



# PLANNING COMMISSION PACKET

**MONDAY, AUGUST 26, 2019**

Prepared By:  
Kevin A. Catlin, City Manager  
Kris Vogel, CMMC/MMC, City Clerk



**REGULAR MEETING OF THE  
SPRINGFIELD PLANNING COMMISSION  
MONDAY, AUGUST 26, 2019, 6:30 P.M.  
SPRINGFIELD COUNCIL CHAMBERS**

- I. CALL TO ORDER
- II. ROLL CALL: Commissioners Chimner, Evans, Hall, Hollingsworth, Miller, Wright, Mayor Burdett, and Chairman Folkema
- III. BUSINESS
  - A. City Manager Report
    - 1. Discussion – Zoning Amendments – Giffels Webster
- IV. COMMISSIONER COMMENTS
- V. CITIZEN COMMENTS
- VI. ADJOURNMENT

**NEXT MEETING**                      **Monday, September 23, 2019**

**NEXT RESOLUTION:**              PC 07-19



## **City Manager's Report – Planning Commission**

**August 26, 2019**

### ***Agenda Items:***

#### **Discussion – Zoning Amendments, Giffels Webster**

The Planning Commission will have an opportunity to discuss various draft sections of the Zoning Code prepared by Giffels Webster.

- Maps of both districts are attached.

#### **Informational Items**

- 768 Lafayette Avenue (formerly Choice Auto Parts) was retested by the Department of Environment, Great Lakes & Energy (EGLE, formerly the DEQ). SME, our engineering consultant, indicated the testing results were favorable and do not require strict stipulations to keep dust down while developing the property. The potential buyer is waiting on development costs so a Brownfield Redevelopment Plan can be drafted.

Respectfully submitted.

--

***Kevin A. Catlin | City Manager***

City of Springfield, Michigan

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Purpose and Introduction

---

## Introduction

This is the text that will be Article 1 of the Clearzoning format is the Purpose and Introduction. This section is a clearinghouse for the introductory and supporting language of the zoning ordinance, which applies broadly to the entire ordinance.

## Current Language

The ordinance currently typical language for this article. This document compiles these sections and presents them as they will be in the final Clearzoning ordinance. Modifications are minor.

## Draft Zoning Language

### **Purpose and Introduction**

#### **Title**

This ordinance, enacted under the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), governing the incorporated portions of the City of Springfield, Calhoun County, Michigan, is to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, courts and open spaces; to regulate and to limit the density of population; and for such purposes to divide the City into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used in this ordinance; to provide for enforcement; to establish a Zoning Board of Appeals; and to impose penalties for the violation of this ordinance.

#### **Short Title**

This ordinance shall be known as the City of Springfield Zoning Ordinance, and will be referred to herein as “this ordinance.”

#### **Preamble**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use

## Purpose and Introduction

areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with an adopted comprehensive plan, the City has ordained this ordinance.

### **Scope**

No building or structure or part thereof shall be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land or part thereof, except in conformity with the provisions of this ordinance. No yard or open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which such building is located, unless otherwise addressed.

### **Validity and Severability**

Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

### **Repeal of Prior Ordinance**

The Zoning Ordinance adopted by the City of Springfield City Council on January 16<sup>th</sup>, 1978, and all amendments thereto, is hereby repealed insofar as it conflicts with this ordinance. The repeal of the ordinance and all amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### **Adoption, Effective Date, and Statutory Authority**

This ordinance, which specifically includes the Zoning District Map, was adopted by the City Council of Springfield by authority of Act 110 of the Public Acts of Michigan, 2006 (as amended) at a meeting thereof duly called and held on Monday the \_\_\_\_ day of \_\_\_\_\_ and ordered to be published in the manner provided by law. This ordinance is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and this ordinance is hereby ordered to be published, in the manner provided by law, in the [name of publication], on \_\_\_\_\_.

### **Conflicting Provisions**

Whenever any section of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the sections of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, the provisions of such law or ordinance shall govern.

### **Interpretation**

In interpreting and applying the sections of this ordinance, they shall be held to be the minimum or maximum requirements for the promotion of the public safety, health, morals and general welfare. It is

## Purpose and Introduction

not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the sections of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this ordinance shall control.

### **Vested Right**

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare. However, if a site plan or plat has been submitted for general review under the site plan or plat review procedure on or before the effective date of this ordinance, the provisions of this ordinance shall not apply so far as they are more stringent or require more than the requirements in effect at the time of the site plan or plat was submitted for general review. All other requirements of this ordinance shall be in effect and followed from and after the effective date of this ordinance.

# memorandum

**DATE:** August 15, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Planning Commission Guide to Zoning Amendments

---

We have provided several Zoning Ordinance amendment memos for your review at upcoming meetings. There is a large amount of information to process in these memos. To help the Planning Commission navigate that information, below is a summary of substantive regulatory changes contained in these memos. Some changes are organizational or simple clean-up that does not alter the regulatory effect of a given provision, and some are entirely new regulations that are not currently in the Zoning Ordinance that will necessitate more discussion. We have attempted to be clear about this distinction.

## Email Packet 2

### **Commercial Residential District**

This new district is designed to provide both a physical and temporal transition between residential and commercial land uses, allowing the district to evolve with demand. The same footnotes and dimensional standards currently applied to the B-1 district have been applied to this district.

### **LC Parking & Architectural Design**

This is draft zoning language proposed to be included in Article 5 – Site Standards of the future Clearzoning format. This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval.

### **Performance Standards**

The Master Plan specifically called for managing the external effects of industrial uses. This amendment provides a set of performance standards applying to all uses in the city. Such provisions are common in zoning ordinances and are intended to ensure the harmonious coexistence of disparate uses.

## Email Packet 1

### **Landscaping & Walls**

This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval. All existing landscaping and screening requirements would be completely replaced with the proposed draft.

### **Lighting**

This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval.

### **Article 1 Purpose and Introduction**

This consists primarily of content already in the Zoning Ordinance, reorganized as a single article. The short title has been slightly modified, but otherwise, these regulations are as-is.

### **Article 6 Development Review Procedures**

We have provided a distinct process and review standards for Special Land Uses, reformatted the site plan review submission requirements as a table that can be easily extracted to create a checklist for staff, and created a certificate of zoning compliance process for re-occupancies and minor changes of use.

### **Article 7 Admin & Enforcement**

A section with a statute-based public hearing procedure has been added to provide a blanket procedure for all uses requiring a public hearing; these procedures are repeated in various sections of the ordinance at present. Procedures for amending the Zoning Ordinance and Zoning Map have been more thoroughly codified. Apart from some small areas of underlined text, the regulatory effect of the content here is the same as the existing ordinance. The content has been reorganized and in some cases lightly edited for clarity and flow.

### **Attached Urban Housing PUD District**

This is a new district that was recommended by the master plan.

### **Uses Not Listed**

This is a new section intended to give the city tools and a process to permit unanticipated use in an orderly way.

### **Wireless Communications**

This memorandum includes a mark-up of text changes.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Landscaping & Walls

---

## Introduction

Chapter 4 of the Master Plan includes a Zoning Plan following each Future Land Use Category establishing the process for accomplishing the recommendations of each category. The Zoning Plan recommends the following:

- Office areas: requirements for landscape buffering abutting residential uses
- LC, Local Commercial district: new landscaping requirements
- GC, General Commercial district: enhancing the landscaping along the corridor
- CR, Commercial Residential district: improved aesthetics along 20<sup>th</sup> Street through landscaping and requiring within the front yard along side yards abutting residential uses
- I, Industrial district: review and revise current landscaping requirements

Landscaping requirements are typically structured to apply to all nonresidential districts or development for parking lots, etc. Specific requirements for nonresidential use categories are then addressed within the full landscaping requirements section.

## Current Language

The ordinance currently contains several references to landscaping standards, including:

- Landscaped yard requirements for certain principal uses permitted subject to special conditions
- Landscaped setbacks for parking areas
- Landscaped berms for one-family cluster developments
- Parking lot screening adjacent to residential
- Telecommunication towers
- Wall and berm requirements for certain uses adjacent to residential districts

Below is the draft zoning language proposed to be included in Article 5 – Site Standards of the Clearzoning format. This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval. All existing landscaping and screening requirements noted above would be completely replaced with the proposed draft zoning language.

## Draft Zoning Language

1. The intent of this section is to provide standards for the development and maintenance of landscaping for developments. The objective of such landscaping is to soften the overall appearance of the use; to improve the environmental performance of development; to buffer potentially incompatible land uses from one another, and to conserve the value of the property and neighborhoods within the city.
2. A landscape plan shall be provided in accordance with the applicable provisions of this chapter. Planning commission approval of a landscape plan shall be required when the site plan is reviewed by the planning commission and whenever a surface storm water detention basin is proposed within any landscape area.
3. Landscape plans shall be prepared in accordance with the following:
  - A. The plan shall be prepared, signed, and sealed by a professional landscape architect.
  - B. Detailed plans shall be submitted that show the following:
    - i. Plans shall be minimum scale of one (1) inch equals forty (40) feet.
    - ii. Include north arrow.
    - iii. Include location map.
    - iv. The plan shall show location of plant material in graphic form.
    - v. Show in graphic or table form, size, spacing and root type of all proposed plant materials. Indicate caliper for new deciduous trees, height for evergreen trees, and gallon size for shrubs. The use of plant material indigenous to the area is encouraged.
    - vi. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.
    - vii. Typical straight cross-section of proposed berms shall be included that show slope, height and width and type of ground cover, or wall, including footing, height and type of construction.
    - viii. Existing and proposed utilities shall be shown.
    - ix. Proposed treatment of all ground surfaces other than paved surfaces shall be indicated.
    - x. The location of protective wooden snow fencing shall be shown around trees to remain.
    - xi. Planting details in either text or drawing form shall be included on the plan. Tree planting details must conform to the city's standard tree planting detail.
  - C. Plans shall be reviewed in accordance with the following additional information and requirements:
    - i. The placement of plant material must comply with the corner clearance provisions as referred to in Section \_\_. These standards shall also apply to the intersection of private drives with public streets.
    - ii. Trees (evergreen and deciduous) and large shrubs shall be planted a minimum of four (4) feet away from the property line. Small shrubs, groundcovers and perennials/annuals may be planted within four (4) feet of the property line.
    - iii. Continuous concrete curbing or another suitable device acceptable to the Planning Commission with similar durability shall be required around all landscaped areas where damage from vehicles is possible.
    - iv. Required landscape material shall satisfy American Association of Nurserymen standards and be:
      - a. Nursery grown.

Landscaping & Walls

- b. State department of agriculture inspected.
  - c. Planted per City of Springfield details and specifications and in accordance with this section.
  - v. Trees shall be planted so that branching or root systems of plants shall not interfere with public utilities, and so that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
- D. The plant material listed in Table 5.14.3.E is commonly available in hardiness Zone 5. The list of suggested plant material is to be used as a general guideline for plant selection but is not meant to be limiting.

<b>5.14.3.E Suggested Plant Material</b>
Evergreen Trees:
Fir, Pine, Spruce, Douglas Fir, Hemlock
Narrow Evergreen Trees:
Red Cedar, Juniper, Arborvitae
Large Deciduous Trees:
Oak, Tulip Tree, Beech, Lindens, Pear (Bradford, Chanticleer), Hard Maple, Ginko (male only), Honey locust (seedless and thornless)
Small Deciduous Trees:
Flowering Dogwood, Hawthorn, Redbud, Magnolia, Hornbeam, Flowering Crabapple (disease resistant)
Large Shrubs - Deciduous:
Honeysuckle, Lilac, Privet (Amur, Regal), Forsythia, Sargent Crabapple, Sumac (Staghorn), Pyracantha, Bayberry, Dogwood (Red Osier, Grey), Spiraea (Van Houtte)
Large Shrubs - Evergreen:
Yew (Irish, Hicks), Juniper (Pfitzer, Sea Green), Mungo Pine
Small Shrubs - Deciduous:
Compact Burning Bush, Privet (Lodense), Sumac (Fragrant), Cottoneaster (cranberry), Potentilla, Spiraea (Little Princess)
Small Shrubs - Evergreen:
Yews, Mungo Pine, Low Juniper
Trees Not Suggested:
Box Elder, Catalpa, Elms (American, Siberian), Horse Chestnut (nut-bearing), Poplars, Soft Maples (Silver), Tree of Heaven, Willows,

European White Birch
----------------------

E. Parking Lot Landscaping

The development of land for parking lot purposes alters natural topography, disturbs existing vegetation and creates impervious surface, all of which can have a negative effect on the ecological balance of an area by causing increases in air temperature and accelerating the processes of runoff, erosion, and sedimentation. Recognizing that the preservation or installation of vegetative cover in parking lots promotes the health, safety and general welfare by aiding in the stabilization of the environment's ecological balance by contributing to the process of air purification, ground water recharge, and storm water runoff retardation while at the same time aiding in noise, glare and heat abatement, the following requirements for the landscaping of parking and outdoor display areas are enacted:

- 1) Interior Landscaping. Interior landscaping shall be provided within the boundaries of the parking lot unless otherwise approved by the Planning Commission. If interior landscaping is provided along the perimeter of the parking lot, it shall be in addition to the perimeter landscaping requirements.
  - a) Interior landscaping areas equivalent to 5% of the vehicle use area (driveways, aisles, and parking spaces) shall be required in all parking lots of fifteen (15) spaces or more. One deciduous shade tree shall be required for each 150 square feet of required interior landscape area. The vehicle use area includes all areas used for vehicular circulation and parking.
  - b) Up to 20 percent of required interior landscape trees may be planted at the edges of parking lots, at a distance no greater than ten (10) feet from the back of curb of the vehicle use area. The required interior landscaped areas shall be within the external boundaries of vehicular use areas.
  - c) Terminal landscape islands (end islands) shall be provided at the end of each row of parking spaces to separate parking from adjacent drive aisles. Each tree planted in a parking lot island must be provided with an open area not less than one hundred eighty (180) square feet. The minimum width shall be nine (9) feet. Landscape islands adjacent to parking spaces shall be two (2) feet shorter than the adjacent parking space. Each landscape island shall have a minimum of one (1) shade tree. The Planning Commission may waive or modify the requirement for terminal landscape islands in the interest of meeting barrier free requirements.
  - d) Parking lot divider medians with a minimum width of nine (9) feet (measured from the back of curb) may be used to meet interior landscape requirements and shall form a continuous strip between abutting rows of parking. One shade tree or two ornamental trees shall be required for each 25 lineal feet of divider median or fraction thereof.
  - e) Two (2) feet of interior landscape areas (except parking lot divider medians) may be part of each parking space required by Section \_\_\_\_ of this ordinance. Wheel stops or curbing shall be installed to prevent vehicles from encroaching more than two (2) feet into any interior landscaped area. If a landscape area is used for parking overhang, at least two (2) feet of clear area planted with lawn or covered with

## Landscaping & Walls

mulch shall be provided where cars will overhang the curb to protect landscape plantings from damage.

- 2) Perimeter Landscaping. Perimeter landscaping shall be provided along the edge of any parking lot facing and located within 30 feet of a public right-of-way, unless, in the opinion of the Planning Commission, the parking lot will be sufficiently screened from view by buildings or other site features or improvements. Parking lot perimeter landscaping shall comply with the following standards:
  - a) Perimeter parking lot landscaping shall include a minimum of one (1) deciduous shade tree per each 25 linear feet or fraction thereof and one ornamental tree per each 35 linear feet or fraction thereof.
  - b) Wherever a parking lot or vehicle parking space is located within 30 feet of a public street or right-of-way, the perimeter landscaping shall also include a continuous hedge of deciduous or upright evergreen shrubs planted not more than 30 inches on center between the parking area and the street. The height of the shrubs shall be a minimum of 30 inches and a maximum of 36 inches. The width of the planting area shall be no less than fifteen (15) feet. When a hedge is proposed, it shall be planted in accordance with the provisions of this chapter and maintained so as to form a continuous visual screen.
  - c) A 2.5-foot high brick wall with a suitable stone cap may be used instead of a hedge row to screen parking areas.
  - d) Curbing Required. All landscaping and perimeter screening shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
- 3) Snow storage area. Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant groundcovers characterized by low maintenance requirements. Snow storage areas shall be indicated on the site plan.
1. Screening requirements. Screening shall be required between different zoning districts and uses according to the requirements of this Section of the Zoning Ordinance. The type of screening required in different situations is based on the following impact rankings: 1) minor or 2) major. Also certain uses and site features require walls.
  - 1) Where screening is required, only one adjoining use shall be responsible for its installation, except as noted herein. This use shall be referred to as the "use providing screening." The other less intense use shall be the "protected use." In instances where a "protected use" is developed adjacent to and after the use which is intended to provide the screening, the "protected use" shall provide the required screening. In no circumstance shall parking lot trees count towards the required screening trees.
  - 2) To determine the appropriate level of impact, refer to the adjoining zoning districts on the schedule of screening requirements located below. The level of impact is indicated where both uses interface. Specific requirements for screening improvements are described in the following subsection. If determined by the Planning Commission that more intense screening is necessary due to the nature of the proposed use and/or the nature of the "protected use," the Planning Commission may require additional screening. If existing vegetation is in place that accomplishes partial or complete screen,

as intended by this ordinance, the Planning Commission may waive or modify screening requirements.

- 3) Screening alternatives for each intensity/impact classification are as follows:
  - i. Minor. The purpose of screening in this situation is to soften the impact of one land use on another. An interrupted or open screen is required, which creates an impression of space separation without necessarily eliminating visual contact. Screening intended to satisfy these objectives shall conform to the following standards:
    - (a) Ten-foot wide greenbelt.
    - (b) Eight-foot high evergreens and/or three-inch caliper deciduous trees planted at intervals not exceeding twenty-five (25) feet on center.
    - (c) A minimum of five (5) shrubs per twenty-five (25) feet which have an average height of three (3) feet or greater. If evergreens are utilized as the primary screening device, deciduous shrubs shall be utilized. If deciduous trees are utilized as the primary screening device, evergreen shrubs shall be utilized.
  - ii. Major (1 and 2). The intent of the screening requirements where major impacts are anticipated is to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation. Screening in these situations shall conform to one (1) of the minimum standards listed below as determined acceptable by the Planning Commission:
  - iii. Major 1 requirements.
    - (a) A minimum buffer zone of fifteen (15) feet shall be maintained between the protected use and the more intense use. The buffer zone shall be developed with a six-foot high continuous, decorative masonry wall. Low-level plant material shall be required along the entire length of the wall to provide continuous coverage; and
    - (b) One (1) deciduous tree, not less than three (3) inches in caliper, shall be planted within the greenbelt for every thirty (30) lineal feet of mutual property line; and
    - (c) Groupings of evergreens and/or understory deciduous trees consisting of three (3) to four (4) trees, not less than eight (8) feet in height, shall be dispersed within the thirty (30) lineal feet.
  - iv. Major 2 requirements.
    - (a) A minimum buffer zone of twenty (20) feet shall be maintained between the protected use and the more intense use. The buffer zone shall be developed with two (2) continuous rows of evergreens (spruce or pine), measuring at least eight (8) feet in height, evenly staggered, each row planted at intervals not exceeding twenty (20) feet on center. Deciduous trees (three inch caliper minimum) shall also be provided with an average spacing of fifty (50) feet on center; and
    - (b) A naturally rolling landscaped berm averaging three (3) feet in height.
- 4) Retaining walls. The construction of a retaining wall in any district shall meet the the following:
  - a) Walls that are two (2) feet or greater in height that retain an area such as a driveway or parking lot shall require engineered design calculations. Walls that are designed to only retain soil shall not require design calculations unless the height of the wall is four (4) feet or greater.

Landscaping & Walls

- b) Retaining walls that maintain a height of between one (1) and four (4) feet may be located on the property line. Retaining walls with a height exceeding four (4) feet shall be setback from the property line one (1) foot for each one (1) foot of height beyond the initial four (4) feet of wall height.
  - c) Terracing shall be required for any area that would result in a retaining wall that is greater than six (6) feet in height. No single wall span shall exceed a maximum height of six (6) feet. No combination of terraced retaining walls shall exceed a maximum height of twelve (12) feet.
  - d) When terracing is required between retaining walls, the terraced area shall maintain a minimum width of three (3) feet and shall be landscaped. The maximum permitted slope of the terraced area shall be 1:6.
- 5) Berms.
- a) Berms shall be designed to be consistent with landscaped character of the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro-seeded to prevent erosion.
  - b) In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross section of the proposed berm shall be provided as part of the landscape plan.
  - c) Berms shall be designed to provide a natural rolling appearance, and should not merely be a straight line parallel to the property line.
- 6) Schedule of screening requirements.

<b>6) Schedule of Screening Requirements</b>			
Use Providing Screening*	Protected Use*		
Zoning District**	Single-Family	Multiple Family	Commercial
Single-family	**	**	**
Multiple-family or mobile home	Major 1 or 2	Minor	Minor
Commercial	Major 1 or 2	Major 1 or 2	Minor
Industrial	Major 1***	Major 1***	Minor
<p>* In instances where a "protected use" is developed adjacent to and after the use which is intended to provide the screening, the "protected use" shall provide the required screening.</p> <p>** Screening shall be provided by single-family subdivisions, single-family site condominiums and private roads consistent with the adopted City Subdivision Regulations</p> <p>*** Greenbelt shall be 20 feet wide with Major 1 wall and landscaping</p>			

- a. Spacing and size required below shall be provided in any planting area.
  - i. Evergreen trees shall not be less than eight (8) feet in height. When planted in informal groupings, they shall not be spaced more than twenty (20) feet on center

## Landscaping & Walls

- within the grouping. When planted in rows, they shall be spaced not more than fifteen (15) feet on center.
- II. Narrow evergreen trees shall not be less than five (5) feet in height. When planted in informal groupings, they shall be spaced not more than ten (10) feet on center within the grouping. When planted in rows, they shall be planted not more than five (5) feet on center.
  - III. Large shrubs shall be defined as shrubs which are greater than four (4) feet six (6) inches in height at maturity. Large shrubs shall be no less than thirty (30) inches in height at planting. When planted in informal grouping, they shall be spaced not more than six (6) feet on center within grouping. When planted in rows, they shall not be more than four (4) feet on center.
  - IV. Small shrubs shall be defined as shrubs which are less than four (4) feet six (6) inches in height at maturity. Small shrubs with low spreading habit shall not have a spread less than twenty-four (24) inches at time of planting. Small shrubs with an upright habit shall not have a height of less than twenty-four (24) inches. They shall be planted not more than four (4) feet on center.
  - V. Large deciduous trees shall not be less than three (3) inches in caliper. When placed in informal groupings, they shall not be planted more than thirty (30) feet on centers within the grouping.
  - VI. Small deciduous trees shall not be less than two (2) inches in caliper. When planted in an informal grouping, they shall be spaced not more than fifteen (15) feet on center within the grouping.
  - VII. Shrubs used for required hedges shall not be less than twenty-four (24) inches high. They shall be planted not more than three (3) feet on center.
  - VIII. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
  - IX. A mixture of plant materials is suggested in all landscape planting as a protective measure against disease and insect infestation.

7. Whenever in this chapter planting is required, it shall be planted prior to the issuance of a certificate of occupancy if a certificate is issued during the April 1--September 30 period; if the certificate is issued during the October 1--March 31 period, the planting shall be completed no later than the ensuing May 31.

8. Landscape areas, open space and plant materials required by this section shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition. If any plant materials required by this section die or become diseased, they shall be replaced within thirty (30) days after written notice from the city or within an extended time period as specified on such notice.

9. Walls and Berms. For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall or landscape berm as required:

- A. In those instances where the border between districts or uses requiring a wall or berm is a major or secondary thoroughfare, a greenbelt may be substituted for the

Landscaping & Walls

wall or berm adjacent to the thoroughfare and in accordance with the requirements of above.

- B. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm, required as follows:

<b>1.B. Height of Wall or Berm</b>	
Use	Minimum requirements
A. Parking districts	6 feet high
B. Off-street parking area in any district	6 feet high
D. Commercial, office and mixed use districts	6 feet high
E. Industrial Districts	6-foot high wall or berm
F. Industrial districts--Open storage areas, loading or unloading areas, service area	6-foot to 8-foot high wall, berm or obscuring wall
G. Auto wash, drive-in/fast food restaurant	6 feet high
H. Hospital ambulance delivery areas	6 feet high
I. Utility buildings, stations or substations	6 feet high

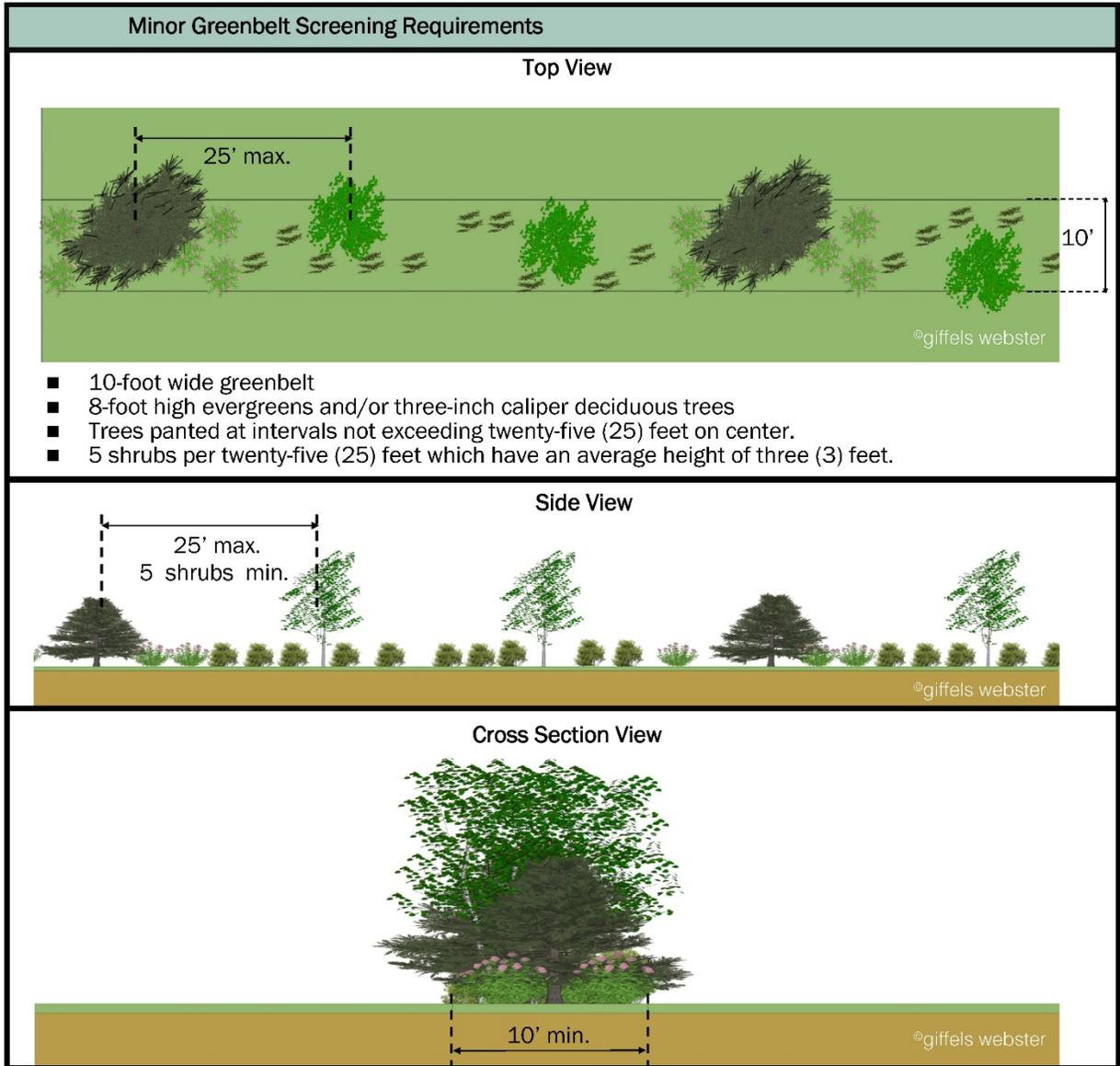
- C. Whenever a wall or berm is required, deciduous trees shall be planted in the ground adjacent to the wall on the nonresidential side with size and spacing in accordance with Section XX (Landscaping). If a berm is used, the trees may be planted on the berm.
- D. The planning commission may, in unusual circumstances, permit a wall to be less than six (6) feet in height if no good purpose would be served. In making such determination, the commission may consider the following:
  - i. The height of existing nearby walls;
  - ii. The effectiveness of the wall in screening adjacent property;
  - iii. Variation in height would result in a significantly better-appearing wall when the length, in the opinion of the commission, is excessive;
  - iv. The characteristics of the area being screened;

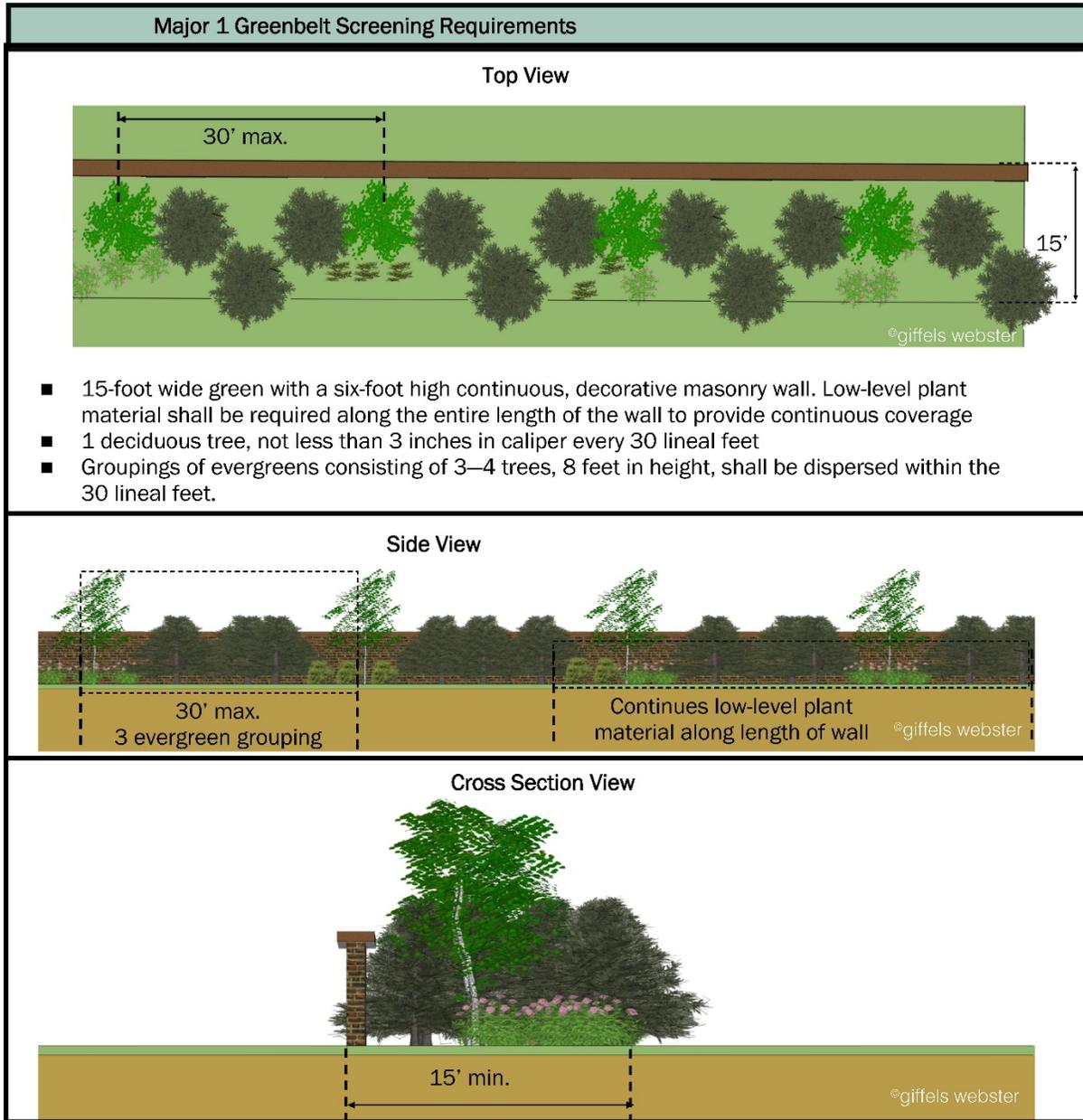
Where site plan approval by the planning commission is not required, the planning department may provide such review.

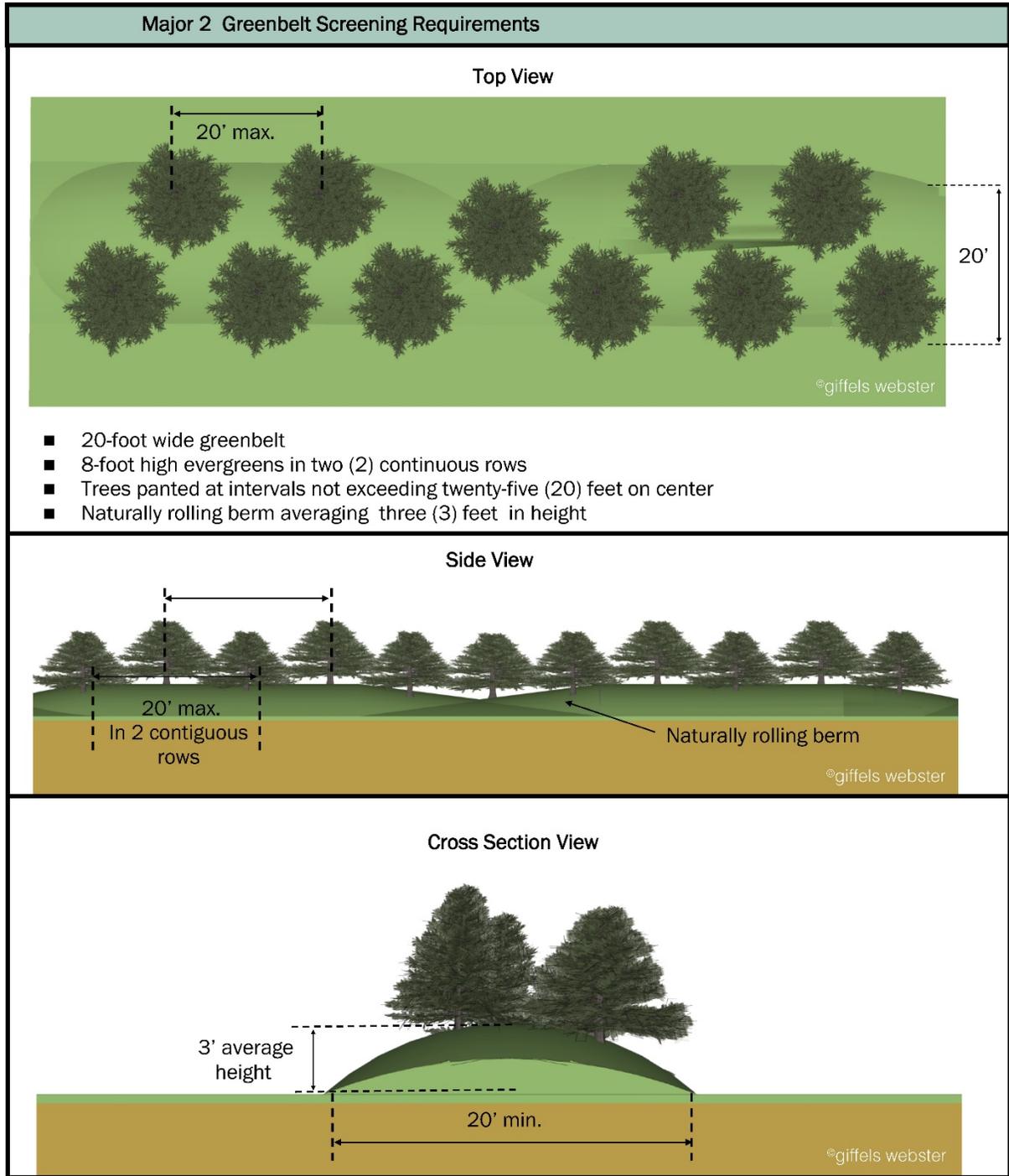
- E. In those instances where a required wall is located generally parallel to a public street right-of-way and within fifty (50) feet of the right-of-way, the planning commission may require that the wall be designed so that it provides a varying setback or distance from the right-of-way. This may take the form of a serpentine wall, a wall with offsets in its alignment or some other means of providing variety. The use of plant materials in conjunction with the wall is encouraged and may be required. Where site plan approval by the planning commission is not required, the planning department may provide such review.

## Landscaping & Walls

- F. Required walls shall be located along the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts.
- G. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall or deciduous trees requirement if in specific cases it would not serve the purposes of screening the area effectively or where it is determined that the adjoining property is indicated on the future land use plan as a nonresidential area. Where site plan approval by the planning commission is not required, the planning department may provide such review.
- H. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be major consideration.
- I. Berms shall be landscaped earth mounds, the same height as required for walls with a maximum slope of 3:1 (three (3) feet horizontal to one foot vertical). All berms shall have a nearly flat, horizontal area at their highest point, at least two (2) feet in width.
- J. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established, by a straw mulch, hydromulching or netting specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy growing condition.
- K. A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material as set forth in Section XX (Landscaping).
- L. Such walls or berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as are required to address public health, safety and welfare as approved by the planning department.
- M. All walls required in this section shall be constructed to specifications approved by the building inspector. Walls shall be constructed of brick or have brick veneer on the side facing the residential district, or be constructed of poured concrete which simulates standard brick facings on both sides of the wall. The top of the wall shall be finished to provide positive drainage.







# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment –Lighting

---

## Introduction

Chapter 4 of the Master Plan includes a Zoning Plan following each Future Land Use Category establishing the process for accomplishing the recommendations of each category. The Zoning Plan recommends new regulations for reduced lighting levels in the LC district and improved aesthetics along the 20<sup>th</sup> Street corridor through lighting design criteria.

Below is the draft zoning language proposed to be included in Article 5 – Site Standards of the Clearzoning format. This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval.

## Current Language

The ordinance currently contains several references to lighting standards, such as “all lighting shall be shielded away from adjacent residential districts” and “all lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only”. Section 50-412 contains the specific standards for exterior lighting. This section and all other references to lighting standards would be completely replaced with the proposed draft zoning language. The Zoning Audit states the following:

- *This section should be updated to include standards for full cut-off fixtures, along with graphics, to establish a maximum foot candle rating at the property line and to require a photometric plan with site plan submittal.*
- *A maximum 4:1 ratio (average: minimum) for even light distribution should also be considered.*

Current Sec. 50-412. - Exterior lighting.

- (a) All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare, and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- (b) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- (c) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature such buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

## Lighting

- (d) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
- (e) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

## Draft Zoning Language

1. **Intent.** The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
  - A. Permit the use of outdoor lighting that meets the minimum levels specified in this Ordinance for night-time safety, utility, security, productivity, enjoyment, and commerce.
  - B. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
  - C. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
  - D. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
  - E. Conserve energy and resources to the greatest extent possible.
  - F. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots

2. **Applicability of regulations / Approved lighting plan.** Whenever the installation or modification of outdoor lighting is part of a development that requires site plan approval, the approving body shall review and approve all proposed lighting as part of its site plan approval process and all lighting shall be subject to the provisions of this Ordinance.

The planning commission may modify the requirement for existing developed sites seeking modest expansions to bring all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

- A. A lighting plan submitted for review shall contain the following:
  - i. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures.
  - ii. Specifications for all proposed and existing lighting fixtures including photometric data, fixture height, mounting and design, glare control devices, type and color rendition of lamps, and hours of operation. A photometric plan illustrating the levels of illumination at ground level shall account for all light sources that impact the subject site.
  - iii. Relevant building elevation drawings showing all fixtures and the portions of the walls to be illuminated.
- B. A proposed lighting plan shall be reviewed based upon the following considerations:
  - i. Whether the lighting is designed to minimize glare;
  - ii. Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;
  - iii. Whether the lighting will cause negative impacts on residential districts and uses;
  - iv. Whether the plan will achieve appropriate levels of illumination for the use proposed; and

## Lighting

- v. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties; and
- vi. Whether the lighting is in keeping with the city's goal of prohibiting unnecessary illumination of the night sky.

**3. Required conditions.** When site plan approval is required for the installation or modification of exterior lighting, the following conditions shall apply:

A. Height. Light fixtures shall be mounted in accordance with the following table. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture.

3.A Height to Top of Light Source	
Height in Feet	Districts
15	Residential
20	Office
25	Commercial and Mixed Use
30	Industrial

B. Specific Lighting Conditions.

- i. Parking lot lighting shall be designed to provide adequate vision and comfort in parking areas. Fully shielded luminaires shall be used to prevent glare and direct illumination away from adjacent properties and streets.
- ii. Canopy-mounted fixtures. Light fixtures mounted on canopies, such as with gasoline service stations, shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of eighty-five (85) degrees. Fixtures shall not be mounted on the top or sides of canopies.
- iii. Sites abutting a residential district or use shall meet the following conditions:
  - a. No direct light source shall be visible at the property line (adjacent to residential) at ground level.
  - b. Maximum illumination at the property line shall not exceed one third (1/3) foot-candle.
- iv. Historic or decorative fixtures. The approving body may choose to waive or alter cut-off requirements of this section when appropriate (e.g., use of decorative up-lighting to illuminate the underside of a canopy or columns on a facade, where a canopy or roof projection restricts the projection of the light into the night sky, locations where special lighting is appropriate for consistency with historic structures).

C. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of the surface being lit. If the minimum is 0.75 or less, then 0.75 shall be used as the lower number when the 4:1 ratio is applied. Where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1.0 footcandle. The approving body may modify these levels if such modifications are deemed necessary and appropriate to protect public safety.

Lighting

3.C Illumination Levels		
Use	Maximum Ambient Light	
District	Residential districts	All other districts
Hardscape areas (e.g., parking areas, sidewalks)	1.25 lumens per sq ft of hardscape area	2.5 lumens per sq ft of hardscape area
Building Entrances – within 20 ft of door	1,000 lumens per door	2,000 lumens per door

4. **Maintenance.** All luminaires, luminaire support structures, and related equipment shall be kept in good repair. This includes, but is not limited to, replacing nonworking bulbs, repairing broken or malfunctioning fixtures and similar activities. Failure to maintain luminaires and related equipment shall be deemed a violation of this chapter and violators shall be subject to the penalty provisions contained in Section XX.

5. **Exemptions.** The following uses shall be exempt from the provisions of this section:

- A. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
- B. Construction lighting approved by the building department as part of a building permit;
- C. Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
- D. Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
- E. Other temporary lighting that does not result in light trespass or glare on adjacent property as determined by the City of Springfield Building Official.

6. **Prohibited lighting.** The following types of lighting are prohibited:

- A. Bottom mounted sign lighting. Bottom mounted outdoor sign lighting attached to a sign structure and projects light up towards a sign resulting in spillover to the night sky shall not be used.
- B. Mercury vapor lamps and fixtures.
- C. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- D. Searchlights. The operation of searchlights for advertising purposes is prohibited unless the applicant applies for and receives approval of the use of a searchlight as part of a carnival or special event under Section XX et seq. of this Code or a temporary outdoor sales event under Section XX et seq. of this Code.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Development Review Procedures

---

## Introduction

The development review procedures of the ordinance will be housed together in Article 6 of the Clearzoning Ordinance.

## Current Language

The zoning ordinance includes site plan review procedures, but does not have a robust process for handling special land uses, apart from including the statutory public hearing notice procedures. This language also provides for administrative review of minor site plan amendments and a certificate of zoning compliance for re-occupancies and minor changes of use.

## Draft Zoning Language

### Site Plan Review

1. A site plan, together with ten copies, are to be submitted for review by the planning commission for approval of:
  - A. Any use or development for which the submission of a site plan is required by any provision of this chapter;
  - B. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 50-406, off-street parking requirements;
  - C. Any use in an RM-1, OS-1, B-1, B-2, B-3, I-1, I-2, PRD or PDD district lying contiguous to, or across a street from a single-family residential district;
  - D. Any use except single-family or two-family residential which lies contiguous to a major thoroughfare or collector street;
  - E. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools and public facilities;
  - F. Building additions or accessory buildings shall not require planning commission review unless off-street parking in addition to that already provided on the site is required.
  - G. All principal uses subject to special conditions under this chapter (i.e., special land uses)

Development Review

- H. Developments created under Division 12 (PRD-Planned Residential Districts) and Division 13 (PDD-Planned Development District) of this chapter.
- 2. A site plan shall be reviewed and approved by the Planning Commission, unless one of the following circumstances applies. In such circumstances, administrative approval may be given by the Code Official or the Code Official’s designee:
  - A. The size of a building is reduced or increased by less than ten percent (10%).
  - B. Overall density of units in an approved subdivision does not increase.
  - C. Changes in floor plans that do not alter the scale of the use.
  - D. Landscaping improvements that increase screening and/or landscaping on the site.
  - E. Minor adjustments resulting from agency review.
- 3. Every site plan submitted to the planning commission shall be in accordance with the requirements of this chapter. No site plan shall be approved until the site plan has been reviewed by the building department in coordination with the public safety department, for compliance with the standards of the department. Except for special land use requests, site plans shall be submitted no later than 21 days prior to the planning commission meeting at which approval is sought. Special land uses shall follow the procedures set forth in Section 6.2.
- 4. The site plan presented is to be of minimum draftsman quality. A plot or sketch plan is unacceptable. The following information shall be included on the site plan:

Application Form Contents
(1) The name, address and phone number of the applicant;
(2) Identification of present zoning;
(3) A general written description of the proposed use of the development depicted in the plan;
(4) The area of the parcel in question in square feet or acres;
(5) The legal description of the site;
Contents of the Site Plan
(6) The property identified by lot lines and location, including dimensions, angle and size of all lot and property lines to correlate with the legal description of the property. Such plan shall further show the relationship of the subject property to abutting properties;
(7) The site plan of a scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more;
(8) Date, north point and scale;
(9) The elevation of all finished floor grades;
(10) The topography of the site at ten-foot contours;
(11) The height and square footage of all proposed and existing buildings together with the square footage of individual floor areas;
(12) The location of all existing and proposed drives, parking areas and delivery/loading areas;
(13) The location of site lighting, sidewalks and signage, if any;

Development Review

(14) The location and right-of-way widths of all abutting streets and alleys;
(15) Illustrate proposed open space, landscaping, screening, fencing, topographical changes, and other natural features;
(16) Include copies of such earth change plans or permits as may be required by state law;
(17) The location of surface water drainage and grading plan with stormwater disposal on site, if there is no storm drainage;
(18) Indicate the applicant's intention to connect to the public sanitary and water system or, if none, the location of the proposed well and septic field and tank;
(19) The location of screened opaque trash receptacles (minimum three sides);
(20) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan;
(21) Any other information deemed necessary by the planning commission.

5. In the process of reviewing the site plan, the planning commission shall consider the following:
- (1) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;
  - (2) The traffic circulation features within the site, and location of automobile parking areas; and may make such requirements with respect to any matters as will ensure:
    - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
    - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - (3) The planning commission may further require landscaping, fences and walls in pursuance of these objectives and landscaping, fences and walls shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;
  - (4) Marginal access roads shall be required in those instances where the planning commission finds that an excessive number of ingress/egress points may occur with relation to a major thoroughfare thereby diminishing the carrying capacity of the thoroughfare, and where a general plan showing the location of such marginal access roads has been approved by the city council. Where marginal access roads are required, the following conditions shall be met:
    - a. The marginal access road shall be at least 22 feet in width and shall be located 60 feet from the centerline of the thoroughfare. The marginal access road shall be either dedicated as public right-of-way or shall be an easement which will permit the use of the marginal access road for traffic circulation from one property to another. Such easement shall be in a form acceptable to the city council, and approved by the council prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement or right-of-way although temporary features such as wheel stops may be permitted. Each property owner shall be responsible for maintenance of the

## Development Review

easement so that it remains usable as a means of vehicular travel from one property to another. The easement shall be recorded with the city clerk and the county registrar of deeds prior to the issuance of an occupancy permit;

- b. In reviewing the site plan, the planning commission may permit parking in the easement area provided that the layout is such that the parking can be removed at a later date when the marginal access road is needed for access to adjacent properties, without disrupting the layout of the parking area. Temporary parking spaces permitted within the marginal access drive shall not be included in computing the minimum off-street parking requirements under section 50-406;
- c. Where marginal access roads are required, the entire 22-foot area shall be paved up to the abutting properties. Backing from parking spaces onto the marginal access road shall not be permitted except on a temporary basis. The site plan shall indicate the proposed elevation of the marginal access road at the property line and the building inspector shall maintain a record of all marginal access road elevations so that such road grades and elevations can be coordinated. Marginal access road elevations shall conform to elevations established by the city council. Paving of the marginal access road shall meet construction specifications set forth by the city council;
- d. Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to ensure future elimination of such temporary entrances and exits. Occupancy permits shall not be issued until such monies have been deposited with the city. In determining which entrances and exits will be permanent and which will be temporary, the planning commission shall generally be guided by a minimum distance of 400 feet between entrances and exits and the location of existing drives on the opposite side of the thoroughfare.

## Special Land Use Review

- A. Purpose. It is recognized that in addition to the compatible uses which are permitted in a particular district as a matter of right, there are certain other uses which may be necessary or desirable to allow in certain locations in the district, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them in respect to their location, design, and operation. Therefore, it may be necessary to impose special requirements upon such uses as a condition for permitting their establishment.
- B. Special Land Use Permit Required. Uses which are identified as "special land uses" in this Ordinance shall be established only after the issuance of a special land use permit by the Planning Commission. The Planning Commission shall approve or deny a request for a special land use permit only after a public hearing as described in subsection C. below.
- C. Public Hearing and Notice. The Planning Commission shall hold a public hearing on any request for special land use approval. Once notice that a request for special land use approval has been received, it shall be published in a newspaper which circulates in the City, and delivered by U.S. Mail to the owners of the property being considered, to all persons to whom real property is assessed within 300

## Development Review

feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than fifteen (15) days prior to the hearing. The notice shall describe the nature of the special land use request, indicate the property which is subject to the request, state the time, date and place of the public hearing, and indicate where written comments will be received concerning the request.

- D. Standards for Making Determination. No proposed use shall be permitted unless the facts of the case establish to the planning commission's satisfaction that the use will meet the following standards:
1. Will be served adequately by essential facilities and services such as roads, police and fire protection, drainage facilities, refuse disposal, sewage disposal, and water supply.
  2. Shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
  3. Shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing potential child vehicle interfacing.
  4. Shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  5. Shall be such that the proposed location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value.
  6. Shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development and need for particular services and facilities in specific areas of the City.
  7. Is necessary for the public convenience at the proposed location.
  8. Is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
  9. Shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- E. If it is determined that a proposed use will comply with these standards provided that certain features of design or methods of operation are implemented, the Planning Commission shall set such requirements for design or operation as may be necessary to achieve compliance with the above listed standards. In determining requirements for a particular use, the Commission shall consider all the aspects of that use which have impact that fall within the scope of regulation of this Ordinance, and the Commission shall be guided by the requirements specified in this Ordinance for similar aspects of other uses.
- F. Site Plan Requirements. For all special land uses, a site plan shall be submitted for review by the Planning Commission which conforms to all requirements and procedures for site plan review set forth in Section 6.1.

## Development Review

- G. Approval. If the Planning Commission determines that the particular special land use should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than one hundred and twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.
- H. Denial. If the Planning Commission determines that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the City, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
- I. Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- J. Conditions. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
  - 1. Be designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- K. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner.
- L. The Planning Commission shall maintain a record of changes granted in conditions.
- M. Revocation
  - 1. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

## Development Review

2. A special land use permit shall be valid for a period of twelve (12) months after the date of issuance of the building permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this 12-month period, the Building Official shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may extend the permit for a period of time not exceeding six (6) months if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review, with the applicant and the City Zoning Administrator, the status of Special Use Permits on an annual basis.
3. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Section 5.16, any other provisions of this Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the City Council shall have the authority to revoke the special land use permit based on a site inspection by the Ordinance Enforcement Officer and its own findings of fact. Prior to revoking the special land use permit, the City shall:
  - i. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violation(s) found to the current permit holder by Regular US Mail.
  - ii. Offer the permit holder thirty (30) days to correct all violations, without penalty.
  - iii. If all violations are not corrected within thirty (30) days, the City Council shall hold a revocation hearing as follows:
    - (1) The City Council shall notify the permit holder by Regular U.S. Mail of the date, time and place of a hearing concerning the proposed revocation of the special land use permit.
      - (a) Public notice of the revocation hearing shall be given in the manner required by the Michigan Zoning Enabling Act.
      - (b) During the hearing, the permit holder shall be afforded an opportunity to present any reasons for why the standards of the permit and/or this Ordinance are not being met.
      - (c) Following the hearing, the City Council may revoke the special land use permit, based upon findings made in the specific case and testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.

## Certificate of Zoning Compliance

- A. A certificate of zoning compliance shall be required for any non-residential use in Springfield established on or after [DATE OF ADOPTION]. Application for the certificate shall be made on an application provided by the City, and shall include a fee, as established by a resolution of the City Council. Zoning compliance certificates are required in the following circumstances:

## Development Review

1. Establishment of any new non-residential, excluding home occupations as defined in this ordinance.
  2. A change of use or re-occupancy in any existing non-residential building or on any existing non-residential, non-agricultural parcel.
  3. The conversion of a residential structure or parcel to a non-residential.
  4. The conversion of an agricultural structure or parcel to a non-residential use.
- B. For any use requiring special land use or site plan approval, a certificate of zoning compliance shall be issued as part of the final approval for said site plan or special land use.
- C. No building, plumbing, electrical, mechanical, or other permit shall be issued for a non-residential use unless a certificate of zoning compliance has been obtained. Existing businesses applying for such a permit shall also apply for a zoning compliance certificate at the time of application.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Administration and Enforcement

---

## Introduction

All zoning ordinances include a set of administrative procedures, structuring provisions, and enforcement remedies. The provisions of the Springfield Zoning Ordinance falling into this category have been compiled and updated.

## City Action on this Issue

- April 2019: Kick-off meeting

## Current Language

Much of the current language is reflected below, though in many cases it has been reorganized. Procedures for amending the ordinance or map have been much more thoroughly codified, and a broadly applied procedure for public hearings is now included

## Draft Zoning Language

### Administration and Enforcement

#### IN GENERAL

The City Council or its duly authorized representatives as specified in this Article are hereby charged with the duty of enforcing the provisions of this ordinance. Accordingly, the administration of this ordinance is hereby vested in the following City entities:

- City Council
- Planning Commission
- City Council Acting as Zoning Board of Appeals

#### CITY COUNCIL

The City Council shall have the following responsibilities and authority pursuant to this ordinance:

- Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes of this ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the City Council shall have the authority to adopt this ordinance, as well as amendments previously considered by the City Council at a hearing or as decreed by a court of competent jurisdiction.

- B. Setting of Fees. The City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this ordinance. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate City administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- C. Approval of Planning Commission Members. In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council.
- D. Planned Unit Development. City Council review and approval is required for all Planned Unit Developments.

**PLANNING COMMISSION**

- (1) In General. As designated in article II of chapter 130, the Planning Commission is designated as the commission specified in Public Act No. 33 of 2008 and shall perform the duties of such commission as provided in the statute in connection with this ordinance.
- (2) Approvals.
  - 1. When the Planning Commission is empowered to approve or recommend approval for certain use of premises under this ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by such commission for the proper consideration of the matter.
  - 2. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may, in its opinion, be affected thereby, as required under its rules of procedure.
  - 3. The Planning Commission may impose or recommend imposing such conditions or limitations in recommending approval that, in its judgment, are necessary to fulfill the spirit and purpose of this ordinance.
- (3) Zoning Commission. The Planning Commission is hereby designated as the Zoning Commission specified in Article III of Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute.
- (4) Composition, Appointment, Terms, Vacancies and Compensation. The Planning Commission shall consist of 9 members, as established by resolution of the City Council and pursuant to the provisions of Public Act 33 of 2008 (as amended). The term of any ex-officio members shall be determined by the City Council and stated in the resolution selecting the ex-officio members, but shall not exceed the member's term of office as a member of the City Council. A vacancy on the Planning Commission occurring for any reason other than the expiration of term shall be filled for the un-expired term by the Mayor (in the case of a member appointed by the Mayor) subject to approval by the City Council, and by the City Council (in the case of the ex-officio member selected by the City Council). The ex-officio member shall have full voting rights. The Planning Commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be 1 year, with eligibility for reelection.
- (5) Removal of a Member for Cause. After a public hearing, a member other than the member selected by the City Council may be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The City Council may for like cause remove the ex-officio member selected by the City Council.
- (6) Organization, Meetings, Records and Rules. The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion

and removal shall be subject to the same provisions of law as govern all other City employees. The Commission may consult with planners, engineers, architects, attorneys and other consultants for such services as it may require, as contracted by the City Council. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

- (7) Powers and Duties. The Planning Commission shall have such powers concerning the preparation and adoption of a master plan consisting of future land use, street and thoroughfare plan, community facilities, public improvements programs, zoning ordinances, subdivision regulations, and other such rights, powers, duties and responsibilities as are expressly provided for in this ordinance, the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

## **ZONING BOARD OF APPEALS**

- A. **City Council Acting as Zoning Board of Appeals.** Pursuant to the authority of the Michigan Zoning Enabling Act, 2006 PA 110 (MCL 125.3101 et seq.), the city council shall act as the zoning board of appeals subject to the rules as established herein. The following rules shall apply to the city council acting as zoning board of appeals:
1. A member of the city council acting as a member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
  2. The terms of office for members shall correspond with their terms of office as members of the city council.
  3. The city council acting as zoning board of appeals shall annually elect its own chair, vice chair and secretary. These offices may, but shall not be required, to correspond to the offices of mayor or mayor pro tem.
  4. The city council acting as zoning board of appeals shall not conduct business until a majority of the regular members of the city council are present.
- B. **Meetings.** All meetings of the city council acting as zoning board of appeals shall be held at the call of the chair and at such times as the council may determine. All hearings conducted by the city council acting as board of zoning appeals shall be open to the public. The city clerk, or the clerk's representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. Four members of the city council acting as board of zoning appeals shall constitute a quorum for the conduct of its business. The city council acting as board of zoning appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- C. **Jurisdiction, Powers and Duties.** The city council acting as the zoning board of appeals shall have the following powers:
- (1) *Administrative review.* To hear and decide questions that arise in the administration of this chapter, including interpretation of zoning maps, and to adopt rules to govern its procedure

serving as a zoning board of appeals. The zoning board of appeals shall also hear and decide on matters referred to the zoning board of appeals or upon which the zoning board of appeals is required to pass under this chapter.

- (2) *Appeals*. To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this chapter.
- (3) *Variance*. To grant variances under the following circumstances:
  - a. *Nonuse variance*. Zoning board of appeals shall have the authority to grant, upon appeal, a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this chapter or to any other nonuse related standard of this chapter where, by reason of exceptional narrowness, shallowness, shape or area of specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, a strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.
  - b. *Use variance*. To grant upon an appeal, whenever a property owner can show that a strict application of the provisions of this chapter relating to the use, construction or alteration of buildings or structures, or the use of land, will impose upon said owner unnecessary hardship, such variations of the strict application of this chapter as are in harmony with its general purpose and intent, but only when the zoning board of appeals is satisfied that granting such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unnecessary hardship or difficulty so great as to warrant a variation from the master plan, as established by this chapter, and that the surrounding property will, at the same time, be properly protected.
  - c. *Variance*. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the board shall state the grounds upon which it justifies the granting of the variance.
- (4) *Exceptions and special approvals*. To hear and decide in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the board of appeals to pass. Any exception or special approval shall be subject to such conditions as the board of appeals may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:
  - a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the zoning map.
  - b. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission;

- c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
  - e. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections.
  - f. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature. The zoning board of appeals, in granting permits for the temporary uses stated in this subsection shall do so under the following conditions:
    - i. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
    - ii. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of such temporary permit.
    - iii. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city, shall be made at the discretion of the board of appeals.
    - iv. In classifying uses as not requiring capital improvement, the board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
    - v. The use shall be in harmony with the existing general character of the district.
    - vi. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter. Further, the board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.
- (5) **Interpretation of Zoning District Boundaries.** Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of Zoning Ordinance and Master Plan.
- (6) **Interpretation of Zoning Ordinance Provisions.** The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.

- D. **Standard of Review.** In consideration of all appeals and proposed variations to this chapter, the zoning board of appeals shall, before making any such exceptions or granting any variances, in a specific case, first determine that the following conditions are satisfied:
1. That the proposed variation will not impair an adequate supply of light and air to adjacent property.
  2. That the proposed variation will not unreasonably increase the congestion in public streets.
  3. That the proposed variation will not increase the danger of fire or endanger the public safety.
  4. That the proposed variation will not unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.
  5. Variances may be granted only when it can be clearly demonstrated by the petition that hardship or practical difficulty will, in fact, exist if such variance is not granted.
  6. The mere fact that older, larger signs constructed under prior ordinances exist in the area shall not be sufficient reason to declare a hardship or practical difficulty.
  7. In no case shall a variance be granted if it is determined by the zoning board of appeals that the applicant has created the hardship or practical difficulty.
  8. Before a variance is granted, it must be shown that the alleged hardships or practical difficulties are exceptional and peculiar to the property of the person requesting a variance and result from conditions which do not generally exist throughout the city.
  9. The applicant for a variance shall be prepared to furnish documentation to indicate that the hardship or practical difficulties do, in fact, exist.
  10. The term "hardship" shall not be deemed financial hardship relating to the cost or size of a sign, the fact that a sign has already been erected, or the fact that a sign is only available in standard sizes.
  11. The alleged hardship or practical difficulty which will result from the failure to grant the variance must include substantially more than a mere inconvenience or mere inability to attain a higher financial return.
  12. It must be shown that allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance and, especially, the rights of others whose property would be affected by allowing the variance.
  13. Every finding of fact of the board shall be supported in the record of proceedings of the board.
- E. **Majority Vote Required.** The concurring vote of four members of the city council acting as the board of appeals shall be necessary to reverse any order, requirements, decision, or determination of the code official, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. A use variance requires a 2/3 majority vote. Nothing contained in this section shall be construed to give or grant to the board of appeals the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the city council in its own capacity in the manner provided by law.
- F. **Conditions.** The board shall impose such conditions and requirements, in connection with any decision to grant a nonuse/dimensional variance, as it shall deem reasonable to minimize any

potential detrimental effects of its decision and to promote the purposes of this article or which justifiably arises from the circumstances of the request.

- G. **Notice and Public Hearing.** The Zoning Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. Notice of such hearing shall be provided in the manner established in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).
- H. **Limitations of Authority.**
  - a. Nothing contained in this section shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this ordinance or the zoning map or to rezone, such power and authority being reserved to the City Council.
  - b. Nothing in this section shall be construed to authorize the Zoning Board of Appeals to hear, review or decide any appeal from a decision of the City Council or Planning Commission to approve, approve with conditions, or deny a planned unit development or special land use.
- I. **Expiration of Approval.**
  - a. No order of the Zoning Board of Appeals permitting the erection or alteration of a building, except in the case of an interpretation made by the Zoning Board of Appeals, shall be valid for a period longer than one year from the date of approval unless a building permit or site plan approval for such erection or alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit or approved site plan.
  - b. No order of the Zoning Board of Appeals permitting a use of a building or premises, except in the case of an interpretation made by the Zoning Board of Appeals, shall be valid for a period longer than one year from the date of approval, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit or site plan approval for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit or approved site plan.
  - c. No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of one year following the effective date of the decision by the Zoning Board of Appeals, except where the Zoning Board of Appeals determines there is valid new evidence that was unavailable to the applicant at the time of the prior hearing or a substantial change in circumstances. Applications for a rehearing shall be in writing and shall be subject to the same rules and requirements as an original request.
- J. **Fee.** A fee shall be paid at the time the notice of appeal is filed to the City treasurer to the credit of the general revenue fund of the City. The fees to be charged for appeals shall be set by resolution of the City Council.

#### **Amendments, Including Rezoning**

- 1. **Initiation of Amendments.** The City Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the City Council, the Planning Commission or by petition from one or more residents or property owners of the City. An amendment to the zoning district boundaries on the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. An owner of land may voluntarily offer in writing, and the City may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the

provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council, prior to consideration thereof by the City Council.

2. **Application Procedure.** An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the City, including an application fee, which shall be established from time to time by resolution of the City Council.

In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

- A. Completed application form and fee to cover administrative cost and review by consultants.
  - B. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - C. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
  - D. The existing and proposed zoning district designation of the subject property.
  - E. A written description of how the requested rezoning meets Section \_\_\_\_, Criteria for Amendment of the Official Zoning Map.
  - F. Conditional rezoning requests shall include the applicant's proposed offer of conditions. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
  - G. A rezoning traffic study, if required based on Section \_\_\_\_, Criteria for Amendment to the Official Zoning Map.
  - H. For any proposed change to zoning that is either (1) inconsistent with the City's Master Plan, or (2) involves a request other than residential down-zoning, the Planning Commission or the City Council may request all or a portion of a development impact statement meeting the standards of Section \_\_\_\_.
3. **Amendment Procedure; Public Hearing and Notice.**

- A. An applicant may request and pay a fee for a pre-application conference with City staff and consultants prior to formal submission of a request for rezoning in order to identify potential issues with the request.
- B. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the City. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) and shall describe the nature of the proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant

is located within Springfield. The notice shall indicate the property that is subject to the request including a listing of all existing street addresses within the subject property.

- C. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria contained in Section \_\_\_\_\_ below.
  - D. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An applicant may withdraw all or part of its offer of conditions at any time prior to the planning commission's public hearing. The applicant may offer to add more restrictive conditions at the City Council without requiring a new public hearing.
4. **Amendments Required to Conform to Court Decree.** Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.
5. **Criteria for Amendment to the Official Zoning Map (Rezoning).** In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall consider the following criteria.
- A. Consistency with the goals, policies and future land use map of the Springfield Master Plan. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
  - B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
  - C. Evidence from the applicant that it cannot receive a reasonable return on investment through developing the property with the uses permitted under the current zoning.
  - D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - E. The capacity of utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
  - F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
  - G. The apparent demand for the types of uses permitted in the requested zoning district relative to the amount of land in the City currently zoned and available to accommodate the demand.
  - H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district.
  - I. The requested rezoning is to the most appropriate district.
  - J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
  - K. The requested rezoning will not create an isolated and unplanned spot zone.
  - L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
  - M. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable

and rational relationship to the property for which rezoning is requested.

N. Other factors as appropriate.

**6. Approval of Zoning Amendments.** Approved amendments shall require the following:

- A. Publication of a notice of adoption in a newspaper of general circulation in the City within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected.
- B. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.
- C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the City Council. The Statement of Conditions shall:
  - i. Be in a form recordable with the Calhoun County Register of Deeds and include a statement acknowledging that it is recorded.
  - ii. Contain a legal description of the land to which it pertains.
  - iii. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
  - iv. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - v. Incorporate by attachment any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions.
  - vi. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.
  - vii. Contain the signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

**7. Effect of Conditional Rezoning.** The following provisions shall apply to approved conditional rezonings:

- A. **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, the Statement of Conditions shall cease to be in effect.
- B. **Amendment of Conditions.** Amendment of conditions shall follow the process for rezoning outlined above.
- C. **City Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.).

## **PUBLIC HEARING PROCEDURES**

The body charged with conducting a public hearing required by this ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

- A. General Public Hearing Procedures. The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in subsection B, below.
  1. Publication in a Newspaper of General Circulation. Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
  2. Personal and Mailed Notice.
    - a. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
    - b. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
    - c. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
    - d. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
    - e. The City shall prepare a list of property owners and occupants to whom notice was mailed.
  3. Content. Any notice published in a newspaper or delivered by mail shall:
    - a. Describe the nature of the request.
    - b. Indicate the property that is the subject of the request.
    - c. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
    - d. When and where the public hearing will occur.
    - e. When and where written comments may be submitted concerning the request.

B. Zoning Ordinance Text and Map Amendments.

1. Map or Text Amendments Affecting 10 or Fewer Parcels. If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in *Section \_\_\_\_\_*.
2. Map or Text Amendments Affecting 11 or More Parcels. If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in *Section \_\_\_\_\_*, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
3. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
4. Additional Information Required in Notice. Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

ACTIONS REQUIRING A PUBLIC HEARING		
Section	Action	Reviewing Body
	Zoning Ordinance Amendment	PC
	Special Land Use Review	PC
	Revocation of Special Land Use	PC
	Variances and Appeals	ZBA
	Temporary Uses	ZBA
	PUD Review (PRD/PDD)	PC
	Ordinance Interpretation	ZBA
	Uses Not Otherwise Included Within A Specific Use District/Uses Not Otherwise Addressed	PC

**DUTIES, POWERS, AND LIMITATIONS OF CODE OFFICIAL**

- A. The provisions of this chapter shall be administered and enforced by the code official or by such deputies of the code official's department as the code official may delegate to enforce the provisions of this chapter.
- B. The code official shall have the power to grant zoning compliance and occupancy permits, and the building and public services, and fire departments shall have the authority to make inspections of buildings or premises necessary to carry out their respective duties in the enforcement of this ordinance. It shall be unlawful for the code official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until the code official has inspected such plans in detail and found them to conform with this chapter.
- C. The code official shall record all nonconforming uses existing at the effective date of the ordinance for the purpose of carrying out the provisions of section \_\_\_\_\_.

- D. The City shall have the authority to conduct inspections as necessary to assure that landscaping and irrigation systems are installed according to approved plans and permits.
- E. The building, public services, and fire departments are under no circumstances permitted to make changes in this ordinance or to vary the terms of this ordinance in carrying out their duties.

## **PLOT PLAN**

The code official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

- A. The actual shape, size and location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- C. Dimensions between property lines and all existing and proposed structures.
- D. Natural features and existing trees measuring 6 inches or greater in diameter, measured 4.5 feet above grade level.
- E. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.
- F. Such other information concerning the lot or adjoining lots as may be essential in determining whether the provisions of this ordinance are being observed.

## **PERMITS**

The following shall apply in the issuance of any permit under this ordinance.

- A. Permits not to be issued. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all sections of this ordinance.
- B. Permits required. No building or structure, or part thereof, shall be erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts; stairways; type of construction; type, class or kind of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the City building code, the housing law of the state, or this ordinance, except for minor repairs or changes not involving any of such features.
- C. 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 of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- D. Permits for new use of buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- E. Temporary permits. The building department may issue a temporary permit for a temporary building or use allowed in the zoning district for up to one year. The temporary permit may be renewed once by the Zoning Board of Appeals for a second one year period if the issuance of the permit would avoid an unreasonable hardship and not cause any undue or unreasonable disturbances to surrounding properties or in the general area.

## CERTIFICATES OF OCCUPANCY

- A. Generally. A certificate of occupancy is required before any person may occupy or allow occupancy of any land, building or part thereof whenever:
  - 1. A building permit is required.
  - 2. Site plan approval is required.
  - 3. Additional parking in connection with the use is required.
  - 4. A nonconforming use is changed to a conforming use.
- A. If a certificate of occupancy is not required by this section, a change of occupancy or use of any land, building or part thereof may be made without obtaining a certificate of occupancy.
- B. Certificates including zoning. A certificate of occupancy required for the erection or enlargement of buildings or structures; extension or alteration in whole or in part; or a change of use, occupancy, or a combination thereof shall also constitute a certificate of zoning as required by this ordinance. No such certificate shall be issued until there is compliance with all sections of this ordinance.
- C. Certificate for existing buildings and uses.
  - 1. Change of use or occupancy. A certificate of occupancy may be issued for a change of use or occupancy of existing buildings, structures, or parts thereof, if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with this ordinance. A certificate of occupancy shall be obtained before there is any new use or modification of an existing use of a building or land or part thereof, or if any additional parking is required by *Article 11* for the new or modified use. If additional parking is required by *Article 11*, the additional parking shall be provided and there shall be compliance with all of the requirements of this ordinance that are reasonably related to providing the additional parking. Paving of the entire parking area, as otherwise provided by this ordinance, shall not be required if the existing parking area is not paved and the number of the additional required parking spaces does not exceed the number of parking spaces existing on the property by more than 25 percent. The Planning and Development Director and the directors of the building and public services departments may require a site plan in such detail as may be required to show compliance with this ordinance, and shall have discretion to determine what requirements of this ordinance shall apply.
  - 2. Upgrading an existing building or improved land. Whenever an existing building or improved land is upgraded or otherwise improved, where a building permit or site plan is required, there shall be compliance with the provisions of this ordinance that are reasonably related to the improvement or changes being made.
    - a. Determination of which provisions of this ordinance shall apply shall be made by the Planning Commission if a site plan is required to be approved by the Planning Commission.
    - b. When a building permit is required but site plan approval is not required, the determination of which provisions of this ordinance shall apply shall be made jointly by the planning and zoning director and the directors of the building and public services departments.
    - c. Any such determination shall be documented with a written statement of findings stating the reasons for the determination.

- d. A property owner may appeal an adverse determination by City Staff to the Planning Commission, and an adverse determination by the Planning Commission may be appealed to the City Council.
- D. Temporary certificates of occupancy. A temporary certificate of occupancy may be issued if the property owner is entitled to a temporary certificate of occupancy under the building code, provided there is compliance with the additional requirements of this section. Any temporary certificate of occupancy issued shall specify a reasonable time for site improvements. Failure to comply with the time limit set forth shall be considered a violation of the time limit placed on the temporary certificate of occupancy for purposes of enforcing this ordinance and requiring completion of site improvements.
  1. Duration of temporary certificate of occupancy. A temporary certificate of occupancy shall not be effective for more than six months. Thereafter, occupancy may only be authorized under a final certificate of occupancy.
  2. Unfinished site improvements. All unfinished site improvements which are included on an approved site plan or which are otherwise required by this ordinance shall be constructed, installed or placed on the property and shall be approved by the City building or public services department within six months of obtaining a temporary certificate of occupancy. Failure to finish and obtain approval of such improvements shall constitute a violation of this ordinance giving rise to the penalties provided for in this ordinance and shall constitute a basis for relief in circuit court.
  3. Cash, letters of credit and bonds. Whenever an applicant seeks occupancy of premises prior to the completion of all improvements and construction in accordance with an approved site plan and the requirements of the City's ordinances, or when the applicant occupies the premises at the time of application for a building permit and continued occupancy is contemplated during the time of construction, the applicant shall deposit cash, a certified check, an irrevocable bank letter of credit or a corporate surety bond forfeitable to the City in an amount equal to the estimated cost of the remaining improvements pursuant to such site plan and the requirements of this ordinance and the City ordinances and requirements.
- E. The estimate of such cost shall be solely in the discretion of the building and public services departments. As used in this subsection, the term "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval.
- F. This subsection shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the land division act, PA 288 of 1967 (as amended) or the City drainage ordinance contained in article II of ordinance 114 of the City Code of Ordinances.
  5. Administration of Sureties. Such cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the City and shall be forfeitable by its terms and conditions, automatically, 15 days after notice to the applicant that the requirements of the site plan or this ordinance have not been met according to the terms of the temporary certificate or a time specified in the building permit in the case of occupancy at the time of applying for the building permit.
- G. Such cash deposit, certified check, irrevocable bank letter of credit, or bond shall be considered

posted with the condition that, upon passage of such 15 days after such notice in writing by first class mail at the last known address of the applicant, such amount shall automatically be transferred to the City fund, or otherwise enforceable by the City by any means available. Thereafter the City shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available.

- H. The City may retain ten percent of the cost of such completion as the City administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit or surety bond shall be released until all of the work is completed. In the case of a deposit of cash or a certified check, portions of such amount may be rebated as work progresses, at reasonable intervals, provided that at all times the amount on deposit equals the cost of the work to be completed.
  - 6. Submittal of As-Built Drawings. When a property owner requesting a temporary certificate of occupancy has not yet made an initial submission of as-built drawings to the Department of Public Services, the property owner shall submit a minimum \$10,000 cash deposit or submit the as-built drawings prior to issuance of a temporary certificate of occupancy.
- F. Final certificate of occupancy. No final certificate of occupancy shall be issued until all on-site improvements required by an approved site plan and by this ordinance shall be constructed, installed, or placed on the property in accordance with the approved site plan and this ordinance and approval for such has been obtained from the building and public services departments. In no case shall a final certificate of occupancy be approved until final as-built drawings are submitted to and approved by the public services department.
- G. Records of certificates. A record of all certificates issued shall be kept on file in the office of the building department.
- H. Certificates for residential accessory buildings. Buildings accessory to dwellings shall not require a separate certificate of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan, and when completed at the same time as such dwellings.
- I. Applications for certificates. Application for certificates of occupancy shall be made in writing to the building department on forms furnished by the City, and such certificates shall be issued within ten days after receipt of such application if it is found that the building or structure, or part thereof, of the land use is in accordance with this ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and cause thereof, within the ten-day period.
- J. *Certificate not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- K. *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the occupation or use caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- L. *Certificates including zoning.* Certificates of occupancy, as required by the city building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- M. *Certificates for existing buildings.* Certificates of occupancy shall 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 chapter.

- N. *Certificates for residential accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

## FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof shall notify the building inspector immediately, upon the completion of the work authorized by such permit, for a final inspection.

## FEES AND PERFORMANCE GUARANTEE DEPOSITS

- A. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the city treasurer in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.
- B. To ensure compliance with this chapter and any conditions imposed under it, the city may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the city covering the estimated cost of improvements be deposited with the city clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city may not require the deposit of the performance guarantee until it is prepared to issue the permit. The city council shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

## ENFORCEMENT

- A. **Enforcement.** The Mayor or his or her designee shall administer and enforce this ordinance. In the exercise of their duties, the directors, employees, representatives and deputies shall have authority provided by law for the enforcement of ordinances, including, but not by way of limitation, the authority to issue and serve municipal civil infraction citations and municipal civil infraction violation notices, as provided by Public Act No. 12 of 1994 (MCL 600.8701 et seq., MSA 27A.8701 et seq.), and the right to enter private premises as provided by law.
- B. **Municipal Civil Infraction.** Any person violating any of the sections of this ordinance or the owner of any building, structure or premises or part thereof, where any condition in violation of this ordinance shall exist or be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility therefore shall be subject to a civil fine as provided in section 66-37, the costs of prosecution, and such other costs, damages, expenses, sanctions and remedies authorized by law.
- C. **Public Nuisance.** In addition to all other remedies, including the penalties provided in this article, the City may commence and prosecute appropriate actions or proceedings in a court of

competent jurisdiction to restrain or prevent any noncompliance with or violation of any of the sections in this ordinance or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any section of this ordinance or in violation of any regulations made under the authority of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

- D. **Cumulative Rights and Remedies.** The rights and remedies provided in this ordinance are cumulative and in addition to any other remedies provided by law.
- E. **Forbearance Not Condoned.** Forbearance of enforcement of this ordinance shall not be deemed to condone any violation thereof.
- F. **Each Day of Violation a Separate Offense.** A separate offense shall be deemed committed upon each day during or when a violation of this ordinance occurs or continues.

## **NONCONFORMITIES**

**Intent.** It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### **General Requirements**

- A. **Repairs and maintenance.** On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- B. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change or a lessening in the nature or character of such nonconforming uses except in conformity with this ordinance.
- C. Uses under exception; provisions not nonconforming uses. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

### **Nonconforming Lots**

The following requirements shall apply to any legally created lot of record that does not comply with one or more of the dimensional requirements of this ordinance and that existed prior to the effective date of this ordinance or amendment thereto.

- A. Construction permitted. Notwithstanding limitations imposed by other sections of this ordinance, a permitted use may be erected on any single lawfully created lot of record in existence at the effective date of this ordinance or amendment thereto. This section shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that the lot can be developed in compliance with other dimensional requirements (such as setback requirements) without any adverse impact on surrounding properties or the public health, safety, and welfare.
- B. Contiguous lots under common ownership. If two or more lots or combinations of lots and portions of lots with continuous frontage and single ownership are of record on the effective date of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

### **Nonconforming Uses of Land**

Where, on the effective date of the ordinance amendment thereto, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following:

- A. Expansion prohibited. No nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied on the effective date of this ordinance or any amendment thereto.
- B. Relocation prohibited. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this ordinance or amendment thereto.
- C. Period of nonuse before nonconformity shall cease. If a nonconforming use of land ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- D. Establishment of a conforming use. In the event that a nonconforming use is superseded or replaced by a conforming principal use, the nonconforming use may not thereafter be resumed.

### **Nonconforming Structures**

Where a lawful structure exists on the effective date of this ordinance or amendment thereto that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- A. Increase in nonconformity prohibited. No such structure may be enlarged or altered in a way which increases its nonconformity. For example, an existing residence on a lot of a width less than required in this ordinance may add a rear porch, provided that other requirements relative to yard space and land coverage are met.
- B. Expansion of one-family dwellings. With respect to any structure which is considered nonconforming due to its noncompliance with a required side or rear yard setback, and notwithstanding subsection (A) of this section, any enlargement or alteration of the structure which involves the extension of the existing side or rear building line shall be permitted without need for a setback variance or variance to this section, provided that the enlargement or alteration:
  - 1. Is not located closer to the side or rear property line than the structure's existing nonconforming side or rear yard setback;
  - 2. Is attached to a one-family dwelling located within an R-1, R-2, R-3, R-4, or RE zoning district and is designed for use as enclosed or screened living space;
  - 3. Is not taller than 16 feet or one-story in height; and
  - 4. Complies with all other requirements of this ordinance and does not necessitate any other variances.
- C. Reconstruction. Nonconforming structures that are declared to be physically unsafe by the building official or otherwise damaged or destroyed by any means to an extent that the repair cost is greater than the assessed value of the structure shall not be restored, repaired, or rebuilt except in complete compliance with the requirements of this ordinance. Buildings or structures that are listed on a local, state, or national register of historic buildings or places may be reconstructed provided that the nonconformity that existed prior to destruction is not increased.
- D. Relocation. If such structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **Nonconforming Uses of Structures and Land**

If a lawful use of a structure or of structure and land in combination exists on the effective date of this ordinance or amendment thereto that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

- A. Alteration prohibited. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Expansion within existing building permitted. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed on the effective date of the ordinance from which this ordinance derives or at the time of amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Nonconforming use superseded by conforming use. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is

located, and the nonconforming use may not thereafter be resumed. *Section 138-3.104* shall apply to any nonconformity relating to the structure.

- D. Period of nonuse before nonconformity shall cease. If such nonconforming use of land and structures ceases operation with the intent of abandonment for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this subsection only so long as seasonal uses shall continue.
- E. Removal or destruction of structure. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

### **Nonconforming Sites**

A site existing as of the effective date of this zoning code that is nonconforming due solely to failure to meet the site development standards of this zoning code may be used for any purposes permitted in the district provided the use is in conformance with the provisions of this section.

A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs.

Additions to structures, additional paving, or parking on nonconforming sites shall require correction of existing nonconforming parking, landscaping and screening based on the following:

- A. Complete redevelopment or expansions that result in a 25 percent or greater increase of the gross square footage of the existing structure or expand outdoor storage require the entire property to meet all of the landscaping and screening requirements of this zoning code.
- B. Expansions that result in less than a 25 percent increase of the gross square footage of the existing structure require a corresponding percentage increase in compliance for landscaping and screening requirements of this zoning code until the site achieves 100 percent compliance based on future expansions.
- C. Expansions that require an increase in the number of parking spaces shall be required to provide 100 percent of the required parking spaces for the total floor area in accordance with this zoning code. The additional parking area shall comply with all associated landscaping and drainage requirements of this zoning code.
- D. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Zoning Administrator.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Attached Urban Housing PUD District

---

## Introduction

*What prompted this amendment?*

- The Master Plan Future Land Use Plan and Map recommend an AUH, Attached Urban Housing category, which was a new idea introduced in the Master Plan as a result of Plan Goals and Action statements, and one Guiding Principal. The intent of this new category is to address what's known as Missing Middle housing types, which is a term that describes a range of housing between detached single-family and mid-rise apartments that have not been commonly built since the 1940's. The Master Plan states that Missing Middle housing types are intended to be compatible with single-family neighborhoods, can provide small-scale infill development opportunities, and may provide a transition from single-family neighborhoods to commercial corridors without adding significant density to a neighborhood.
- Due to walkability, proximity to service uses and amenities, locations at the edges of single-family neighborhoods, and vacant or underutilized parcels, the Future Land use Map recommends Attached Urban Housing (AUH) for the area south of the Burma Center building and east of the building across 24<sup>th</sup> Street. Also, the area west of Evergreen Road, and north and south of Harmonia Road extended is recommended for AUH due to adjacent uses, availability of utilities, and the wooded nature of the site.
- The Master Plan recommends a new Planned Unit Development (PUD) zoning district to address this new land use category to provide standards for architecture and compatibility with surrounding uses while still providing flexibility and trade-offs typical of PUDs when setting the density, setbacks, and other site standards during the review process. A rezoning to an AUH-PUD would require an applicant to submit a site plan alongside a proposed rezoning, which will aid the city and residents during the review of a potential development.

## City Action on this Issue

- April 2019: Kick-off meeting

## Current Language

*What does the Zoning Ordinance say?*

- The ordinance currently defines “Dwelling, multiple family” as being a building with three or more dwelling units and “Dwelling, two-family” as not more than two separate dwelling units conforming to the standards in the definition of “Dwelling, single-family”.

- Two-family dwellings are currently principal permitted uses in the RT, Two-Family Residential District and Multiple-family dwellings are currently principal permitted uses in the RM-1, Multiple Family Residential District.
- The PRD, Planned Residential District (Division 12) is intended to provide a means of development for a mixture of housing types, including single-family, two-family, and multiple-family. Section 50-330 provides height, bulk, and density standards for PRD developments.
- Though a mix of housing is permitted in the PRD, it does not appear that the intent of the district is to accommodate Missing Middle infill housing as described in the Master Plan as the PRD district requires single-family use to a depth of not less than 330 feet adjacent to R-1, R-2, and R-3 single-family zoning, which would not provide for small-scale infill development.
- The PDD, Planned Development District (Division 13) provides separate planned development standards, referencing PUD State law as with Division 12 PRDs. It is unclear what the difference between the PDD and the PRD as far as permitting housing as the PDD does not specifically address housing.
- Division 14, Section 50-376 provides the minimum lot size per unit, height, minimum floor area per unit, and maximum lot coverage for single-family and two-family developments, with additional limitations on the number of rooms in the multiple-family district. Lastly, Section 50-406 provides the off-street parking requirements for single-family, two-family, and multiple-family uses.

## Potential impacts and considerations

- The Zoning Ordinance does not currently have extensive language addressing housing types that fall between detached single-family and a standard multiple-family apartment building.
- This topic was reviewed by the Planning Commission and the Giffels Webster team as part of the kick-off meeting for the zoning ordinance updates.

## Draft Zoning Language

### Definitions

**Clear glass** means glazing shall be clear with a visible light transmittance of not less than 40% (0.40) on ground floors for residential uses and 60% (0.60) on all floors for non-residential uses, per glass manufacturer specifications.

**Multiplex** means a residential building designed in a manner that reflects a single-family dwelling character and containing three or four attached dwelling units.

**Tuck-under parking** means ground floor parking in an individual structure on a parcel where the garage is tucked under the dwelling unit and accessed by an alley, drive or street (access locations may be restricted by zoning district or building type regulations).

# Attached Urban Housing Residential PUD District

## 1. Purpose and Intent

The Attached Urban Housing Residential PUD District is intended as a transitional residential district to buffer adjacent or nearby single-family residential development areas and provide opportunities for certain housing types that are not typically found elsewhere in the city, following the recommendations of the Master Plan. New homes and attached units would be constructed on existing lots or on lots created as part of new developments. Sidewalks shall connect new developments to existing development and the city's non-motorized transportation network.

This district is also intended to include a variety of attached housing types in small clusters including two-family residential (duplexes), townhomes, small multiplex residential buildings, bungalow courts, and courtyard apartments. Detached single-family residential units are also permitted but not planned to be the predominant building type in the district. No zoning lot shall contain more than eight dwelling units.

Development in this district should be designed to preserve and enhance existing topographic and landscape features and to avoid adverse environmental, economic and visual effects on adjoining or nearby residences and their neighborhoods. Building materials should be high quality and building frontages will typically be varied to promote walkability and enhance the pedestrian experience.

Approval of any use in the AUH Residential PUD District shall follow the procedures and review standards outlined in Division 13, Planned Unit Development.

## 2. Permitted Uses Subject to PUD Approval

The follow uses may be permitted with the allowed building types and district regulations specified below, subject to Planning Unit Development approval.

- A. Single-family dwellings
- B. Two-family dwellings
- C. Multiple-family dwellings that meet the allowed building types and district regulations contained in this ordinance
- D. Family day care homes
- E. State licensed residential facilities, as required by Act 110 of 2006, as amended
- F. Parks, playgrounds, tennis courts and similar public nonprofit recreational uses
- G. Accessory buildings and uses customarily incidental to the above-permitted uses
- H. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations
- I. Group day care homes

## 3. Accessory Uses

- A. Home occupations
- B. Accessory dwelling units (see Section \_\_)
- C. Accessory buildings customarily associated with permitted uses

#### 4. Allowed Building Types and District Regulations

Because of the importance of establishing proper pedestrian-oriented form and meeting the purpose and intent of this district, district regulations are established based on building type. Only the following building types are allowed in the Attached Urban Housing Residential PUD District, and the lot width, lot area, and additional district regulations below shall apply.

##### A. District regulations by building type

The minimum lot width for the district is 50 feet and the minimum lot area is 5,000 square feet. Certain building types require additional lot width and lot area, as described below.

Building Type	Minimum Lot Width	Maximum Lot Width <sup>5</sup>	Minimum Lot Area
(1) Single-family	50 feet <sup>1</sup>	120 feet	5,000 sq. ft. <sup>1</sup>
(2) Bungalow court <sup>2</sup>	100 feet	225 feet	10,000 sq. ft. <sup>6,8</sup>
(3) Two-family dwelling	25 feet / 50 feet <sup>3</sup>	120 feet / 240 feet <sup>3</sup>	3,000 sq. ft. <sup>1</sup>
(4) Townhouse	20 feet / 60 feet <sup>4</sup>	200 feet	6,000 sq. ft. <sup>6,8</sup>
(5) Courtyard attached	100 feet	200 feet	10,000 sq. ft. <sup>6,8</sup>
(6) Multiplex <sup>7</sup>	50 feet <sup>4</sup>	120 feet	5,000 sq. ft. <sup>5</sup>

Note: For all building types, an additional 15 feet of lot width is required for corner lots

<sup>1</sup> Minimum per dwelling unit.

<sup>2</sup> The lot width and area regulations apply to a single lot developed under one owner with several detached units that are individually leased. If this building type is developed as a plat or a condominium, individual, court-facing lots shall have minimum lot width of 40' and minimum lot area of 4,000 square feet. Units may be no closer than 15 feet apart. The all units shall face a landscaped courtyard that is at least 25' wide and has five-foot wide sidewalks along the boundaries of the courtyard.

<sup>3</sup> Minimum per dwelling unit / minimum for two units. Two attached units shall be constructed.

<sup>4</sup> Minimum per dwelling unit / minimum for three units. There shall be at least three townhouse units in a single run

<sup>5</sup> Maximum does not apply to parks, playgrounds, tennis courts, similar public non-profit recreational uses, and similar public uses

<sup>6</sup> For any development site with more than four units, there shall be an additional 1,000 square feet of lot area for each unit beyond the first four.

<sup>7</sup> Includes triplexes and quadplexes and mansion apartments up to four units in a principal building

<sup>8</sup> Courtyard attached, townhouse, and bungalow court building types may be located on a zoning lot containing up to eight dwelling units.

<b>B. Lot</b>	
<b>Lot Size</b>	
(1) Lot width and (2) Lot area	See Section 5.A.
<b>C. Number of Units</b>	
(1) Single family: 1 per lot	(2) Two-family: 1 or 2 per lot
(3) Multiplex: 3-4 units per lot	All other types: 3-8 units per lot
<b>D. Building Size and Massing</b>	
<b>Height / Stories</b>	
(1) Height in feet	30' Max.
(2) Stories	2 ½ Max.
<b>E. Setbacks</b>	
(1) Distance between principal buildings	15' Min.
(2) Front Yard and Street-facing Side Yard	15' Min.
(3) Interior Side Yard	5' Min. / 15' total
(4) Rear Yard	35' Min.
<b>F. Building Dimensions and Lot Coverage</b>	
(1) Building Lot Coverage	50% Max.
(2) Longest Building Dimension (Street-facing)	
(a) Detached single family, detached bungalow, multiplex and two-family units	85' Max. <sup>1</sup>
(b) All other types	185' Max.
<b>Footnotes to Table</b>	
<sup>1</sup> For bungalow court units, applies to front facade dimension of court-facing units. Multiplex buildings may be granted an additional 20' (105' total) provided an 85' width or less is maintained for at least a 10' depth from the front façade. For two-family units, the 85' maximum applies to each unit.	

<b>G. Allowed Building Frontages</b>	
(1) Porch, Projecting (All); (2) Porch, Integral (All); (3) Stoop (All);	
(4) Lightwell (Townhouse); (5) Forecourt (Courtyard Attached and Multiplex); and (6) Flex Dooryard (Townhouse and Courtyard Attached)	
<b>H. Allowed Roof Types</b>	
(1) Flat	(2) Pitched
<b>I. Vehicle Parking</b>	
(1) Parking spaces shall be enclosed, covered or open	
(1) Parking shall not be permitted in a front yard or any other street-facing yard.	
(2) Garages shall be freestanding, attached or tuck-under. Garage doors shall not face a street.	
<b>J. Vehicular Access</b>	
(1) Parking may be accessed from alley, side street or front.	
<b>K. Pedestrian Access</b>	
(1) Main Entrance Location	
(a) Street-facing or Courtyard	Townhouse, Neighborhood Courtyard, and Bungalow Court
(b) Street-facing only	Single- and Two-Family Small Multiplex*
* One common street-facing entrance serving at least two units	
<b>L. Other</b>	
(1) Attic space may be converted to a half story.	
(2) Floor to ceiling height	9' Min 1 <sup>st</sup> Floor; 8' Min. Above
(3) Building facades facing streets shall have a minimum of 10 percent clear glass on each story.	
(4) Upper floor windows shall be square or vertically proportioned.	
(5) Building facades not facing streets shall have a minimum of 5 percent clear glass on each story.	

M. Additional district regulations. The following additional regulations shall apply to the AUH PUD District.

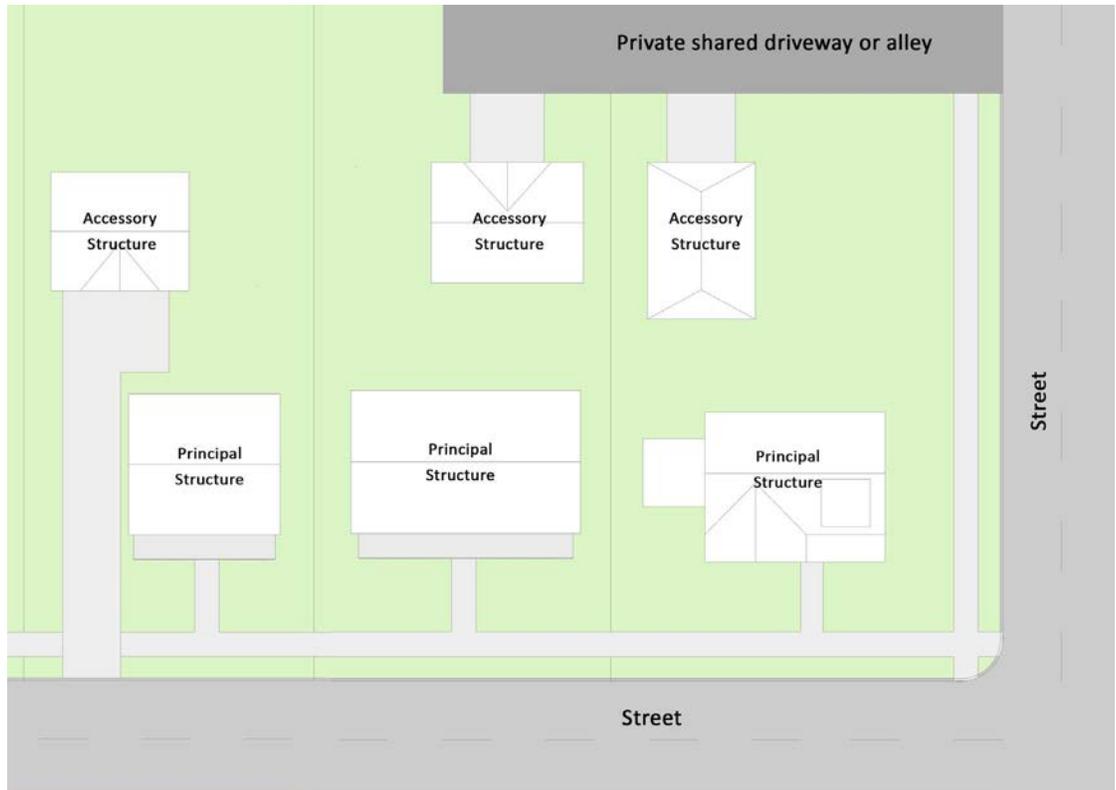
- (1) Minimum lot depth: 100 feet for all building types
- (2) No zoning lot shall contain more than eight (8) dwelling units.
- (3) Minimum floor area per unit
  - a. Efficiency: 400 square feet (for a zoning lot with at least five dwelling units, up to 20 percent of total units are permitted to be efficiency units)
  - b. All other units: 600 square feet
- (4) Where a lot is located at the intersection of two or more streets, all side yards facing a street shall meet all front yard requirements.
- (5) No access drive or parking area shall be constructed closer than five feet to the nearest property line, nor shall any drive or access aisle be closer than five feet to any dwelling.
- (6) Access to the rear of lots shall be from a public alley, a private backstreet or private drive. A private backstreet or drive may straddle a rear or side lot line to serve two or more properties as part of an approved site plan. In all cases where rear lot access is provided, the following shall apply: 1) appropriate easements will be recorded or right-of-way will be dedicated, 2) the access plan will provide safe and reasonable access to the impacted lots, 3) the access proposal is consistent with safe and efficient traffic flow in the neighborhood, 4) safe and sufficient emergency access is provided, and 5) there is at least 18 feet of non-obstructed pavement width provided in the backstreet, alley or any private access drive serving adjacent lots. These backstreets and drives are intended to be low-volume, two-way access streets and they shall not be blocked with parking, trash receptacles or other obstructions.

## **5. Building Types**

The regulations in this section shall apply based on allowed building type. Only the building types listed in the district shall be permitted.

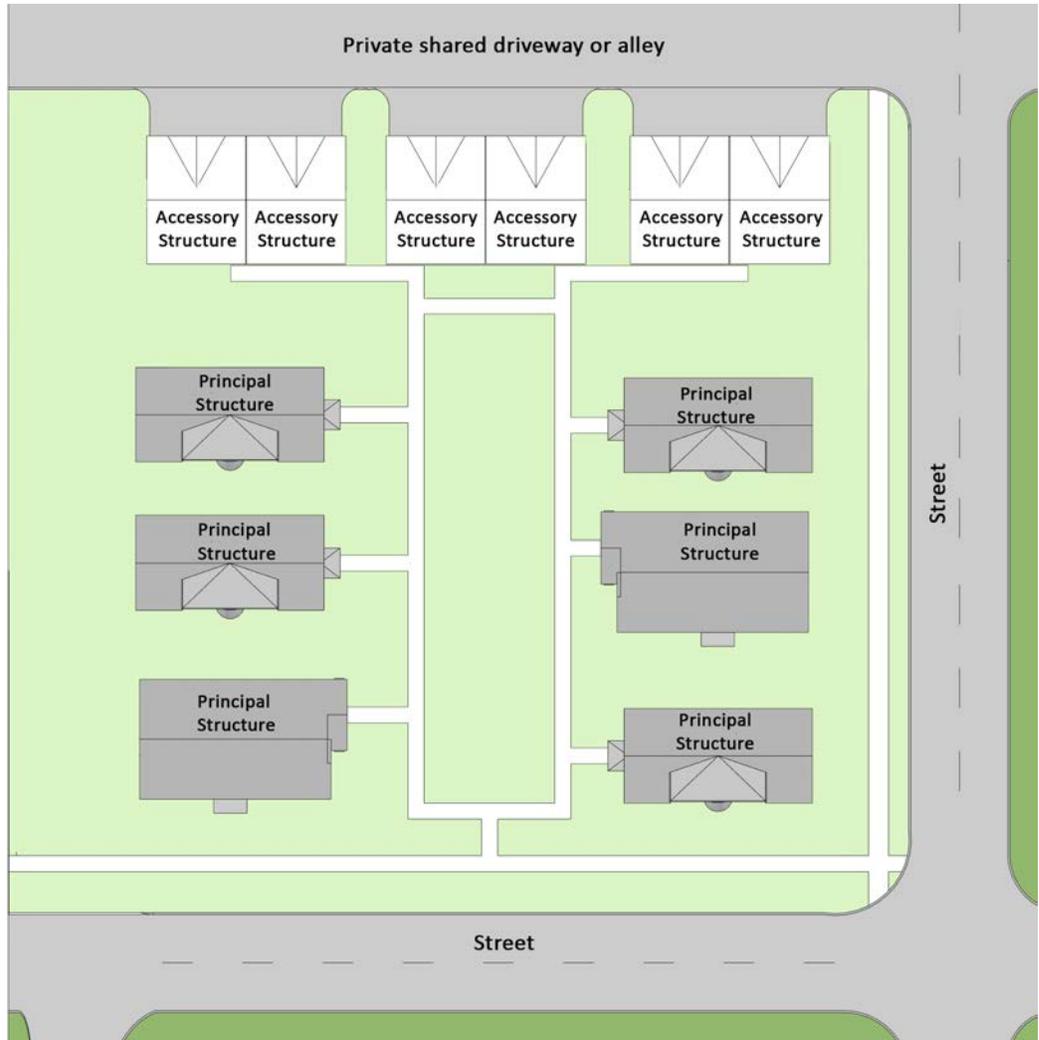
**A. Single-Family Detached Dwellings**

- (1) Description. The single-family detached dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the single-family detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



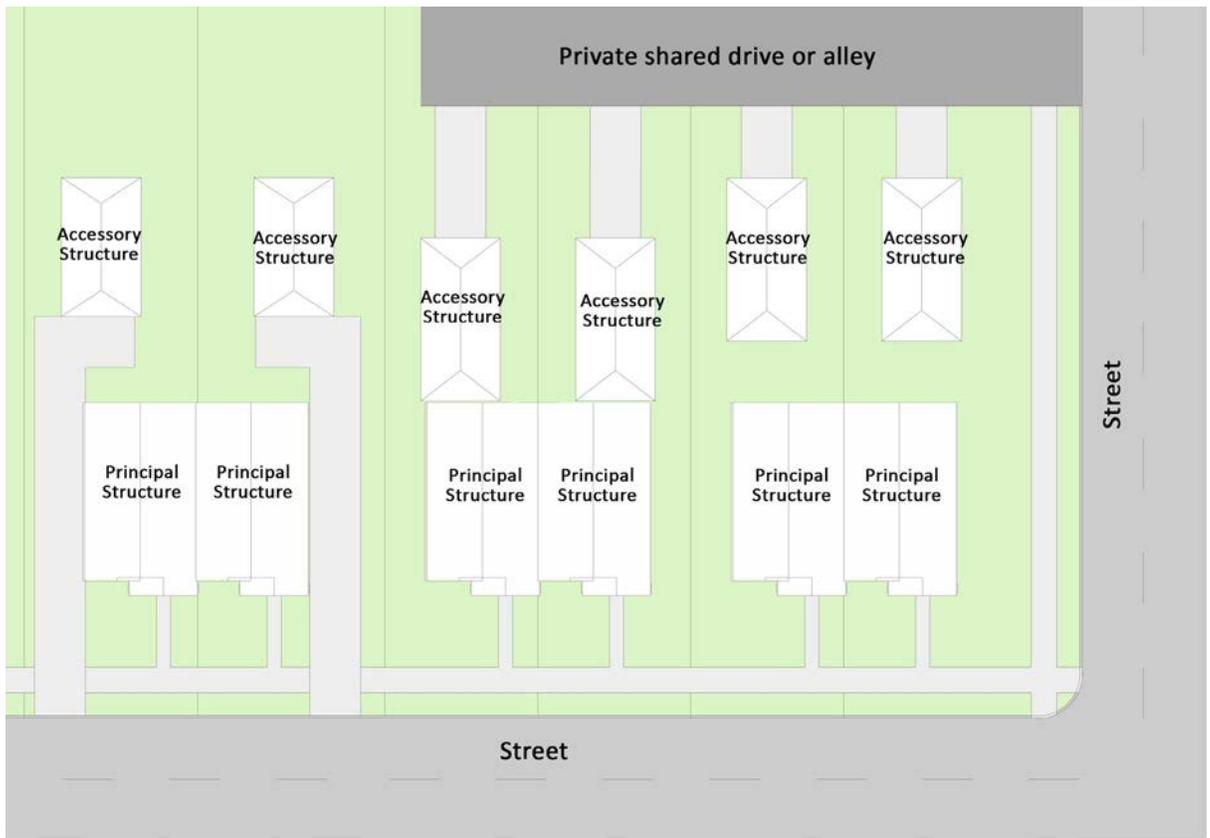
**B. Bungalow Court**

- (1) Description. The bungalow court detached dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides. All units front on a courtyard, which provides landscaping and pedestrian access.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the bungalow court building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



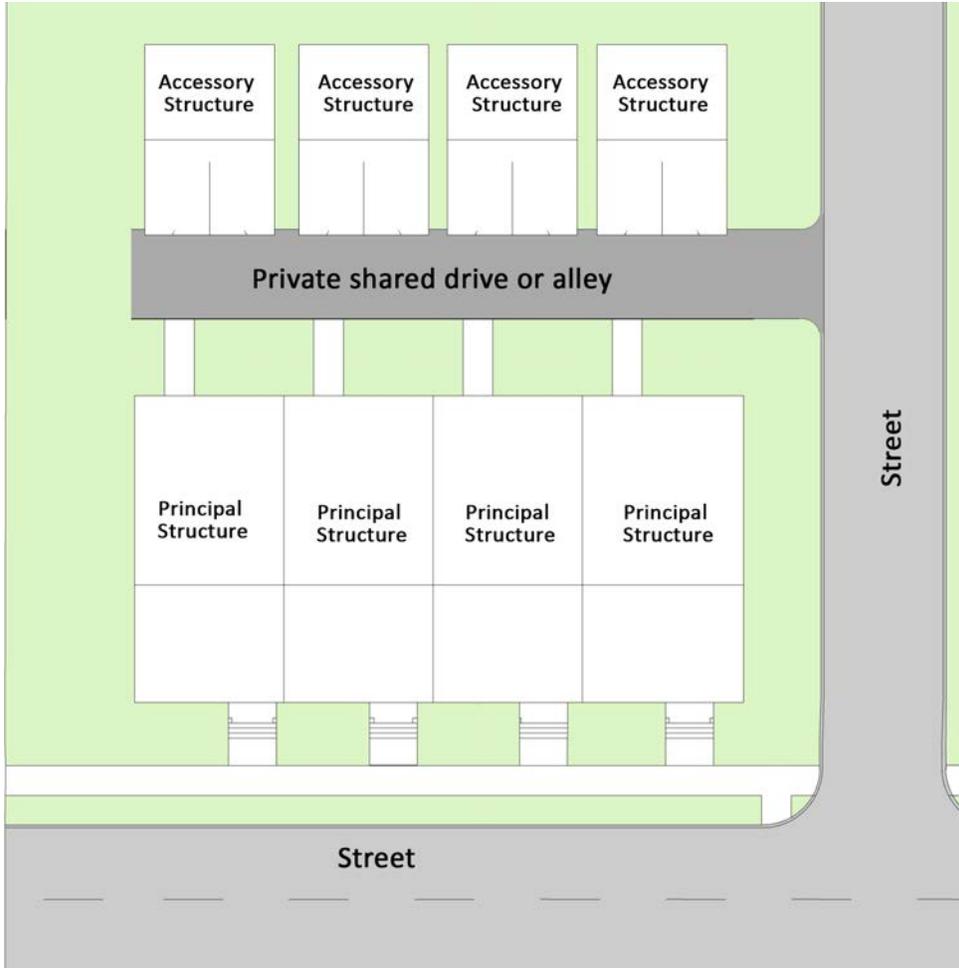
**C. Two-family dwelling**

- (1) Description. The two-family detached dwelling unit type consists of structures containing two attached dwelling units surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant. Two-family dwelling units are typically attached side-by-side with on common wall, but they may also be stacked vertically.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the two-family detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



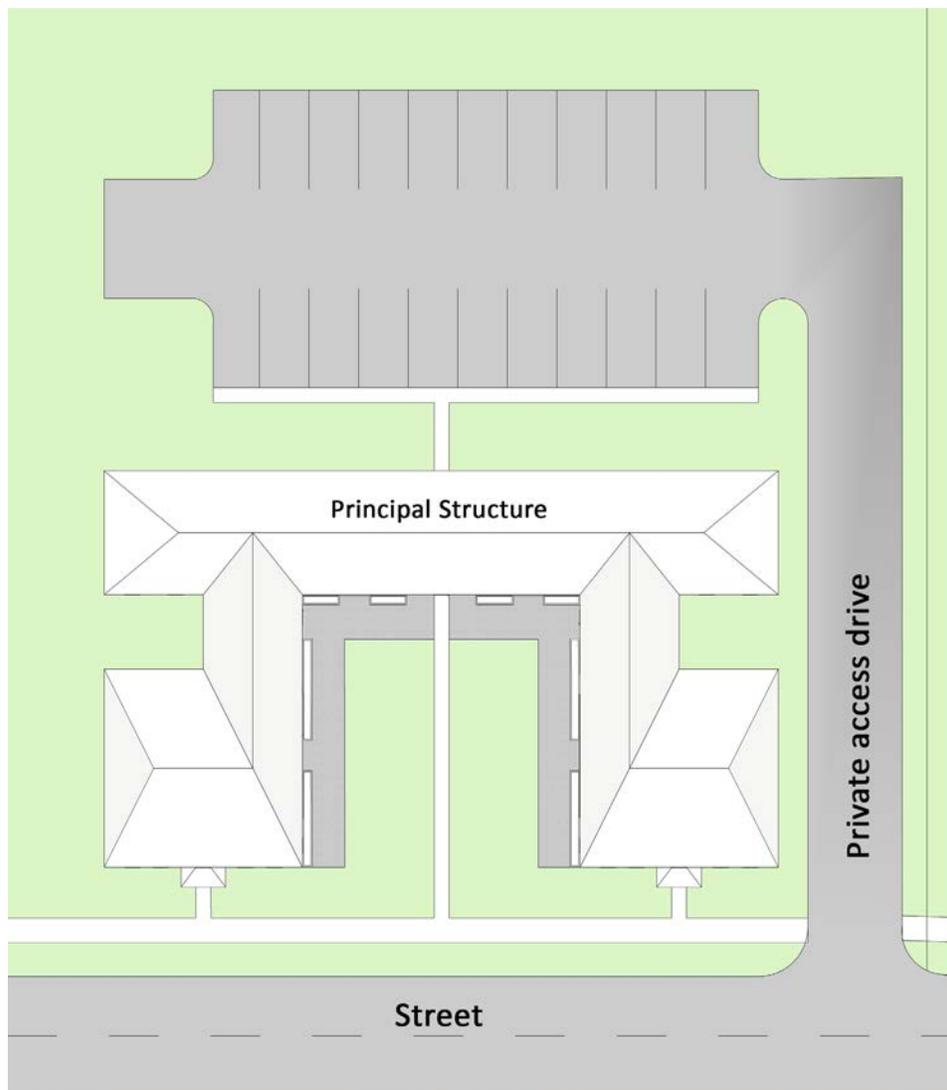
**D. Townhouse**

- (1) Description. The townhouse dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant. The townhouse building type shall not be the predominant building type on the block.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the townhouse detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



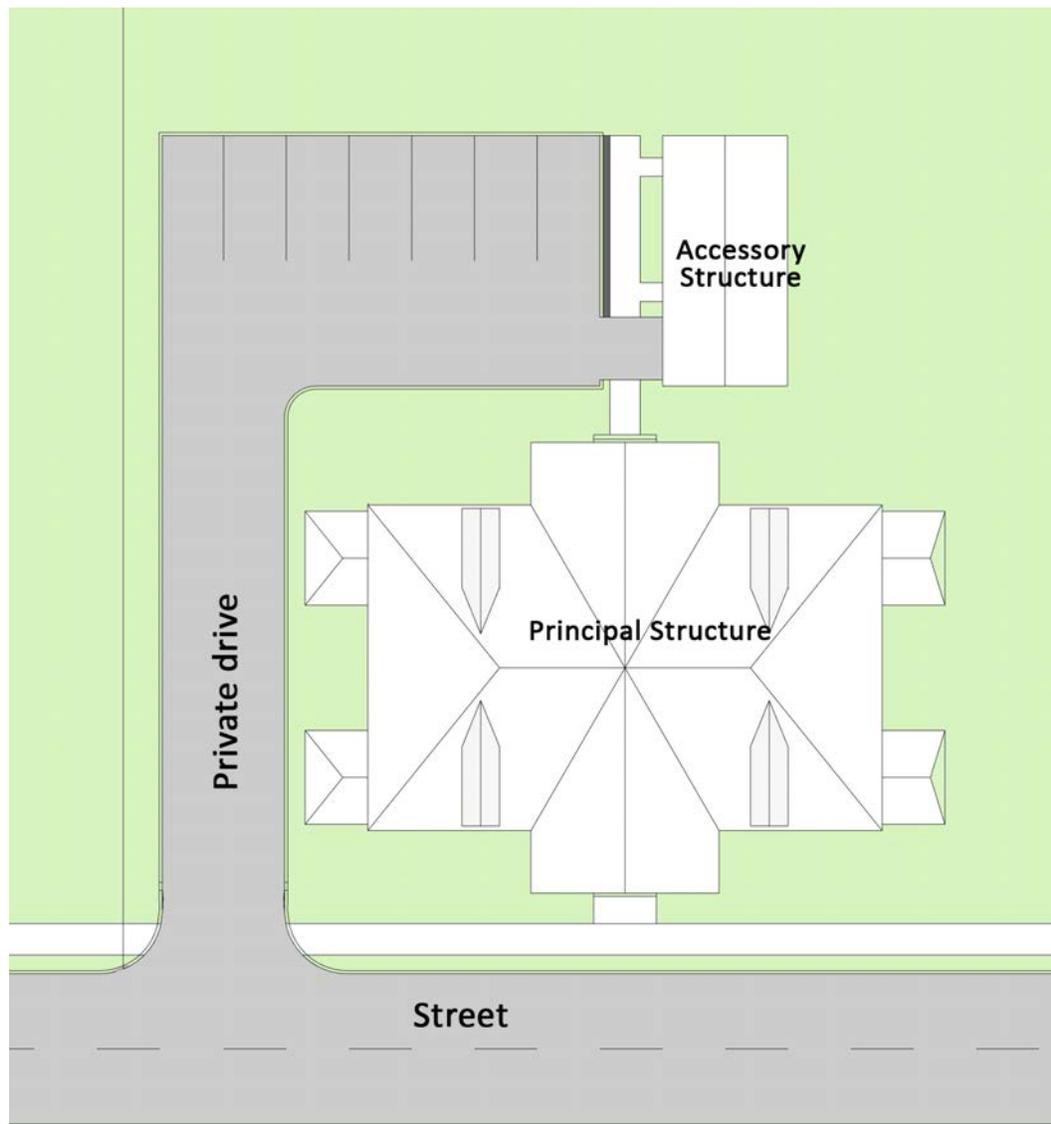
**E. Courtyard Attached**

- (1) Description. The courtyard attached building type consists of structures that contain multiple attached or stacked units. The units have access to a shared courtyard or series of courtyards. Each unit may have its own individual entry or up to four units may share a common entry. Courtyard attached units are modest in scale and they mix well on streets and neighborhoods with other building types in the AUH district. Courtyard attached shall not be the predominant building type on a block.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the courtyard attached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



**F. Multiplex**

- (1) Description. The multiplex residential building type consists of single structures that contain multiple attached side-by-side and/or stacked dwelling units. The units are accessed from one shared entry facing a street or at least two units are accessed from a shared entry facing a street and other are accessed from a side or rear door. This building type shall be designed to have the appearance of a detached single family dwelling unit. This unit type is modest in scale and mixes well with other building types allowed in AUH district.
- (2) Building Form. See Section \_\_5. A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the multiplex detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



## **6. Building Frontages**

The purpose of this section is to identify the frontage types allowed in the AUH District, and for each type, provide a description, a statement as to the type's intent and design standards, to ensure that proposed development is consistent with the city's goals for walkability and residential character by providing proper building form, character, and quality.

### **A. Projecting Porches**

1. Description. The main facade of the building typically has a small-to-medium setback from the property line. The resulting front yard is typically small and may or may not be defined by a decorative low fence or hedge to separate the edge of the street right-of-way and private property.
2. Standards. The projecting porch shall be open on three sides and shall have a roof form that is separate from the main house. The porch may extend one or two stories. The minimum width is 10 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.

### **B. Integral Porch**

1. Description. The main facade of the building has a small setback from the property line. The resulting front yard is typically small and may be defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. With an integral porch it is not possible to remove the porch without major changes to the overall roof form.
2. Standards. The integral porch shall be open on two or three sides and has a roof form that is part of the roof structure of the main building. The porch may extend one or two stories. The minimum width is 8 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.

### **C. Stoop**

1. Description. The main facade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop may or may not have a roof form.
2. Standards. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be accessed from the side. The minimum width is 5 feet and the maximum is 10 feet; the minimum depth is 5 feet and the maximum is 10 feet; and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure, when provided.

### **D. Forecourt**

1. Description. A portion of the main facade of the building is at or near the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas, where permitted. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. Principal pedestrian entryways serving a single residential unit are elevated similar to a stoop or projecting porch. For common entryways serving several residential units or when non-residential uses are permitted, entries shall be either at-grade or elevated.
2. Standards. A forecourt shall be a minimum of 12 feet wide and 12 feet deep. A 30" to 36" high edge wall shall define the edge of the courtyard. The edge wall shall be located within 5 feet of the front lot line and shall be constructed of 1) brick or stone or 2) brick or stone piers, at least 24" wide and no more than 15 feet apart, connected by a black metal decorative fence of the same height, with

supplemental shrub or ornamental grass plantings. All walls and piers shall have a suitable stone cap. This frontage type should be used sparingly along a block frontage.

**E. Flex Dooryard**

1. Description. The facade of the building that faces the front street is setback a small distance from the street, typically within a build-to-zone. The front property line is oftentimes defined by a low wall, fence, or hedge, creating a small dooryard. The dooryard shall not provide public circulation along the rights-of-way. The dooryard is most often intended for ground floor residential. The façade of the building that contains the main entry fronts on a greenspace area that may be a street-facing yard, as described above, or it may front on an internal greenspace or pedestrian plaza.
2. Standards. A dooryard shall be constructed for access at grade or it may be raised. There shall be a sidewalk connecting the flex dooryard entryway to an internal sidewalk. The internal sidewalk shall connect to a public sidewalk or internal private sidewalk system.

**F. Lightwell**

1. Description. The façade of the building that faces a street is set back a small distance from the primary and side streets, typically within a build-to-zone. This frontage has a combined elevated terrace and sunken lightwell between the building wall and property line. This frontage type buffers uses from nearby sidewalks.
2. Standards. The lightwell shall extend across the entire frontage. The lightwell depth shall be six feet maximum, measured from the building wall to front edge of lightwell. Required exterior stairs from adjacent sidewalk grade down to sunken lightwell shall be parallel to the building wall and sidewalk.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Uses Not Otherwise Addressed in This Ordinance

---

## Introduction

It is not possible to list every potential use in a zoning ordinance. It is therefore important to build in authority for the Planning Commission to consider reasonable uses when proposed in a given district.

## Current Language

The ordinance includes standards for certain uses not specifically included in any zoning district, but does not provide broader standards governing the permission of uses not listed at all but similar in character to the uses listed for a given district.

## Draft Zoning Language

### Uses Not Otherwise Addressed in This Ordinance

A land use that is not cited by name as a permitted use in a zoning district or otherwise addressed in this ordinance may be permitted as a special land use upon a determination by the Planning Commission that such a use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Commission shall hold a public hearing in accordance with Section 6.2. Consideration shall be given to the following:

- A. Determination of Compatibility. In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- B. Conditions. If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Council shall then decide whether the proposed use shall be permitted by right, by special approval, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions applicable to the use.
- C. No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or special approval in any other zoning district.

# memorandum

**DATE:** August 9, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Wireless Communications

---

## Introduction

This is the text updates the existing wireless communication provisions to reflect changes to federal and state legislation.

## Current Language

The current language is shown below with changes to reflect updates.

## Draft Zoning Language

### (2) *Telecommunication towers.*

- a. *Purpose.* It is the general purpose and intent of this subsection to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communications systems. It is the further purpose and intent of this subsection to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this subsection are to:
  1. Protect residential areas adverse impacts of towers and antennas;
  2. Encourage the location of towers in nonresidential areas;
  3. Minimize the negative visual impact of towers throughout the community;
  4. Strongly encourage the joint use of new and existing tower sites rather than construction of additional single-use towers;
  5. Require the disclosure of information about plans for wireless communication facilities so as to permit the city to effectively plan for the location of such facilities; and
  6. Minimize the adverse affect of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- b. *Definitions.* As used in this subsection (2), the following terms shall have the meanings set forth as follows:

*Alternative tower structure* means manmade 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 structures and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other com- munication signals.

*Base station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the city of Springfield under this section, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the city under this section, does not support or house equipment described above.

*Backhaul network* means the lines connecting a telecommunication provider's tower site and antennas to one or more cellular telephone switching offices, and/or long distance telephone providers, or the publicly switched telephone network.

*Eligible facilities request* means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

Collocation of new transmission equipment;

Removal of transmission equipment; or

Replacement of transmission equipment.

*Eligible support structure* means any tower or base station, as defined in this section, provided that it is existing at the time the relevant application is filed with the city under this section.

*Existing* means a constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

*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.

*Lot* means a parcel of land consisting of a lot of record and any contiguous lots of record or contiguous portions of lots of record held in single or common ownership.

*New Facility* means a new wireless communication support structure.

*Preexisting towers and preexisting antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance from which this subsection is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.

*Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (a) Increasing the height of a wireless tower over the height previously approved, by more than 10%, or by more than the height needed for an additional antenna array with no more than 20 feet separation from the nearest existing antenna, whichever is greater.
- (b) Increasing the height of a wireless communication support structure other than a wireless tower over the height previously approved, by more than 10% or more than 10 feet, whichever is greater.
- (c) Adding wireless equipment to a wireless tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower at the height of the added equipment, whichever is greater.
- (d) For a wireless communication support structure other than a wireless tower, adding wireless equipment that would protrude from the edge of the structure by more than six (6) feet.
- (e) For any wireless tower or base station, the installation of more new equipment cabinets than required for the technology involved, which shall never be more than four (4).
- (f) For a wireless base station, the installation of new ground equipment cabinets if there are no pre-existing ground cabinets associated with the base station.
- (g) For a wireless base station with existing ground equipment cabinets, the installation of ground cabinets that are 10% larger in height or overall volume than the existing cabinets.
- (h) Excavation or deployment outside the wireless compound for the wireless tower or base station and any related access or utility easements.
- (i) A modification that does not comply with prior approval conditions for the wireless tower or base station unless the noncompliance is limited to a modification that would not be a substantial change under the above standards in subsections (a) through (i).
- (j) A modification that would defeat or be incompatible or inconsistent with existing elements of a wireless tower or base station designed to conceal or minimize its appearance as a wireless tower or base station.

*Wireless Communication Support Structure* means a structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structure types include but are not limited to monopoles, wireless towers, lattice towers, light poles, utility support structures, traffic control structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

*Wireless tower* means a wireless communication support structure, the sole or primary purpose of which is to support antennas and associated wireless equipment for the provision of wireless services. A cellular tower is a wireless tower.

- c. *Applicability.* All towers or antennas erected in the city after the adoption of the ordinance from which this subsection (2) is derived shall be subject to the provisions of this subsection (2) except as otherwise provided in this subsection.
- d. *Exceptions.*

1. This subsection shall not govern any tower or the installation of any antenna that is under 75 feet in height and is either wholly owned and used by a federally licensed amateur radio station operator, or is used exclusively for receive-only antennas.
  2. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this subsection other than to conform with the FAA, FCC and applicable state construction, building and electrical codes.
  3. For the purpose of this subsection (2), an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer parameter of the towers included in the AM array. Additional tower units may be added within the parameter of the AM array by right.
- e. *General requirements.*
1. *Uses.* Antennas and towers may be considered either principal or accessory uses. A different existing 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 purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, land division 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 sites.*
    - i. Each applicant for an antenna and/or tower shall provide to the zoning department an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the city or within one mile of the corporate limits thereof, including specific information about the location, height and design of each tower.
    - ii. The zoning department may share such information with other applicants applying for administrative approvals or special use permits under this subsection or other organizations seeking to locate antennas within the city. However, the zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for collocation.
  4. *Franchise required.* Owners and/or operators of towers or antennas shall certify that any franchise required by law for the construction and/or operation of a wireless communications system in the city has been obtained and shall file a copy of the franchise with the city clerk.
  5. *Public notices.* For the purposes of this subsection (2), any special use request, variance request or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of property located within 300 feet from the lot upon which a tower is proposed to be located.
  6. *Multiple use desired.* The city encourages users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.
- f. *General standards.*
1. Towers and antennas shall meet the following aesthetic requirements:
    - i. 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.
    - ii. At a tower site the design of the buildings and related structures shall, to the extent possible, use the material, colors, textures, screening and landscaping that will blend them into the natural settings and surrounding buildings.

- iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color as identical or closely compatible with the color of the supporting structures so as to make the antenna and related equipment as visually unobtrusive as possible.
- 2. 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 surrounding views.
- 3. All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with authority to regulate towers and antennas. Should such standards and regulations be changed, then the owners of towers and antennas governed by this subsection (2) shall bring such owners towers and antennas into compliance with such revised standards and regulations within six months of the effective dates of such revised 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 of nonconformance with this chapter and the removal of the tower or antenna at the owner's expense.
- 4. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in state construction, building and electrical codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If upon inspection the city concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then upon notice provided to the owner, the tower shall be brought into compliance with such standards within 30 days following notice. Failure to bring the tower into compliance within 30 days shall constitute grounds of nonconformance with this chapter and the removal of the tower or antenna at the owner's expense.
- 5. No advertising or identification signs visible from off-site shall be allowed or permitted on an antenna or tower.
- 6. Buildings and support equipment associated with antennas or towers shall comply with the requirements set forth in this subsection (2).
- g. *Permitted uses.* The following uses listed in this subsection are deemed to be permitted uses and shall not require administrative approval or special use permits:
  - 1. Antennas or towers located on property owned, leased or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city council.
  - 2. Receive-only antennas less than 75 feet in height.
  - 3. Antennas and towers less than 75 feet in height when wholly owned and used by a federally licensed amateur radio station operator.
- h. *Administratively approved uses.*
  - 1. If the application involves co-location on an existing tower or structure and if the proposal is determined by the zoning department to be an Eligible Facilities Request, it shall be a principal permitted use and shall be reviewed administratively.
  - 2. *On-site relocation.* A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on a lot within 50 feet of its existing location. After such tower is rebuilt to accommodate the collocation, only one tower may remain on the lot. A

relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to other provisions of this subsection (2). The on-site relocation of a tower under this section shall not be deemed to be a violation of those provisions of this subsection (2) regarding separation of distances between towers. However, the on-site relocation of a tower which comes within the separation distances to off-site uses and designated areas as set forth at subsection (2)l of this section shall be permitted only when a variance has been approved by the zoning board of appeals.

3. 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 utility poles or similar technology that does not require the use of towers
4. The following procedures shall govern the issuance of administrative approvals for towers and antennas:
  - i. Each applicant for administrative approval shall submit the following information, along with a fee, not to exceed the actual review and processing fees or \$1,000.00, whichever is greater, to reimburse the costs to the city for reviewing the application:
    - A scaled site plan clearly indicating the location, type and height of the structure or existing or relocated on-site tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, setbacks from property lines, elevation drawings of the structure or existing or relocated on-site tower and any other proposed structures, and topography of the lot.
    - A legal description of the lot and the leased parcel as applicable.
    - Evidence of the tower or structure owner's consent to place the proposed antenna.
    - The setback distances between the existing or relocated on-site tower and the nearest residential unit, platted residential zoned property, and any unplatted residentially zoned property.
    - The separation distance from other towers described in the inventory of existing sites set forth at subsection (2)e.3 of this section.
    - A landscape plan showing specific landscape materials.
    - Method of fencing and finish color and, if applicable, method of camouflage and illumination.
    - A signed and notarized statement by the applicant certifying compliance with all applicable federal, state and local laws.
    - A signed and notarized statement of the applicant as to whether the collocation of the proposed antenna will accommodate collocation of additional antennas for future users.
    - Identification of the entities providing the backhaul network for the tower and antennas.
  - ii. The zoning department shall review the application for administrative approval and determine if the proposed use complies with the general standards set forth in subsection (2)f of this section as well as the setback and separation distance established by in subsections (2)k and (2)l of this section.

- iii. In connection with any administrative approval, the zoning department may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - iv. The zoning department shall respond to each application within 60 days after its receipt by approving with or without modification or denying the application. If the zoning department fails to respond to the applicant within 60 days, the application shall be deemed approved.
  - v. If an administrative approval is denied, the applicant shall be required to file an application for a special use permit pursuant to this subsection (2) prior to filing any appeal that may be available under this chapter.
- i. *Special use permits.*
- 1. *Generally.* The following provisions shall govern the issuance of special use permits for towers or antennas by the planning commission:
    - i. If a tower or antenna is not permitted under subsection (2)g or (2)h of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
    - ii. Applications for special use permits under this subsection (2) shall be subject to the procedures and requirements set out elsewhere in this section. In granting a special use permit, the planning commission may recommend the city council impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
    - iii. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
    - iv. An applicant for a special use permit shall submit the information described in this section, accompanied by a fee, not to exceed the actual review and processing fees or \$1,000.00, whichever is greater, for the costs of reviewing the special use application.
  - 2. *Information required.* In addition to any information required for applications for special use permits pursuant to this chapter, applicants for a special use permit for a tower shall submit the following additional information:
    - i. A scaled site plan clearly showing the location, type and height of the proposed tower, on-site land uses, adjacent land uses and zoning, zoning classification of the site, adjacent roadways, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and the topography of the parcel.
    - ii. A legal description of the parent lot and leased parcel, if applicable.
    - iii. Evidence of the lot owner's consent to place the proposed tower.
    - iv. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned property and unplatted residentially zoned property.
    - v. The separation distance from other towers described in the inventory of existing tower sites set forth in subsection (2)e of this section.
    - vi. A landscape plan showing specific landscape materials.
    - vii. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
    - viii. Certification of compliance with all applicable federal, state and local laws.
    - ix. A sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

- x. Other tower and antenna sites owned, or leased or operated by the applicant in the city.
- xi. Identification of the entities providing the backhaul network for the proposed tower.
- xii. A description of the suitability for the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
- xiii. A description of feasible locations of future towers or antennas within the city based upon existing physical engineering technological or geographical limitations if the proposed tower is approved.
- xiv. A statement by the applicant that the proposed tower is needed:
  - Because of proximity to an interstate or state highway, or its proximity to areas of population concentration or commercial, business or industrial centers; or
  - Because there are areas where signal interference occurs due to tall buildings, masses of trees, or other obstructions;
  - Because the proposed antenna is needed to complete a communications grid as it relates to the needs of the city and surrounding areas; and
  - The telecommunications provider is not able to collocate its antenna on another tower.

j. *Factors to be considered in granting special use permit.*

1. In addition to any standards for consideration of special use permit applications pursuant to this chapter, the planning commission shall also consider the following factors in determining whether to recommend the city council issue a special use permit for a tower. The planning commission is empowered to waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this subsection (2) are better served thereby. The factors to be considered as follows:
  - i. Height of the proposed tower does not exceed that which is minimally required to function in accordance with federal requirements and permit the collocation of additional antennae;
  - 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. Proposed ingress and egress;
  - viii. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures; and
  - ix. A willingness to permit other communication service providers to collocate antennae on the tower, upon agreement to reasonable terms and conditions. This factor does not require the tower owner to permit access where doing so will interfere with the owner's ability to provide or receive signals.
2. No new tower shall be permitted unless the applicant can demonstrate by a preponderance of the evidence submitted on the record to the planning commission 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. The applicant shall submit information to the planning commission relating to the availability of suitable existing towers, other

structures or 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 meet the applicant's proposed antenna and related equipment.
  - ii. Existing towers and structures are not of sufficient height to meet the applicant's engineering requirements.
  - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - iv. The applicant's proposed antenna would cause electromagnetic interference with the 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 other 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 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 cable micro cell network using multiple low powered transmitters/ receivers attached to a wire line system is unsuitable. Costs of alternative technology would exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- k. *Setbacks.*
1. The following setback requirements shall apply to all towers for which either administrative approval or a special use is required;
  2. Towers must be set back a distance equal to the fall zone for the tower proposed, or at a distance of least 75 percent of the height of the tower, whichever is greater, from any adjoining lot line; and
  3. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- l. *Separation.*
1. The separation requirements in this subsection (2)l shall apply to all towers and antennas for which either administrative approval or a special use permit is required.
  2. Separation from off-site uses and designated areas shall be as follows:
    - i. Tower separation shall be measured from the base of the tower to the lot line at the off-site use or designated area.
    - ii. A tower shall be located 200 feet or three times the height of the tower, whichever is greater, from any single-family residential units or vacant single-family residentially zoned land which is platted or has received preliminary subdivision plan approval which is not expired.
    - iii. A tower shall be located 100 feet or two times the height of the tower, whichever is greater, from any vacant unplatted residentially zoned land or existing multiple-family residential units.
    - iv. A tower shall comply with the setback distance set forth at subsection (2)k of this section for any nonresidentially zoned land or nonresidential use.
  3. Separation of distances between towers shall be as follows:

i. Separation distances between towers shall be measured between the proposed tower and preexisting towers. Separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base as indicated on the site plan of the proposed tower.

ii. Separation distances between towers shall be based upon tower construction as follows:

The distance between a proposed lattice or guyed tower and existing lattice or guyed tower shall be 5,000 feet; between the proposed lattice or guyed tower and an existing monopole 75 or more feet in height shall be 1,500 feet, and for a monopole less than 75 feet in height, 750 feet.

The distance between a proposed monopole 75 or more feet in height and an existing lattice or guyed tower or monopole 75 or more feet in height shall be 1,500 feet, and an existing monopole less than 75 feet in height shall be 750 feet.

For a proposed monopole less than 75 feet in height, its distance from any existing tower shall be 750 feet.

m. *Fencing, landscaping and equipment.*

1. The tower shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate antilimbing device, provided, however, that the planning commission may waive such requirements if it deems appropriate.

2. The tower facility shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The buffer shall consist, at a minimum, of a landscaped strip four feet wide outside the perimeter of the tower compound. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible so as to permit any natural growth surrounding or on the site to provide a sufficient buffer. In locations where the visual impact of a tower would be minimal, the landscaping requirements set forth in this subsection (2) may be reduced or waived by the planning commission.

3. Any unmanned equipment structure associated with a communications tower shall not exceed 600 square feet and be located on the lot in accordance with the height, yard, and building coverage requirements for the applicable zoning district classification of the parcel.

n. *Removal of abandoned antennas and towers; notification by owner of discontinuance required.* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove such antenna or tower within 90 days after receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned tower or antenna within 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 subsection (2) shall not become effective until all owners cease using the tower.

o. *Nonconforming uses.*

1. Towers that are constructed and antennas that are installed in accordance with the provisions of this subsection (2) shall not be deemed to constitute the expansion of the nonconforming use or structure.

2. Towers existing on the date of adoption of the ordinance from which this subsection (2) is derived shall be allowed to continue such tower's use as they presently exist. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on preexisting towers. New construction, other than routine maintenance on a preexisting tower, shall comply with the requirements of this subsection (2).

3. Notwithstanding subsection (2)n of this section, nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval

or a special use permit without having to meeting separation requirements specified within this subsection (2). The type, height and location of the tower on-site shall be of the same type and intensity as the original facility approved. Building permits to rebuild the facility shall be complied with the 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 such permit expires, the tower and antenna shall be deemed abandoned as specified by this subsection (2).

- p. Review. Within 60 days of the date on which an applicant submits an application seeking approval for collocation under this section, the city zoning department shall approve the application unless it determines that the application is not qualified under the terms of this ordinance regulating Eligible Facilities. If the zoning department determines the application constitutes a substantial change or a first location of an antenna on an existing tower, but not a new facility, the 60-day review timeline shall also apply, and approval shall be under the authority of the Planning Commission as a principal permitted use. For new wireless towers, the review period shall not exceed 90 days. Unless both parties agree to an extension of time, the plans shall be deemed approved if the Planning Commission does not take action within 90 days of submittal of a complete application.
- q. Pausing of Timeframe for Review. The review period begins to run when the application is filed, and it may be paused 1) by mutual agreement of the applicant and the city or 2) by city if the city zoning department determines that the application is incomplete. To pause the timeframe for incompleteness, the City of Springfield Zoning Department shall provide written notice to the applicant, within 14 days of receipt of the application, specifically delineating all missing documents or information required by the application. The timeframe for review begins running again from the point it was stopped when the applicant makes a supplemental submission. Following a supplemental submission, if the application is still incomplete, the zoning department shall notify the applicant within 5 days that the submission did not provided the missing information. This timeframe is then paused again until the next submission.

# memorandum

**DATE:** August 15, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Commercial Residential

---

## Introduction

The Master Plan introduces the concept of a Commercial Residential district with the following language:

- The Commercial Residential Zone is a new category designed to serve as a transition between commercial and residential land uses by allowing both types of land use subject to certain criteria.
- As legal non-conforming uses and structures these buildings have limited expansion possibilities and financing can be difficult to obtain due to the zoning replacement rules for structures damaged beyond 60 percent of their replacement value.
- The CR category would allow both commercial and residential uses to be permitted uses while establishing standards for dwelling converted to commercial uses to have minimal impact on residential uses which remain. These standards would be designed to improve aesthetics along the 20th Street corridor through building design criteria, landscaping, parking and lighting.
- The CR Zoning District would be a new district. Permitted uses would include those permitted in the updated B-1 district, single family and two-family dwelling as well as the conversion of single-family dwellings to commercial, office and two-family dwellings subject to review by the Planning Commission for building and property defects and repairs. Landscaping would also be required within the front yard and along those side yards abutting residential uses.
- This new district is proposed to be applied to properties fronting on 20th Street south of Richfield Avenue to Kirkwood Avenue. This northern portion is zoned B-1 with the south portion zoned B-3. However, there are a number of well-maintained single-family dwellings within these commercial zoning districts.

This new Commercial Residential district is designed to provide both a physical and temporal transition between residential and commercial land uses, allowing the district to evolve with demand. The same footnotes and dimensional standards currently applied to the B-1 district have been applied to this district.

## Current Language

The area in question is currently zoned a mixture of B-1 and B-3. The existing schedule of regulations for these districts is as follows:

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum Percent of Lot Area Covered (By All Buildings)
	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Each Side	Rear		
B-1 Local Business	(n)	(n)		30	25(f)	(g,j)	20(h)	None	(n)
B-3 General Business	(n)	(n)		30	30(f)	(g,j)	20(h,i)	None	(n)

(g) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided. On a corner lot which has a rear yard abutting a residential district, there shall be provided a setback of 20 feet on the residential side street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten feet on the side bordering the residential district or street.

### Draft Zoning Language

#### CR Commercial Residential Overlay

A. Intent

The intent of the CR overlay is to accommodate the evolution of those areas of the city in transition from residential use to commercial use. It is intended to permit the continued use of properties as residences, without restricting modifications of those residences, provided that the standards of the district are met. The district further enables the conversion of existing residences to commercial use, and also enables the establishment of live/work units for individuals whose work exceeds the impact of a standard home occupation.

B. Principally Permitted Uses

1. Single family dwellings
2. Two-family dwellings
3. Conversion of existing dwelling units to other uses permitted in the district
4. Generally recognized retail businesses, restaurants or other places serving food or beverages except those having the character of a drive-in or drive-thru
5. Personal service establishments
6. Dry cleaning establishments, or pickup stations, dealing directly with the consumer, but not including central dry cleaning plants
7. Professional offices
8. Medical offices, including clinics

9. Financial services uses drive-in facilities as an accessory use only
10. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
11. Galleries
12. Live/work units
13. Artisan Manufacturing, Limited
14. Off-street parking lots
15. Seasonal business (Sec. [REDACTED])
16. Other uses similar to the uses listed above
17. Accessory structures and uses customarily incident to the permitted uses in this section

C. Special Land Uses

1. Gasoline service stations (Sec. [REDACTED])
2. Publicly owned buildings, public utility buildings and telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

D. Dimensional Standards

Front Setback:	25 feet
Side Setback:	0 feet
Rear Setback:	20 feet
Maximum Height:	30 feet

Subject to footnotes F, G, H, J, and N

**Special standards for the CR district**

1. The conversion of a dwelling unit to commercial use shall require site plan approval.
2. The Planning Commission may waive or reduce screening requirements for commercial uses when a dwelling unit is converted to commercial use and the neighboring dwelling unit is also within the CR district.

**Use Standards**

**GASOLINE SERVICE STATIONS**

Gasoline service stations may be permitted as a special land use in the CR district subject to the following:

1. The use shall not include repair work other than incidental service, though the sale of oil and minor accessories is permitted. Incidental service does not include steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
2. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25

feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

3. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on lots of 10,000 square feet, subject to all other provisions required in this chapter. Site plans shall also demonstrate that fuel trucks and other service vehicles can adequately move through and service that site without negatively impacting traffic flow or access to parking spaces.

### **SEASONAL BUSINESSES IN THE CR DISTRICT**

Seasonal businesses may be permitted in the CR district subject to the following:

1. Seasonal businesses in the CR district may include, but are not limited to the sale, exhibit, and/or display of any personal property, produce, meats, fish or goods or services whatsoever from any stand, temporary structure, truck or vehicle; or any person who, for a period of eight months or less per year, hires, leases, rents, occupies or uses any place or places within the city, whether it is a building or not, for the purpose of taking orders for future delivery; or both.
2. Where no permanent building is proposed, the following standards shall be applied prior to approval by the zoning official:
  - a. An application for a seasonal business license shall be obtained from the city clerk and fully completed prior to submittal to the zoning official;
  - b. All parking requirements shall conform to section 50-406, off-street parking requirement;
  - c. Signage shall conform to the requirements specified in article VI of this chapter;
  - d. Trash receptacles shall be provided; and the site shall be maintained in an appropriate fashion, including the removal of litter generated on the site and control of weeds, grass and vegetation;
  - e. If required by local health codes, appropriate sanitation facilities shall be provided;
  - f. Upon approval by the zoning official, proper fees shall be paid to the city clerk for the license, as determined from time to time by the city council
3. Where a new permanent building or major modification to an existing building is proposed, site plan approval will be required.

### **New definitions**

**Live/work unit.** A dwelling unit containing a commercial or office component that is used by a person whose primary residence is in the dwelling unit.

**Artisan Manufacturing, Limited.** The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products. All limited artisan manufacturing uses shall have a storefront for sales, and the size and impact of the use shall be consistent with other retail and offices uses in the district. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery

products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

# memorandum

**DATE:** August 15, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – LC, Local Commercial District Parking & Architectural Design

---

## Introduction

Chapter 4 of the Master Plan includes a Zoning Plan following each Future Land Use Category establishing the process for accomplishing the recommendations of each category. The Zoning Plan recommends that the B-1 and B-2 Community Business Districts be combined to allow many B-2 uses in the Local Commercial zone. Locations of the new Local Commercial zone are indicated on the Future Land Use Plan. The Zoning Plan states the following for the new LC district:

*Zoning regulations may limit the amount of parking in the front yard and possibly limit the allowable front setback so buildings are closer to the street to create a more pedestrian friendly environment. New regulations will include architectural design and building material standards for building facades, landscaping requirements, and reduced lighting levels.*

Below is the draft zoning language proposed to be included in Article 5 – Site Standards of the Clearzoning format. This article will contain all language related to site development standards, primarily for nonresidential development that will come before the Planning Commission for approval.

## Current Language

The ordinance does not currently contain language for parking layout and architectural design. The below draft language would be entirely new based on the recommendations of the Master Plan.

## Draft Zoning Language

1. **Applicability.** All non-residential and mixed use development in the LC, Local Commercial district shall meet or exceed the design requirements of this section when the following applies:

1. New building or structure permitted on or after the effective date of this ordinance.
2. Expansions greater than thirty-five percent (35%) of pre-existing site, structure or building.
3. Expansions to structures that may be less than thirty-five percent (35%) but result in a structural addition greater than 20,000 square feet in gross floor area.

2. **Parking Layout.** A maximum of forty percent (40%) of the minimum number of required parking spaces shall be located within the front yard between the front façade and the primary street. The balance of the parking shall be to the rear or side of the primary building. The minimum required front setback may be reduced by the Planning Commission up to fifty percent (50%) as necessitated by the parking layout requirements of this section.

**3. Building Appearance.** All building walls shall have architectural features which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale.

A. Facades. Facades shall consist of three visual parts: a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.

B. Offsets and Projections. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and over intervals of not greater than sixty (60) feet.

C. Storefronts. Ground-floor retail shall be transparent for seventy-five percent (75%) of the total ground level façade between two (2) and eight (8) feet.

D. Exterior Materials. Building facades may be constructed from wood, stone, masonry, E.I.F.S., cement fiber board, split-face, textured concrete, heavy gauge vinyl, metal or glass or other materials which provide the same desired quality. Similar building materials should be used throughout a development with multiple buildings. Products other than those listed below must be approved by the Planning and Building Director or his/her duly appointed designees.

i. Buildings constructed primarily of metal are prohibited in the LC, Local Commercial district. Buildings that do not exceed fifty percent (50%) metal shall be permitted and must contain other design elements such as concrete or masonry bases, pitched roofs, enhanced entries or color variation.

ii. Structures shall be constructed using a minimum of fifty percent (50%) masonry as described below.

a) Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

b) Brick material used for masonry construction shall be composed of hard-fired all-weather standard size brick or other all-weather facing brick.

iii. Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bush-hammered, sand-blasted, or other concrete finish as approved by the Director or his/her duly appointed designee. Concrete masonry units (CMU or block) shall be textured or split-face, and otherwise not smooth.

iv. Office uses may use: Architectural metal panels, glass (up to 75% of the façade area) and ornamental metal.

E. Roof Design. The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall. Buildings with continuous facades that are ninety (90) feet or greater in width shall have varying roof lines, not one continuous roof line.

F. Four-sided Architecture. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive, public park or residential zoning district.

G. Color. Compatible materials and colors should be used throughout to unify development. The colors should reflect natural tones of the environment and be subtle, harmonious and non-reflective. Accents shall be compatible.

H. Entry Features. Building entryway features are only required at the primary entrance to the building and shall include elements such as: covered entries, integral planters, awnings, raised corniced parapets over the door, peaked roof forms having an average slope greater than or

## LC Parking & Architectural Design

equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

# memorandum

**DATE:** August 15, 2019  
**TO:** City of Springfield Planning Commission  
**FROM:** Rod Arroyo, Joe Tangari & Eric Fazzini, Giffels Webster  
**SUBJECT:** Zoning Amendment – Performance Standards

---

## Introduction

The Master Plan specifically called for managing the external effects of industrial uses. This amendment provides a set of performance standards applying to all uses in the city. Such provisions are common in zoning ordinances, and are intended to ensure the harmonious coexistence of disparate uses.

## Current Language

The zoning ordinance currently lacks broadly applied performance standards.

## Draft Zoning Language

### PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

1. Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes.
1. Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard.
2. Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five-hundred (500) degrees Fahrenheit.
3. Open Storage. The open storage of any industrial or commercial equipment, industrial or commercial vehicles and all industrial or commercial materials including wastes, except new

## Performance Standards

merchandise for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring wall or obscuring fence not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.

4. Glare and Radioactive Materials. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electro-magnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
5. Fire and Explosive Hazards. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.
6. Noise. Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. No activity, operation or use of land, open body of water, buildings or equipment shall make, continue or cause to be made or continue, any noise disturbance or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described in this Section exceeds the sound level limits in Table \_\_ Weighted Sound Level Limit Decibels. The measurements made are to be evaluated under \_\_ based upon the zoning of the property receiving the emitted sound. Additionally, the following shall apply
  - A. Where background sound levels exceed the sound level limits in Table \_\_, below, a violation shall be deemed to exist if the complained for activity exceeds the background sound levels by six (6) decibels.
  - B. The measurement of sound level shall be made at a height of five (5) feet (+ or -), at a horizontal distance of five and one half (5.5) feet (+ or -) from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located.
  - C. The sound level meter shall be a Type I or Type II instrument, adjusted to measure dB(A) sound levels using fast meter response. The instrument calibration shall be verified before use. A wind screen shall be used and no measurement shall be made when the wind speed is in excess of twelve (12) miles per hour.
  - D. No person shall sound or permit the sounding of any exterior burglar or fire alarm, or motor vehicle alarm unless such alarm is automatically terminated within sixty (60) minutes of activation.
  - E. No person shall idle a motor vehicle, or unnecessarily race the motor of a motor vehicle in a manner which would annoy or disturb a reasonable person or normal sensitivity.

Performance Standards

Table __ Weighted Sound Level Limit Decibels			
Receiving Zoning Districts			
Residential Zoning Districts		Nonresidential Zoning Districts	
Night Time Hours Decibels	Day Time Hours Decibels	Night Time Hours Decibels	Day Time Hours Decibels
55	60	70	75

7. Odors. Creation of offensive odors shall be prohibited.
8. Wastes. No waste shall be discharged in the public sewer system that is dangerous to the public health and safety. The following standards shall apply at the points wastes are discharged in the public sewer.
  - A. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric bases, with a temporary variation of pH 4.50 to 10.0.
  - B. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 p.p.m.; no fluorides shall be in excess of 10 p.p.m. and shall contain no more than 5 p.p.m. of hydrogen sulfate and shall contain not more than 10 p.p.m. of sulfur dioxide and nitrates and shall contain not more than 25 p.p.m. of chromate.
  - C. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average over 500 p.p.m. or fail to pass a number eight (8) standard sieve or have a dimension greater than one-half (½) inch.
  - D. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - E. Wastes shall not contain phenols in excess of .05 p.p.m.
  - F. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
9. Waste and Rubbish Dumping. No garbage, sewerage, filth, refuse, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates or other offensive or obnoxious matter shall be piled, placed, stored, or dumped on any land within the City until the operator has obtained a landfill permit from the Michigan Department of Natural Resources under the rules and regulations of Public Act 451 of 1994, as amended.
10. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of it at least once each month in accordance with State Law and City Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.