:** The Community Development Director or their designee shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs, which conform to the requirements of these regulations. Such approved applications shall serve as sign permits. The Administrator shall maintain a record of all

sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

- (4) **Inspections:** A final inspection by the Community Development Director or their designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so, ordered by the Administrator.
- (5) **Complaints and Revocations:** The Community Development Director or their designee shall investigate any complaints of violations of these regulations and may revoke a permit if there is any violation of the provisions of these regulations or there was misrepresentation of any material facts in either the application or plans.
- (6) **Fees:** Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the Board of Mayor and Aldermen of the city from time to time by Ordinance.

G. EXPIRATION OF SIGN PERMITS

If an approved sign is not erected within a period of 12 months from the date the permit was originally issued, the permit shall expire and become null and void.

H. REMOVAL

- (1) **Illegal Signs:** The Community Development Director or their designee may remove or order the removal of any sign not in conformance with the provisions of these regulations, at the expense of the sign owner or lessor.
- (2) **Immediate Peril:** If the Community Development Director or their designee shall find any sign, which is an immediate peril to persons or property, the sign, shall be removed. If the Community Development Director or their designee cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.
- (3) **Abandoned signs:** The Community Development Director or their designee shall require a sign to be removed within 90 days of it becoming an abandoned sign.

I. VARIANCES, ADMINISTRATIVE REVIEW AND CONDITIONAL USES

- (1) The Board of Zoning Appeals may make reviews, authorize conditional uses and grant variances for any sign as authorized by Sections 11-1304, 11-1305 and 11-1306 of the Springfield Zoning Ordinance and 13-7-207 of Tennessee Code Annotated.
- (2) Procedures: All requests for variances must be filed with the Board of Zoning Appeals within 30 days of the decision by the Community Development Director or their designee.

J. EXEMPT SIGNS

Sign permits shall not be required for the following:

Addressing and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two square feet in area, and not including any commercial advertising or identification.

Artwork: Works of art that do not include any commercial messages or references and not to be included as part of the allowable square footage.

Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

Directional Signs:

- (1) Signs giving on-site directional assistance for the convenience of the public, not exceeding two square feet in area or located closer than five feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- (2) Church off-premise directional signs shall be located on private property and only with the owner's permission and limited to (2) two signs per church.

Flags, Emblems, Insignia, and Banners: of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed 40 square feet in area and no single zoning lot shall fly more than three such flags. If the total area of such flags exceeds 72 square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed 30 feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to one per zoning lot and shall not exceed 40 square feet in area.

Handicapped Parking Space Sign: Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.

Home Occupation Signs: On-premise identification signs for home occupations shall not exceed two square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

Landscaping signs: During the months of April 1 through October 31, one (1) landscaping sign up to a maximum of 4 square feet may be displayed on premise with property owner permission.

Private Drive Signs: On-premise private drive signs limited to one per drive entrance, not exceeding two square feet in area, with language limited to the words "private drive" and the address of any residences utilizing the private roadway.

Public Signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board of Mayor and Aldermen.

Security and Warning Signs: On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two square feet in area in residential areas and five square feet in commercial and industrial areas.

Temporary Political Signs: On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed 16 square feet and are permitted in addition to any other signs permitted by this ordinance. Signs may be erected 75 days before the event and these signs shall be removed within seven days after the election or political event. Signs cannot be displayed in City or State right of way.

Temporary Real Estate Signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to (1) one per property not exceeding six feet in height and not exceeding four square feet in area in residential zones and eight square feet in area in all other zones. Such signs shall be removed within seven days of the settlement or lease of the property.

Welcome Signs: Monument signs or signs consisting of two poles supporting the face that are erected by governmental jurisdictions, civic clubs, or chambers of commerce to welcome visitors to the community. Such signs shall be located on public right-of-way or private property adjacent to major roadways near the entrance to the city limits, or other appropriate locations. The Board of Mayor and Aldermen shall approve the number, design, size, height, and location of all welcome signs before such signs are erected. All civic clubs shall be required to share a welcome sign at each approved location whenever possible, but in no event shall a shared civic club welcome sign exceed 120 square feet in size.

K. TEMPORARY SIGNS REQUIRING A SIGN PERMIT

The following signs may be erected only after obtaining a temporary sign permit from the Community Development Director or their designee. The permit shall cite the length of time

the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Community Development Director or their designee may remove it and charge the costs of removal to the individual or enterprise responsible.

Special Event Signs: Signs announcing special events including, but not limited to grand openings, special sales new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display three times in a 12-month period a maximum of two signs for up to 7 days prior to a special event, each event not to exceed 45 days. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed 16 square feet in area each and shall be removed immediately following the event.

Temporary Farm Products Signs: Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.

Construction Signs:

- (1) Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one construction sign not exceeding 32 square feet in area and 8 feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
- (2) Temporary signs at construction sites are permitted for the purpose of identifying names of consultants, suppliers, etc., with 4 four square feet maximum and limited to 3 signs per site.

Auction Signs: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet with the property owner's written permission and not in any city or state right of way, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

L. STANDARDS AND CRITERIA

- (1) **Generally:** The regulations in this section specify the number, types, sizes, heights, and locations of signs, which are; permitted within Springfield city limits and which require a permit. Any sign regulations incorporated into a development plan approved by the Board of Mayor and Aldermen may supersede all or part of this Section.

- (2) **Determination of Sign Area:** In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work, frame, or backing incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include all features, and the area of the smallest rectangle that can encompass the letters or sign face. Signs attached to the inside of building windows that exceed twenty-five (25) percent of the window area and are intended to be visible from the exterior of the building shall be counted as part of the wall signage, except that one hundred percent (100%) window coverage is permitted on a temporary basis for no more than sixty (60) days per calendar year. Building signage is calculated based on the building wall dimensions fronting the lot street frontage. Each wall area and sign area are separately figured. The permitted building signage square footage may be partitioned along one additional wall of the building. A maximum fifty (50) percent of the maximum calculated building signage square footage is permitted to be installed on the building walls not fronting the lot street frontage used to calculate the building signage area. The signage installed on all building walls shall not exceed the provisions of this ordinance. *(Amended by Ordinance 16-06)*
- (3) **Determination of Sign Height:** The height of a sign erected within 30 feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.
- (4) **Street Frontage Requirements for Freestanding Signs:** Freestanding signs shall be permitted only on zoning lots with 50 feet or more of street frontage.
- (5) **Spacing of Freestanding Signs:** No freestanding sign shall be erected within 50 feet of another freestanding sign.
- (6) **Installation of Wall Signs:** All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 12 inches.
- (7) **Residential Districts:** Within residential districts, signs authorized in Section (J) (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:

(a) *Single-Family Subdivision Identification Signs*: Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:

- (1) Number: One per main entrance, not to exceed 2 per subdivision
- (2) Type: Monument
- (3) Maximum Size and Height: 48 square feet in area and seven (7) feet in height
- (4) Minimum Setback: Five (5) feet from any property line and outside of all sight visibility triangles

(b) *Multi-Family Complex Signs and Signs for all Other Uses Permitted or Conditionally Allowed in Residential Districts*: Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, and all other uses in residential districts, located at any street or private drive entrance shall be erected as follows:

- (1) Number: One per main entrance, not to exceed 2 per complex
- (2) Type: Monument or pole
- (3) Maximum Size and Heights:
 - (a) Monument Sign: 48 square feet in area and seven (7) feet in height
 - (b) Pole Sign: 16 square feet in area and 12 feet in height with the base of the sign at least 7 feet above the ground
- (4) Minimum Setback: Monument sign five (5) and Pole Sign ten (10) feet from any property line and outside of all sight visibility triangles

(c) *Accessory Management or Rental Office Signs*: Signs that identify an accessory management or rental office shall be erected as follows:

- (1) Number: One
- (2) Type: Wall
- (3) Maximum Size and Heights: 6 square feet in area and located below the roofline

(8) **Commercial and Industrial Districts**: Within commercial and industrial districts, signs authorized in Section (J) (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:

(a) *Signs Facing Residential Areas*: Any sign erected within 100 feet of either an existing residential use or a residential zoning district shall be internally illuminated and limited to a monument sign.

(b) *Minimum Setbacks:* Monument sign and sign structures must be located at least five feet from any property line and outside of all sight visibility triangles. Pole sign and sign structures must be located at least ten feet from any property line and outside of all sight visibility triangles.

(c) *Zoning Lots with One Establishment:* Any establishment located on a zoning lot with one establishment may erect signs as follows:

(1) Number: Multiple building type signs but the total of all building signage shall not exceed the maximum calculated wall signage area. In no case shall two freestanding signs be allowed on the same zone lot.

(2) Types: Wall, monument, pole, awning, canopy, or marquee or projecting.

(3) Maximum Sizes and Heights:

(a) Wall or marquee signs shall meet the standards of the following:

Structure Type	Base Allowance (Structure Total)	Additional Allowance	Maximum Allowed Per Wall
General Commercial/Industrial	75 square feet	One s.f. for every 1.f. of structure wall that exceeds 75 l.f	125 square feet
Anchor	350 square feet	None	350 square feet
Big Box	875 square feet	None	875 square feet
Major Office/Industrial	350 square feet	None	350 square feet

If two units exist, neither unity may use more than one half (1/2) of the maximum allowable signage. The top of all wall and marquee signs shall be below the roofline and at a height no greater than 20 feet above the ground.

(b) Pole Sign: One square foot of sign area per two linear feet of lot frontage up to a maximum of 150 square feet. The top of the sign shall not exceed 30 feet in height and the base of the sign shall be at least 7 feet above the ground.

(c) Monument Sign: One square foot of sign area per two linear feet of lot frontage up to a maximum of 60 square feet in area. The height shall not exceed one foot in height per 15 linear feet of lot frontage with a maximum of 8 feet in height. Properties with limited frontage may install a monument sign 7 feet in height.

- (d) Awning or Canopy Sign: One square foot per two linear feet of awning or canopy, up to a maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.
- (e) Projecting Sign: One (1) square foot of sign area per two (2) linear feet of building wall onto which the projecting sign is to be installed up to a maximum of sixteen (16) square feet in sign square footage area. The lowest portion of the projecting sign shall be a minimum eight (8) feet above a walking surface. No portion of a projecting sign shall be above the roof line of the building on which the sign is attached or exceed twenty (20) feet in height. A sign is not to project more than four (4) feet from the building or structure wall and shall not project over vehicular traffic lanes. A sign is to be internally illuminated and constructed of exterior grade materials. A projecting sign which overhangs a public sidewalk shall require an engineer designed plan or specification to ensure compliance with building code provisions.

(d) Multiple Structures-on Single Zoning Lots:

Multiple structures on single zoning lots that do not constitute a shopping center may erect one monument sign calculated at one square foot of sign area per two linear feet of lot frontage up to a maximum 60 square feet in area. The height shall not exceed one foot in height per 15 linear feet of lot frontage with a maximum 8 feet in height and properties with limited frontage may install a monument sign 7 feet in height or one pole sign calculated at one square foot of sign area per two linear feet of lot frontage up to a maximum of 150 square feet. The top of the sign shall not exceed 30 feet in height and the base of the sign shall be at least 7 feet above the ground. In addition, each establishment located on a single zoning lot with two or more establishment may erect one sign as follows:

Single buildings on single zone lots with multiple occupancies may install multiple building type signs, but the total of all building signage areas shall not exceed the maximum calculated wall signage area per linear foot of wall, for each occupancy.

DEFINE THE ABOVE (calculated per wall, per occupancy)

- (1) Type: Wall, awning, canopy, marquee or projecting.
- (2) Maximum Size and Height:

- (a) Wall or Marquee signs shall meet the standards of the following:

Structure Type	Base Allowance (Structure Total)	Additional Allowance	Maximum Allowed Per Wall
General Commercial/Industrial	75 square feet	One s.f. for every 1.f. of structure wall that exceeds 75 l.f	125 square feet
Anchor	350 square feet	None	350 square feet
Big Box	875 square feet	None	875 square feet
Major Office/Industrial	350 square feet	None	350 square feet

If two units exist, neither unit may use more than one half (1/2) of the maximum allowable signage. The top of all wall and marquee signs shall be below the roofline and at a height no greater than 20 feet above the ground.

- (a) Awning or Canopy Sign: One square foot per two linear feet of awning or canopy, up to a maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.
- (b) Projecting sign: One (1) square foot of sign area per two (2) linear feet of building wall onto which the projecting sign is to be installed up to a maximum of sixteen (16) square feet in sign square footage area. The lowest portion of the projecting sign shall be a minimum of eight (8) feet above a walking surface. No portion of a projecting sign shall be above the roof line of the building of which the sign is attached or exceed twenty (20) feet in height. The sign is not to project more than four (4) feet from the building or structure wall and shall not project over vehicular traffic lanes. A sign is to be internally illuminated and constructed of exterior grade materials. A projecting sign which overhangs a public sidewalk shall require an engineer designed plan or specification to ensure compliance with building code provisions.

(e) Shopping Centers:

Shopping centers with three or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

- (1) Center Identification Sign: One monument or pole sign per center, identifying the name of the center. In addition to identifying the name of the center, the sign may identify any individual establishments within the center.

- (a) Monument Sign: One square foot of sign area per two linear feet of lot frontage up to a maximum 80 square feet in area. The height shall not exceed one foot in height per 15 linear feet of lot frontage with a maximum 10 feet in height. Properties with limited frontage may install a monument sign 7 feet in height.

(b) Pole Sign: Each sign may have a maximum of 200 square feet. The height shall not exceed 30 feet. The base of sign shall be at least 7 feet above ground.

(2) Individual Establishment Signs: No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may install multiple building type signs but the total of all building signage areas shall not exceed the calculated wall signage area per linear foot of wall, for each occupancy.

(a) Wall or Marquee signs shall meet the standards of the following:

Structure Type	Base Allowance (Structure Total)	Additional Allowance	Maximum Allowed Per Wall
General Commercial/Industrial	75 square feet	One s.f. for every 1.f. of structure wall that exceeds 75 l.f	125 square feet
Anchor	350 square feet	None	350 square feet
Big Box	875 square feet	None	875 square feet
Major Office/Industrial	350 square feet	None	350 square feet

The top of all wall and marquee signs shall be located below the roofline and at a height no greater than 20 feet above the ground.

(b) Awning or Canopy Sign: One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

(c) Projecting Sign: One (1) square foot of sign area per two (2) linear feet of building wall onto which the projecting sign is to be installed up to a maximum of sixteen (16) square feet in sign square footage area. The lowest portion of the projecting sign shall be a minimum eight (8) feet above a walking surface. No portion of a projecting sign shall be above the roof line of the building of which the sign is attached or exceed twenty (20) feet in height. The sign is not to project more than four (4) feet from the building or structure wall and shall not project over vehicular traffic lanes. A sign is to be internally illuminated and constructed of exterior grade material. A projecting sign which overhangs a public sidewalk shall require an engineer designed plan specifications to ensure compliance with building code provisions.

(f) *Gasoline Stations:* Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping

centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

- (1) Changeable Fuel Price Signs: Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price shall be included in determining the sign area for the business.
 - (2) Gas Pump Signs: Each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.
- (g) *Office and/or Industrial Centers*: Office and/or industrial centers at least two acres in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:
- (1) Center Identification Signs: One monument sign per public street frontage, not to exceed a total of 2 monument signs, identifying the name of the center only and not exceeding 48 square feet in area and 7 feet in height.
 - (2) Individual Building Signs: Where an office and/or industrial center is comprised of two or more buildings, each individual building may erect one monument sign, not to exceed 24 square feet in area and 7 feet in height, identifying the principal establishment within a building.
 - (3) Individual Establishment Signs: Each individual establishment within an office and/or industrial building may erect one wall sign, and shall meet the standards of the following:

Structure Type	Base Allowance (Structure Total)	Additional Allowance	Maximum Allowed Per Wall
General Commercial/Industrial	75 square feet	One s.f. for every 1.f. of structure wall that exceeds 75 l.f	125 square feet
Anchor	350 square feet	None	350 square feet
Big Box	875 square feet	None	875 square feet
Major Office/Industrial	350 square feet	None	350 square feet

If two units exist, neither unit may use more than one half (1/2) of the maximum allowable signage. The top of the wall sign shall be located below the roofline and at a height no greater than twenty (20) feet above the ground. Each individual establishment may install one projecting sign and the square footage of the projecting sign shall be calculated in the total permitted wall signage square footage. The projecting sign shall not exceed one (1) square foot of sign area per two (2) linear feet of building wall onto which projecting sign is to be installed up to a maximum of sixteen (16) square feet in sign square footage area. The lowest portion of the projecting sign shall be a minimum of eight (8) feet above a walking surface. No portion of a projecting sign shall be above the roof line of the building on which the sign is attached or exceed twenty (20) feet in height. The sign is not to project more than four (4) feet from the building or structure wall and shall not project over vehicular traffic lanes. A sign is to be internally illuminated and constructed of exterior grade materials. A projecting sign which overhangs a public sidewalk shall require an engineer designed plan or specifications to ensure compliance with building code provisions.

- (h) *Directory Signs:* Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 15 square feet in area and 6 feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.
- (i) *Theaters:* Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production
- (j) *Shopping Centers of 75,000 square feet or more:*
 - (1) *Center Identification Sign:* One monument or pole sign per center, identifying the name of the center. In addition to identifying the name of the center, the sign may identify individual establishment within the center.
 - (a) *Monument Sign:* One square foot of sign area per two linear feet of lot frontage up to a maximum 100 square feet in area. The height shall not exceed one foot in height per 15 linear feet of lot frontage with a maximum 12 feet in height. Properties with limited frontage may install monument sign 7 feet in height.

- (b) Pole sign: Each sign may have a maximum of 200 square feet. The height shall not exceed 30 feet. The base of the sign shall be at least 7 feet above the ground.

(2) Wall signs shall meet the standards of the following:

Structure Type	Base Allowance (Structure Total)	Additional Allowance	Maximum Allowed Per Wall
General Commercial/Industrial	75 square feet	One s.f. for every 1.f. of structure wall that exceeds 75 l.f	125 square feet
Anchor	350 square feet	None	350 square feet
Big Box	875 square feet	None	875 square feet
Major Office/Industrial	350 square feet	None	350 square feet

The top of all wall and marquee signs shall be below the roofline and at a height no greater than 30 feet above the ground. Each individual establishment may install one projecting sign and the square footage of the projecting sign shall be calculated in the total permitted wall sign square footage. The projecting sign shall not exceed one (1) square foot of sign area per two (2) linear feet of building wall onto which the projecting sign is to be installed up to a maximum of sixteen (16) square feet in sign square footage area. The lowest portion of the projecting sign shall be a minimum eight (8) feet above a walking surface. No portion of the projecting sign shall be above the roof line of the building on which the sign is attached or exceed twenty (20) feet in height. The sign is not to project more than four (4) feet from the building or structure wall and shall not project over vehicular traffic lanes. A sign is to be internally illuminated and constructed of exterior grade materials. A projecting sign which overhangs a public sidewalk shall require an engineer designed plan or specification to ensure compliance with building code provisions.

- (9) **Other Uses:** In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Administrator shall make a written interpretation, which shall be kept in the permanent record for that application.

(10) **Electronic Message Signage**

- (a) *Electronic Message Display:* Signs that only contain gas prices and time and temperature shall only meet maximum lighting intensity requirements and image duration requirements listed below.

- (b) *Number and location:* One (1) electronic message sign per property. Signs shall be located 100 feet outside of intersections and not installed in locations that will directly block or confuse a driver's view. Signs shall be spaced 200 feet from any other electronic message signs along roadways, unless the applicant can coordinate the content timing of the signs to be consistent with signs within 200 feet of an existing electronic message sign. The distance shall be measured along roadways not straight lines between signs.
- (c) *Zoning Districts:* Electronic Message Signs shall be permitted in all commercial and industrial zoning districts. The Planning Commission shall review and may approve proposed locations of signs in planned unit development zoning overlay districts if the intent and requirements of the ordinance are met. The Board of Zoning Appeals may review proposals for religious, group assembly, school and day care uses and uses permitted by special exception in residential and agricultural zoning districts provided that the intent of the ordinance are met.
- (d) *Maximum Size:* An electronic message signs shall be limited to seventy-five percent (75%) of the permitted sign type square footage.
- (e) *Illumination and Brightness:* The sign during daytime hours shall be a maximum light intensity of 7,500 nits and during night time hours shall be a maximum intensity of 750 nits.
- (f) *Message Duration:* Images shall remain static for a minimum of eight (8) seconds and image changes and scrolling shall be accomplished within two (2) seconds or less. Images shall not flash and include sudden blasts of lights. Message shall not contain continuous scrolling and animation.

M. CONSTRUCTION AND MAINTENANCE

- (1) *Building Code Compliance:* All signs shall be constructed in compliance with the International Building Code.
- (2) *General Restrictions:* Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in Section (J) of these sign regulations.
- (3) *Condition of Signs:* All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

N. PROHIBITED SIGNS

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

Animated and Moving Signs: Including, but not limited to, pennants, flags with commercial messages, streamers, banners, propellers, discs, and searchlights.

Flashing Signs: Any signs that include lights, which flash, blink, or turn on and off intermittently, not including time and temperature signs.

Glaring Signs: Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Administrator.

Inflatable Signs and Objects: Including, but not limited to, balloons.

Obscene Signs: Any sign that exhibits statements, words, or pictures of an obscene nature, as defined by the United States Supreme Court.

Portable Signs: Any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs.

Poster and Handbills: Any signs affixed to trees or other natural vegetation, rocks, or utility poles.

Roof Signs: Any signs, which are erected on a roof or which, extend in height above the roofline of the building on which the sign is erected.

Simulated Traffic Signs and Obstructions: Any sign, which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

Strings of Lights: Including lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.

Vehicular Signs: Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of these regulations, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

O. NONCONFORMING SIGNS

(1) **Generally:** Any sign which does not conform to the provisions herein on the date of enactment of this ordinance or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.

(2) **Removal:** Nonconforming signs may remain, provided they are maintained in good repair, except for the following:

- (a) **Damage or Destruction of Sign:** A nonconforming sign which is damaged or destroyed to the extent of 50 percent or more of its sign face and this is to be determined by a reputable sign company at the owner's expense shall not be altered, replaced, or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than 50 percent of the sign face, the sign may be restored within one year of the damage or destruction, but shall not be enlarged in any manner.
 - (b) Any sign not maintained in good repair including rust, loose bolts, any damage that could cause danger to the public shall be immediately repaired or loses non-conformity.
 - (c) **Damage or Destruction of Use:** A nonconforming sign shall be removed according to the provisions of Section (I) of these regulations if the structure or use to which it is accessory is damaged or destroyed to the extent of 50 percent or more of the principal structure's appraised value.
 - (d) **Change of Use:** Whenever the use, owner, or occupant of a property changes, including but not limited to redevelopment of the site, change of the occupant, or alteration of remodeling of the structure, all non-conforming and non-complying signs shall be removed and the site brought into compliance.
- (3) All sections of this ordinance with respect to nonconforming signs are severable and shall be interpreted and enforced in the most restrictive manner possible consistent with Tennessee Code Annotated 13-7-208 as it currently exists or as it may be amended.

P. SEVERABLE NATURE OF REGULATIONS

The various sections, subsections, paragraphs, and clauses of these regulations are severable and, in the event, that any section, subsection, paragraph, or clause is adjudged invalid, the remainder of these regulations shall remain in full force and effect.

Q. PROTECTION OF FIRST AMENDMENT RIGHTS

Any sign, display, or device allowed under these regulations may contain any otherwise lawful message.

R. SIGNS FOR EDUCATIONAL AND MEDICAL CAMPUSES

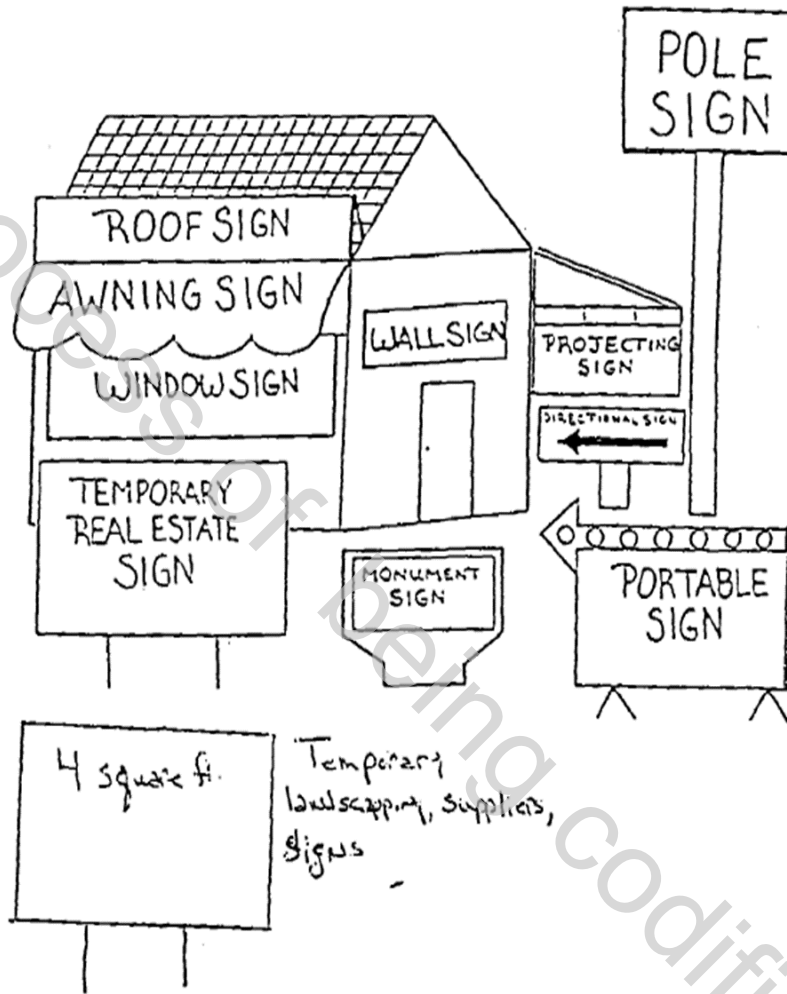
(1) **DEFINITIONS:**

Educational Campus: An Educational Campus is a contiguous area of land constituting and making up the grounds of a college or university. It contains the main building or buildings and other accessory buildings or uses on the site.

Medical Campus: A medical campus is a contiguous area of land consisting of a hospital or medical center offering a full range of in-patient and out-patient medical services including an emergency room, intensive care unit, pharmacy, medical laboratories and cafeteria offering services twenty-four (24) hours a day, seven (7) days a week; and one or more medical professional office buildings or clinic staffed by physicians and other medical or health care professionals affiliated with the hospital or medical center, or occupying medical professional office buildings that are owned by the hospital or medical center.

- (2) Exceptions to the sign regulations may be granted for medical or educational campus facilities. A comprehensive plan for the signage of the campus must be prepared by the developer's architect or engineer and submitted to the Planning Commission for review and approval before a building permit for the signs is issued.

Process of being codified



11-809 Wireless Telecommunication Towers and Antennas

A. Purpose

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the municipal boundaries and planning region;
- (4) Strongly encourage the joint use of existing tower sites as a primary option;
- (5) Encourage the use of existing structures as a secondary antenna siting option;
- (6) Strongly encourage the joint use of new tower sites as a third option, rather than construction of additional single-use towers;
- (7) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (8) Encourage developers of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (9) Enhance the ability of the community quickly, effectively, and efficiently;
- (10) Consider the effects on the public health and safety of communication towers;
- (11) Avoid potential damage to adjacent properties from tower failure through professional engineering and careful siting of tower structures.

In furtherance of these goals, the Board of Mayor and Aldermen shall give due consideration to the City of Springfield's comprehensive master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Definitions

As used in this ordinance, the following terms shall have the meanings set forth below:

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Back-haul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Equipment Building means any building, structure, or cabinet, either site built or prefabricated, used to store or house equipment related to the operation of an antenna or antennas.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

C. Applicability

- (1) New Towers and Antennas: All new towers or antennas in the City of Springfield shall be subject to these regulations, except as provided in Sections 11-809(C)(2) through (C)(5), inclusive.
- (2) Amateur Radio Station Operator/Receive Only Antennas: CHAPTER 8 shall not govern any tower, or the installation of any antennas, that is under forty feet in height and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas.

- (3) Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 11-809(D)(6) and D (7).
- (4) AM Array: For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system, which functions as an AM broadcasting antenna, shall be considered one tower. Setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- (5) Municipal Facilities: Antennas or towers located on property owned, leased, or otherwise controlled by the City shall be exempt from regulation by this Ordinance.
- (6) Homeland Defense: Antennas or towers located on property owned, leased, or otherwise controlled by federal, state, county, or municipal governments and used for public safety communications or homeland defense purposes shall be exempt from regulation by this ordinance.

D. General Requirements

- (1) Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) Lot Size: For purpose of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) Inventory of Existing Sites: Each applicant for an antenna (whether or not to be collocated) or tower shall provide to the Community Development Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the municipal boundaries of the City of Springfield or within Springfield's planning region, including specific information about the location, height, and design of each tower.

Each applicant for a new tower shall provide to the Community Development Director an inventory of all existing towers, sites approved for towers or antennas, and existing structures that are suitable to support antenna location, within the required tower separation distance, set forth at Section 11-809(F)(2)(e)(ii)(a), Table 2. The applicant shall provide the name, address and phone number of the owner/operator of the existing towers, sites approved for towers, and existing structures that are suitable to support antenna location.

The Community Development Director may share such information with other applicants applying for administrative approvals or Conditional Use permits under this Ordinance or other organizations seeking to locate antennas or towers within the jurisdiction of the City of Springfield. However, the Community Development Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction or antenna installation.

(4) Aesthetics: Towers and antennas shall meet the following requirements

- (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) The design of equipment buildings and sites shall comply with the applicable regulations set forth in Section 11-809(G), and use materials, colors, textures, screening, and landscaping that will make the equipment buildings as visually unobtrusive as possible.
- (c) If an antenna is installed on a structure, other than a tower, the antenna, supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna, supporting electrical and mechanical equipment, and equipment building as visually unobtrusive as possible.
- (d) The use of an Alternative Tower Structure is recommended and may be required for any tower proposed to be located outside of a RI Restricted Industrial District. The likelihood that an Alternative Tower Structure will be required shall increase as the separation distance between a proposed tower and residentially zoned districts decreases.

(5) Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen

must cause the least disturbance to the surrounding views. Where lighting is required by the FAA or other applicable authority, such lighting shall be of the "dual lighting" provisions as defined by the FAA (white during the day and red during the evening hours). In the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA or other applicable authority. However, where this alternative will result in greater visual obtrusiveness than "dual lighting" shall be required, unless the FAA or other applicable authority explicitly requires marking. White flashing lighting at night is strictly prohibited under this Ordinance.

- (6) State or Federal Requirements: All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. Applicants for new towers must certify that their proposal meets or exceeds all such standards and regulations. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) Building Codes and Safety Standards: To ensure the structural integrity of towers, tower owners shall maintain them in compliance with standards contained in applicable state and/or local building codes, as amended from time to time. Generally, if, upon inspection, the City of Springfield concludes that a tower fails to comply with such codes and standards, written notice shall be provided to the owner of the tower, and the owner shall have thirty (30) days to bring said tower into compliance with such codes and standards. However, if upon inspection, the City of Springfield concludes that the noncompliance constitutes a danger to persons or property, the written notice shall provide a time period that correlates to the urgency of the danger. Failure to bring an in-compliant tower into compliance within the specified time period provided in the written notice shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (8) Measurement: For purposes of measurement, tower setback and separation distances shall be calculated and applied to facilities located in the municipal boundaries and

planning region irrespective of municipal, planning region, and county jurisdictional boundaries.

- (9) Franchises: Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and/or permits required by law for the construction and/or operation of a wireless communication system in the City of Springfield have been obtained and shall file a copy of all required franchises with the city.
- (10) Public Notice: For purposes of Section 11-809, any conditional use permit request, variance request, or appeal of a decision regarding an administratively approved use shall require public notice to all abutting property owners and all property owners of properties that are located wholly or partially with the corresponding separation distance listed in Section 11-809(F)(2)(e)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance. The applicant shall be responsible for providing a tax map with a corresponding list of affected property owners at the time that the application for a conditional use permit is submitted.
- (11) Signs: No signs shall be allowed on an antenna or tower except for any structure identification sign as may be required by the FCC or the FAA. Such sign shall not exceed 10" by 15" and is to be mounted at the base of the structure no higher than 6 feet from the ground.
- (12) Equipment Buildings: Equipment Buildings and supporting electrical and mechanical equipment associated with antennas or towers shall comply with the requirements of Sections 11-809(D)(4)(b), 11-809(D)(4)(c), and 11-809(G).
- (13) Multiple Antenna/Tower Plan: The City of Springfield encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.
- (14) Application Review Fees: Applications for Administrative Approvals and Conditional Use Permits shall be accompanied by a non-refundable fee as established by resolution of Springfield's Board of Mayor and Aldermen, to reimburse the City for the costs of reviewing the application.

E. Administratively Approved Uses

- (1) General: The following provisions shall govern the issuance of administrative approval for towers and antennas.
 - (a) The Community Development Director may administratively approve the uses listed in Sections 11-809(E) (2).
 - (b) The Community Development Director shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Community Development Director fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be administratively approved.
 - (c) Whether approving or denying a request for administrative approval, the Community Development Director shall respond in writing. If the response is in the negative, the Community Development Director shall stipulate the basis for the denial in detail, including an analysis of the considerations listed under Section 11-809(F)(2)(b).
 - (d) If an administrative approval is denied, the applicant may file an appeal in accordance with Section 11-1304(D)(2) of this Ordinance.
 - (e) In considering an appeal of a decision by the Community Development Director, regarding a request for an administrative approval of a new tower in a RI Restricted Industrial District, the Board of Zoning Appeals shall consider the Community Development Director's findings, including his or her analysis of the considerations listed under Section 11-809(F)(2)(b).
- (2) List of Administratively Approved Uses: The following uses may be approved by the Community Development Director after conducting an administrative review.
 - (a) Locating antennas on existing structures. Any antenna, which is not attached to a tower or an alternative tower structure, may be approved by the Community Development Director as an attachment use to any, industrial structure, institutional structure, utility structure, or multi-family dwelling structure of four (4) or more stories.
 - (i) The following information shall be submitted with a written request to locate antennas on existing structures.

- (a) Three copies of scaled building plans clearly indicating how the proposed antennas will be situated on the existing structure and all supporting electrical and mechanical equipment. See Section 11-809(D)(4)(c).
 - (b) Plans for any proposed equipment buildings. See Section 11-809(D)(4)(b).
 - (c) Certification that the proposal meets or exceeds current standards and regulations of the FCC, FAA, and any other agency of the state or federal government with the authority to regulate antennas.
 - (d) Proof of ownership of the support structure or authorization to attach to the structure.
 - (e) A report by a professional engineer establishing the structural integrity of the support structure for the proposed antenna location.
- (ii) In reviewing a request to administratively approve the locating of antennas on existing structures, the Community Development Director shall verify compliance with the following:
- (a) The antenna does not extend more than thirty feet (30') above the highest point of the structure;
 - (b) The antenna complies with all applicable building codes;
 - (c) Accessory equipment buildings, if proposed, comply with Section 11-809(D)(4)(b); and
 - (d) Antennas and supporting electrical and mechanical equipment comply with Section 11-809(D)(4)(c).
- (b) Collocating antennas on existing towers: In order to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas, by more than one carrier on existing towers, shall take precedence over the construction of new towers. Antennas proposed for attachment to an existing tower, may be administratively approved by the Community Development Director.
- (i) The following shall be submitted with a written request to collocate:
- (a) A scaled site plan showing the location, type, and height of the existing tower and depicting the proposed antenna to be co-located.
 - (b) Plans for any proposed equipment buildings. See Section 11-809(D)(4)(b).

- (c) Certification that the proposal meets or exceeds current standards and regulations of the FCC, FAA, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - (d) The graphic description (survey) of the parent tract, leased parcels (if applicable), and any easements necessary.
 - (e) Proof of ownership of the proposed site or authorization to use the proposed site.
 - (f) A report by a professional engineer establishing the structural integrity of the existing tower for the proposed co-location.
- (ii) In reviewing a request to administratively approve the collocating of antennas on existing towers, the Community Development Director shall verify compliance with the following:
- (a) The antenna complies with all applicable building codes. See Section 11-809(D)(7).
 - (b) Accessory equipment buildings, if proposed, comply with Section 11-809(D)(4)(b).
- (iii) Tower height alteration for collocation. A tower may be modified or reconstructed to accommodate the collocation of additional antennas in accordance with the following.
- (a) A tower, which is modified or reconstructed to accommodate the collocation of additional antennas, shall be of the same tower type as the existing tower, unless the Community Development Director allows reconstruction as a monopole.
 - (b) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30') feet over the existing tower's height, to accommodate the collocation of additional antennas. The height increase may only occur, by administrative approval, one time per tower. Additional height alterations or alterations increasing tower height more than thirty feet (30') feet shall require a conditional use permit. See Section 11-809(F).
 - (c) A tower's pre-alteration height shall be used to calculate distance separations, if the tower proposed for on-site relocation.

- (iv) On-site tower relocations for collocation. A tower which is being rebuilt to accommodate the collocation of additional antennas may be moved on-site within fifty (50) feet of its existing location.
- (a) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (b) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating tower separation distance pursuant to Section 11-809(F) (2) (e) (ii), Table 2. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this Section.
 - (c) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 11-809(F)(2)(e)(i), Table 1., shall only be permitted by conditional use permit. See Section 11-809(F).
 - (d) If a tower is moved on site and a new equipment building is used, it shall comply with Section 11-809(D)(4)(b).
 - (e) The on-site relocation tower shall provide for collocation of a minimum of one (1) additional antenna or for a minimum of three (3) total antennas, whichever is greater.
 - (f) A relocated tower may be modified or rebuilt to a taller height, not to exceed thirty (30') feet over the existing tower's height, to accommodate the collocation of additional antennas. The height increase may only occur, by administrative approval, one time per tower. Additional height alterations or alterations increasing tower height more than thirty feet (30') shall require a conditional use permit. See Section 11-809(F).
 - (g) A written request for on-site tower relocation for collocation shall include the information required under Section 11-809(F) (2) (a).
- (c) Replacing an existing tower with a monopole tower: The Community Development Director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
- (i) The following shall be submitted with a written request to replace an existing non-monopole tower with a monopole tower.

- (a) A scaled site plan clearly indicating the location, type, and height of the existing and proposed tower and depicting any proposed collocations and/or required collocation capacity.
 - (b) Any proposed equipment buildings. See Section 11-809(D)(4)(b).
 - (c) Certifications that the proposal meets or exceeds current standards and regulations of the FCC, FAA and any other agency of the state or federal towers and antennas.
 - (d) The graphic descriptions (survey) of the parent tract, leased parcel (if applicable) any easements necessary.
 - (e) Proof of ownership of the proposed site or authorization to use the proposed site.
 - (f) A report by a professional engineer establishing the structural integrity of the proposed tower for its intended use.
- (ii) A monopole tower constructed to replace an existing tower shall provide for a minimum number of antennas equal to the number of antennas supported by the existing tower, or a minimum of three (3) total antennas if two (2) or fewer antennas are supported by the existing tower.
- (iii) A monopole tower constructed to replace an existing non-monopole tower may be modified or rebuilt to a taller height, not to exceed thirty (30') feet over the existing tower's height, to accommodate the collocation of additional antennas. The height increase may only occur, by administrative approval, one time per tower. Additional height alterations or alterations increasing tower height more than thirty feet (30') shall require a conditional use permit. See Section 11-809(F).

(d) Locating a new tower in a RI Restricted Industrial District

- (i) An applicant shall provide the information required under Section 11-809(F)(2)(a) and a written request for administrative approval of a new tower in a RI Restricted Industrial District.
- (ii) In reviewing an application for administrative approval of a new tower in a RI Restricted Industrial District, the Community Development Director shall consider:

- (a) Whether the request complies with this Ordinance, including Section 11-809(A).
- (b) The factors contained in Section 11-809(F)(2)(b).

(e) Installing a cable micro cell network: Through the use of multiple low-powered transmitters/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

F. Conditional Use Permits

(1) General: The following provisions shall govern the issuance of Conditional Use Permits for towers or antennas by the Board of Zoning Appeals. The Planning Commission shall review the site plan of every proposal requiring a Conditional Use Permit.

- (a) If the tower or antenna is not permitted under Section 11-809(C) or permitted to be approved administratively pursuant to Section 11-809(E) of this Ordinance, then a Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.
- (b) Applications for Conditional Use Permits under Section 11-809(F) shall be subject to the procedures and requirements of CHAPTER 8, Section 11-1306 of this Ordinance, and this part.
- (c) In granting a Conditional Use Permit for towers and antennas, the Board of Zoning Appeals shall impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
- (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.
- (e) An applicant for a Conditional Use Permit shall submit the information required under Section 11-809(F)(2)(a).

(2) Towers

- (a) Information Required. In addition to any information required for an application for Conditional Use permit pursuant to CHAPTER 8, Section 11-1306 of this ordinance;

applicants for a Conditional Use permit for a tower shall submit the following information.

- (i) Seven (7) copies of a scaled site plan showing the following:
 - (a) The shape, dimensions, and location of the lot.
 - (b) The type and height of the proposed tower.
 - (c) Any proposed equipment buildings-footprint, floor area and height.
 - (d) Size, shape, and location of buildings on the lot, if any.
 - (e) All easements and right-of-ways.
 - (f) Location of driveways and entrances.
 - (g) Position of fences and walls.
 - (h) Existing and proposed utilities.
 - (i) Proposed sign, if applicable.
 - (j) The existing and proposed use of the lot.
 - (k) Footprint of all existing buildings on the lot.
 - (l) The existing use of all existing buildings on the lot.
 - (m) Existing and proposed topography.
 - (n) An engineer and surveyor's stamp.
- (ii) Construction plans.
- (iii) Storm-water runoff calculations.
- (iv) The separation distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and residentially zoned properties. See Section 11-809(F)(2)(e)(i).
- (v) The separation distances between the proposed tower and existing towers or sites approved for towers. See Section 11-809(F)(2)(e)(ii).
- (vi) A landscape plan showing specific landscape materials in accordance with Section 11-809(F)(2)(g).
- (vii) Information required under Sections 11-809(D)(3), (4 (a), (5), (10), (11), and (12).

- (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - (ix) A description of the feasible location(s) of future towers or antennas within the City of Springfield based upon existing physical, engineering, technological and/or geographical limitations in the event the proposed tower is erected.
 - (x) A copy of the stress analysis of the proposed structure including reasonably anticipated loads of additional users, and certified by a State of Tennessee licensed Professional Engineer. Provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant.
- (b) Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of Conditional Use Permit applications pursuant to CHAPTER 8, Section 11-1306, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a Conditional Use Permit, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this Ordinance are better served thereby:
- (i) Height of the proposed tower;
 - (ii) Proximity of the tower to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Finished color and method of camouflage and illumination.
 - (viii) Proposed ingress and egress; and
 - (ix) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 11-809(F)(2)(c) of this Ordinance.
- (c) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to

the reasonable satisfaction of the Community Development Director, in the case of a request to locate a new tower in a RI Restricted Industrial District, or the Board of Zoning Appeals, when a Conditional Use Permit is required, that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Community Development Director or the Board of Zoning Appeals related to the availability of suitable existing towers, other structures, and alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (iv) The applicant's proposed antenna would cause electromagnetic interference with an antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (viii) Self-supporting structures are to be encouraged over guyed towers. Applicants must demonstrate that a self-supported structure is not feasible before any guyed tower will be approved.

- (d) Setbacks. The following setback requirements shall apply to all towers for which a Conditional Use Permit is required, provided; however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - (ii) Guys must satisfy the minimum zoning district setback requirements.
 - (iii) Equipment buildings must satisfy the minimum zoning district setback requirements, unless otherwise controlled by Section 11-809(G).
- (e) Separation. The following separation requirements shall apply to all towers and antennas for which a Conditional Use Permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- (i) Separation from off-site uses/designated areas.
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1:

Off-site Use/Designated Area Distance	Separation Distance
Vacant single-family or duplex residential units	200 feet or 200% the height of the tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plat approval which has not expired	200 feet or 200% the height of the tower whichever is greater
Vacant unplatted residentially zoned lands	200 feet or 200% the height of the tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 150% the height of the tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

TABLE 2:

Existing Towers or Sites Approved for Tower Location – Types

	Lattice	Guyed	Monopole >75' in Height	Monopole ≤75' in Height
Lattice	2,640'	2,640'	2,640'	1320'
Guyed	2,640'	2,640'	2,640'	1320'
Monopole >75' in Height	2,640'	2,640'	2,640'	1320'
Monopole ≤75' in Height	1,320'	1,320'	1,320'	660'
All Towers >75' in Height in RI Restricted Industrial Districts	1,320'	1,320'	1,320'	

(f) Security fencing: Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.

(g) Landscaping: The following requirements shall govern the landscaping surrounding towers provided, however, that the Community Development Director may waive or reduce such requirements when considering a request for locating new tower in a RI Restricted Industrial district and that the Board of Zoning Appeals may waive such requirements when considering a request for which a Conditional Use Permit is required, if the goals of this ordinance would be better served thereby.

- (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least ten feet (10') wide outside the perimeter of the compound.
- (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

G. Equipment Buildings

(1) General

- (a) Equipment buildings shall comply with all applicable building codes.
- (b) Equipment buildings shall comply with Section 11-809(D)(4)(b).

(2) Located on Structures or Rooftops: The equipment building used in association with antennas shall comply with the following.

- (a) The equipment building shall not contain more than 200 square feet (200-sq. ft.) of gross floor area or be more than twelve feet (12') in height. In addition, for structures which are less than sixty-five feet (65') in height, the related equipment building, if over 100 square feet (100-sq. ft.) of gross floor area or twelve feet (12') in height, shall be located on the ground and shall not be located on the structure or rooftop.
- (b) Any equipment building located on the roof of a structure shall not occupy more than 10 percent (20%) of the roof area of the structure.

(3) Located on the Ground

- (a) In districts, other than residentially zoned districts, equipment buildings located on the ground shall comply with the yard and setback requirements of the zoning districts in which they are located.
- (b) In RI Restricted Industrial districts, equipment buildings shall be no greater than twelve feet (12') in height or 200 square feet (200-sq. ft.) in gross floor area.

- Equipment building shall be fully screened by an evergreen planting with an ultimate height of twelve feet (12') and a planted height of at least six feet (6').
- (c) In all other nonresidential zoning districts, equipment buildings shall be no greater than twelve feet (12') or 200 square feet (200-sq. ft.) in gross floor area. Equipment buildings shall be screened from view by a solid fence six feet (6') in height and an evergreen planting with an ultimate height of twelve feet (12'), and a planted height of at least six feet (6').
 - (d) In residential districts, an equipment building may be located a minimum of thirty feet (30') from all lot lines, provided the equipment building is no greater than twelve feet (12') in height or 100 square feet (100-sq. ft.) of gross floor area. The equipment building shall be fully screened from view by a solid fence six feet (6') in height and an evergreen planting with ultimate height of twelve feet (12') and a planted height of at least six feet (6').
 - (e) Where a new or relocated equipment building, is to be located on the ground, is part of a request for administrative approval, seven (7) copies of a site plan showing the following information is required.
 - (i) The location, shapes, and dimensions of the lot.
 - (ii) The size, shape, and location of all buildings on the lot.
 - (iii) The location of all driveways and entrances.
 - (iv) The location of all easements and right-of-ways.
 - (v) The location of all existing and proposed utilities.
 - (vi) Existing and proposed topography.
 - (vii) Storm-water runoff calculations.
 - (viii) An engineer and surveyor's stamp.
- (4) Located on Towers: A related unmanned equipment structure shall not contain more than 100 square feet (100-sq.ft.) of gross floor area or be more than 10 feet (10') in height, and shall be located no closer than 40 feet (40') from all lot lines.
- (5) Modification of Equipment Building Size Requirements: The requirements of Sections 11-809(G)(2), related to building size, may be modified by the Community Development Director in case of administratively approved uses, or by the Board.

H. Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Springfield notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

I. Nonconforming Uses

(1) Not Expansion of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting Towers: Preexisting towers, those existing or approved at the time of the adoption of this Amendment, shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers.

(3) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas:

Notwithstanding Section I, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a Conditional Use Permit and without having to meet the separation requirements specified in Sections G (2)(d) and G (2)(e). The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 11-809(H)

J. Severability

The various parts, sections and clauses of this part are hereby declared to be severable. If a court of competent jurisdiction adjudges any part, sentence, paragraph, section or clause unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

K. Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

11-810 Airport Overlay District

A. Short Title

This ordinance shall be known and may be cited as the Springfield – Robertson County Airport Zoning Ordinance.

B. Definitions

As used in this ordinance, unless the context otherwise requires:

Airport – The Springfield – Robertson County Airport

Airport Elevation – 709 feet above mean sea level

Approach Surface – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones – These zones are set forth in Section C. of this Ordinance.

Board of Appeals – The duly appointed board of Robertson County or the City of Springfield to hear and decide on issues related to adjustments, appeals, special exceptions or variances to the established Zoning Ordinances, The Board of Appeals may also be referred to as the Board of Zoning Appeals or Board of Adjustments.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation – An Obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

Height – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of the Ordinance or an amendment thereto.

Nonprecision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section D. of this Ordinance.

Person – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing, and Instrument Landing System (ILS) or a Precision Approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface – A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width and elevation of the primary surface is set forth in Section C. of this Ordinance.

Runway – A defined area on an airport prepared for landing and take-off of aircraft along its length.

Structure – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional Surfaces – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the side of the primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree – Any object of natural growth.

Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

C. Airport Overlay Districts

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Springfield – Robertson County Airport. Such zones are to be included as overlay districts to the existing, official zoning maps of the Springfield Planning Region and Robertson County. An

area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various airport overlay districts are hereby established and defined as follows:

- (1) Primary Surface Zone – Established as the imaginary surface 500 feet wide, longitudinally centered on the runway and extends a length 200 feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the centerline of the runway. The highest determined elevation of the Springfield – Robertson County Airport is 709 feet above mean sea level.
- (2) Horizontal Zone – All the airspace that lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height 859 feet above mean sea level. The horizontal zone is hereby established as being an area defined by two semicircles, each having a radius point located 200 feet beyond the runway ends and, on the runway, centerline extended, the radius of each semicircle being 10,000 feet; and lines parallel with the runway centerline connecting the semicircles. The horizontal zone does not include the approach/departure zones and the transition zones.
- (3) Conical Zone – All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 (20 feet outward for each foot upward) and extending to a height of 350 feet above the airport elevation (or 1,059 feet above mean sea level).
- (4) Approach/Departure Zone (Runway 4, Nonprecision) – An approach/departure zone is established at each end of the runway which shall have a width of 500 feet at a distance 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond the end of runway 4, its centerline being the continuation of the centerline of the runway. The approach/departure surface inclines upward from the base elevation at a slope of 34:1 (34 feet outward for each foot upward) at the end of runway 4.
- (5) Approach/Departure Zone (Runway 22, Visual) – An approach/departure zone is established at each end of the runway which shall have a width of 500 feet at a distance 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a distance of 10,200 feet beyond the end of runway 22, its centerline being the continuation of the centerline of the runway. The approach/departure surface inclines upward from the base elevation at a slope of 34:1 (34 feet outward for each foot upward) at the end of runway 22.
- (6) Transitional Zone – All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway centerline (and extended runway centerline) at a slope of 7:1 from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface.

D. Height Limitations

Except as otherwise provided in the Ordinance, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Approach/Departure Zones – One foot in height for each thirty-four feet in horizontal distance beginning at a point 200 feet beyond and at the elevation of the end of the runway extending to a point 10,200 feet from the end of the runway.
- (2) Transition Zones – One foot in height for each seven feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of the runway extending 200 feet beyond each end thereof and extending to a maximum height of 150 feet above the established airport elevation which is 709 feet about mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical for each seven (7) feet horizontal distance measured from the edged of all approach zones extending upward and outward to the points where they intersect the horizontal surface.
- (3) Horizontal Zone – One hundred fifty (150) feet above the established airport elevation of a maximum of 859 feet about mean sea level.
- (4) Conical Zone – One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height 350 feet above the airport elevation of (1,059) feet above mean sea level.
- (5) Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction of maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

E. Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

F. Nonconforming Uses

- (1) Regulation Not Retroactive – The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulation as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any

structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.

- (2) Marking And Lighting – Notwithstanding the preceding provision of the Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Springfield – Robertson County Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Springfield – Robertson County Airport.

G. Permits

- (1) Future Uses – Except as specifically provided in (a), (b), and (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved by a board of appeals or adjustments in accordance with the provisions of the applicable Zoning Ordinance of Springfield or Robertson County.
 - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - (b) In areas lying within the limits of the approach zones but a horizontal distance of 4,200 feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
 - (c) In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained on any of the foregoing exception shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this Ordinance, the Springfield Zoning Ordinance, or the Robertson County Zoning Ordinance.

- (2) Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when then application for such a permit is made. Except as indicated all applications for such permit may be granted.
- (3) Permit Issuance – The Springfield – Robertson County Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this Ordinance. All permit applicants shall apply to either the Springfield Department of Community Development and Planning or the Robertson County Office of Planning and Zoning, whichever has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning Ordinance and the regulations herein prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

H. Enforcement

It shall be the duty of the City of Springfield or Robertson County official duly appointed to enforce the zoning codes of each jurisdiction to administer, inspect, and enforce the provisions set forth in this Ordinance.

I. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to the Ordinance through the Boards of Zoning Appeals in either Springfield or Robertson County, whichever has zoning jurisdiction over the territory in question. The Springfield – Robertson County Airport Board, the Springfield Municipal/Regional Planning Commission, and/or the Robertson County Planning Commission may make recommendations to the Boards of Zoning Appeals.

J. Penalties

Any violation of this Ordinance or any regulation, order, or ruling promulgated hereunder shall be issued penalties as prescribed within the Springfield Zoning Ordinance or the Robertson County Zoning Ordinance whichever has jurisdiction over the territory in question.

K. Conflicting Regulations

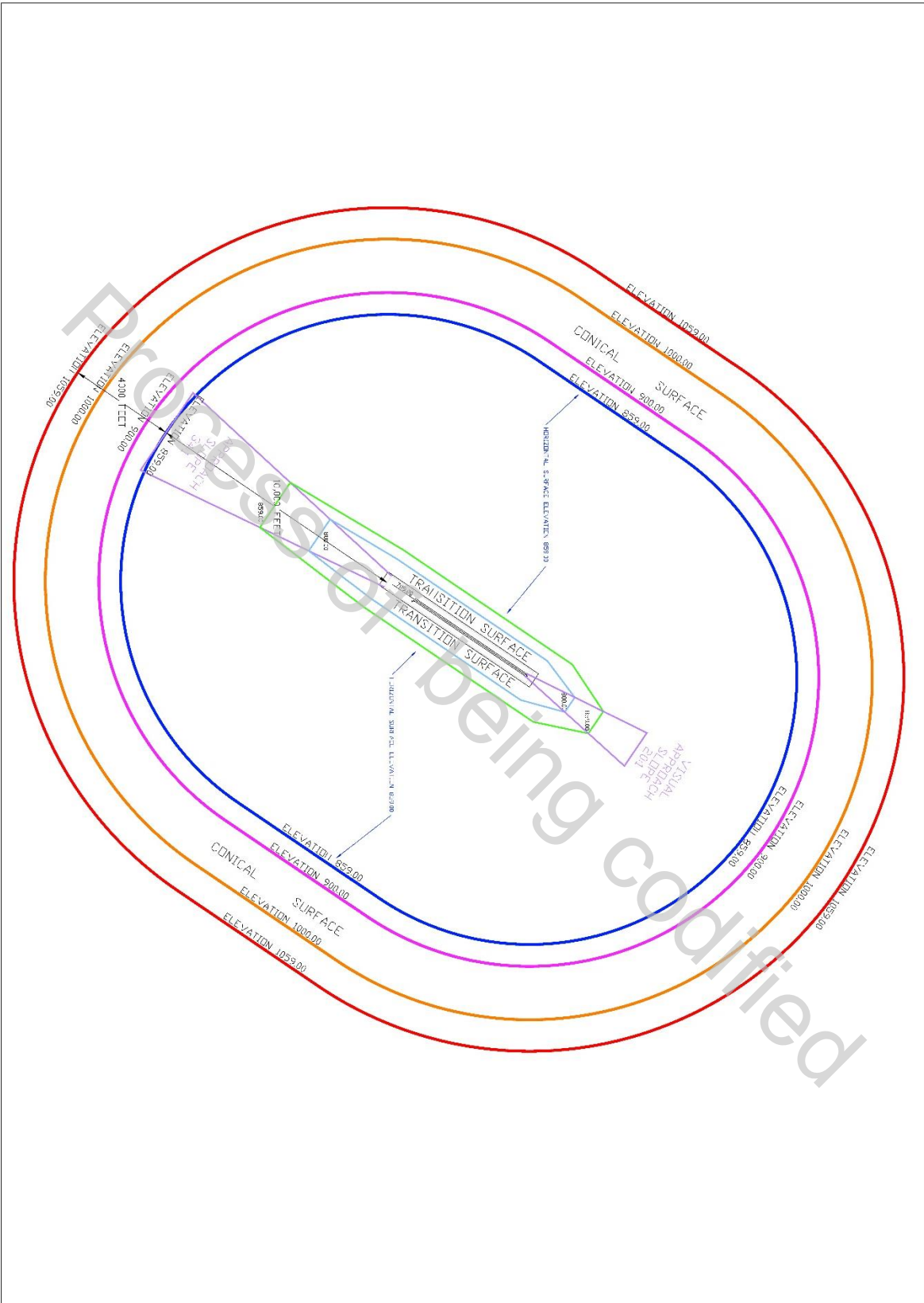
Where there exists a conflict between any of the regulations or limitations prescribed in the Ordinance and any other regulations applicable to the same area, whether the conflict be with

respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

L. Severability

In any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Process of being codified



REVISION	REVISIONS		
	NUMBER	DATE	DESCRIPTION
1			

SPRINGFIELD ROBERTSON CO. AIRPORT
 AIRPORT ZONING MAP



THE CITY OF SPRINGFIELD
 ENGINEERING DEPARTMENT
 405 NORTH MAIN STREET
 (615) 382-2200



11-811 Special Provisions of the Springfield Zoning Ordinance Applying to Multi Story Buildings (Those ceding Two Stories)

A. Height Limitation

The height limitation requirements of the following districts are increased from 35 feet to 70 feet.

- CC - Core Commercial
- MPO - Medical Professional Office
- MRO – Multiple Residential and Office
- CG - Commercial General
- CS - Commercial Services
- RI - Restricted Industrial

Building heights shall be measured on the tallest side of the building; from the ground to highest point of the building, including HVAC units and screening walls.

B. Additional Requirements

Ten (10) feet shall be added to the front, rear, and side setbacks of the zoning district for each story over two. The CC district is exempt from this requirement.

In CS and CG zones, this would work as follows:

Current Setback	Front	Side	Rear
Two Story or Less	40 feet	10 feet	20 feet
3 Story	50 feet	20 feet	30 feet
4 Story	60 feet	30 feet	40 feet
5 Story	70 feet	40 feet	50 feet

All side and rear yards adjacent to a residential district shall provide a buffer area equal to twenty-five (25) percent of the required yard depth. There shall be no parking areas or structures located in the required buffer area.

Buffer areas shall be provided with effective landscaping, earth berming, tree placement and/or a combination of landscaping and screening determined by the Planning Commission to render new development more attractive and to ameliorate undesirable effects upon adjacent residential areas.

High rise buildings in the CC, Core Commercial Zone, can be built with party walls providing provisions of the building, fire and safety codes can be met and provided that the parking and other provisions of the district are complied with.

Buildings in the CC area shall be designed to blend in and be architecturally compatible with the historic buildings in the district as determined by the Historic Zoning Commission.

If approved by the Planning Commission, buildings constructed in one (1) continuous story may exceed thirty-five feet in height if their walls and roofs are constructed of fireproof materials and if the buildings contain adequate sprinkler systems.

All buildings in excess of 35 feet in height shall have an approved sprinkler system.

The plans for all buildings in excess of 35 feet in height shall be inspected by the State of Tennessee Fire Marshal's Office.

Drives and parking areas shall be designed in such a way as to allow access for Fire Equipment, ladder and bucket trucks to all sides of the building.

All provisions of the Standard Building Code and applicable Fire and Safety Codes of the City applying to multi story buildings shall be complied with.

The Springfield Planning Commission shall review and approve all site plans for the construction of Commercial, Medical and Apartment buildings in excess of 35 feet in height.

The provisions of this section apply only to buildings and do not increase the height limits for signs, billboards or other types of structures.

11-812 City of Springfield Overlay Districts

A. Historic Downtown Redevelopment Overlay (HDRO) District

(1) Purpose

The City of Springfield's history is reflected tremendously by its downtown. In order to protect the character of the Courthouse, Public Square, and surrounding businesses, and encourage new, economically viable development that is compatible with current historic structures, the Historic Downtown Redevelopment Overlay (HDRO) District is hereby created.

The HDRO District is intended to promote the economic and general welfare of the city, and require compatible new development and redevelopment. Rehabilitated structures and new buildings that use appropriate, compatible materials and colors are essential in keeping the historic nature of downtown Springfield intact. Design guidelines are also intended to assist in ensuring that property values are not lowered by nearby incompatible development. Without design standards, the character of the downtown and surrounding area can see drastic, unappealing change that negatively affects property owners, nearby businesses and residents, and the City of Springfield.

Streets with businesses that are pedestrian-friendly and attractive encourage similar types of businesses that work together to create a destination for locals and tourists alike. The

primary types of development this district should include are retail businesses, offices, attractions, restaurants, and upper-story dwellings.

(2) HDRO Defined Area

The HDRO District is hereby outlined to include all properties that border the following: The Courthouse Square and South Main Street from 5th Avenue West to Central Avenue, including Batts Boulevard from South Main Street to Central Avenue.

(3) Applicability

The City of Springfield Design Review Board, comprised of the members of the Springfield Planning Commission as authorized by TCA 6-54-133, will review structures in excess of 50,000 square feet, and authorizes the Community Development Department to take and review applications and enforce standards for the following:

- New Construction
- Exterior Remodeling (50% or more of total exterior walls)
- Structure Additions Adding 50% or More Floor Square Footage
- Repainting (Only Requires Color Exterior Elevations)

A Preliminary Review should be scheduled with the Community Development Director prior to application to determine if rehabilitation, repainting, or new construction may meet HDRO requirements.

The Site Plan Application shall include:

- Proposed Site Plan with All Site Improvements
- Color Architectural Exterior Elevations

Single-family residential structures shall not fall within HDRO requirements. The types of structures the HDRO addresses are as follows:

- Commercial/Mixed-Use
- Industrial
- Multi-Family Residential
- Townhouses

Exterior colors of buildings, retaining walls, and roofs within the HDRO must meet color requirements.

Accessory structures are not intended to have the exterior material requirements, if subordinate to the use of the primary structure, and used for uses such as storage. Colors of accessory structures shall not conflict with historic or acceptable tones. Conversely, multiple primary structures must meet all requirements.

Roofing replacements should be of a similar material and one that does not conflict with the HDRO or surrounding properties, but roofing replacements shall not be reviewed for HDRO compliance.

(4) Exterior Building Materials

Preferred wall materials may be used on any wall of a structure in the HDRO. Limited wall materials shall only be used on up to 25% of any of the individual side or rear walls. Prohibited wall materials shall not be used. Proposals using different exteriors may be considered on a case-by case basis provided it meets the purpose and intent of the overlay district.

Preferred Wall Materials:

- Brick
- Stone
- Fade-Resistant Quik-Brik
- Fade-Resistant Artificial Stone
- Architectural Panels
- Hardie Panels

Limited Wall Materials (Less Than 25% of Side/Rear Walls):

- Concrete or Split-Face Block
- Hard Coat or Textured Stucco
- Exterior Insulation Finishing Systems (EIFS)
- Hardie or Cementitious Siding

Prohibited Wall Materials:

- Vinyl
- Aluminum

- Unsurfaced and/or Unpainted Concrete Blocks
- Plywood
- Wood Shakes
- Asphalt Shingles
- Cementitious Siding
- Plastic or Fiberglass

Alternate proposals for exteriors may be considered, such as standard corporate design.

(5) Colors

Colors shall be complementary to the dominant neutral building material colors such as dark red or red brown for brick, and buff, taupe, or gray for natural stone. Softer muted hues with gray or white added to the basic color shall be used to highlight architectural features such as window frames, sills, cornices, and details. Natural colors, such as those recognized by the National Trust for Historic Preservation may be considered to meet this requirement.

Intense bright, fluorescent, or very dark colors are not allowed. Colors conflicting with the historic tones of the HDRO include purple, orange, blue, and bright reds and yellows.

Proposed colors must be included with the architectural elevation rendering submittal.

(6) Facades and Setbacks

Design of buildings in the HDRO downtown should complement other historic buildings. Facades may emphasize awnings or canopies to identify entrances, and may use transoms and other windows. There should be a distinct transition between the lower floor and upper stories, if applicable.

Side and rear facades do not have the same façade criteria, unless they face a public street.

Underlying zoning that allows variable setbacks, such as Commercial Core (CC), should be considered within the HDRO to encourage redevelopment. New structures should conform with existing nearby setbacks, unless the specific site area is considered conducive to redevelopment with altered setbacks.

(7) Streetscape

Entrances should have sidewalk connections to the street. Sidewalks on lots should be consistent with the Springfield Greenway specifications, if property is adjacent to the greenway.

(8) Parking and Access

Parking should be located to the side or rear of a building, where practical. Shared parking arrangements may be allowed downtown for rehabilitated structures.

(9) Incentives

The Tennessee Historic Commission (<https://tn.gov/environment/section/thc-tennessee-historical-commission>) may be consulted to determine eligibility for a 10% tax credit for substantial rehabilitation. This is available to all non-historic structures constructed prior to 1936. Criteria that must be met are: 50-70% of the building's external walls must remain, 75% of external walls must remain as external or internal walls, 75% of the building's external structure must remain in place, and the structure must be income producing for five years, but not provide housing. However, hotels qualify for this incentive.

In addition, there is a 20% tax credit available to buildings that are on the National Register of Historic Places.

Preservation grants are also available. These are 60% matching, reimbursable grants. These can be used for survey and planning or acquisition and development.

B. Sidewalk Café' Overlay Zone

A special Sidewalk Café' Overlay District is hereby created in the Historic Downtown of Springfield, Tennessee as follows. South Main Street beginning at the corner of 5th Avenue and running south to the intersection of 7th Avenue West, and on Court Square west and 6th Avenue West from South Main to Locust Street.

Sidewalk Cafes'

Restaurants located in the above-described Overlay District of the Historic Downtown of Springfield may operate cafés on the sidewalk in front of their businesses as an accessory use

upon obtaining a permit from the Springfield Community Development Department. Permits are valid for one year and can be renewed.

The petitioner shall provide the Community Development Department with a scale drawing showing the location of proposed tables, clearance distances and other information. A Certificate of Liability Coverage in the amount of \$1,000,000 for the business shall be presented at the time the permit is requested.

The use and operation of the facility shall be in accordance with the following regulations. Sidewalk cafes are defined as outdoor dining areas on a portion of the sidewalk immediately abutting the operating restaurant.

(1) Location Criteria for Sidewalk Cafes

Sidewalk cafes shall consist solely of chairs, tables and umbrellas, they shall not be enclosed.

No paper or plastic plates or plastic dinnerware shall be used.

The area shall be kept clean and free of litter at all times.

No portion of the sidewalk café shall obstruct access to fire hydrants, streetlights, mailboxes, transit stops or any other public service facility on the sidewalk area or adjacent street.

A clear unobstructed sidewalk width of at least four (4) feet shall be maintained at all times between the sidewalk café and any obstacle (tree, tree well, meter, fire hydrant, etc.).

The location of sidewalk cafés shall meet the grade accessibility and other requirements of the handicapped accessibility code of the City of Springfield.

A clear unobstructed height of seven (7) feet shall be maintained between the walkway surface and any overhead obstacle (tree branch, overhead sign, awning, etc.).

11-813 Landscaping Requirements

A. Purpose

In order to minimize any negative effect between adjacent uses and zoning districts, this Section requires that landscaped buffers be provided for certain uses. The separation of land uses and the provision of landscaping along public and private rights-of-way through a

required buffer are designed to eliminate or minimize potential nuisances, and to enhance community image and roadway beautification. Such nuisances may include dirt, litter, noise, lights, signs, unsightly buildings and structures, off-street loading and refuse areas, or parking areas. In addition, buffers provide spacing and landscaping to reduce potentially adverse impacts of noise, odor or lighting. Landscaping shall be coordinated with all site design elements including building layout, parking access and signs.

B. Applicability

- (1) Landscaping and buffers shall be provided as set out in these zoning regulations. Buildings and structures lawfully existing as of January 1, 2010 may be modernized, altered or repaired without providing or modifying landscaping and buffers in conformance with this Section, provided there is no increase in floor area in such building or structure or impervious area on the site; This shall not be construed as prohibiting the provision of landscaping or buffers in full conformance with these zoning regulations.
- (2) Where a building or structure existed as of January 1, 2010 and such building is enlarged in floor area or impervious area on the site by twenty-five (25) percent or 2,000 square feet, whichever is less, landscaping and buffers as specified in this Section shall be provided.
- (3) The regulations herein set out for landscaping and buffers shall apply to all site plan submittals except for one-or two-family dwellings on a single lot or parcel, temporary uses, or to development on site alterations on relatively undeveloped sites, which do not involve ground disturbance of 10,000 sq. ft. or greater.
- (4) The required buffers, as specified in these regulations, are minimum standards. The amount of land and type of planting or other screening specified for each buffer requirement are designed to mitigate nuisances or incompatibility between adjacent land uses or between a land use and a public road, where these regulations specify different buffering requirements (e.g., a different type of buffer), then the more stringent provisions shall govern.
- (5) None of the provisions of these regulations shall be construed as prohibiting additional plant material, screening and/or buffer area above that required by these regulations; or prohibiting the modification of existing landscaped buffers to perform to an equivalent degree as the buffer required by these regulations.

(6) A landscaping plan shall accompany all site plan submittals.

C. Design of Landscaping and Buffers

(1) Existing Vegetation

(a) General

The retention of “existing vegetation” shall be maximized within the proposed landscaping, parking and buffer areas. When retaining existing vegetation within the buffer area, no clearing shall be allowed within the drip line of tree canopies. Trees to be saved shall be protected by surrounding them with tree protection fencing around the edge of the drip line. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the requirements of these regulations may be counted toward the total buffer required between adjacent land uses, or toward total landscaping requirements if left undisturbed in their natural state. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material within the next planting season.

(b) Heritage Trees

- (i) For purposes of this ordinance, a heritage tree shall be any tree with a trunk caliper measurement of 24” or greater.
- (ii) The locations of all trees 6 inches or more in caliber shall be shown on the boundary survey.
- (iii) With the exception of clearing required for driveways, the removal of Heritage Trees is prohibited without prior approval of the City. The Community Development Director or his/her designee shall have the authority to permit the selective removal of heritage trees on a case-by-case basis that are identified for removal in the Landscaping Plan. The City of Springfield encourages the preservation of Heritage Trees.

- (c) Each newly developed site shall have a goal to have a minimum caliper inch (ACI or caliper inch) of forty (40) caliper inches of proposed trees per acre in all developments. This currently is not a requirement but a goal.

(2) Design, Installation and Establishment Standards

Location of plants and design of landscaping, including maintenance, shall be according to ANSI standard. The use of vegetation and other lower maintenance landscape materials as shown on the Recommended Landscape List for Springfield is desired to promote environmental protection, energy efficiency, and water conservation. Other species meeting these criteria may be used, if shown on the approved landscaping plan, if approved by the Community Development Department.

- (a) Landscape plans submitted for approval for the purposes of satisfying the requirements of this Section shall clearly indicate the common name and botanical name, location and size vegetation to be installed as well as trees to be preserved. All existing trees 6 inches in caliper and larger shall be located.
- (b) All trees 18 inches or greater, but less than 24 inches which are removed during construction shall be replaced at (50%) of the total caliper inches removed.
- (c) If a Heritage tree is approved for removal, it shall be replaced on a one caliper inch (1") to one caliper inch (1") basis.
- (d) If required landscaping and total caliper inch replacement of removed trees cannot be reasonably placed on the proposed site, a payment of \$150.00 per caliper inch shall be paid to the City of Springfield landscape and tree bank fund, for the remaining caliper inches of tree replacement for the proposed site that were unable to be replaced.
- (e) Rain gardens used for drainage requirements may be counted toward meeting the total landscaping requirements on a one for one basis.
- (f) No tree shall be planted within 10 feet of any underground utility.
- (e) Location of all underground utilities shall be shown on site and landscape plans.
- (f) Existing trees shall be counted towards the buffer requirements, the total number.

- (g) At least 10% of the required landscaping must be placed in the front yard or near pedestrian access. This would also apply if the number per acre requirement is met by the buffering.
- (h) Every 100 linear feet of lot frontage shall contain (5) five 2” understory trees and (10) ten shrubs that have a mature height of (5) five feet plus. At least (50) fifty percent of shrubs and trees shall be evergreen.
- (i) Street trees, typically in rights-of-way or easements and maintained by the city, shall not be used toward the landscaping requirement.

Minimum Site Requirements

<u>COMMERCIAL, INDUSTRIAL, MULTIFAMILY, OTHER</u>	<u>SINGLE FAMILY RESIDENTIAL</u>
3 Canopy Trees per Acre	1 Canopy or Understory Tree per lot; noted on plat and installed prior to Certificate of Occupancy.
3 Understory Trees per Acre	
10 Shrubs or Evergreen Trees per Acre	
<i>* Can be part of bond in the event a Temporary Certificate of Occupancy is needed.</i>	

- (j) The replacement requirement shall be capped at one hundred fifty percent (150%) of the proposed goal of forty (40) caliper inches per acre. (60 caliper inches per acre)
- (k) No proposed canopy tree planted at a size less than two (2) caliper inches will be accepted as a required tree. No proposed understory/ornamental tree shall be less than two (2) caliper inches in size.
- (l) Seventy-five percent (75%) of required trees shall be native to the southeastern United States.
- (m) A minimum of twenty percent (20%) and maximum of fifty percent (50%) of required trees shall be understory and/or ornamental trees.
- (n) Trees that are saved and/or retained shall result in a credit toward the replacement requirement in the amount of fifty (50%) of the total caliper inches saved. The maximum credit available shall be eighty percent (80%) of the original replacement calculation.

(3) Plant Material and Minimum Plant Size

The following lists of plant materials shall be used as a guideline to define the required plant unit. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy natural species. All materials shall be of high-quality nursery grade. Trees and shrubs not meeting current ANSI standards will not be accepted and will need to be replaced with acceptable landscaping. All asphalt and gravel shall be removed under the island for landscaping in the parking lots.

(4) Soils

All landscaped areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble, or trash. All compacted soil, contaminated soil or road base fill shall be removed.

(5) Required Plant Species

The recommended Tree List for Springfield shall be used as a guide in identifying and categorizing the different acceptable types for any required plant. Substitutions will be considered by staff on a case-by-case basis. All new landscaping shall contain 2 or more species of both trees and shrubs.

(a) Canopy Trees

The following will count as one canopy tree toward the total number specified. Deciduous canopy trees shall be a minimum of ten feet in height with a four- to five-foot spread and a 2-inch caliper trunk at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60. 1-2004

(b) Understory Trees

Understory trees shall be a minimum of 2- inches in caliper at time of planting as determined in the American Standard for Nursery Stock, ANSI Z60. 1-2004. Multi-stem varieties shall be a minimum of eight feet in height above ground level at the time of planting.

(c) Evergreen Trees

Evergreen Trees shall be a minimum of 6 feet in height and a minimum of two inches in caliper at time of planting.

(d) Shrubs shall be a minimum of 18 inches in height.

(6) Irrigation

All new landscaped or grass areas shall be irrigated with an irrigation system or yard hydrant within 50 feet of new landscaping spaced at no more than 100-foot intervals to provide for the adequate watering of plants and grass. Separate metering of irrigation water can be arranged with the Springfield Water and Wastewater Department to avoid having to pay sewer charges on irrigation water.

(7) Buffering

The 10-, 15-, or 20-foot front yard (not building setback) required by most Commercial and Industrial Districts shall be planted in grass and landscaped with shrubbery and trees to make a separation from the street, except for vehicle ingress and egress areas and sidewalks. In all other areas, where a front yard is not designated, a minimum landscaped area of 10 feet shall be provided. Evergreen and other landscaping shall be used to screen dumpsters, transformers, heating and air conditioning fixtures and other unsightly fixtures on the site.

Where commercial, industrial or multi-family facilities abut single family residential areas; they shall be buffered by a ten-foot-wide landscaped strip, which shall include (5) trees, (2) canopy and (3) understory trees and (10) shrubs per 100 linear feet. At least 50 percent of these trees are required to be evergreen.

(8) Maintenance

Landscaping shall be maintained by the property owner. Trees and Landscaping shall be maintained in good order. Dead plants and trees shall be replaced within the planting season or (6) six months.

D. Recommended Tree List for Springfield

CANOPY

American Elm

Deciduous, 60-80 feet at maturity; prefers full sun and tolerates moist soils; fast growing, oval leaf hardy tree, tolerates exposure, subject to Dutch Elm Disease, but new varieties resistant to disease have also been developed.

American Sycamore

Deciduous, 100 feet at maturity; sun loving and prefers rich, moist soil; spreading tall trunk and rounded head, young plants subject to spring frost, can be affected by pollution in cities.

Bald Cypress

Common Bald Cypress looks like an evergreen, but is actually deciduous and drops its leaves in the fall. The growth habit is narrow while young but becomes broader as the plant ages. Common Bald Cypress is intolerant of shade when young and can be used near water.

Black Tupelo

Deciduous, 30-50 feet at maturity; 20–30-foot spread. Beautiful red, orange, and purple fall color. Unique bark. **Staff recommended tree.**

Black Walnut

Deciduous, 100 feet at maturity; tolerates any soil; slow grower, now rare in East due to tree's enormous value for wood and nuts, leaves are two-feet long with 11-23 leaflets.

English Oak

Deciduous, 60-80 feet at maturity, prefers woods; known as Common Oak, broad, open head, sort trunk, oblong dark green leaves with six lobes on each side.

Ginkgo

Sixty (60) feet at maturity.

Hickory

Deciduous, 100 feet at maturity, likes rich moist soil; produces larger amounts of pollen, distinctively, peeling bark, produces sweet, edible nut, resist transplanting.

Littleleaf Linden

Deciduous, 40-50 feet at maturity; 40-foot spread. Yellow flowers, late blooming. Yellow fall foliage.

London Planetree

Deciduous, 75-100 feet at maturity; medium to fast growing, related to American Sycamore but better disease resistance, brown flaking bark reveals cream color, dense canopy. Yellow to brown fall color. **Staff recommended tree.**

Northern Catalpa

Deciduous, 40-60 feet high with 30-foot spread, flowering, twisting trunk gives interesting appeal. May also be used as an understory/flowering tree selection if site area is suitable due to size.

Pecan

Deciduous, 100 feet at maturity; likes deep, loam soil; tallest of the hickories, long-lived, produces nuts for 200 years which have important commercial value.

Pin Oak

Deciduous, 80 feet at maturity; not lime tolerant, likes moist soil; drooping branches, glossy green, deeply lobed leaves, saucer-like acorns.

Quaking Aspen

Deciduous, 40 – 50 feet at maturity, 25-foot spread, fast growing. White bark, spectacular yellow-gold fall foliage. **Staff recommended tree.**

Red Maple

Deciduous, 80 feet at maturity; tolerates moist to dry soil; often used as ornamental, showy flowers and fruit in spring, beautiful foliage in fall.

Serviceberry

Deciduous, 100 feet at maturity; prefers lime-free soils; often narrow, snow-white flowers in drooping clusters, bark is gray and smooth when young and become rigid and scaly with age, fruit is sweet and edible.

Red Oak (Southern, Northern, Scarlet, etc.)

Deciduous, 100 feet at maturity, likes sandy soil, not lime tolerant; medium-length, deeply lobed leaves in glossy green, 1-inch acorn, hardy tree.

Sugar Maple

Deciduous, 80 feet at maturity, moist soil, strong wood, fast growing, beautiful fall foliage. **Staff recommended tree.**

Tulip Poplar/Yellow Poplar

Deciduous, 100 feet at maturity, moist to dry soil; shade tree with beautiful fall foliage, state tree, important tree for wild life, grows well with other species. Yellow fall foliage.

White or Green Ash

Deciduous, 80 feet at maturity, moist, rich soil; sun tolerant, thick foliage, seeds used by birds and animals.

White Oak

Deciduous, 115 feet at maturity, lime-tolerant, but not in shallow chalky soil; soft-green lobed leaves that turn crimson in autumn; acorns $\frac{3}{4}$ inch long, hardy tree.

Willow Oak

Deciduous, 100 feet at maturity, moist, swampy soil; shade tree with bright green pointed leaves, often planted along streets, public buildings and parks.

UNDERSTORY/FLOWERING

Crab Apple Hybrids (Prairie Flowering, Snowdrift, Robinson, etc.)

Deciduous, less than 20 feet at maturity; good in all fertile soils, sun-loving; fragrant leaves if crushed, profuse, fragrant flower in a wide range of colors, susceptible to insects and disease. Staff recommended tree.

Crapemyrtle (Red Rocket, Dynamite, Catawba, etc.)

Deciduous, typically 10-15 feet at maturity. Varying flower colors based on type, including deep reds and purples. **Staff recommended tree.**

Eastern Redbud

Deciduous, less than 20 feet at maturity; best in moist soil, but can tolerate dry soil; bright green leaves, pale rose flowers in spring, planted as ornamental, but produces many seedlings.

Flowering Dogwood

Deciduous, less than 20 feet at maturity; acid soil in woods, and dislikes poor, shallow chalky soils; small flowers in a variety of colors, blooms in late spring, exceptional as ornamental due to hardiness, also valued for its wood.

Fringetree

Deciduous, 12-20 feet at maturity with equal spread. Acid, moist, and well-drained soil. Fragrant, long white flowers that give the tree its name. **Staff recommended tree.**

Golden Rain Tree

Deciduous, 30-40 feet at maturity; sun-loving, tolerant of dry solids; susceptible to fungus, has oval, coarsely-toothed leaves, small yellow flowers that bloom in May-June.

Japanese Flowering Cherry (Kwanzan, Yoshino, Autumn Flowering, etc.)

Deciduous, 25-30 feet at maturity; good in most solid; glossy, red-brown bark with glassy sheen, leaves taper to slender point at tip. Staff recommended tree.

Japanese Maple

Deciduous, 25-30 feet at maturity; tolerant of most soil types; lobed leaves with brilliant autumn colors, usually pest free, red flowers in drooping clusters in spring.

Saucer Magnolia

Deciduous, 20 feet at maturity, likes neutral to acid soil; fast growing, hybrid magnolia, saucer-shaped flowers with a white-to-pink or purple-pink petal, tolerates pollution and poor soil.

Sweetbay Magnolia

Evergreen, 10-20 feet at maturity, with equal spread. Late blooming white flowers. May also be used as a shrub/evergreen requirement.

Smoketree/Purple Smoketree

Deciduous, 10-15 feet at maturity with 12' spread, great accent tree. Flowers puff out in a "smoke-like" fashion in June-July. **Staff recommended tree.**

SHRUBS AND EVERGREENS

American Arborvitae

Evergreen, 20 feet at maturity; prefers limestone, rock, and heavy clay soil; known as White Cedar; leaves in fan-like sprays, dark green on top and pale underneath, useful in poorly drained soil; subject to bagworms.

Boxwood (Winter Gem, Green Velvet, etc.)

Evergreen, varying heights based on application, mostly under 6 feet. Typically used for small to medium hedges. **Staff recommended shrub.**

Blue Spruce

Evergreen, grows 50-75 feet at maturity with 20' spread; slow growing. Blue color in most varieties make an attractive option for landscaping. Deer resistant. **Staff recommended screen.**

Bracken's Brown Beauty Magnolia

Evergreen, 30 feet at maturity; 15-foot spread. Beautiful flowers with glossy leaves and brown underside. **Staff recommended tree.**

Foster's American Holly

Evergreen, 30 feet at maturity; sandy soil or moist woods; stiff spines on leaves, fruits red or orange can grow eight feet in 20 years, dislikes chalky soil.

Green Giant Arborvitae

Evergreen, 50-60 feet at maturity; fast growing. Excellent for screening. **Staff recommended screen.**

Japanese Black Pine

Evergreen, 50 feet at maturity; prefers sandy soil; needle-like rigid leaves 4-inches long, in winter is easily distinguished by white, hairy leaf buds, can lean at maturity.

Southern Magnolia

Evergreen, 60 feet at maturity, likes neutral to acid soil; traditional southern tree, creamy-white fragrant flower that bloom in late spring and summer; shiny green leaves all year.

Staff recommended tree.

White Pine

Evergreen, 160 feet at maturity; sun-loving, narrowly conical in shape, leaves are medium-length, dark blue-green, fast growing and is easily shaped by pruning.

Process of being codified

CHAPTER 9

FLOODPLAIN DISTRICTS

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. STATUTORY AUTHORIZATION

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Springfield, Tennessee, Mayor and Board of Alderman, do ordain as follows:

B. FINDINGS OF FACT

- (1) The City of Springfield, Tennessee, Mayor, and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- (2) Areas of the City of Springfield, Tennessee, are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (3) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE

It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- (1) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

- (2) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. OBJECTIVES

The objectives of this Ordinance are:

- (1) To protect human life, health, safety, and property;
- (2) To minimize expenditure of public funds for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
- (7) To ensure that potential homebuyers are notified that property is in a flood prone area;
- (8) To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"100-YEAR FLOOD" see "BASE FLOOD"

"ACCESSORY STRUCTURE" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- (1) Accessory structures shall only be used for parking of vehicles and storage.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"ADDITION (TO AN EXISTING BUILDING)" means any walled and roofed expansion to the perimeter or height of a building.

"APPEAL" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"AREA OF SHALLOW FLOODING" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"AREA OF SPECIAL FLOOD HAZARD" see "SPECIAL FLOOD HAZARD AREA".

"BASE FLOOD" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

"BASEMENT" means any portion of a building having its floor subgrade (below ground level) on one or more sides.

"BUILDING" see "STRUCTURE".

"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"ELEVATED BUILDING" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"EMERGENCY FLOOD INSURANCE PROGRAM" or "Emergency Program" means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"EROSION" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"EXCEPTION" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"EXISTING CONSTRUCTION" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"EXISTING STRUCTURES" see "EXISTING CONSTRUCTION".

"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"FLOOD ELEVATION DETERMINATION" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"FLOOD ELEVATION STUDY" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"FLOOD HAZARD BOUNDARY MAP (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"FLOOD INSURANCE RATE MAP (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"FLOOD PROTECTION SYSTEM" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"FLOODPLAIN" or "FLOOD PRONE AREA" means any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

"FLOODPLAIN MANAGEMENT" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"FLOODPROOFING" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"FLOOD-RELATED EROSION" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which result in flooding.

"FLOOD-RELATED EROSION AREA" or "FLOOD-RELATED EROSION PRONE AREA" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"FLOOD-RELATED EROSION AREA MANAGEMENT" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"FREEBOARD" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"FUNCTIONALLY DEPENDENT USE" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"HIGHEST ADJACENT GRADE" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"HISTORIC STRUCTURE" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the City of Springfield, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior

"LEVEE" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"LEVEE SYSTEM" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"MAP" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"MEAN-SEA-LEVEL" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"NATIONAL GEODETIC VERTICAL DATUM (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"NEW CONSTRUCTION" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this

ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"NORTH AMERICAN VERTICAL DATUM (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"PERSON" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"REASONABLY SAFE FROM FLOODING" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"RECREATIONAL VEHICLE" means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"REGULATORY FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"RIVERINE" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"SPECIAL FLOOD HAZARD AREA" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"SPECIAL HAZARD AREA" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STATE COORDINATING AGENCY" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"STRUCTURE" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe

living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"VARIANCE" is a grant of relief from the requirements of this Ordinance.

"VIOLATION" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"WATER SURFACE ELEVATION" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

A. APPLICATION

This Ordinance shall apply to all areas within the incorporated area of the City of Springfield, Tennessee.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified on the City of Springfield, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0215C, 47147C0218C, 47147C0219C, 47147C0238C, 47147C0239C, 47147C0357C, 47147C0360C, 47147C0376C, 47147C0380C, 47147C0220C (non-printed) dated, April 16, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. REQUIREMENT FOR DEVELOPMENT PERMIT

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. COMPLIANCE

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. INTERPRETATION

In the interpretation and application of this Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body and;
- (3) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Springfield, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Springfield, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

A. DESIGNATION OF ORDINANCE ADMINISTRATOR

The Director of Planning and Code Enforcement Officer are hereby appointed as the Administrators to implement the provisions of this Ordinance.

B. PERMIT PROCEDURES

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(1) Application Stage

- (a) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to a certain height above the highest adjacent grade when applicable under this Ordinance.
- (b) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to a certain height above the highest adjacent grade when applicable under this Ordinance.
- (c) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Article V, Subsections A, and B.
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(2) Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the

elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall cause to issue a stop-work order for the project.

C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Administrator shall include, but not be limited to, the following:

- (1) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (5) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

- (6) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Subsection B.
- (7) Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Subsection B.
- (8) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (10) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Springfield, Tennessee FIRM meet the requirements of this Ordinance.
- (11) Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- (11) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

- (12) All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Subsection B;
- (13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation
- (15) All residential structures or substantial improvements of a structure located in any Floodplain or Flood Prone Area shall have its first floor, including finished or unfinished basement, located one (1) foot above the 100-year flood elevation.

B. SPECIFIC STANDARDS

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Subsection A, are required:

(1) Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

(2) Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Subsection B.

(3) Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

- (i) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Subsection B.

(4) Standards for Manufactured Homes and Recreational Vehicles

(a) All manufactured homes placed, or substantially improved, on: (1) Individual lots or parcels, (2) In expansions to existing manufactured home parks or subdivisions, or (3) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(i) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

(ii) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

(c) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Subsections A and B.

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) All recreational vehicles placed in an identified Special Flood Hazard Area must either:

- (i) Be on the site for fewer than one hundred-eighty (180) consecutive days;
- (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
- (iii) The recreational vehicle must meet all the requirements for new construction.

(5) Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- (a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Subsection E).

(6) Building Site Pad

A property that is subject to flooding must be improved to provide a building site free from flooding. Such improvements shall be made outside the floodway by fill to at least the regulatory base flood elevation (100-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, when approved by the County Environmentalist, extended a sufficient distance to include areas for subsurface sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other method(s) deemed acceptable by the Planning Commission. Building sites and sites for drain fields shall not be traversed by water and /or drainage course and ditches.

C. STANDARDS FOR SPECIAL FLOOD HAZARD AREAS WITH ESTABLISHED BASE FLOOD ELEVATIONS AND WITH FLOODWAYS DESIGNATED

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Springfield, Tennessee and certification, thereof.
- (2) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

D. STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD ZONES AE WITH ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT FLOODWAYS DESIGNATED

Located within the Special Flood Hazard Areas established in Article III, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (1) No encroachments, including fill material, new construction, and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (2) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

E. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND FLOODWAYS (A ZONES)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (1) The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Subsections A and B.
- (2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (3) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Subsection B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Subsection B.
- (4) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Springfield, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (5) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B. Within

approximate A Zones, require that those subsections of Article V, Subsection B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Subsections A and B, apply:

- (1) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Subsection B.
- (2) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Subsection B.
- (3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

G. STANDARDS FOR AREAS PROTECTED BY FLOOD PROTECTION SYSTEM (A-99 ZONES)

Located within the Areas of Special Flood Hazard established in Article III, Subsection B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V, shall apply.

H. STANDARDS FOR UNMAPPED STREAMS

Located within the City of Springfield, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- (1) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- (2) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

A. MUNICIPAL BOARD OF ZONING APPEALS

(1) Authority

The City of Springfield, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

(2) Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

(3) Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 15 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by an agent or by an attorney.

(4) Powers

The Municipal Board of Zoning Appeals shall have the following powers:

(a) Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative officials in carrying out or enforcement of any provisions of this Ordinance.

(b) Variance Procedures

In the case of a request for a variance, the following shall apply:

- (i) The City of Springfield, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (ii) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- (iii) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other property to the injury of others;
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- (iv) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- (v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. CONDITIONS FOR VARIANCES

- (1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Subsection A.
- (2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (4) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Springfield, Tennessee, the most restrictive shall in all cases apply.

B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Springfield, Tennessee, and the public welfare demanding it.

Approved and adopted by the City of Springfield, Tennessee, Mayor and Board of Alderman.

Mayor of Springfield , Tennessee

Date

Attest: _____
City Recorder

Date of Public Hearing

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Date of Publication of Caption and Summary

CHAPTER 10

PLANNED UNIT DEVELOPMENT REGULATIONS

11-1001 Purpose.

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

11-1002 General Provisions

A. Master Plan Required

No application for a Planned Unit Development (PUD) shall be considered unless a master plan meeting the requirements outlined in Section 11-1003 A is submitted therewith.

B. Ownership and Division of land

No tract of land may be considered for or approved as a planned development unless such tract is under single ownership or under multiple ownership if approved by the Springfield Planning Commission. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the planning commission.

C. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-

ways, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the planning commission.

Modifications may be incorporated only with the approval of the planning commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the planning commission of the master plan.

D. Development Period, Staging Schedule

The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accord with the approved master plan.

Within one year after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the planning commission shall conduct a hearing on the project and review the zoning of the PUD and may proceed through the Board of Mayor and Aldermen to cancel or extend such zoning depending on the circumstances of each case.

The planning commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

- (1) Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings at any stage of the development.

E. Common Open Space and Facilities

Any common space or public or private facilities shall be subject to the following provisions:

- (1) The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

- (2) Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common space must be appropriate to the uses, which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (3) The planning commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the planning commission. However, the conditions of any transfer shall conform to the adopted final master plan.
- (4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the building inspector may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After 30 days when deficiencies of maintenance are not corrected, the building inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the building inspector determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.
- (5) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.
- (6) If the common open space is deeded to a Homeowners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - (a) The homeowner's association must be set up before the homes are sold.
 - (b) Membership must be mandatory for each home buyer and any successive buyer.

- (c) The open space restrictions must be permanent, not just for a period of years.
- (d) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (e) Homeowners must pay their pro rata share of the cost and the assessment levied by the association can become a lien on the property.
- (f) The association must be able to adjust the assessment to meet changing needs.

11-1003 Administrative Procedure.

The provisions of this section govern the procedure for approval for all PUDs as provided herein. A PUD shall be an overlay zone upon the base district. Any landowner may apply for a Residential PUD in any residential district, or a Commercial PUD in the CS District. (A Mixed Residential - Commercial PUD shall not be allowed).

A. Preliminary Approval

Application for preliminary approval shall be made by the landowner of the affected property or his authorized agent to the Community Development Director in accordance with such written general rules regarding general procedure, form of application, and required information as the planning commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:

- (1) The preliminary master plan for the proposed planned unit development shall be a general concept plan which shall include such items as the planning commission by general rule shall specify in order to disclose;
 - (a) The location and size of the area involved,
 - (b) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
 - (c) Location and approximate dimensions of structures including approximate height and bulk and the utilization of structure including activities and the number of living units,
 - (d) Estimated population and density and extent of activities to be allocated to parts of the project,

- (e) Reservations for public uses including schools, parks and other open spaces,
 - (f) Other major landscaping features, and
 - (g) The general means of the disposition of sanitary wastes and storm water.
- (2) A tabulation of the land area to be devoted to various uses and activities and overall densities.
- (3) The nature of the landowner's interest in the land to be developed shall be examined by the Planning Commission. All parties having a beneficial interest in the affected property will be afforded an opportunity to state their views at the public hearings held by the Board of Mayor and Aldermen and the Springfield Planning Commission.
- (4) The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
- (5) A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
- (6) When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

B. Board of Mayor and Aldermen Concurrence

Any PUD granted preliminary approval by the planning commission shall be transmitted to the Board of Mayor and Aldermen for their concurrence. After Board of Mayor and Aldermen approval, the planning commission may proceed with final approval of the PUD or any stage thereof.

C. Application for Final Approval

Within one year of the preliminary approval of a planned unit development, the landowner may make application to the planning commission, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the planning commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants,

easements, and conditions and forms of bonds as were set forth by the planning commission resolution of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

D. Final Approval of Stages

The application for final approval and the final approval by the planning commission may be limited to each stage as appropriate in a large planned unit development, in compliance with the Section 11-1002 D.

E. Final Master Development Plan of Planned Unit Development

The final master plan of a planned unit development for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following: the location of water, sewerage, and drainage facilities; detailed buildings and landscaping plans and elevations; character and locations of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

F. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

The landowner, the residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of buildings may be authorized by the planning commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, size or rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plat was approved. Changes of this nature are

considered major changes and must be approved by the Planning Commission and Board of Mayor and Aldermen as an amendment to the PUD.

G. Cancellation of an Adopted Planned Unit Development

In the event that actual construction has not begun within one year from and after the date of the ordinance adopting or amending a planned unit development, (or after any period of extension officially authorized), the planning commission may, after an official meeting with notice to the landowner, act to cancel the adopted planned unit development or at any time upon the petition of the landowner.

11-1004 Permitted Uses.

Within an approved PUD, the following uses may be permitted by the planning commission as a part of the approval process:

A. Residential PUD

(1) Residential Activities

Permanent: Dwelling, attached
Dwelling, one-family detached
Dwelling, semi-detached
Dwelling, two-family detached
Dwelling, multi-family

(2) Community Facility Activities

Community Assembly
Cultural and Recreational Services
Essential Services

(3) General Requirements for Residential Zones

Duplex, Condominium, and Multi-Family Units are allowed in all residential districts through the use of PUD overlay zoning. Developers can seek to increase the density in these zones by providing common open space, underground wiring, and other amenities authorized by this Chapter.

B. Commercial PUD

(1) Commercial Activities

Convenience Commercial
Financial, Consultive, and Administrative Services
Food and Beverage Services
Food Service Drive-In
General Business and Communication Services
General Personal Services
General Retail Trade
Medical and Professional Services

(2) Community Facility Activities

Essential Services

11-1005 Area Regulations.

All PUDs shall comply with the following area regulations:

A. Minimum Size

Residential PUD - five (5) acres

Commercial PUD - one (1) acre

B. Front Yard

(1) There shall be a front yard setback for all detached dwellings of twenty-five (25) feet.

The front yard for other types of structures shall be as required by the planning commission.

(2) Where the PUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than twenty-five (25) feet, then no building shall be erected closer to the street line than the minimum setback established by the existing buildings.

(3) In a Commercial PUD the front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet.

C. Periphery Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the PUD of not less than twenty-five (25) feet. A Commercial PUD shall maintain a minimum side and rear yard of ten (10) feet, which shall be permanently landscaped.

D. Other Yard Requirements

Within the boundary of the PUD other than the required yards above, no yard requirements are established. The planning commission shall specify internal yard as part of the approval of the final master based upon the type of buildings and nature of the PUD.

E. Lot Area and Frontage

In the case of detached dwellings, no lot shall be approved with an area of less than 5,000 square feet and a street frontage of less than forty (40) feet at the building setback line.

11-1006 Density of Development.

The maximum overall density shall be specified in terms of the number of dwelling units per gross acres of the acreage of the entire development. The maximum density shall be as follows:

- A. For mixed residential types, a maximum increase of five (5) percent.**
- B. For underground utilities, a maximum increase of ten (10) percent.**
- C. For improved common open space, a maximum increase of five (5) percent.**
- D. For preservation of natural, historic or archaeological features, a maximum of five (5) percent.**

11-1007 Required Improvements.

All PUDs shall comply with the schedule of improvements required in this section.

A. Internal Streets

Within any PUD, streets may be public or private. Whether the developer requests that the streets be dedicated to the public or request that they remain private, specifications and

procedures of the subdivision regulations shall apply. Streets privately constructed may be maintained either by the landowner/developer or deeded to the homeowner's association.

B. Off-Street Parking

The off-street parking requirements contained in Section 11-807 B or Section 11-807 D shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the planning commission may require a variety of design and landscaping techniques to achieve this.

C. Utilities

The development shall be serviced with public or private sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed a minimum of 500 feet apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than 500 feet away from such hydrant.

D. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

11-1008 Other Requirements

A. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

B. Subdivision Plat Required

A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the county registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second-floor apartment) the plat must contain a datum plane or other suitable location reference. In meeting this

requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

C. Building Reconstruction

In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with approved master plan. No change in any dimension or location shall be permitted without an official amendment approved by the planning commission.

Process of being codified

CHAPTER 11

PERFORMANCE STANDARDS

11-1101 Purpose and Intent.

- A. The purpose of this chapter is to establish regulations and standards for the installation and operation of industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.
- B. In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.
- C. When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Title, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of a building or other structure.
- D. The provisions of this chapter shall apply notwithstanding the issuance after the effective date of this Title of any zoning permit or use and occupancy permit.
- E. Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.
- F. In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

11-1102. Performance of Standard Regulations

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

A. Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely affect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this chapter limiting dangerous and objectionable elements at the point of the determination of their existence.

B. Performance Standards Regulating Noise

(1) Definitions

- (a) For the purpose of this article, the following terms shall apply:
- (b) Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.00002 microbars. It is abbreviated as DB.
- (c) Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated c.p.s.
- (d) Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.
- (e) Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate district noises.
- (f) Noise: a subjective description of an undesirable or unwanted sound.
- (g) Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

- (i) Preferred Frequency Octave Band: these octave bands are replacing the pre-1960 octave bands. The Preferred Frequency Bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest of industrial noise and are described in the United States American Standard Institute (USASI) Standard Number SI.6-1960.
- (h) Octave Band Analyzer: an instrument to measure octave band composition of noise by means of bandpass filters. It shall meet all requirements of the USASI and shall be calibrated for use with Preferred Frequencies.
- (i) Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 c.p.s.
- (j) Sound: rapid fluctuations of atmospheric pressure which are audible to persons.
- (k) Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI.
Steady State: a noise or vibration which is continuous such as from a fan or compressor.

(2) Method of Measurement

- (a) For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer, and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI standards. During these measurements, the instruments shall be set on the "C" weighting scale with the meter set for slow response.
- (b) Impact noises shall be measured on a commercially available impact noise analyzer.

(3) Maximum Permitted Sound Levels

The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with the following tables:

TABLE 11-1

ZONE	Adjacent Zone Lot Line	Adjacent District Boundary	Residential District Boundary
RI	C	B*	A

ZONE	Adjacent Zone Lot Line	Adjacent District Boundary	Residential District Boundary
GI	-	B	A
CLS	A	A	A
CG	B	B	A
CC	B	B	A
MRO	A	A	A
MPO	A	A	A
CS	B	A	A
*Except at GI boundary.			

TABLE 11-2

Preferred Frequency Octave Bands			
Preferred Center Freq. - Cycles/Sec.	A	B	C
31.5	69dB	78dB	82dB
63	69	78	82
125	58	73	76
250	52	67	70
500	46	61	64
1000	43	56	59
2000	39	50	53
4000	36	44	47
8000	33	39	42

TABLE 11-3

	A	B	C
Overall Impact	76dB	85dB	95dB

- (a) For impact noise levels, the values in the following table shall apply. For purposes of this ordinance, impact noise shall be considered to be those noises whose peak values are more than 3dB higher than the values indicated on the sound level meter.
- (b) Between the hours of 7:00 a.m. and 7:00 p.m., all of the permissible noise levels indicated in the previous tables for residential district boundaries shall be reduced by 5dB.
- (c) Noises not directly attributable to an activity located on the zone lot are excluded from the above limitations (such as from independent transportation facilities).

C. Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

D. Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

(1) Definitions

- (a) Particulate Matter: matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions.
- (b) Opacity: The degree to which emissions reduce the transmission of light and obscure the view of an object in the background. Opacity is used in measuring the shades and density of air contaminants arising from stacks, chimneys, and other sources.
- (c) Smoke: Small gas-borne or airborne particles originating from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

(2) Smoke

No emission shall be permitted at any point from any stack, chimney, or other source or smoke of visible effluent of a shade equal to or darker than 20% opacity, except as provided below:

- (a) Within the RI Districts, the emission of smoke or visible effluent of a shade equal to 40% opacity may be permitted for six (6) minutes in any four (4) hour period.
- (b) Within the GI Districts, the emission of smoke or visible effluent of a shade equal to or darker than 40% opacity shall not be permitted, except that visible gray smoke of a shade equal to 50% opacity may be permitted for three (3) minutes in any one (1) hour period.

(3) Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

E. Performance Standards Regulating Odors

(1) Definitions

- (a) Odorous Matter: solid, liquid, or gaseous material which produces an olfactory response in a human being.
- (b) Odor Threshold Concentration: the lowest concentration of odorous matter which will produce an olfactory response in a human being.

(2) Emission of Odorous Matter

- (a) Within the RI and GI Districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential, commercial or agricultural district.
Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

F. Performance Standards Regulating Toxic Matter

(1) Definitions

- (a) Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
- (b) Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(2) Methods of Measurement

The measurement of toxic matter shall be at ground level or habitable elevation at the zone lot line and shall be average of a 24-hour sample.

(3) Emission of Toxic Matter

Within all industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

G. Performance Standards Regulating Fire and Explosive Hazards

(1) Explosive Materials

- (a) Activities involving the storage, utilization, or manufacture of products or materials which decompose by detonation shall be provided with adequate fire-fighting and suppression equipment and devices standard to the activity involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.
- (b) Within the GI Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with applicable state and local regulations. The storage of such materials in all other districts is prohibited.

(2) Fire Hazard Solids

Within all industrial districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines. The storage or manufacture of such materials in all other districts is prohibited.

(3) Fire Hazard Liquids and Gases

- (a) In all industrial districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in

accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistant and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.

- (b) The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each industrial district. The storage of such materials in all other districts is prohibited.

H. Performance Standards Regulating Glare and Electromagnetic Interference

(1) Definitions

Foot Candle: a unit of illumination. Technically the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

(2) Limitation of Glare.

In all districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.

(3) Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

TABLE 11-4

STORAGE CAPACITY OF FLAMMABLE LIQUIDS

District	Above Ground Flash Point, Degrees Fahrenheit		Below Ground Flash Point, Degrees Fahrenheit	
	Less than 125	125-300	Less than 125	125-300
RI	10,000 gal.	40,000 gal.	20,000 gal.	80,000 gal.
GI	Unlimited except that within 300 feet of a district boundary no more than 50,000 gallons per acre within such distance shall be permitted.		Unlimited	
Note:	Flash point is defined as the lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.			

TABLE 11-5

STORAGE CAPACITY OF GASES

District	Above Ground	Below Ground
RI	300,000 SCF	600,000 SCF
GI	Unlimited except that within 300 feet of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted.	
Note:	SCF is defined as standard cubic feet which is the measure of the volume of a gas reduced to 60 Degrees Fahrenheit and 29.92" mercury, absolute.	

I. Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

J. Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this chapter or by reference shall be subject to the nonconforming use provisions of Chapter 12.

Process of being codified

CHAPTER 12

PROVISIONS GOVERNING NONCONFORMING USES AND NONCOMPLYING BUILDINGS OR OTHER STRUCTURES

11-1201 Nonconforming Uses.

The provisions of this section are applicable to all uses which are not permitted within the districts in which they are located.

A. Continuation of Nonconforming Use

Any nonconforming use which existed at the time of enactment of this Title and which remains nonconforming, or any use which shall become nonconforming upon enactment of this Title, or any subsequent amendments thereto may be continued subject to the provisions contained in this chapter. Provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this Title.

B. Repairs and Alterations

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(1) Incidental Alterations

Incidental alterations as defined by this ordinance, may be made to a building or other structure occupied by a nonconforming use, or in connection with a permitted change of a nonconforming use.

(2) Alterations Other Than Incidental Alterations

No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided below or when made:

- (a) In order to comply with requirements of law regarding fire protection, safety of the structure, etc., or

(b) In order to conform to the applicable district regulations or performance standards.

(3) Alteration of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this Title.

C. Expansion

The nonconforming use of part of a building structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

(1) Expansion of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

- (a) shall result in a change of one nonconforming use unless such change results in a use which is less nonconforming than the previous use;
- (b) shall infringe, or increase the extent or any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance;
- (c) shall take place beyond the zone lot(s) on which said use was operating as of the effective date of this ordinance.

D. Change of Use

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, be itself, constitute a change of use.

A nonconforming use may be change to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

A nonconforming use may be changed to another nonconforming use provided that:

- (1) Structural alterations or enlargements are not made to the buildings and other structures;
- (2) The degree of nonconformity or noncompliance is not increased;
- (3) The nonconforming use to which such change is made will be less detrimental to the neighborhood than the existing nonconforming use.

E. Damage or Destruction

In all districts, when any building or structure which is substantially occupied by a nonconforming use is damaged or destroyed to the extent of fifty (50) percent of its total floor area, such nonconforming use shall terminate.

Any commercial or industrial use subject to the provisions of this section shall be allowed to reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:

- (1) shall result in a change of one nonconforming use to another nonconforming use;
- (2) shall infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space required by this ordinance;
- (3) shall take only upon the zone lot(s) on which said use was operating as of the effective date of this Title.

F. Discontinuance

When a nonconforming use of land with minor improvements or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land,

excluding mobile homes, is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

Nonconforming mobile homes on individual lots in any zone, except in the MH-2 District, Mobile Home Parks, shall not be replaced if removed or destroyed.

G. Special Provisions Governing Nonconforming Buildings Within Floodplain Districts

(1) General Provisions

In all districts or portions thereof, which extend into the floodplain districts as established by Chapter 11, any building or other structure or use which is not permitted in the floodplain district provisions shall become nonconforming upon the effective date of this Title, or subsequent amendment as applicable.

(2) Enlargements of Building Within the Floodplain

A building or other structure which is nonconforming by reason of location within the floodplain shall not be enlarged or expanded but may be altered, or repaired as set forth in Section B above or as may be expressly authorized by the board of Zoning Appeals in order to incorporate floodproofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

(3) Special Provisions Governing Reconstruction of Buildings or Structures Located Within the Floodway Portion of FP Floodplain Districts

Within any designated floodway any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- (a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

- (b) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed to a height of at least one (1) foot above the level of the 100-year flood.
- (c) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one (1) foot above the level of the 100-year flood.
- (d) The level of the 100-year flood shall not be increased above that shown.

11-1202 Noncomplying Buildings or Other Structures.

The provisions of this Section shall control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

A. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this section.

B. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions contained herein.

C. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel of any portion thereof.

D. Damage or Destruction

In all districts, when a noncomplying building or other structure is damaged by any involuntary means to the extent of fifty (50) percent or more of its total floor area, such

building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this Title.

In all districts, when any noncomplying sign is damaged or destroyed to the extent of fifty (50) percent of its depreciated value at the time of destruction or damage then the sign shall be terminated or made to comply with the appropriate district regulations.

Process of being codified

CHAPTER 13

ADMINISTRATION AND ENFORCEMENT

11-1301. Organization and Purpose

A. The administration of this Title is hereby vested in two offices of the government of the City of Springfield as follows:

The Community Development Director, and his or her duly appointed assistants.
The Board of Zoning Appeals.

B. It is the purpose of this chapter to set out the authority of each of these two offices and then describe the procedures and substantive standards with respect to the following administrative functions:

- (1) Issuance of Permits
- (2) Issuance of Use and Occupancy Permits
- (3) Performance Standards
- (4) Variances
- (5) Conditional Use Permits
- (6) Amendments

11-1302. Appointment and Duties of the Community Development Director

A. Appointment of the Community Development Director.

There is hereby created the office of Community Development Director. The Community Development Director shall be executive head of the office and shall be appointed by the City Manager. The City Manager may appoint from time to time such assistant to the Community Development Director as may be authorized.

B. Duties of the Office of the Community Development Director.

The Community Development Director shall enforce this Title, and in addition thereto and in furtherance of said authority he shall:

- (1) Issue all zoning permits, and make and maintain records thereof;
- (2) Issue all use and occupancy permits, and make and maintain all records thereof;
- (3) Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this Title;
- (4) Maintain permanent and current records of this Title, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variations, appeals and applications therefore;
- (5) Provide information to the public on all matters relating to this Title;
- (6) Receive, file and forward to all necessary agencies all applications for conditional uses and for amendments to this Title;
- (7) Receive, file and forward to the board of zoning appeals all applications for variances or other matters, on which the board is required to pass under the provisions of this Title;
- (8) Initiate, direct a review, from time to time, a study of the provisions of this Title, and make reports of his recommendations to the planning commission at least annually.

C. Powers of the Community Development Director Regarding the Issuance of Permits.

The Community Development Director shall have the power to grant zoning permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Title. It shall be unlawful for the Community Development Director to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Title.

Under no circumstances is the Community Development Director permitted to make changes in this Title nor to vary its terms and provisions in carrying out his duties.

The Community Development Director shall not refuse to issue a permit when conditions imposed by this Title are complied with by the applicant despite the violations of contracts such as covenants or private agreements, which may occur upon the granting of said permit.

D. Powers of the Community Development Director to Enforce Performance Standards.

The Community Development Director shall enforce performance standards in accordance with the procedure set forth below.

(1) Procedure

Before issuing a zoning permit for a use in any CG, RI, GI Districts, the Community Development Director shall be given information by the applicant sufficient to insure that all performance standards and site development standards set forth in this Title can and will be complied with at all times.

Where in the opinion of the Community Development Director or other designated inspector, there is a probable violation of any provision of this Title, he is empowered, within available appropriateness therefore, to have a qualified technician perform such investigations, measurements, and analysis as may be necessary to determine whether or not there is in fact a violation of this Title. Upon confirmation of a violation, the offending industry or activity shall bear the cost incurred by the city in retaining the qualified technician.

(2) Power to Make Measurement of Manufacturing or Other Uses in Districts Where Performance Standards Apply

Notwithstanding the foregoing provisions, in any district where performance standards apply, the Community Development Director may cause to have made, within available appropriations therefore, scientific tests of any use to determine its performance characteristics, whether or not a violation exists.

(3) Right of Entry upon Land

The Community Development Director or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Title.

(4) Conflict with State or Federal Enforcement

Where any of the performance standards contained herein are enforced by appropriate state or federal authorities, the Community Development Director shall be exempted from such enforcement. However, this shall not be construed as preventing the city from adopting and enforcing stricter standards than federal or state if the city so desires.

(5) Peace Officer Powers of the Community Development Director and Assistants

The Community Development Director and his or her assistants, in the performance of any duties vested in such officers under this Title, are vested with the full power and authority of a peace officer, or policeman, of The City of Springfield to issue citations to any person, firm or corporation alleging any such violation, returnable to the Municipal Court of the City.

11-1303. Zoning Permits and Use and Occupancy Permits

A. Zoning Permits Required

- (1) No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the Department of Community Development and Planning. Applications for zoning permits may be obtained from the Department of Community Development and Planning.
- (2) Any exterior addition or change in any existing residential use or development when changing the residential use to commercial, industrial, or institutional use shall require the issuance of a zoning permit in addition to any required building permit or use and occupancy permit.
- (3) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the city unless a zoning permit is approved by the Director of Community Development and Planning indicating that the proposed building or structure complies with all the provisions of this ordinance.
- (4) Any zoning permit or use and occupancy permit issued in conflict with the provisions of this ordinance shall be null and void.

B. Site Plan Required for Zoning Permits

There are four types of site plans defined in this Section:

- (1) residential layout plan,
- (2) minor site plan,
- (3) site plan for rezoning, and
- (4) major site plan.

It shall be the duty of the Director of Community Development and Planning or the Codes Administrator to determine which type of site plan applies to each application for a zoning permit.

C. Provisions for Site Plan Approval:

- (1) All site plans shall be approved by the Director of Community Development and Planning and, when necessary, other approving authorities as herein prescribed prior to the issuance of any zoning permit or building permit.
- (2) All site plans for public buildings and/or facilities shall be reviewed and approved by the Springfield Municipal and Regional Planning Commission in addition to the city staff.
- (3) All site plans for developments situated within a zoned commercial planned unit development shall be reviewed and approved by the Springfield Municipal and Regional Planning Commission in addition to the city staff.
- (4) All site plans for commercial, industrial and/or public facilities that exceed 50,000 square feet in gross floor area shall be reviewed and approved by the Springfield Municipal and Regional Planning Commission in addition to the city staff.

D. A Site Plan will not be required in the following instances:

- (1) Exceptions to the required site plan submission include permitted obstructions in required yards in all zoning districts.
- (2) A site plan for rezoning will not be required prior to filing the major site plan for construction when a rezoning change is necessary.
- (3) A site plan will not be required when the renovation or remodeling of a building is confined within the existing wall of the building.
- (4) A site plan is not required in cases of demolition or clearing of property unless otherwise required by the Provisions of Grading and Erosion Control within the Zoning Ordinance.
- (5) A site plan is not required for improvements on property zoned and used for agricultural purposes.

E. Development According to a Site Plan

It shall be unlawful for any person to construct, erect, or alter any building or structure, or develop, change or improve land for which a site plan is required except in accordance with

the approved site plan; except that site plans may be waived in the above-mentioned circumstances or as allowed as a minor adjustment to a site plan as defined further in this Section.

F. Types of Site Plans

There are four separate types of site plans that may, under certain circumstances, be required by the Director of Community Development and Planning depending upon the nature of the application for zoning permit.

- (1) Residential Layout Plan
- (2) Minor Site Plan
- (3) Site Plan for Rezoning
- (4) Major Site Plan for Construction

(1) Residential Layout Plan

Proposed single family residential, duplexes, and other residential housing no more than two dwelling units may submit a scaled drawing and/or floor plan in lieu of a site plan. Required features to be shown on a residential layout plan include:

- (a) Property address, subdivision name, and lot number.
- (b) Contractor name, address, and telephone number.
- (c) Property Owner name, address and telephone number.
- (d) Dimensions of lot or tract.
- (e) Total area (square footage or acreage) of the lot or tract.
- (f) Zoning classification of this property.
- (g) Setback lines.
- (h) Total square footage of proposed and existing structures.

(2) Minor Site Plan

A minor site plan may qualify for a zoning permit in the event that the proposed development, addition, remodeling, or construction meets the following criteria:

- (a) Does not exceed 5,000 square feet of gross floor area.
- (b) Is confined to an area presently covered by an impermeable surface such as asphalt or concrete.

- (c) Does not require additional parking spaces under the provisions of the Zoning Ordinance.
- (d) Does not require the relocation of any utility or drainage facility or easement.
- (e) Minor site plans shall be scaled drawings prepared by a licensed surveyor or engineer depicting:
 - (i) the general location of the property identifying streets, railroads, water bodies, etc.
 - (ii) property address
 - (iii) property owners on site as well as all those adjoining
 - (iv) present and proposed buildings
 - (v) parking spaces
 - (vi) present and proposed utilities
 - (vii) setback lines
 - (viii) existing and proposed landscaping, screening and/or buffering techniques
 - (ix) existing land use of the site
 - (x) existing land use of all adjoining properties
 - (xi) zoning classification of the site
 - (xii) zoning classification of all adjoining properties
- (f) Upon review of the minor site plan, unless special conditions requiring more detailed information are determined by the Director of Community Development and Planning, the minor site plan shall be approved in lieu of a major site plan for construction.

(3) Site Plan for Rezoning

Every site plan for rezoning submitted in accordance with this section shall show:

- (a) The location of the following land uses when involved:
 - (i) Residential
 - (ii) Commercial
 - (iii) Industrial
 - (iv) Government
 - (v) School areas
 - (vi) Parking areas

- (vii) Other open spaces
- (viii) Institutional uses

(b) The following additional information is to be included:

- (i) Name and address of development
- (ii) Boundary of the entire tract by courses and distances
- (iii) Area and present zoning of tract
- (iv) Name and address of the owner or owners of record of the tract and the applicant
- (v) Owner and present use of all contiguous or abutting property.
- (vi) Date, scale, north point, and number of sheets

- (a) Scale shall be one inch (1") equals fifty feet (50') or larger.

- (b) When more than one sheet is required to cover entire project, a common sheet general in nature shall be provided which shall show all the individual sheets of an application in proper relationship to each other.

- (vii) Courses and distances of centerlines of all streets and roads adjoining or abutting the tract.

- (viii) All building restriction lines, highway setback lines, easements, covenants, reservations, and rights-of-way.

- (ix) A blank space, three inches (3") wide and five inches (5") high, for the use of the approving authority.

- (x) In addition to the information required above, the site plan shall show the location, dimensions, size, and height of the following when existing:

- (a) Sidewalks, streets, alleys, and easements

- (b) Buildings and structures

- (c) Driveways, entrances, exits, parking areas and loading spaces

- (d) Slopes, terraces and retaining walls

- (e) Landscaping, fencing and screening

- (xi) Any restrictions imposed on the property by the owner

- (xii) Any additional information that may be required by the Planning Commission.

(xiii) All required applications for rezoning, accompanying petitions and fees shall be submitted in conjunction with the site plan for rezoning.

(4) Major Site Plan for Construction

All new construction development unless otherwise stipulated in this ordinance shall be required to submit for approval a major site plan for construction. Every major site plan for construction shall show the following:

- (a) Name and address of development.
- (b) Boundary of the entire tract by courses and distances.
- (c) Area and present zoning of tract.
- (d) Name and address of the owner or owners of record of the tract and the applicant.
- (e) Owner and present use of all contiguous or abutting property.
- (f) Date, scale, north point and number of sheets.
 - (i) Scale shall be one-inch (1") equals fifty feet (50') or larger.
 - (ii) When more than one sheet is required to cover entire project, a common sheet, general in nature, shall be provided which show all the individual sheets of an application in proper relationship to each other.
- (g) Courses and distances of centerlines of all streets or roads adjoining or abutting the tract.
- (h) All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.
- (i) Existing topography with a maximum of two feet contour intervals within one hundred feet of all buildings and a minimum of five-foot contour intervals on the remainder of the tract.
- (j) Name, address, signature and registration number of the professionals preparing the plan.
- (k) A blank space, three inches (3") wide and five inches (5") high, for the use of the approving authority.
- (l) In addition to the information previously required in this Section, the major site plan for construction shall show the location, dimensions, size and height of the following when existing:
 - (i) Sidewalks, streets, alleys and easements

- (ii) Buildings and structures
 - (iii) Driveways, entrances, exits, parking areas and loading spaces
 - (iv) Sanitary sewer systems
 - (v) Water mains and fire hydrants
 - (vi) Gas, power and telephone lines
 - (vii) Recreation areas
 - (viii) Storm drainage systems to include natural and artificial watercourses
- (m) In addition to the information previously required in this Section, the major site plan for construction shall show the location, dimension, size, and height of the following when proposed:
- (i) Sidewalks, streets, alleys and easements
 - (ii) Buildings and structures to include:
 - (a) Distances between buildings
 - (b) Number of stories
 - (c) Area in square feet of each floor
 - (d) Number of dwelling units or guestrooms
 - (e) Structures above the building height line
 - (iii) Driveways, entrances, exits, parking areas and loading spaces to include:
 - (a) Number of parking spaces
 - (b) Number of loading spaces
 - (iv) Water mains and fire hydrants
 - (v) Sanitary sewer systems and easements
 - (vi) Gas, power and telephone lines and easements
 - (vii) Slopes, terraces and retaining walls
 - (viii) Landscaping, fencing and screening
 - (ix) Recreation areas and open green space
 - (x) Plans for collection and depositing storm water based on a rational formula for drainage area
 - (xi) All canopies, awnings and overhangs that are part of the building must meet the setback restrictions

- (n) Improvements to be required for public safety.
 - (i) In order to assure public safety, general welfare and convenience, the city agencies and officials charged with the responsibility for review and recommendation of approval of Site Plans for Construction shall require such of the following improvements as fall within their respective assignment:
 - (a) Designation of pedestrian walkways so that persons may walk on same from store to store or building to building within the site and to adjacent sites.
 - (b) Construction of vehicular travel lanes or driveways that will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property. (*See Supplementary Provisions for Parking Requirements in this Ordinance*).
 - (c) Connections wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.
 - (d) Screening fences, walls and curb as required by City Ordinances or by the regulations of the State of Tennessee, Department of Highways.
 - (e) Easements or rights-of-ways for all facilities to be publicly maintained. Each easement shall be clearly defined for the purpose intended.
 - (f) Extension or construction of service road and access thereto on site bordering on a city primary highway.
 - (g) Dedication or reservation of land for streets and service roads and the construction thereon.

G. Persons Authorized to Prepare Site Plans

Site plans or any portion thereof, involving engineering, architecture, or land surveying shall be prepared and certified respectively by an engineer, architect, or land surveyor duly registered by the State to practice as such.

H. Number and Size of Sheets and Number of Copies Required

- (1) A major site plan for construction may be prepared in one or more sheets to show clearly the information required by this section to facilitate review and approval of the plan. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

- (2) The sheet or sheets to be used shall be twenty-four inches (24") by thirty-six inches (36") or as approved by the Director of Community Development and Planning.
- (3) Eight (8) clearly legible blue or black line copies of a site plan, prepared in accordance with the requirements of this section, are required to be submitted for approval as hereinafter provided.
- (4) Any additional information required by the Planning Commission.

I. Construction Standards

The construction standards for all off-site and on-site improvements required by this Section shall conform to the design and construction standards of Springfield, Tennessee.

J. Inspections and Supervision During Construction

- (1) Inspections during the installation of the off-site improvements and required on-site improvements shall be made by the city staff or other agency responsibilities for such improvements, as required to certify compliance with the approved site plan and applicable building standards.
- (2) The owner or developer shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one (1) set of approved plans, profiles and specifications available at the site at all times when work is being performed.

K. Submission of Site Plans

The required number of copies of the site plan shall be filed with the Department of Community Development and Planning unless otherwise instructed by the Director of Community Development and Planning. The filing of the plan shall include the signature of the application or his agent. A receipt from the City of Springfield evidencing the payment of all site plan fees as hereinafter prescribed for the examination and approval of site plans shall accompany the construction site plans.

L. Review of Site Plans

- (1) The Director of Community Development and Planning is responsible for checking the site plans for general comments as may be established prior to routing copies thereof to reviewing agencies or officials. He shall see that all examination and review of the site plans are completed by the approving authorities in a timely manner. Applicants for zoning permits should contact the Department of Community Development and Planning at least 30 days in advance of their desired construction start date to determine scheduling of their site plan and zoning permit application.
- (2) All site plans that are properly submitted shall be reviewed and approved or disapproved by the proper authorities.
 - (a) The Planning Staff, relative to:
 - (i) Compliance with the requirements of the Springfield Zoning Ordinance including permitted usage, setbacks, side-yards and rear yards, height of buildings, lot area, lot coverage, landscaping, fencing, and screening.
 - (ii) Location and adequacy of automobile parking as to number of spaces, square footage per space including movement lanes and total area.
 - (b) The Springfield Municipal and Regional Planning Commission, relative to:
 - (i) Zoning Change.
 - (ii) Type of land use.
 - (iii) Community input on public facilities and buildings.
 - (iv) Resolving design disputes between the applicant.
 - (v) Conformance to master plan in planned unit developments.
 - (vi) Solicitation of public input.
 - (c) The Director of Public Works or the City Engineer relative to:
 - (i) Adequacy of drainage and proposed method of design of drainage system.
 - (ii) Compliance with applicable established design criteria, construction standards and specifications for all required public improvements.
 - (iii) Location and design of vehicular entrances and exits, in relation to pedestrian traffic.

- (iv) Location and design of all parking areas.
- (v) Concurrence of the Director of Community Development and Planning for the location of and design of the vehicular entrances and exits to and from city-maintained streets and highways.
- (vi) Adequate provision for traffic circulation and control within the site and providing access to adjoining property.
- (d) The Director of Water and Wastewater relative to design and location of water supply, fire protection and sanitary sewer facilities and easements.
- (e) The Fire Chief, or his agent under his supervision, relative to location of hydrants and emergency equipment access.
- (f) The County Health Department relative to individual sewage disposal systems and sewage when proposed.
- (g) The Director of Gas relative to design and location of gas supply, facilities and easements.
- (h) The Director of the Electric Department relative to design and location of electrical power supply, facilities and easements.

M. Approval of Site Plans

The Director of Community Development and Planning, his assigns, or the Planning Commission as defined in this section shall approve or disapprove site plans in accordance with the reviewing authorities' recommendations. The approving authority shall then correspond with the applicant, noting:

- (1) The approval or disapproval of the site plan;
- (2) Any changes required on the site plan prior to approval; or
- (3) Additional information that is required and pertinent to the site plan as soon as possible or within forty-five (45) days from the date of site plan submittal except under abnormal circumstances.

N. Time of Validity of Approved Site Plans

- (1) An approved site plan for rezoning shall become null and void if the rezoning application is denied by the Planning Commission or the Board of Mayor and Aldermen as provided in the Amendments section of this Ordinance.

- (2) An approved construction site plan shall become null and void if no building permit is sought by the developer or if no significant work is performed on the site within twelve (12) months after the site plan is approved.
- (3) Construction or development may begin upon approval of a major site plan for construction by the payment of site plan fees and acquisition of construction permits. The Director of Community Development and Planning may grant a single one-year extension upon written request of the applicant made at least thirty (30) days before the expiration of the approved site plan.

O. Minor Adjustment of Site Plans

After a site plan has been approved, minor adjustments to the site plan, which comply with the spirit of this Section and the Springfield Zoning Ordinance, with the intent of the approving bodies in their approval of site plans, and with the general purpose of the master plan for development of the area, may be approved by the Director of Community Development and Planning with concurrence of the reviewing authorities. Deviation from an approved site plan without the written approval of the Director of Community Development and Planning shall require the applicant to resubmit a new site plan for consideration.

P. Use and Occupancy Permit Required

No building or addition thereto, constructed after the effective date of this Title, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the office of the Community Development Director. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the Community Development Director.

Q. Application for Use and Occupancy Permit

Every application for a zoning permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permits for a new use of land where no zoning permit is required shall be made directly to the office of the Community Development Director.

R. Issuance of Use and Occupancy Permit

The following shall apply in the issuance of any use an occupancy permit.

(1) Permits not to be Issued

No use and occupancy permit shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this ordinance.

(2) Permits for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use or activity of a different class or type, unless a use and occupancy permit is first obtained for the new or different use.

(3) Uses and Occupancy Permits for Existing Buildings

Use and occupancy permits may be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Title.

(4) Temporary Use and Occupancy Permits

Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permit for a portion of a building or structure in process of erection or alternation, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Title.

(5) Permits for Dwelling Accessory Buildings

Buildings accessory to dwellings shall not require separate use and occupancy permits but may be included in the use and occupancy permits for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

S. Records of Use and Occupancy Permits

A record of all use and occupancy permits issued shall be kept on file in the office of the Community Development Director, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

T. Final Inspection

No use and occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this Title, shall be issued until construction has been completed and the premises inspected and certified by the office of the Community Development Director to be in conformity with the plans and specifications upon which the zoning permit was based and with the applicable performance standards established by Chapter 11.

11-1304. The Board of Zoning Appeals

A. Reserved

B. Creation of the Board of Zoning Appeals - Membership and Appointment

A board of zoning appeals is hereby established, which is referred to in this ordinance, as the "Board" or "Board of Appeals". The board of appeals shall have jurisdiction within the corporate limits of the city and shall consist of five (5) members, all of whom shall be bona fide residents of the city at the time of their appointment and who shall continue to reside within the city as long as they serve. At least one of the members shall be a member of the Springfield Regional Planning Commission. All members of such board shall be nominated by members of the Board of Mayor and Aldermen and confirmed by majority vote of said Board.

C. Term of Office of Board Members, Removal and Vacancies

The members of the municipal board shall serve for a 4-year terms, or until their respective successors are appointed and qualified, except that the board members first appointed shall serve respectively for the following terms: one for (1) year, one for (2) years, one for (3) years and two for (4) years. All terms shall begin January 1, and shall terminate on December 31. All members of the board may be removed from membership on the board for continued absence or just cause by the Board of Mayor and Aldermen. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

D. Powers of the Board

The board is hereby vested with the powers to:

- (1) Hear and decide appeals from any order, requirement, decision, or determination made by the Community Development Director in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the Community Development Director is in error or has acted in an arbitrary manner;
- (2) Hear and act upon application for variances in accordance with Section 11-1305 of this chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot;
- (3) Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 11-1306 of this chapter;
- (4) Hear and decide all matters referred to it on which it is required to act under this Title;

E. Election of Officers

The board shall elect from its members its own chairman, vice-chairman, and secretary who shall serve for one year and may upon election serve succeeding terms.

F. Conflict of Interest

Any members of the board who shall have direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

G. Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

H. Rules and Proceedings of the Board

The board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- (1) The presence of three members of the municipal board shall constitute a quorum. The concurring vote of a majority of the quorum present shall be necessary to deny or grant any application before the board;
- (2) No action shall be taken by the board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation at least 10 days before the date set for a public hearing. No appeal shall be considered and heard by the board unless such appeal shall have been filed at least 15 days prior to the meeting at which it is to be heard;
- (3) The board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required;
- (4) The planning commission shall be permitted to submit an advisory opinion on any matter before the board and such opinion shall be made part of the record of such public hearing;
- (5) Any officer, agency, or department of the city or other aggrieved party may appeal any decision of the board to a court of competent jurisdiction as provided for by state law;
- (6) In any decision made by the board on a variance the board shall:
 - (a) Indicate the specific section of this Title under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
 - (b) In cases pertaining to hardship, specifically identify the hardship warranting such action by the board;
 - (c) Any decision made by the board on a conditional use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;
 - (d) Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good and sufficient cause being shown;

- (e) At the public hearing of the case before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

I. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Community Development Director certified to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the Community Development Director, and on due cause shown.

J. Liability of Board Members, Community Development Director and Employees

Any board member, Community Development Director, or other employee charged with the enforcement of this Title, acting for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, Community Development Director or employee charged with the enforcement of any provision of this Title shall be defended by legal representative furnished by the city until the final termination of such proceedings.

K. Right to Entry Upon Land

The board, its members, and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Title.

11-1305. Zoning Variances

The board of zoning appeals may grant variances where it makes findings of fact based upon the standards prescribed in this chapter.

A. Application for Variances, Notice of Hearing, Fee

A written application for a variance shall be filed with the board by the property owner or his designated agent on forms provided by the board or by letter, and the application shall contain information and exhibits as may be required under Section 11-1303 B (2). No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section 11-1304 G. A fee established by the Board of Mayor and Aldermen by separate ordinance, payable to the City shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

B. Notice to Affected Property Owners

It shall be the general rule of the board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the board, may be affected by any matter brought before the board. In all cases all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified.

C. Standards for Variances

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (1) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;
- (2) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- (3) The variance will not authorize activities in a zone district other than those permitted by this Title;
- (4) Financial returns only shall not be considered as a basis for granting a variance;
- (5) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Title;
- (6) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures, or buildings in the same districts;

- (7) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (8) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- (9) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

D. Non-Conformity Does Not Constitute Grounds for Granting of a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

E. Prohibition of Use Variances

Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this Title in the district involved, or any use expressly or by implication prohibited by the terms of this Title in said district.

F. Conditions and Restrictions by the Board

The board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section C above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The board may establish expiration dates as a condition or as a part of the variances.

G. Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official

In exercising its powers, the board of appeals may, so long as such action is in conformity with the terms of this Title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

H. Variance Appeals

Any person including any agency of the city government aggrieved by a decision of the board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

11-1306. Conditional Use Permits

A. Conditional Uses

The board of appeals may hear and decide, in accordance with the provisions of this Title, requests for conditional use permits. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by § 13-7-109 and 13-7-207, Tennessee Code Annotated.

B. Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the board on forms provided by the board and shall contain information and exhibits as may be required under Section 11-1303 B or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Chapter 9. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 11-1304 H (2). A fee established by the Board of Mayor and Aldermen by separate ordinance, payable to the City shall be charged to defray cost of review and processing for each application for a conditional use permit, except that the fee may be waived for any government agency.

C. Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the

injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance. The board may establish expiration dates for the expiration of any conditional use permit as a condition of approval. A permit may not be transferred to another owner or type of use without a rehearing before the board.

D. General Requirements

A conditional use permit shall be granted provided the board makes specific findings that it:

- (1) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- (2) Will not adversely affect other property in the area in which it is located;
- (3) Is within the provisions of "Conditional Uses" as set forth in this Title; and
- (4) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and meets the specific standards below.

E. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

(1) Special Conditions for Administrative Services

- (a) There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- (b) All lot, yard, and bulk regulations of the zone district shall apply.
- (c) Appropriate off-street parking requirements shall apply.
- (d) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- (e) The site and architectural plans shall be approved by the planning commission.

(2) Day Care Facilities

- (a) For purposes of this ordinance, day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

Day Care Center - includes day care for more than seven (7) preteen age children in any kind of building.

(b) Day Care Home

- (i) The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
- (ii) All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The Fire Department shall approve the facility for safety.
- (iii) All requirements of the State of Tennessee that pertain to the use shall be met.
- (iv) An outdoor play area of at least 200 square feet per child in size shall be available and shall be fenced.
- (v) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
- (vi) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- (vii) A site plan shall be submitted in conjunction with the application for a conditional use permit.

(c) Day Care Center

- (i) No such facility shall be permitted on a zone lot in a residential district unless such lot contains twice the lot area requirements of the districts.
- (ii) No such facility shall be located on a minor residential street. Locations shall be limited to collector or arterial streets specified on the official major thoroughfare plan.
- (iii) In commercial districts the side and rear yard requirements of the closest adjoining residential district shall apply.
- (iv) A fenced outdoor play area shall be provided of at least 200 square feet per child or 2,000 square feet whichever is greater.

- (v) All bulk and space regulations of the district shall be met.
- (vi) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
- (vii) One accessory off-street parking space for each five children accommodated shall be provided.
- (viii) All public utilities and sanitary sewers shall be available at the site and connected.
- (ix) All regulations of the State of Tennessee that pertain to the use shall be met.
- (x) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.
- (xi) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.
- (xii) A site plan shall be submitted in conjunction with the application for a conditional use permit.

(3) Special Conditions for All Other Personal and Group Care Activities

- (a) No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
- (b) All bulk regulations of the district shall be met.
- (c) The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- (d) All regulations of the State of Tennessee shall be met.
- (e) All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(4) Special Conditions for Community Assembly

- (a) No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.
- (b) All bulk regulations of the zone district shall apply.
- (c) Off-street parking;
 - (i) For non-profit clubs, lodges, meeting halls and recreation centers, one space for each four (4) seats in an assembly area within the facility, or one (1) space for each 75 square feet of gross floor area, whichever is greater, shall be provided.
 - (ii) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- (d) Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.
- (e) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- (f) All public utilities and sewage disposal shall be available to the site and connected.
- (g) Except for temporary non-profit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(5) Special Conditions for Cultural and Recreational Services

- (a) No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.
- (b) All bulk regulations of the zone district shall apply.
- (c) The off-street parking requirements of this ordinance shall apply.
- (d) Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse effect on properties within the surrounding area.
- (e) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect the properties within the surrounding area.

- (f) The site and architectural plans shall be approved by the planning commission taking into account the above conditions.

(6) Special Conditions for Community Education

- (a) No such facility shall be permitted on a zone lot unless such lot contains the lot acreage recommended for such facilities by the appropriate state agency.
- (b) The traffic generated by such facility shall be safely accommodated along the streets, which will provide access to the site.
- (c) The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- (d) The off-street parking requirements of this ordinance shall apply.

(7) Special Conditions for Health Care

(a) Minimum Lot Area

- (i) No health clinic shall be permitted on a zone lot unless it contains 10,000 square feet, or twice the lot area requirements of the district, whichever is greater.
- (ii) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(b) Hospitals, Centers for Observation or Rehabilitation

The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be 50 feet for a one- or two-story building, increased by five (5) feet for each story above two (2).

- (c) All other regulations of the zone district shall apply.
- (d) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- (e) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect the properties within the surrounding area.
- (f) All public utilities and sewage disposal shall be available to the site and connected.
- (g) The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(h) The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:

(i) Community Facility Activities

(ii) Commercial Activities

1) Convenience Sales and Services

2) Automotive Parking

3) Food Service

4) Medical Service

(8) Special Conditions for Intermediate and Extensive Impact

(a) The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

(b) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

(c) The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

(d) The off-street parking requirements shall be determined by the board taking into account characteristics of the use.

(e) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

(9) Special Conditions for Religious Facilities

(a) No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in an Agricultural district where the minimum district lot size shall apply.

(b) The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

- (c) Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
- (d) All bulk regulations of the district shall be met.
- (e) The off-street parking requirements of this Title shall apply.

F. Specific Standards for Commercial Activities

A conditional use permit shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

(1) Special Conditions for Group Assembly Activities

- (a) The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- (b) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- (c) The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- (d) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

(2) When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

- (a) The minimum size site shall be twenty-five (25) acres;
- (b) The minimum setback of all structures from all public roads shall be 100 feet;
- (c) Such facility shall be situated so that no residential use is located closer than 500 feet from building entrance of the principal use at the time of approval;
- (d) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets;
- (e) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent

- basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than 500 feet from the lot boundary;
- (f) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
 - (g) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
 - (h) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.
- (3) When an application for a Group Assembly permit includes a private campground, the following standards shall be met:
- (a) Such campground shall have on-site management;
 - (b) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller;
 - (c) Such campground shall meet the following standards:
 - (i) Minimum size - 10 acres
 - (ii) Maximum density - 10 campsites per gross acre
 - (iii) Sanitary facilities, including flush toilets and showers - within 300 feet walking distance of each campsite
 - (iv) Potable water supply - one spigot for each four (4) campsites
 - (v) Trash receptacle - one for each two (2) campsites
 - (vi) Parking - one space per campsite
 - (vii) Picnic table - one per campsite
 - (viii) Fireplace or grill - one per campsite
 - (ix) Administration or safety building - open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(d) Such campground shall meet the following design requirements:

- (i) A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
- (ii) Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.
- (iii) Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.
- (iv) Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.
- (v) Each separate campsite shall contain a minimum of 3,200 square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the road-way providing access).
- (vi) Each campsite shall be directly accessible by an interior road.
- (vii) All interior roads shall be a minimum of ten (10) feet wide for one-way traffic and eighteen (18) feet wide for two-way traffic.
- (viii) All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degrees turn - 40 feet

Minimum radius for a 60 degrees turn - 50 feet

Minimum radius for a 45 degrees turn - 68 feet

- (ix) No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.
- (x) Each campground shall provide a trailer dump station for the disposal of holding tank sewage.

(4) Special Conditions for Mini-warehouses

- (a) Commercial or Industrial Storage shall be limited to less than 50% of the square footage of all storage area.

- (b) No hazardous materials shall be allowed in any storage units.
- (c) Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
- (d) All lights shall be shielded to direct light onto the established uses and away from all adjacent properties.
- (e) No activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.

(5) Special Conditions for Adult Oriented Establishments

- (a) In development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Uses subject to these controls include those, which are defined as adult oriented establishments. Adult oriented establishments which are sexually explicit and cater to exclusively or predominantly adult clientele and including, but not limited to, adult bookstores, adult theaters, adult motion picture theaters, cabarets, escort services and other enterprises which regularly feature materials, acts or displays involving the display of the human form wholly or partially clothed, static or animated, may be permitted with the approval of the Planning Commission as conditional uses, provided:
 - (i) The property line of such establishment shall not be located closer than 1,500 feet from the boundary of any residentially zoned district.
 - (ii) The property line of such establishment shall not be located closer than 1,500 feet from any school, educational facility, church or place of worship, day-care center, nursing home, library, park, cemetery, mortuary or hospital.
 - (iii) The property line of such establishment shall not be located closer than 1,500 feet from the site of any public amusement or entertainment activity, public gathering places, including, but not limited to, any area devoted to public

recreation activity, city hall, city parks, post office, courthouse, arcades, motion picture theaters, bowling alleys, golf courses, miniature golf, playgrounds, ice-skating or roller-skating rinks or arenas, community centers, and similar amusements offered to the general public.

- (iv) Such establishment's property line shall not be located closer than 1,500 feet from any other adult oriented business site.

NOTE: Measurement of said distances mentioned above shall be made in a straight line from the property line of such establishment without regard to intervening structures or objects to the nearest property or lot line of the above-mentioned land uses or activities.

- (v) All access to and from the adult oriented establishment shall be provided from a street classified as a collector or arterial according to the most up-to-date and approved Springfield Major Street & Road Plan.
- (vi) The facility in which the adult oriented business is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, street or other public area. The Planning Commission may require opaque screening around the establishment including, but not limited to, evergreen shrubbery or masonry or wooden fencing.
- (vii) No adult entertainment activity shall take place partially or totally outside the adult oriented establishment.
- (viii) The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from any pedestrian, sidewalk, walkway, street or other public area. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.
- (ix) Each application for a conditional use permit shall require the submission site plan. The site plan shall include, as a minimum, the following information:

- 1) The site plan shall be drawn at a scale of one-inch (1") equals fifty feet (50') or larger.
- 2) The site plan shall delineate the shape, location and dimensions of the property lines of the proposed project, and shall indicate the zoning and present use of abutting properties.
- 3) The site plan shall delineate existing rights-of-ways and easements.
- 4) The site plan shall delineate the general location and width of all proposed streets and public rights-of-ways, such as alleys, pedestrian ways and easements.
- 5) The site plan shall delineate the proposed building layout with the required front, side and rear building setbacks.
- 6) The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
- 7) The site plan shall delineate the location, number of parking spaces and the proposed parking and loading ratio and its location and requirements in accordance with zoning ordinances, to include a plot plan showing design and layout of such parking facilities.
- 8) The site plan shall delineate all points of access and egress.
- 9) The site plan shall present in tabular form the proposed net density of the use provided the number of seats, employees or other applicable unit of measure.
- 10) The site plan shall delineate the gross floor area of the building or structure, ground cover and building heights.
- 11) The site plan shall detail the proposed stages of construction for all land in development and improvements and location of all buildings or other structures to be erected, altered or moved.
- 12) The site plan shall describe the landscaping to be provided.
- 13) The site plan shall delineate the proposed architectural details of the facility.
- 14) The site plan shall indicate all signs in accordance with this ordinance.
- 15) The site plan shall show all topographic features) contours not greater than 5-foot intervals).
- 16) The site plan shall indicate proposed means of surface drainage and all areas subject to flooding.
- 17) The site plan shall set forth any other information necessary for the determination of the suitability of the proposed use for the site.
- 18) The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this ordinance.

- (x) Enforcement – The Codes Enforcement officer or other designated agent of the City Manager shall administer and enforce this ordinance. The Codes Enforcement Officer or other designated agent has the right to enter upon any premises necessary to carry out his duties in the administration and enforcement of this ordinance.
- 1) Certificate of Zoning Compliance –It shall be unlawful to commence the excavation for the construction of any adult oriented establishment herein defined until a certificate of zoning compliance has been issued by the Codes Enforcement Officer.
 - 2) Certificate of Occupancy – No land or building or part thereof, hereafter erected or altered in its use, shall be occupied by an adult oriented establishment until a certificate of occupancy has been issued by a City of Springfield Building Inspector.
 - 3) Penalties – Any person, partnership or corporation, or any other type of organization where two (2) or more persons have a financial interest, who is found to have violated this section:
 - (i) shall be fined a definite sum not exceeding the maximum fine for the violation of any Springfield municipal ordinance; such violation shall be grounds for the suspension or revocation of any license.
 - (ii) Each violation of this part shall be considered a separate offense, and any violation continuing more than twenty-four (24) hours shall be considered a separate offense for each day of violation.
 - 4) Remedies – In case any building or structure is proposed to be erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is or proposed to be used in violation of this ordinance, the City Manager, Codes Enforcement Officer, Board of Mayor and Aldermen, Planning Commission, Board of Zoning Appeals, or other appropriate authority of the City, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute an injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such

violation, or to prevent the occupancy of said building, structure or land in relation to this ordinance.

- 5) Non-conforming uses – Any adult-oriented business lawfully operating prior to the adoption of this ordinance shall be deemed non-conforming, that is in violation of any portion of this section shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period of one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two (2) or more adult-oriented business are within one thousand, five hundred (1500) feet of one another and otherwise in a permissible location, the adult-oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.

An adult-oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant of renewal of the adult-oriented business license, of a church, school, public recreation facility, residential zone or residential lot, or day care facility within one thousand, five hundred (1,500) feet of the adult-oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for the license is submitted after a license has expired or has been revoked.

- 6) Validity – Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

(6) Special conditions for extended stay hotels or motels. An extended stay hotel or motel shall comply with the following conditions:

- (a) Such facility shall not exceed three (3) stories in height and shall have no more than twenty (20) rooms for each acre of land.
- (b) Such facility shall include a twenty-four (24) hour daily attendant at the front desk.
- (c) Each room must have daily housekeeping service.

- (d) Guest rooms shall be limited to two (2) persons per room.
- (e) Each guest room shall have a minimum of three hundred twenty-five (325) square feet per room.
- (f) The maximum length of stay per guest room shall be one (1) month.

G. Specific Standards for Agricultural and Extractive Activities

A conditional use permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(1) Special Conditions for Mining and Quarrying Activity

- (a) The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated;
- (b) Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide for the following:
 - (i) Existing contours of the site and up to 100 feet beyond the site boundary. Contours intervals shall be at 2-foot intervals.
 - (ii) Location of the area in which the proposed quarrying activity is to be conducted.
 - (iii) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - (iv) Proposed method of drainage of the quarry area.
 - (v) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (vi) Methods proposed for blasting. Open blasting commonly referred to, as "pop shots" shall be prohibited.
 - (vii) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - (viii) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.

- (c) Approval for Mining and Quarrying Activity may also include accessory Concrete Batching Plants, Asphaltic Cement Mixing Plants and/or Rock Crushing activities on the same zone lot or adjoining zone lots, which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for Mining and Quarrying Activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- (d) Before issuing a permit, the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five-year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- (e) Any permit issued hereunder shall not be for a period exceeding five years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and
- (f) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

(2) Special Conditions for Commercial Storage of Explosives

- (a) The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- (b) Such facility shall not be located on a site having an area of less than 50 acres.
- (c) All regulations of the State Fire Marshall and the Springfield Fire Department relating to the storage of explosives shall be met.
- (d) Any special permit issued hereunder shall be for a period not exceeding 5 years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- (e) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

H. Specific Standards for Limited Manufacturing

A conditional use permit shall not be granted unless the following standards are met.

- (1) The activity takes place completely in enclosed buildings with no outdoor storage of materials or finished products.
- (2) Truck traffic associated with the activity is limited and truck traffic shall only access and exit the property from a major thoroughfare or a non-residential public street which connects to a major thoroughfare road that includes sufficient roadway capacity for the proposed activity. Facility contains an area reserved for off-site loading to prevent vehicles from blocking traffic flow on adjacent streets.
- (3) Strict compliance with all performance standards of the CS, Commercial Services District.
- (4) Existing building facilities less than 50,000 square feet in area which have limited reuse potential due to limited parking, building design and orientation, and lack of available property for site improvements and building expansions.
- (5) New building facilities less than 10,000 square feet in area with the manufacturing activities serving as an accessory use of a general retail trade activity.

I. Specific Standards for Intermediate Manufacturing Activities

A conditional use permit shall not be granted unless the standards below are met.

- (1) The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- (2) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- (3) Strict compliance with all performance standards is certified.

J. Specific Standards for Residential Activities

A conditional use permit shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(1) Special Conditions for Multi-family Dwelling

In addition to the standards contained in Chapter 8 for these type developments, the board of appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the board shall consider the effect upon traffic congestion, overcrowding of schools,

availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the board may deem necessary.

(2) Special Conditions for Mobile Home Dwellings

(a) Mobile homes may be placed on a zone lot provided that:

- (i) the mobile home is anchored in at least four points;
- (ii) the area beneath the mobile home is enclosed by appropriate skirting material or set upon a block foundation;
- (iii) foundation plant materials are suitably located in character with all other houses in the area;
- (iv) the lot is appropriate for such use and has a lot width of 100 feet. (The adoption of Ordinance 96-33 changes this requirement. See MH District requirements).

(b) A mobile home may not be located on the same zone lot with a house or another mobile home.

(3) Special Conditions for Other Residential Activity Types

In addition to the standards contained in Chapter 8 for these residential activities the board shall determine the lot proposed to be used is appropriate for the activity type. In making this finding, the board shall consider the individual lot and building configuration, character of adjoining or nearby structures, potential adverse impacts, and other factors the board may deem necessary.

K. Specific Standards for Floodway and Flood-fringe Districts

A conditional use permit shall not be granted for any use requiring such a permit until the board of appeals has:

- (1) Reviewed the contents of the plan required by Chapter 9, Section (g);
- (2) Made such determinations as required by Chapter 9, Section (e) where necessary;
- (3) Considered all relevant factors specified below; and
- (4) Attached such conditions, as it deems necessary for the protection of the public health, safety and welfare.

(a) Factors upon Which the Decision of the Board shall be Based

In its review of any conditional use proposed for location within any area subject to flood, the board shall consider all relevant factors specified in Chapter 9 of this Title, and;

- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (ii) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (v) The importance of the services provided by the proposed facility to the community.
- (vi) The requirements of the facility for a waterfront location.
- (vii) The availability of alternative locations not subject to flooding for the proposed use.
- (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (xi) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwater expected at the site.
- (xii) Such other factors which are relevant to the purposes of this Title.

(b) Conditions Attached to Conditional Uses Within Areas Subject to Flood

Upon consideration of any conditional use proposed for location within any area subject to flood, the board may attach such conditions to the granting of such use, as it deems necessary to further the purposes of this Title. Among such conditions, without limitations because of specific enumeration, may be included:

- (i) Modification of waste disposal and water supply facilities.
- (ii) Limitations of periods of use and operation.
- (iii) Imposition of operations controls, sureties, and deed restrictions.
- (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- (v) Flood proofing measures such as those set forth in Chapter 9.

L. Conditional Use Permit Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

11-1307. Amendments

A. General

The Board of Mayor and Aldermen may, from time to time, amend this Title by changing the boundaries of districts or by changing any other provisions whenever they find the public necessity, convenience, and general welfare require such amendment.

B. Initiation of Amendment

Amendments may be initiated by the Board of Mayor and Aldermen, the planning commission or by an application of one or more owners of property affected by the proposed amendment.

C. Application for Amendment – Fee

An application by an individual for an amendment shall be accompanied by a fee established by the Board of Mayor and Aldermen by separate ordinance, payable to the City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed

amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with application.

D. Review and Recommendations by the Planning Commission

The planning commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this Title.

E. Grounds for an Amendment

The planning commission in its review and recommendation shall consider the following grounds for an amendment and shall note the same in the official record as follows:

- (1) The amendment is in agreement with the general plan for the area;
- (2) It has been determined that the legal purposes for which zoning exists are not contravened;
- (3) It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- (4) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

F. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Title prior to third reading by the Board of Mayor and Aldermen. Notice of such hearing shall be given by the City Manager or City Recorder in a newspaper of general circulation within the City at least 15 days but no more than 30 days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification and it may contain a graphic illustration of the area.

G. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this Title, the Community Development Director shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

H. Effect of Denial of Application

Whenever an application for an amendment to the text of this Title or for change in the zoning classification of any property is denied, the application for such amendment, shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- (1) Upon initiation by the Board of Mayor and Aldermen, or planning commission;
- (2) When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- (3) When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

11-1308. Remedies and Enforcement

A. Complaints Regarding Violations

Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Community Development Director. The Community Development Director shall record properly such complaint, immediately investigate, and take action thereon as provided in this Title.

B. Penalties for Violation

- (1) Violation of the provisions of this Title or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall be punished as provided for by law. Each day such violation exists shall be deemed a separate offense. Any person, firm or corporation found by the Municipal Code to have violated any provision of this Title shall be punished by fine of not less than \$2.00 nor more than \$50.00 for each separate offense and in addition shall pay all costs as may be imposed by such Court. (As amended by Ordinance 93-23, allowing up to \$500.00 fine, in effect on November 16, 1993)
- (2) The Owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participated in, assists

in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Remedies

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is or is proposed to be used in violation of this Title, the Community Development Director or other appropriate authority of the city government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the Community Development Director may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld there from until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

CHAPTER 14

GRADING AND EROSION REGULATIONS

11-1401. Definitions

As used in this Section, unless otherwise specified, the following definitions shall apply:

City - The City Government of Springfield, Tennessee

City Engineer - The person or agency employed by the City of Springfield to administer civil engineering design regulations.

Civil Engineer - A professional engineer registered in the State of Tennessee for practice in the field of civil works.

Clearing - Removing trees, brush, and other vegetative growth in preparation for development without the alteration of the prevailing topography.

Codes Enforcement Officer - the person or agency employed by the City of Springfield to enforce the Building Codes and other specified Ordinances of the City

Cover - Grass, brush, trees or other vegetative shelter and/or artificial shelter and their residents covering the ground and retarding surface runoff and erosion of soil.

Denuded - stripped of all covering or completely cleared.

Earthwork - a class of activities that includes cutting, filling, grading, excavation, removal or disposition of soil, sand, earth, dirt, gravel, rock, silt, sludge, etc.

Embankment - A deposit of earth material.

Erosion - The wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Excavation - The mechanical removal of earth material.

Existing Grade - The grade prior to excavation, grading, or filling.

Fill - An embankment or deposit of earth material.

Finish Grade - The final grade of the site which conforms to the approved plan

Grade - The vertical location of the ground surface.

Grading - Any excavation or filling or combination thereof.

Official - A person or agency designated by the City of Springfield, Tennessee to oversee and administer public rights-of-way, public utilities and/or facilities, easements for drainage and/or utilities, land use, codes enforcement, or other elements pertaining to this Section of the Ordinance.

Slope - An inclined ground surface, the inclination of which is expressed as a ratio horizontal distance to vertical distance.

11-1402. Hazards and/or Violations

Whenever an Official of the city determines that any existing excavation or fill has become a hazard to life and limb; or endangers property; or adversely affects the safety, use or stability of a public way or drainage channel; the Official shall notify the Codes Enforcement Officer in writing of such hazard or violation and suggest proper engineering and/or design procedures for correcting such hazard or violation. Upon receipt of such written notification and suggested correction procedure from an Official, the Codes Enforcement Officer shall notify the owner of the property or the person or agent of the property upon which such hazard or violation exists,

- A. Of the violation,
- B. Of the corrective measures recommended in writing by the appropriate Official that are necessary to correct said hazard or violation and
- C. Specify a time limitation in which to eliminate such excavation or fill so as to eliminate the hazard and be in conformance with the requirements of this Ordinance.

The Codes Enforcement Officer shall provide written notification to the Official who submitted the complaint of the corrective action being taken on said hazard or violation.

11-1403. Permits and Plans

A permit is required from the Official before performing any type of grading, excavation, fill other earthwork except for the following activities:

- A. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.
- B. Poles, posts and cemetery graves.
- C. Excavations by utilities of the City or franchised by the City.
- D. Water well and septic systems.
- E. An excavation which does not exceed 10,000 square feet and:
 - (1) is less than two feet in depth,
 - (2) does not create a cut slope greater than five feet in height, and
 - (3) is no steeper than three horizontal to one vertical.
- F. A fill not exceeding 10,000 square feet in surface area which is:
 - (1) less than one foot in depth and placed on natural terrain with a slope five horizontal to one vertical, or
 - (2) less than three feet in depth and not intended to support structures and.
 - (3) does not obstruct a natural or man-made drainage course.
- G. Home gardens, agricultural operations and the planting or removal of trees.
- H. Other excavations, individually waived in writing by the Official as provided in this Ordinance.

11-1404. Note

In any case, in which it is unclear or questionable to the individual whether a permit is required, it is the individual's responsibility to request such a judgment from the City Engineer.

11-1405. Plans

When required by the City Engineer, each application for a grading permit shall be accompanied by two sets of plans and specifications. The plans and specifications shall be prepared, stamped and signed by a licensed civil engineer, architect or surveyor, licensed in the State of Tennessee, as required by the City Engineer. The plans shall include the following information:

- A. General vicinity of the proposed site and the address of the location, the owner and the developer (if different from the owner).
- B. Property limits and accurate contours of existing ground and details of terrain and area drainage.
- C. Limiting dimensions, elevations or finish contours to be achieved by the grading, fill or excavation.
- D. The proposed drainage channels and related construction.
- E. Location of areas of proposed paving.
- F. Limits of vegetative clearing.
- G. Plans for vegetative re-establishment.
- H. Estimates of exposure time of denuded land.
- I. Detailed plans of all surfaces and subsurface drainage devices, walls cribbing, dams, and other protective devices to be constructed with, or as part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

- J. Location of any buildings or structures of the property where the work is to be performed, and the location of any building(s) or structure(s) on land of adjacent owners which are within twenty-five (25) feet of the property and which may be affected by the proposed grading operation. Specifications shall contain information covering construction and material requirements.
- K. A schedule for performance of all earthwork, earth stabilization, and reclamation activities.
- L. All utilities and easements and all public rights-of-ways shall be shown on the plan. The Tennessee One-Call Reference Number for the project shall be shown accordingly on the plans. The toll-free telephone of Tennessee One-Call is 1-800-351-1111.
- M. A plan for erosion control indicating a minimum of a double layer of silt protection such as stacked, baled straw, and silt fencing shall be shown along the perimeter of the proposed grading or excavation. All erosion control measures shall be consistent with the provisions described in the most current edition of the *Tennessee Erosion & Sediment Control Handbook*.

11-1406. Issuance of Permit

Grading and Erosion Control Permits may be issued by the City Codes Enforcement Officer when the following items are addressed and approved by the appropriate Official:

A. Review and Approval of Plans

The application, plans, and specifications filed by an applicant for a permit shall be reviewed by within thirty (30) days of submittal by the City Engineer or his designated representative. Such plans will be reviewed to check the compliance with all applicable laws and ordinances.

B. Issuance of a Permit - If the City Engineer agrees that:

- (1) The work described in an application for a permit and the plans filed therewith conform to the requirements of this Section and other pertinent laws and ordinances; and

- (2) If the fee associated with the appropriate City Ordinance for such permit has been paid by the applicant and accordingly documented in the Codes Enforcement Officer's Office;

The City Engineer shall endorse in writing or stamp on both sets of plans a specifications "APPROVED". Such approved plans shall not be altered, changed, or modified without authorization from the City Engineer, and all work shall be performed in accordance with the approved plans.

C. Retention of Plans

One set of approved plans, specifications, computations, and reports shall be retained by the City Engineer and one set of approved plans and specifications shall be returned to the applicant. The applicant's set shall be kept on site at all times during which the work authorized thereby is in progress.

D. Validity

The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Section. No permit presuming to give authority to violate or cancel the provisions of this Ordinance shall be valid, except insofar as the work or use which it authorizes is lawful. The issuance of a permit based upon plans, specifications, and reports shall not prevent an Official from thereafter requiring the correction of errors in said plans and specifications. An official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. In the event that an official realized that a violation or hazard may result from the continuation of the work which has been issued a permit, that Official shall notify the developer, the City Engineer and the Codes Enforcement Officer in writing of said potential danger and recommend design procedures to address the potential violation or hazard.

E. Expiration

Every grading permit issued under the provisions of this ordinance shall expire by limitation and become null and void if the work authorized by such permit is not

commenced within ninety (90) days from the date of issuance. The work authorized by the permit shall not be suspended or abandoned for a period in excess of thirty (30) days at any time after the work is commenced but shall be carried through to completion. All work must be finalized within ninety (90) days of the scheduled completion date unless an extension is applied for and granted by the City Engineer.

F. Suspension or Revocation

The Codes Enforcement Officer may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit was issued in error due to:

- (1) incorrect information was supplied by the developer or civil engineer, or
- (2) a violation of any ordinance or regulation would occur if the continuation of the excavation is allowed to continue

G. Permit Fees

A fee shall be paid to the Office of the Code Enforcement Officer by the applicant in order to validate the permit after the plan review and approval. Fees shall be as follows:

- (1) For projects involving 10,000 square feet or less or 500 cubic yards or less, the grading permit fee shall be as established by the Board of Mayor and Aldermen by separate ordinance.
- (2) For projects involving over 10,000 square feet or over 500 cubic yards, the grading permit fee shall be as established by the Board of Mayor and Aldermen by separate ordinance.

H. Bonds

The City Engineer may require bonds in such forms and amounts as may be deemed necessary for projects involving over 500 cubic yards to:

- (1) assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate any hazardous conditions.

- (2) in lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the City Recorder in an amount equal to that which would be required in the surety bond.

I. Standards

The standards for performance of any earthwork covered under this ordinance shall be those adopted by resolution of the Board of Mayor and Alderman of Springfield, Tennessee.

- (1) Grading Inspection- All grading for which a permit is required shall be subject to inspection by the City Engineer and Codes Enforcement Officer. When required, a special inspection of grading, operations, and special testing shall be performed.
- (2) Notification of Noncompliance- If doing inspection, an Official find that the work is not being performed in conformance with this ordinance, or the approved grading permit, the discrepancies shall be reported immediately in writing accompanied by recommendations for corrective measures to the person in charge of the grading work, the City Engineer and the Codes Enforcement Officer. The Codes Enforcement Officer shall pursue the necessary steps to correct the noncompliance through whatever means necessary under the provisions of this ordinance which may include a stop work order and/or accompanying fines and prosecution.
- (3) Notification of Completion & Final Inspection- The permittee or his agent shall notify the City Engineer when the grading operation is ready for a final inspection. At the time of final inspection, all grading shall be completed accordingly with the approved plans and all denuded areas shall be covered with topsoil, seeded and covered with straw. The City Engineer and Codes Enforcement Officer shall perform the final inspection. In projects consisting of more than 500 cubic yards, the City Engineer may require the developer to provide verification of a standard proctor in accordance with the "Standard Method of Test for Moisture Density Relationship of Soils Using a 2.5 kilograms (5.5 Pound) Rammer and a 305-millimeter (12-inch) Drop", AASHTO T 99, Method C.
- (4) Conflict of Regulations- Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations

applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

- (5) Other permits- The City of Springfield Grading and Erosion Control Permit shall not exclude the permit holder from obtaining any required State or Federal permit that may also apply.
- (6) Erosion Control- Erosion control shall be maintained until a sufficient stand of vegetation is established and verified by the City Engineer.
- (7) Grading Specifications- All excavations, embankments, and/or construction shall conform to the most current edition of the *Tennessee Department of Transportation (TDOT) Standard Specifications For Road and Bridge Construction*

J. Enforcement.

It shall be the duty of the codes Enforcement Officer and the City Engineer to ensure that the provisions of the ordinances are met.

K. Violations and Penalties

Any person, firm, corporation, or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state and local laws.

CHAPTER 15

ADMINISTRATIVE STANDARDS AND LEGAL STATUS PROVISIONS

11-1501. Legislative Intent of Administrative Application of Zoning Regulations.

Whenever, in the course of administration and enforcement of this Title, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Title, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Title or injurious to the surrounding neighborhood.

11-1502. Interpretation.

In their interpretation and application, the provisions of this Title shall be held to the minimum requirements for the promotion of the public health, safety, morals, and welfare.

11-1503. Relationships to Other Laws and Private Restrictions.

- A. Where the conditions imposed by any provisions of this Title upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, or ordinance, of any kind, the provisions which are most restrictive shall apply.
- B. This Title is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Title are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other restrictive agreements, the requirements of this Title to the extent that they are more restrictive shall govern.

11-1504. Provisions do not Constitute Permit.

Nothing contained in this Title shall be deemed to be a consent, license, or permit to use any property or locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

11-1505. Provisions are Cumulative.

The provisions of this Title are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this Title.

11-1506. Establishment of Zoning Districts.

For the purpose of this Title the geographical areas situated within the Corporate Limits of The City of Springfield, Tennessee, and the geographical areas situated outside of the Corporate Limits of the City, but within the area designated and denoted as the Springfield Regional Planning Area or, Planning Region, is hereby divided into zones or districts as established by this Title and as depicted, delineated and shown on the multi-sheet map entitled "Springfield, Tennessee Official Zoning Atlas" and which said map is made a part of this Title by reference as fully as if copied herein verbatim.

11-1507. Official Endorsement.

The Springfield, Tennessee Official Zoning Atlas shall have endorsed thereon a certificate in the following form: "This is the Springfield, Tennessee Official Zoning Atlas as enacted and adopted pursuant to Title 11 of the Springfield Municipal Code, as amended". Such certificate shall be duly signed by the Mayor and attested by the Recorder with the City seal affixed thereto and shall bear the date that this Title shall have become effective.

11-1508. Constitutes Official Record.

The Springfield, Tennessee Official Zoning Atlas as herein adopted and as officially identified shall be an official record of The City of Springfield, Tennessee and shall become a permanent document on file in the Office of the Recorder available for public inspection and it shall not be removed from the City Hall except in the care, custody, and control of the Recorder or the Community Development Director.

11-1509. Amendments to Zoning Boundaries.

Hereafter any amendments or changes in the district boundaries of any zone or classification of any property within the City or within the Planning Region shall be done

only by amendatory ordinance duly adopted by the Board of Mayor and Aldermen in accordance with this Title. Such amendments shall describe the property or area being changed, re-designated or reclassified in such way that the Official Zoning Atlas may be amended or changed by a new sheet or sheets depicting the change in such district or zone boundaries. Any sheet or sheets changed as a result of amendatory ordinances adopted by the Board of Mayor and Aldermen shall bear a certificate on such new sheet or sheets executed by the Mayor and the Recorder reflecting that such new sheets are an amendment to the Official Zoning Atlas and shall bear reference to the ordinance as enacted that provides the same and shall be dated as of the effective date of such amendatory ordinance.

11-1510. Preparation of Amendment Changes.

The Community Development Director is responsible and shall cause to be prepared such new sheet or sheets to the Official Zoning Atlas as shall reflect amendatory action. Such new sheet or sheets shall be promptly prepared upon the adoption and approval of such amendatory ordinances.

11-1511. Annexed Land.

Any lands or territory annexed into the Corporate Limits of the City shall be zoned in accordance with provision made therefore in the annexation ordinance that may be adopted in connection with the same and shall from the effective date of such annexation be zoned and classified in accordance with such provisions notwithstanding that such area may have previously been within the Regional Planning Area and zoned differently under this Title. If no provision is made in the annexation ordinance and such property is within the Regional Planning Area then it shall enter the City in accordance with the zone as previously established for it. If such area is not within the Regional Planning Area and is not automatically zoned by the annexation ordinance bringing such territory within the City, then the same shall automatically be zoned as A-Agricultural District.

11-1512. Zoning of Additional Lands to the Planning Region.

Upon any extension of the Springfield Planning Region or, Regional Planning Area, if the lands over which extension is granted are not already zoned, then such land shall automatically be zoned and classified in the A-Agricultural District.

The several provisions, chapters, sections, and subsections of this Ordinance are declared to be separable and if any court of competent jurisdiction shall adjudge any provision invalid then such judgment shall not affect any other provision hereof not specifically included in said judgment and if any court of competent jurisdiction shall adjudge invalid the application of any provision hereof to a particular property, building, or other structure, then such judgment shall not affect the application of said provisions to any other property, building, or structure, not specifically included in said judgment.

This Ordinance shall take effect immediately from and after its passage, the welfare of the City requiring it.

Presented and Recommended by Planning Commission: _____

Chairman: _____
Planning Commission: _____

Passed on First Reading: _____
Motion:
Second:
Ayes:
Nays:
Absent:

Public Hearing Advertised for and Held: _____
Passed on Second Reading:
Motion:
Second:
Ayes:
Nays:
Absent:

Passed on Third and Final Reading: _____
Motion:
Second:
Ayes:
Nays:
Absent:
Adopted and Approved: _____

MAYOR: _____

ATTEST: _____
City Recorder

Appendix A

HISTORIC PRESERVATION COMMISSION

SECTIONS

A-1. Springfield Historic Preservation District (S.H.P.D.)

A-2. Historic Preservation Commission

A-3. Administration

A-4. Building permit procedures

A-5. Certificate of appropriateness

A-6. Administrative standards and legal status provisions

A-7. Remedy of dangerous conditions

A-8. Appeal

A-9. Injunctive powers and penalties

A-1. Springfield Historic Preservation District (S.H.P.D.)

A. It is the intent of this district to preserve the historic sites and structures of the City of Springfield. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the S.H.P.D. as shown on the official zoning map of Springfield, Tennessee, the following regulations shall apply:

(1) Any use permitted by the existing zoning classification is also permitted by the S.H.P.D.

- (2) The S.H.P.D. classification may be superimposed in addition to existing zoning classification where the following criteria shall be determined to exist by the Historic Zoning Commission.
- (3) The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and
 - (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - (b) That are associated with the lives of persons significant in our past; or
 - (c) That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) That has yielded, or may be likely to yield, archeological information.

A-2. Springfield Historic Preservation Commission (S.H.P.D.)

- A. Creation and appointment. In accordance with Tennessee Code Annotated. 13-7-402, a Historic preservation Commission is hereby established. The Board of Mayor and Aldermen shall create a five (5) member Historic Preservation which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of his appointment; and the remaining members shall be appointed from the Springfield Residential District. All members of the S.H.P.C. shall be a resident property owner of the district, if possible. The Historic Preservation Commission shall be appointed by the mayor, subject to confirmation by the city council. Appointments to membership on the Historic Preservation Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the commission shall elect a chairman from among themselves to preside over meetings.
- B. Procedure. Meetings of the Historic Preservation Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this chapter, by publication in an official newspaper or a newspaper of general circulation at least five (5) days immediately prior thereto. At least three (3) members of the commission shall constitute a quorum for

the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

C. Powers and duties. The Springfield Historic Preservation Commission shall have the following powers:

- (1) To request, where necessary, detailed construction plans and related data pertinent to thorough review of any proposal before the commission.
- (2) The Historic Preservation Commission shall within thirty (30) days following availability of sufficient data, direct the granting or refusal of a "Certificate of Appropriateness".
 - (a) Upon review of the application for a building permit and "Certificate of Appropriateness", the Historic Preservation Commission shall give prime consideration to:
 - (b) Historic and/or architectural value of present structure;
 - (c) The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - (d) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
- (3) Additional powers and duties. It shall be the duty of the Springfield Historic Preservation Commission to make the following determination with respect to the historic district:
 - (a) Appropriateness of the exterior architectural feature altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc.
 - (b) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district
 - (c) The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Springfield Historic Preservation Commission shall not consider interior arrangement or design, nor shall

- it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
- (d) The S.H.P.C. shall make recommendations for the designation of local historic districts, landmarks and landmark sites.
 - (e) The S.H.P.C. shall advise and assist property owners and other persons and groups concerned with historic preservation and shall undertake educational programs for the public on historic preservation.

A-3 Administration.

- A. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the S.H.P.D. shall be issued by the building inspector until it is submitted to and receives approval in writing by the Historical Zoning Commission.
- B. Administration shall be by the office of the building inspector and the Historic Preservation Commission and all items regulated within the S.H.P.C. shall be submitted to the Historic Preservation Commission (through the office of the building inspector) for its review.
- C. Building permit required. All alterations, additions or new construction which, previous to the establishment of this S.H.P.D., required that application be made for a building permit shall continue to require that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition, it shall be required that application be made in the same manner for any work including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.
- D. Within 90 days of the passage of this district designation, the Historic Preservation Commission shall prepare and submit the design review guidelines, which shall be used by the Historic Preservation Commission in the consideration of any application for "Certificate of Appropriateness", applied for under this chapter.
- E. Fences in the Springfield Historic Preservation District that face a street shall have a maximum height of 48". There shall be no chain link fence in the front yard. A review on this issue by the Springfield Historic Commission is not required unless an appeal is being requested.

A-4 Building permits procedures.

- A. Applications for building permits with the S.H.P.D. shall be made to the office of the building inspector and all such applications shall be referred directly to the Springfield

Historic Preservation Commission. A supplied "checklist" must be completed for application. The S.H.P.C. shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.

- B. Upon receiving an application for a building permit, the S.H.P.C. shall, within thirty (30) days following the availability of sufficient data, issue to the office of the building inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- C. The office of the building inspector shall additionally review applications for building permits (which have received written approval from the S.H.P.C.) in the same manner review is made of building permit applications outside of the S.H.P.D., and final issuance or rejection shall additionally be based upon the adopted building codes of the City of Springfield. The fee charged for building permits within the H=I District shall conform to existing fee schedules for building permits in any other zoning district within the City of Springfield.

A-5 Certificate of appropriateness.

No person shall, without first applying for and obtaining a "Certificate of Appropriateness", cause or permit any of the following changes in exterior appearances of real estate in which he has a legal or equitable interest lying within the S.H.P.D. to include all commercial, residential, government and all other properties.

A. Additive changes.

- (1) Moving any principal or accessory building onto or within any lot in the district or on the landmark site.
- (2) Material change of the exterior appearance of any existing building by addition, reconstruction or alteration, including change in form.
- (3) Construction of any new principal accessory building or other structure.

B. Changes by removal.

- (1) Demolition of any principal or accessory building.
- (2) Moving any principal or accessory building from the historical zone or the landmark site.

- (3) The words "change in exterior appearance", as used in this subsection, shall apply to changes within front or street side from any public roadway as defined in the Springfield Zoning Ordinance, which are vivid.

A-6 Administrative standards and legal status provisions.

- A. Liability of Historic Preservation Commission members. Any Historic Preservation Commission member acting within the powers granted by this chapter is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.
- B. Jurisdiction. The Historic Preservation Commission shall have exclusive jurisdiction relating to historic matters. Anyone who any final order or judgement of the commission may aggrieve may have said order or judgement reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, title 7 chapter 9.
- C. Conflict of interest. Any member of the Historic Preservation Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Preservation Commission in connection therewith.

A-7 Remedy of dangerous conditions.

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of an official approval pursuant to this chapter, to comply with such order or direction. However, the enforcement agency shall give the commission notice of any proposed order or direction, which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

A-8 Appeal.

Anyone who may be aggrieved by any final order or judgment of the historic preservation commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided in Tennessee Code Annotated, title 27 Chapter 8.

A-9 Injunctive powers and penalties.

- A. Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this chapter, the city attorney for the City Springfield shall, when directed by the mayor or city council, forthwith apply to an appropriate court for an injunction against such violation of this chapter. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- B. A violation of this chapter is punishable by a fine of not less than two dollars (\$2.00) and not exceeding five hundred dollars (\$500.00). Every day of violation will be held to constitute a separate offense.

APPENDIX E
OUTLINE AND ILLUSTRATIONS
ON DWELLING UNIT CLASSIFICATIONS

One Family – Detached: e.g., Single Family – Fee Simple

- Semi-Detached: e.g., Zero Lot Line

- Attached: e.g., Single Family Townhouses

Two Family – Detached: e.g., Duplex

- Semi-Detached: e.g. Two-Family Townhouses

- Attached: e.g. Row Housing

Multi-Family – Apartments or Condominiums

Mobile Homes

Mobile Home Park

One Family Attached – A building containing one dwelling unit, attached at the side or sides in a series of three or more principal buildings, each containing one dwelling unit. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another.

Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case dimensions of such land shall not be reduced below those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

Not more than six (6) contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) townhouses shall be contiguous.



(See “Development Standards for Attached Dwelling” in the Supplementary District Regulations).

MULTI-FAMILY

Dwelling, Multi-Family – A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental, partly on a monthly basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity.

MOBILE HOMES

Dwelling, Mobile Home – A vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

- (a) is not designed and constructed in accordance with the applicable provisions of the adopted building code except Appendix I “Mobile Home Standards”; and
- (b) is not designed and constructed in accordance with applicable provisions of the adopted housing codes; and
- (c) does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code; and
- (d) is denoted by a RED tag issued by the Federal Department of Housing and Urban Development.

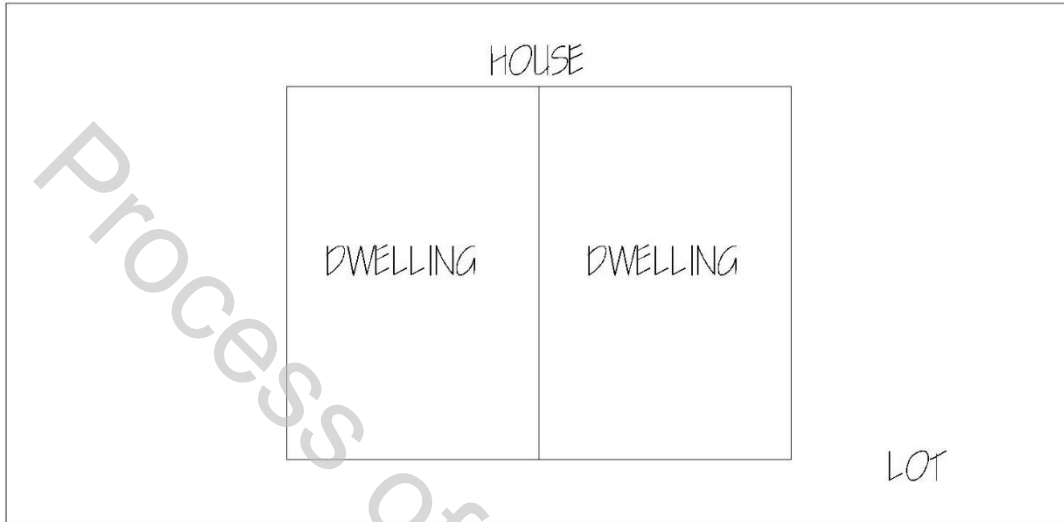
MOBILE HOME PARK

Mobile Home Park – A development on a single tract of land, which is designed and constructed to accommodate only mobile homes.

(See “Development Standards for Attached Dwelling” in the Supplementary District Regulations).

TWO FAMILY

Dwelling, Two-Family Detached – A detached residential building containing two dwelling units, designed for occupancy by not more than two families. (No firewall is required).



Two Family Semi-Detached – A building containing two dwellings, attached at a side to not more than one other building containing two dwelling units. A firewall without openings is required at the point of attachment.



(See “Development Standards for Attached Dwelling” in the Supplementary District Regulations).

* If houses are to remain on one lot under the same ownership, they must be so located on the land so dimensional requirements to provide for separate lots can be met.

Two Family Attached – A building containing two dwelling units, attached at the side or sides in a series of three or more principal buildings, each containing two dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another.

Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case dimensions of such land such land shall not be reduced below those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

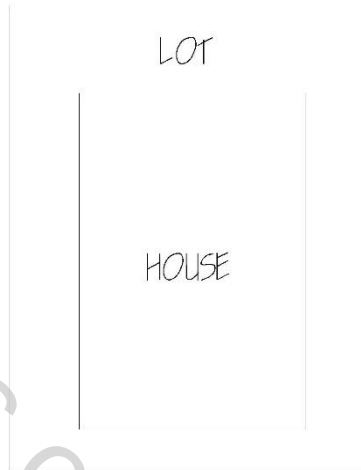
- (a) The townhouses shall not form long, unbroken lines of row housing.
- (b) Not more than six (6) contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) townhouses shall be contiguous.

(See “Development Standards for Attached Dwelling” in the Supplementary District Regulations).

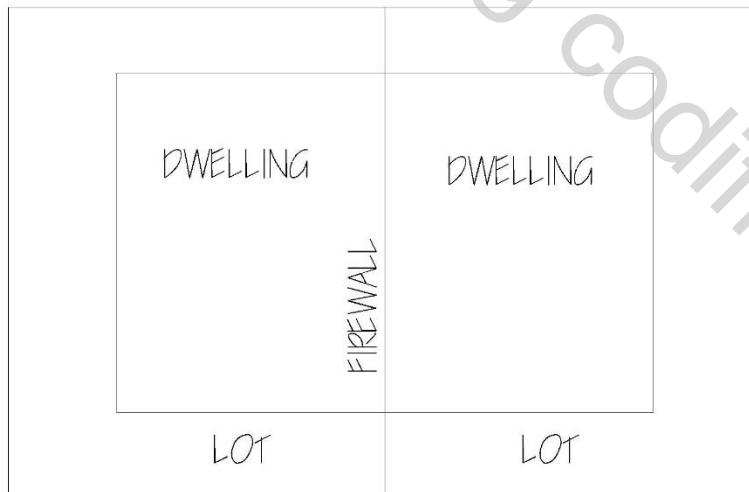


One-Family

Dwelling, One-Family Detached – A one-family dwelling entirely separated from structures on adjacent lots. (Modular homes are included and each shall have a GREEN tag issued by the State of Tennessee Department of Commerce and Insurance. Modular homes are regulated according to standards set in the Southern Building Code).



One Family Semi-Detached – A building containing one dwelling unit, attached at one side to not more than one other building containing one dwelling unit that is separated by a party wall (firewall) without openings with each building having a separate lot with dimensions meeting regulations for the district. (See Development Standards for Semi-Detached Dwellings” in the chapter on Supplementary District Regulations).



If houses are to remain on one lot under the same ownership, they must be so located on the land so dimensional requirements to provide for separate lots can be met.

Dwelling, Semi-Detached – A building containing not more than two dwelling units, attached at a side to not more than one other building containing not more than two dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district, or so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case the dimensions of such land shall not be reduced below those required for provisions of separate lots.

