



City of Springfield
Chapter 50
Zoning Ordinance
Effective August 6, 2020

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How to Use This Ordinance

1. Content Organization and Page Layout

This ordinance is organized into seven articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each article. **Green** tab indicates the article in which the current page is located

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in gray

Sections and subsections contain the ordinance regulations in a hierarchal manner

Blue bold font links to standards in other sections of the ordinance

Graphics, figures, and tables illustrate concepts or clarify regulations

Pages are numbered sequentially within each article

Notes provide relevant district information recommended for review

Additional Requirements list other sections or ordinances that may pertain to a development in the district

Link to How to Use This Ordinance

Link to Zoning Map

Link to Table of Contents

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

R-2 One-Family Residential Section 3.1.2

A. Purpose and Intent

The R-1 through R-3 one-family residential districts are designed to be the most restrictive of the residential districts. The intent of the R-1 through R-3 one-family residential districts is to provide for an environment of predominantly medium-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

User Note: Click on **Blue** for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

- Single-family detached dwellings⁽¹⁾ §4.1.7
- Farms
- Publicly owned and operated libraries, parks, parkways and recreational facilities.
- Existing Cemeteries
- Public, parochial and other private elementary schools not operated for profit
- State licensed residential facility
- Accessory buildings⁽²⁾ §6.1 and uses to subsections 1 through 6 of this section.

C. Special Land Uses

- Places of worship⁽³⁾ §4.1.4
- Public, parochial and private intermediate or secondary schools
- Utility and public service buildings and uses, without storage yards
- Nursery schools, day nurseries and child care centers⁽⁴⁾ §4.21, not including dormitories
- Private noncommercial recreational areas⁽⁵⁾ §4.16, institutional or community recreation centers; nonprofit swimming pool clubs
- Golf courses⁽⁶⁾ §4.18
- Colleges, universities §4.17 and other such institutions of higher learning, public and private
- Extended care hospitals §4.18, including the main hospital building, staff housing, visitor sleeping accommodations, service buildings, storage buildings and the like
- Private swimming pools⁽⁷⁾ §4.19
- Accessory buildings⁽²⁾ §6.1 and uses to subsections 1 through 9 of this section.

D. Development Standards

Lot Size
Minimum lot area: 7,500 sq. ft.
Minimum lot width: 60 ft. *

*For flexibility allowances, see Sections 6.4 Average Lot Size, 4.33 Subdivision Open Space Plan, and 4.34 One-Family Cluster Option

Lot Coverage
Maximum lot coverage: 25%

Setbacks
Minimum front yard setback: 25 ft.
Minimum rear yard setback: 36 ft.
Minimum side yard setback: 8 ft.

Building Height
Maximum building height: 2 stories, or 26 ft.

Minimum Floor Area
Minimum floor area per unit: 800 sq. ft.

E. Additional Requirements

Article 9 Notes to District Standards §3.3 Area, Height and Use Exceptions §3.11 Lot Area §3.13 Lots Adjoining Alleys §3.14 Yard Regulations §3.15 Porches §3.16 Projections into Yards §3.17 Access through Yards §3.18 Lots Having Lake Frontage §3.19	Article 4 Satellite Dish Antennas §4.95 One-Family Cluster Option §4.34 Subdivision Open Space Plan §4.33 Article 5 Frontage on a Public Street §5.2 Access to Major Thoroughfare §5.3 Average Lot Size §5.4 Landscaping and Walls §5.7	Article 5 continued. Off-street Parking Requirements §5.6 Fences §5.8 Article 6 Site Plan Review §6.1 Special Land Use §6.2 Planned Unit Development §6.4
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How do I calculate height?

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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clearzoning
CITY OF SPRINGFIELD CHAPTER 50 - ZONING ORDINANCE
Adopted: 2020









[i](#) [home](#) [location](#)

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How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

-  Indicates the term is defined in [Article 50-2 Definitions](#). (Note: Not every defined term is designated with a  symbol. Consult Article 50-2 Definitions, for a list of all defined terms.)
-  Indicates there is a graphic that illustrates the standard or requirement.
-  Identifies a property line.
-  Identifies the right-of-way centerline.
- R/W** Identifies the right-of-way.
-  Identifies a User Note that provides helpful information for all users.
-  Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.
-  Indicates a section that has been amended. Information about the amendment can be found at the end of the section and in the Appendix.

How to Use This Ordinance

3. Reading This Ordinance

Rules have been established to assist with interpreting this ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning the requirement is at the discretion of the Planning Commission or Board of Appeals.
- Article 50-2, Definitions, contains over 100 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
 - AND indicates all connected items, conditions, provisions or events shall apply.
 - OR indicates the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 50-2.1 Meaning of Words and Phrases](#).



Digital User Note

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader. If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate city ordinance or document, or an external website.

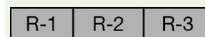
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



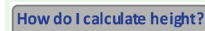
Article tabs located on the side of each page are linked to the Contents page of each Article.



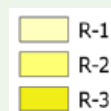
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map.



Use Matrix district headings are linked to the corresponding district regulations page in [Article 50-3](#).



‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in [Article 50-2](#).



Zoning Map Legend headings are linked to the corresponding district regulations page in [Article 50-3](#).

How to Use This Ordinance

4. Use Matrix

Below is a reference table that summarizes the uses listed in this ordinance. Uses below are generalized. Consult [Section 50-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in [Section 50-3.1](#), the latter will control.

P = Principal Permitted Use
 P* = Permitted with Conditions
 S = Special Land Use

USE MATRIX												
USES	R-1	R-2	R-3	AUH	RM-1	CR	B-1	B-2	OS	IRT	MIX	ABCOD / MAMCOD
Accessory buildings and uses	P/S	P/S	P/S	P	P/S	P	P	P	S	P	P	
Accessory dwelling units				P								
Adult businesses												P
Adult day care center	S	S	S									
Adult foster care family home	P	P	P									
Adult foster care large group home	S	S	S									
Adult foster care small group home												
¹ Permitted use when caring for 6 or fewer adults ² Special land use when caring for 7-12 adults.	P ¹ /S ¹	P ¹ /S ¹	P ¹ /S ¹									
Artisan manufacturing, limited						P				P		
Assembly halls, theaters and concert halls, indoor							P	P				
Automobile wash										P		
Automobile repair facilities, minor								S				
Auto engine and body repair, and undercoating shops										P*		
Automobile service centers							S			P		
Banks, credit unions, savings and loan associations						P	P	P	P	P		
Bus passenger station										P		



USE MATRIX													
USES	R-1	R-2	R-3	AUH	RM-1	CR	B-1	B-2	OS	IRT	MIX	ABCOD / MAMCOD	
Car salesroom, showroom or office; new or used								S					
Cemeteries, existing	P	P	P		P								
Central dry cleaning plants or laundromats										P			
Colleges, universities and other such institutions of higher learning, public and private; not for profit	S	S	S										
Colleges, universities and other such institutions of higher learning, private; for profit							P	P		P			
Commercial plant materials nursery								S					
Computer services and data processing centers										P			
Convalescent homes, rest homes and orphanages					S				P	P			
Convenience uses meeting the needs of the industrial district, such as but not limited to eating and drinking establishments, banks, savings and loan associations, credit unions, and automobile service stations										P			
Conversions of existing dwelling units						P				P			
Drive-in, drive-through or open front store						P*	P*	S	P*				
Dry cleaning establishments						P*	P*	P					
Dwellings, single-family	P	P	P	P*	P	P					P		
Duplexes				P*		P	P				P		
Duplexes, triplexes, and quadplexes											P		
Dwellings, multiple-family				P*	P						P		
Extended care hospitals	S	S	S		S				P	P			
Family child care homes	P	P	P	P*									
Farms	P*	P*	P*										
Foster family home	P	P	P										
Foster family group home	P	P	P										
Galleries						P					P		
Gasoline service station						S	S						

USE MATRIX												
USES	R-1	R-2	R-3	AUH	RM-1	CR	B-1	B-2	OS	IRT	MIX	ABCOD / MAMCOD
General hospitals					S			P	P	P		
Golf courses	S	S	S									
Greenhouse, commercial retail									S			
Greenhouse, wholesale and retail										P		
Group child care homes	S	S	S	P*								
Heating and electric power generating plants										S		
Home occupations	S	S	S	P								
Hotel or motel								S		P		
Housing for the Elderly					S							
Indoor commercial recreation							S					
Indoor storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies										P		
Kennels, commercial										P		
Laboratories										P		
Live/Work Units				P*		P					P	
Lumber and planing mills										S		
Manufacturing uses, light										P		
Manufacturing Uses, medium to heavy										S		
Maker spaces										P		
Medical offices						P	P	P	P	P		
Metal plating, buffing and polishing										S		
Mini-warehouse/self-storage unit										P		
Mobile home parks					S							
Mortuary establishments									S			
Municipal uses such as water plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage										P		
Nursery schools, day nurseries and child care centers	S	S	S									
Open-air business							S	S				

USE MATRIX												
USES	R-1	R-2	R-3	AUH	RM-1	CR	B-1	B-2	OS	IRT	MIX	ABCOD / MAMCOD
Outdoor sales spaces for the exclusive sale of new or secondhand automobiles, rental of trailers and/or automobiles, motorcycles, snowmobiles, recreational vehicles, mobile homes, manufactured and modular housing not constructed on site								S		P		
Outdoor storage										S		
Parking, off-street vehicular							P	P	P	P		
Personal service establishments						P	P*	P	P	P*	P	
Physical fitness establishments											P*	
Places of worship	S	S	S				P	P		P		
Planned commercial or shopping center							S					
Post office and similar governmental office buildings, serving persons living in the adjacent residential area.							P	P				
Private clubs, fraternal organizations, and lodge halls							P	P				
Private noncommercial recreational facilities and centers, institutional or community recreation centers; nonprofit swimming pool clubs	S	S	S								P	
Professional offices						P	P	P	P	P	P*	
Publicly owned and operated libraries	S	S	S		P							
Publicly owned and operated parks, parkways and recreational facilities	P	P	P	P*	P				P			
Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations, not including storage yards	S	S	S	P*		S	S	S	S	P		
Publicly owned gas regulator stations with service yards, but without storage yards; water and sewage pumping stations, not including storage yards						S	S			P		

USE MATRIX												
USES	R-1	R-2	R-3	AUH	RM-1	CR	B-1	B-2	OS	IRT	MIX	ABCOD / MAMCOD
Publicly owned water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals, not including storage yards										P		
Recreation space as part of a Planned Development							S					
Recycling Collection Facilities and Junkyards										S		
Restaurants, without drive-through or drive-in						P	P	P		P	P	
Retail establishment, indoor						P	P	P			P	
Retail outlets for the sale of products manufactured at the location										P		
Rowhouses											P	
Schools, primary; not for profit	P	P	P		P		P	P				
Schools, secondary; not for profit	S	S	S									
Seasonal businesses						P	S					
Signs, freestanding non-accessory										P		
Start-up incubator										P		
State licensed residential facility	P	P	P	P*	P							
Storage, distribution, and sale of liquefied petroleum gas										S		
Storage of hazardous materials										S		
Swimming pools, private	S	S	S									
Tasting rooms										P		
Technologically innovative business										P		
Truck facilities										P		
Vehicle impound yard, temporary storage										S		
Veterinary hospitals or clinics								S				
Vocational or technical education facilities										P		
Warehouse and wholesale operations										P		
Warehouse, storage and transfer, and electric or gas service buildings										P		

How to Use This Ordinance

5. District Summary Table

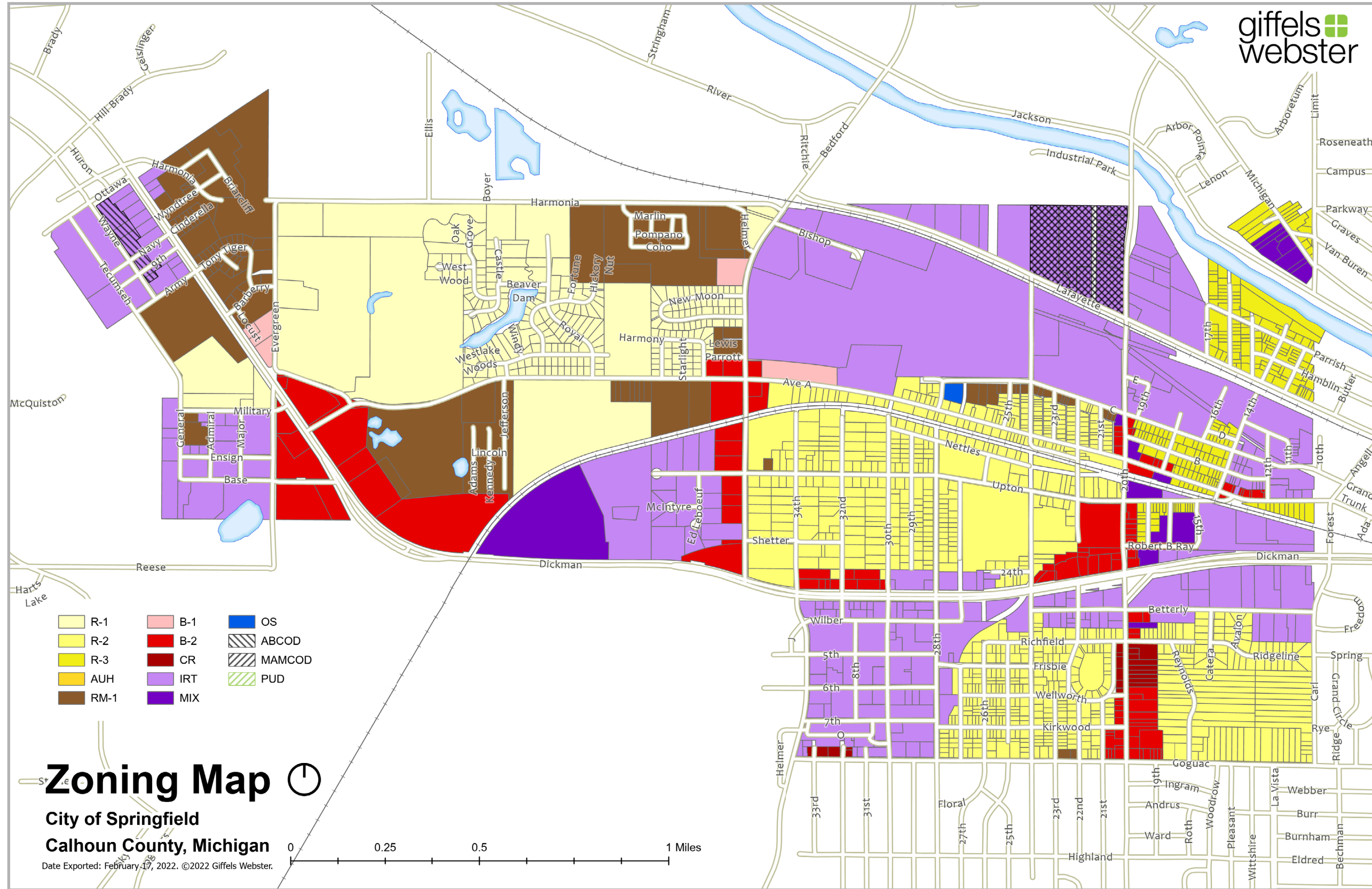
Below is a quick reference table that summarizes district regulations. Consult [Article 50-3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback
R-1	10,000 sq. ft.	80 ft.	30 ft.	10 ft.	35 ft.
R-2	7,500 sq ft.	60 ft.	25 ft.	8 ft.	35 ft.
R-3	5,000 sq. ft.	50 ft.	25 ft.	8 ft.	35 ft.
AUH	See Section 50-3.4.A.1		15 ft.	15 ft. total, 5 ft. on least side	35 ft.
RM-1	See Section 50-3.5.D		50 ft.	30 ft.	30 ft.
CR	N/A	N/A	25 ft.	0 ft. interior, 75 ft. abutting residential	20 ft.
B-1	N/A	N/A	25 ft.	0 ft. interior, 75 ft. abutting residential	20 ft.
B-2	N/A	N/A	30 ft.	0 ft. interior, 75 ft. abutting residential	20 ft.
OS	N/A	N/A	25 ft.	15 ft.	20 ft.
IRT	N/A	N/A	40 ft.	20 ft.	20 ft.
MIX	5 acres	N/A	10 ft.	20 ft.	20 ft.

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City of Springfield Zoning Map



Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations. Click on button below to go to the interactive zoning map

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Zoning Ordinance | Article 50-1

Purpose and Intent

Article 50-1 - Purpose & Intent

1. Purpose & Intent

2. Definitions

3. Zoning Districts

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6. Development Procedures

7. Administration & Enforcement

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Section 50-1.1 - 50-1.4

50-1.1 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 Board of Appeals; and to impose penalties for the violation of this ordinance.

50-1.2 Short Title

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

50-1.3 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 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.

50-1.4 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.

Section 50-1.5 - 50-1.8

50-1.5 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.

50-1.6 Repeal of Prior Ordinance

The Zoning Ordinance adopted by the City of Springfield City Council on January 16th, 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.

50-1.7 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.

50-1.8 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 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.

50-1.9 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.

50-1.10 Zoning of Vacated Areas

Whenever any street, alley or other public way within the city shall be vacated, such street, alley, or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

50-1.11 Zoning of Annexed Areas

Whenever any area is annexed to the city, one of the following conditions will apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve such recommendation by resolution.
- B. Land not zoned prior to annexation shall be automatically classified as an R-1 district until a Zoning Map for such area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three months, after the matter is referred to it by the City Council.

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Zoning Ordinance | Article 50-2

Definitions

Article 50-2 - Definitions

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DEFINITIONS A-E

- Accessory use and accessory
- Adult day care center
- Adult foster care organization
- Adult use definitions
- Alley
- Alterations
- Apartment
- Artisan manufacturing, limited
- Automotive repair
- Automotive repair facility
- Automotive or trailer sales area
- Basement
- Block
- Board of Appeals
- Building
- Building height
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- Child care organization
- Child caring institution
- Clear glass
- Club
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- Condominium
- Convalescent or nursing home
- Development
- District
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- Driveway, residential
- Duplex
- Dwelling, multiple-family
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- Dwelling unit
- Erected
- Essential services
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* Term has multiple definitions

DEFINITIONS F-L

- Family
- Farm
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- Floor area, usable
- Garage, private
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- Junkyard
- Kennel, commercial
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- Loading space
- Lot
- Lot area
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- Lot depth
- Lot, interior
- Lot lines
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- Lot, zoning

DEFINITIONS M-Q

- Main building
- Major thoroughfare
- Maker space
- Manufacturing, heavy
- Manufacturing, light
- Master Plan
- Mezzanine
- Mini-warehouse/self-storage unit
- Mobile home
- Mobile home (permanent)
- Mobile home park
- Motel
- Multiplex
- Nonconforming building
- Nonconforming use
- Nuisance factors
- Nursery, plant materials
- Nursery, commercial plant
- Off-street parking lot
- Open-front store
- Outdoor vehicle storage
- Parking space
- Person
- Personal service establishment
- Personal service use
- Petroleum bulk plant
- Place of assembly
- Pool, private swimming
- Principal use
- Protected use
- Public park
- Public utility
- Quadplex



DEFINITIONS R-Z

Radio antenna
Retail, general
Restaurant, drive-in
Room
Rowhouse
Satellite dish definitions
School
Seasonal business
Setback
Sign definitions
Start-up incubator
Story
Story, half
Street
Structure
Tattoo parlor
Technologically innovative
 business
Television antenna
Temporary use or building
Triplex
Tuck-under parking
Use
Used car lot
Variance
Vehicle impound yard
Wall, obscuring
Wireless communication
 facility definitions
Yard
Zoning Administrator

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50-2.1 Meaning of Words and Phrases

The following rules of construction apply to the text of this chapter:

- A.** The particular shall control the general.
- B.** In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C.** The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E.** A “building” or “structure” includes any part thereof.
- F.** The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G.** The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or,” or “either or,” the conjunction shall be interpreted as follows:
 - 1.** The term “and” indicates all the connected items, conditions, provisions, or events shall apply;
 - 2.** The term “or” indicates the connected items, conditions, provisions or events may apply singly or in any combination;
 - 3.** The term “either...or” indicates the connected items, conditions, provisions or events shall apply singly but not in combination.
- I.** Terms not defined in this chapter shall have the meaning customarily assigned to them.

50-2.2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY USE AND ACCESSORY

mean a use which is clearly incidental to, customarily found in connection with and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When the term “accessory” is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence, or such occupants guests.
- C. Domestic or agricultural storage in a barn, shed, toolroom or similar accessory building or other structure.
- D. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district.
- G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- H. Uses clearly incidental to a main use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- J. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

ADULT DAY CARE CENTER

means nonresidential facility in which custodial care is provided for adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis for less than twenty-four (24) hours a day.



ADULT FOSTER CARE ORGANIZATION

means a governmental or non-governmental facility for the care of adults over 18 years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Social Services. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. Such care organizations are classified as follows:

- A. ADULT FOSTER CARE FAMILY HOME** means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. ADULT FOSTER CARE SMALL GROUP HOME** means a facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- C. ADULT FOSTER CARE LARGE GROUP HOME** means a facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

ADULT USE DEFINITIONS

- A. ADULT BOOKSTORE** means an establishment which has a substantial portion of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas, or which establishment excludes admission to minors by virtue of age.
- B. ADULT BUSINESS** means, but is not limited to, adult bookstores, adult video stores, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, and nude modeling studios.
- C. ADULT CABARET** means a cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on specified sexual activities or specified anatomical areas.
- D. ADULT NOVELTY BUSINESS** means a business which has as a principal activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
- E. ADULT PERSONAL SERVICE BUSINESS** means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors and theatrical performances or entertainment.

Section 50-2.2A

- F. **ADULT VIDEO STORE** means an establishment which has in excess of 50 percent of its stock-in-trade for sale or rental to the public or patrons, videocassettes or videotapes, having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- G. **BUTTOCK** means the anus and perineum of any person.
- H. **MASSAGE** means the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another, for a fee, other than by a licensed massage therapist.
- I. **MASSAGE PARLOR** means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.
- J. **MARIHUANA (ADULT USE RECREATIONAL AND MEDICAL) definitions**
 - 1. **AGENCY** means the State of Michigan marihuana regulatory agency.
 - 2. **BUREAU** means the bureau of medical marihuana regulation in the department of licensing and regulatory affairs.
 - 3. **CULTIVATE** means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
 - 4. **DEPARTMENT** means the Michigan department of Licensing and Regulatory Affairs (LARA).
 - 5. **DESIGNATED CONSUMPTION ESTABLISHMENT** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.
 - 6. **EXCESS MARIHUANA GROWER** means a licensee under the Michigan Regulation and Taxation of Marihuana Act that sells marihuana, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a marihuana processor or marihuana retailer pursuant to a license authorized by Michigan Administrative Code, R 420.21 and 420.23.
 - 7. **GROWER** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, another grower, or marihuana establishment.
 - 8. **INDUSTRIAL HEMP** means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.
 - 9. **LICENSEE** means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. or the Michigan Regulation and Taxation and Marihuana Act, MCL 333.27951 et seq.
 - 10. **MARIJUANA** or **MARIHUANA** means that term as defined in the Public Health Code, MCL 333.1101et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Michigan Regulation and Taxation and Marihuana Act, MCL 333.27951 et seq., and the Marihuana Tracking Act, MCL 333.27901 et seq.

- 11. **MARIHUANA ESTABLISHMENT (“ESTABLISHMENT”)** means a marihuana grower, excess marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Michigan Regulation and Taxation of Marihuana Act.
- 12. **MARIHUANA EVENT ORGANIZER** means a person licensed to apply for a temporary marihuana event license under emergency rules authorized by Michigan Administrative Code, R 420.24.
- 13. **MARIJUANA FACILITY** means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- 14. **MARIHUANA-INFUSED PRODUCT** means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption.
- 15. **MEDICAL MARIHUANA FACILITY** means a location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.
- 16. **MARIHUANA MICROBUSINESS** means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- 17. **MARIHUANA RETAILER** means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- 18. **MEDICAL MARIHUANA FACILITIES LICENSING ACT (MMFLA)** means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101, et seq.
- 19. **MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA)** means the Michigan Regulation and Taxation of Marihuana Act, I.L. 2018, No. 1, MCL 333.27951, et seq.
- 20. **MUNICIPAL LICENSE** means a license issued by the city pursuant to this article that allows a person to operate a medical marihuana facility or marihuana establishment in the city.
- 21. **OUTDOOR PRODUCTION** means an enterprise involving the growing of marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
- 22. **PROCESSOR** means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or marihuana establishment and that extracts resin from the marihuana or creates a marihuana infused product for sale and transfer in packaged form to a provisioning center, marihuana establishment or another processor.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



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- 23. PROVISIONING CENTER** means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this ordinance
- 24. SAFETY COMPLIANCE FACILITY** means a licensee that is a commercial entity that receives marihuana from a marihuana facility, marihuana establishment, or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility or marihuana establishment.
- 25. SECURE TRANSPORTER** or **MARIHUANA SECURE TRANSPORTER** means a licensee that is a commercial entity located in this in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- 26. STATE LICENSE** means a license issued by the department that allows a person to operate a medical marihuana facility or marihuana establishment.
- 27. TEMPORARY MARIHUANA EVENT LICENSE** means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.
- K. NUDE MODELING STUDIO** means any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.
- L. SEXUAL INTERCOURSE** means fellatio, cunnilingus, anal intercourse and any other intrusion, however slight, of any part of a person's body, or of any object into the genital or anal openings of another's body.
- M. SODOMY** means sexual bestiality.
- N. SPECIFIED ANATOMICAL AREAS** means:
1. Less than completely and opaquely covered;
 2. Human genitalia and pubic region;
 3. Buttock; or,
 4. Female breast below a point immediately above the top of the areola.
 5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- O. SPECIFIED SEXUAL ACTIVITIES** means:
1. The stimulation or arousal of human genitalia;
 2. Acts of human masturbation, sexual intercourse or sodomy; or
 3. Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

Δ Ord. No. 2 of 2021 (January 6, 2022).

Section 50-2.2A

ALLEY

means any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS

means any change, addition or modification in construction of the type of occupancy or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to as “altered or reconstructed.”

APARTMENT

means a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

ARTISAN MANUFACTURING, LIMITED

means 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 office 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.

AUTOMOTIVE REPAIR

means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles.

AUTOMOTIVE REPAIR FACILITY

for general vehicle maintenance, such as tune-up, brake repair, shock replacement, muffler installation and tire repairs. It is intended that only minor repair facilities be allowed in this zone, minor repairs being defined as vehicle repairs which can be completed in an eight-hour period.

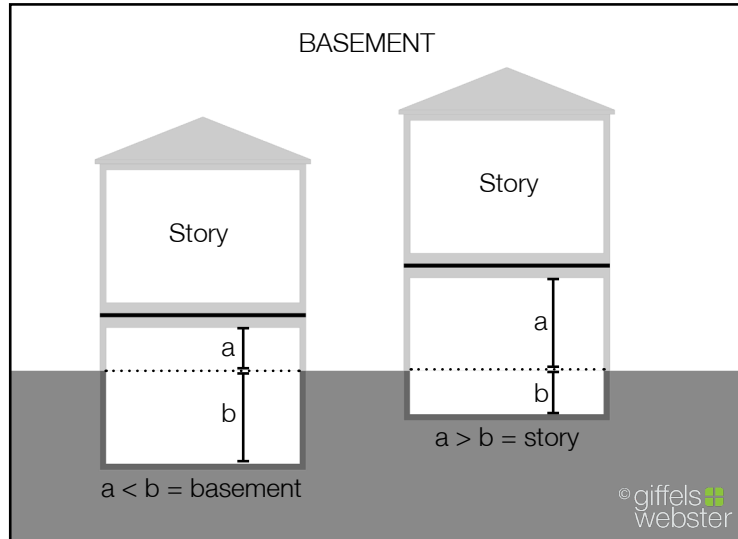
AUTOMOTIVE OR TRAILER SALES AREA

means space used for the display, sale or rental of motor vehicles or trailers in new, used and operable condition.

Section 50-2.2B

BASEMENT

means the portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. ✍



BLOCK

means the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of such areas and any other barrier to the continuity of development, or corporate boundary lines of the city.

BOARD OF APPEALS

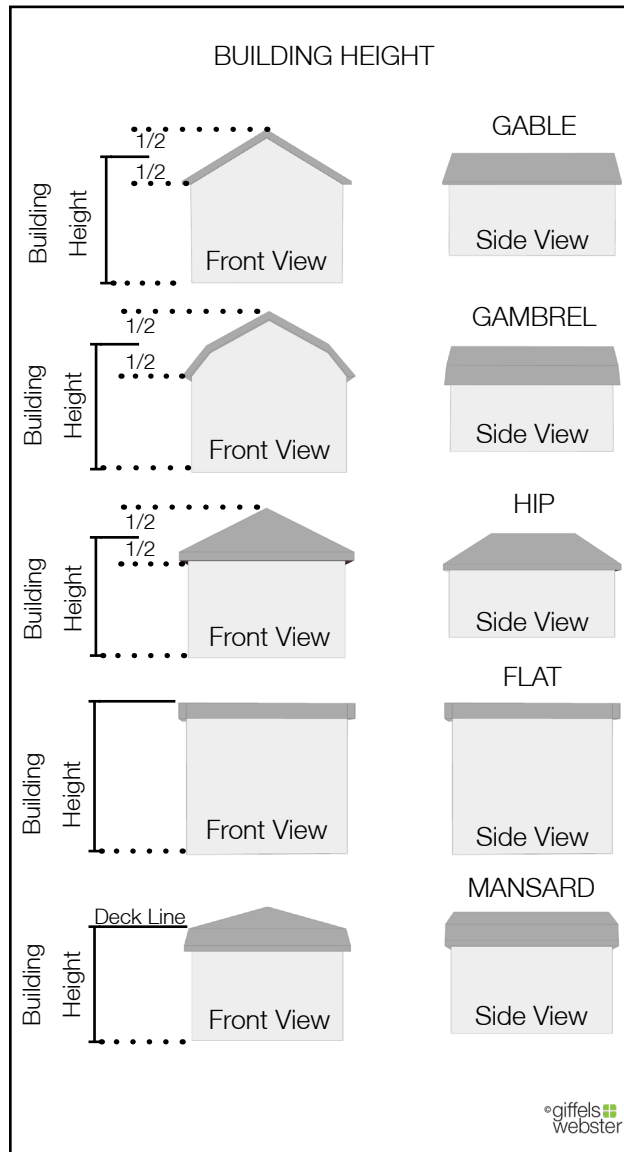
means a Board consisting of five members, appointed by the City Council, to hear and decide appeals and to provide interpretations in matters concerning the Zoning Ordinance of the city.

BUILDING

means a structure erected on site, a mobile home or mobile structure, premanufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT

means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.



BUILDING LINE

means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

CHILD CARE ORGANIZATION

means a facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the Michigan Department of Health and Human Services. Such care organizations are classified below:

- A. FAMILY CHILD CARE HOME** means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- B. GROUP CHILD CARE HOME** means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

CHILD CARING INSTITUTION

means a child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally challenged or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

- A. FOSTER FAMILY HOME** means a private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. FOSTER FAMILY GROUP HOME** means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CLEAR GLASS

means glazing that 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.

CLUB

means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

CODE

means the City of Springfield Code of Ordinances.

clearzoning



Section 50-2.2C - D

CONDOMINIUM

means the individual ownership of a unit or parcel of real property within a multi-unit parcel or structure, located as a permitted use within a zoning classification and requirements of this chapter.

CONVALESCENT OR NURSING HOME

means a structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

DEVELOPMENT

means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT

means a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN

means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carryout.

DRIVEWAY, RESIDENTIAL

means an area surfaced with concrete, asphalt, brick or gravel which leads from an authorized curb cut to required parking spaces or a garage or carport. A driveway shall have a minimum width of ten feet and a maximum width of 24 feet. Within a residential district, no parking area shall be used for parking or storing of any commercial vehicle exceeding a rated hauling capacity of one ton.

DUPLEX

means a building consisting of two dwelling units, which share a common wall or are stacked, and which each have a separate entrance.

DWELLING, MULTIPLE-FAMILY

means a building containing three or more dwelling units designed for residential use.

DWELLING, SINGLE-FAMILY

means a building containing not more than one dwelling unit designed for residential use.

DWELLING UNIT

means a building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

ERECTED

means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES

means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION

means any breaking of ground, except common household gardening and ground care.

EXCEPTION

means a use permitted only after review of an application by the Board of Appeals or City Council or a modification in the standards of this chapter specifically permitted after review by the Board of Appeals, Planning Commission or City Council; such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

FAMILY

means one or two persons or parents, with such persons' or parents' direct lineal ascendants, descendants and adopted or foster children, and including the domestic employees thereof, together with not more than three persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for purposes of this chapter.

FARM

means all of the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant farmer, by such person's own labor or with the assistance of members of the household or hired employees.

FLOOR AREA, RESIDENTIAL

means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE

(for the purposes of computing parking), means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

GARAGE, PRIVATE

means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles (with a rated hauling capacity of one ton or less), boats and similar vehicles owned and used by the occupants of the building to which it is necessary.

GARAGE, SERVICE

means any premises uses for the indoor storage and care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for renumeration, hire or sale indoors.

GASOLINE SERVICE STATION

means a station intended for the sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including 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.

GRADE

means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENHOUSE, COMMERCIAL

means the growing of plant material only to be sold at retail on the site.

GROUNDING ROD

means a metal pole permanently positioned in earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

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HOME OCCUPATION

means an activity carried out for gain by a resident and conducted as an accessory use in the resident's dwelling unit, which by its nature will not detract from the quality of residential neighborhoods.

HOTEL

means a building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

INDOOR RETAIL ESTABLISHMENT

means a business where sales of goods are conducted indoors. This definition includes showrooms associated with sales (such as carpet or flooring showrooms), customary small repair (such as bicycle repair), and customary rental (such as business machine rental). This definition does not include party stores, tobacco shops, adult establishments, or stores for the sale of second-hand merchandise.

JUNKYARD

means an area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk, or partially dismantled, unregistered or inoperable automobiles.

KENNEL, COMMERCIAL

means any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily Boarded for remuneration.

LABORATORY

means a place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

LIVE/WORK UNIT

means a dwelling unit containing a commercial or office component that is used by a person whose primary residence is in the dwelling unit.

LOADING SPACE

means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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LOT

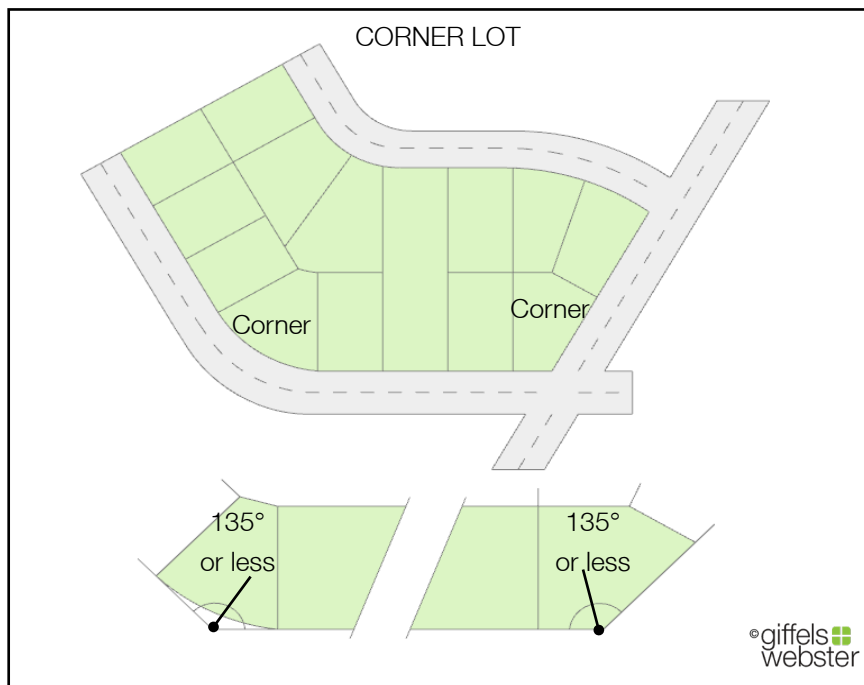
means a parcel of land occupied, or intended, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

LOT AREA

means the total horizontal area within the lot lines of the lot.

LOT, CORNER

means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. ↗



Section 50-2.2L

LOT COVERAGE

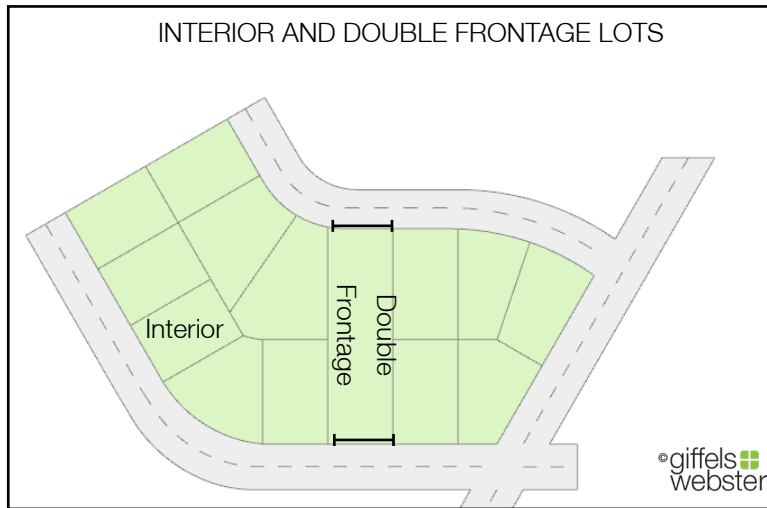
means the part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH

means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR

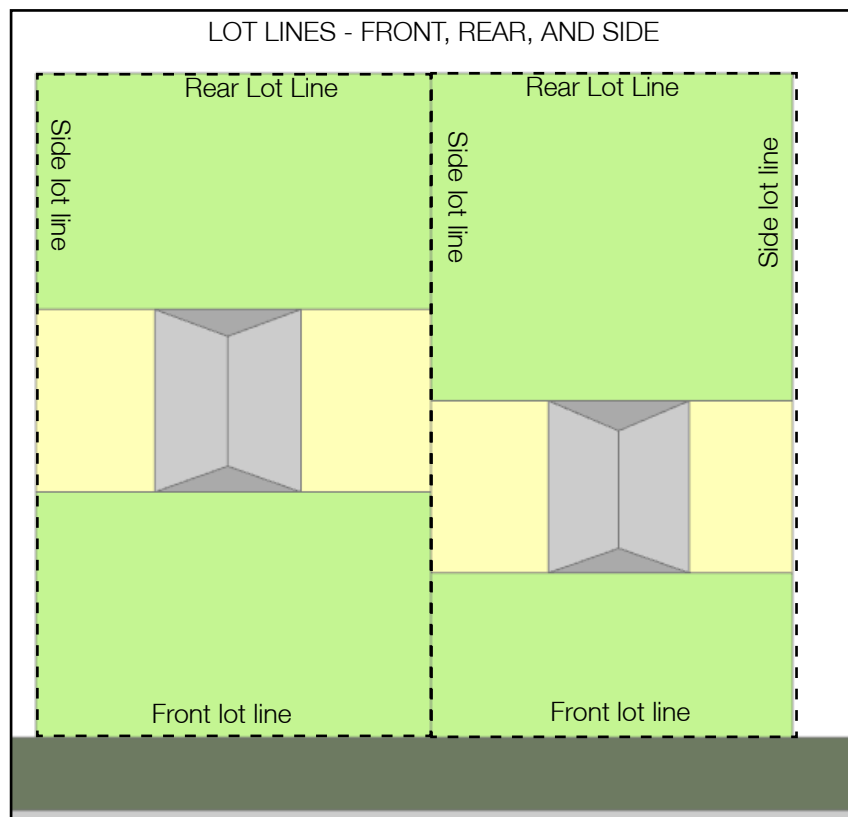
means any lot other than a corner lot. ↗



LOT LINES

means the lines bounding a lot as defined in this section: ↗

- A. FRONT LOT LINE** means, in the case of an interior lot, the line separating such lot from the street. In the case of a through lot, the front lot line is that line separating such lot from either street.
- B. REAR LOT LINE** means the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- C. SIDE LOT LINE** means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



LOT OF RECORD

means a parcel of land, the dimensions of which are shown on a document or Map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

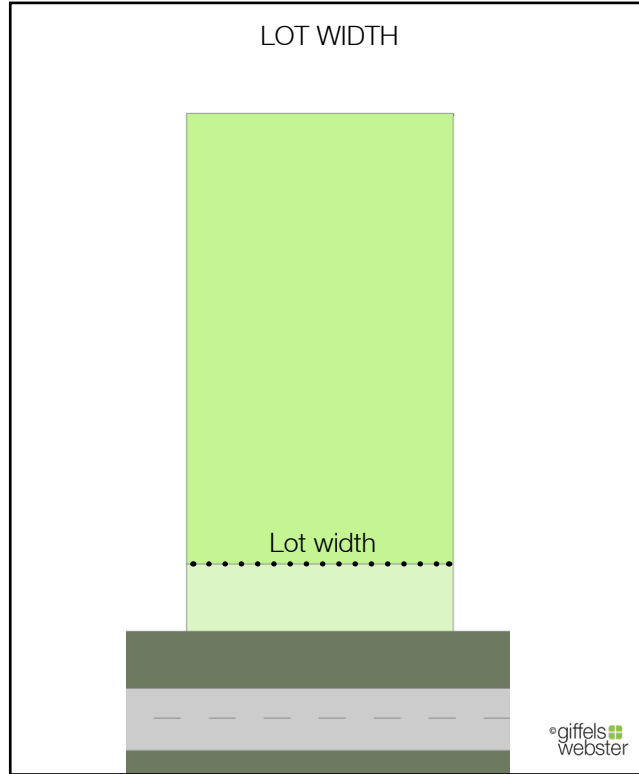
LOT, THROUGH

means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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LOT WIDTH

means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines. ✎



LOT, ZONING

means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

MAIN BUILDING

means a building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROUGHFARE

means an arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

MAKER SPACE

means a place where members of the public can make use of on-site equipment, tools and spaces to complete projects that involve a small manufacturing, processing, or assembly component.

MANUFACTURING, HEAVY

includes:

- A. Blast furnace, steel furnace, blooming or rolling mill;
- B. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;
- C. Petroleum or other inflammable liquids, production, refining or storage;
- D. Processing of raw materials;
- E. Smelting of copper, iron or zinc ore;
- F. Other uses of a similar nature, as determined by the Planning Commission.

MANUFACTURING, LIGHT

includes:

- A. The manufacture, compounding, processing, packaging, assembly or treatment of products, such as but not limited to bakery goods, candy, food, beverages, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, machine shops, welding shops and cabinetry;
- B. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
- C. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
- D. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded products;
- E. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
- F. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, and the like;
- G. Other uses of a similar nature to the above, as determined by the Planning Commission.



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MASTER PLAN

means the comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the legislative body.

MEZZANINE

means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

MINI-WAREHOUSE/SELF-STORAGE UNIT

means a building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

MOBILE HOME

means any vehicle designed, or constructed so as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit permanent occupancy thereof as a dwelling or sleeping place for one or more persons.

MOBILE HOME (PERMANENT)

means a mobile home which is attached to a foundation from which it cannot be readily moved, and which is constructed in such a way that it meets all codes and ordinances of the city applicable to single-family dwellings.

MOBILE HOME PARK

means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOTEL

means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

MULTIPLEX

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

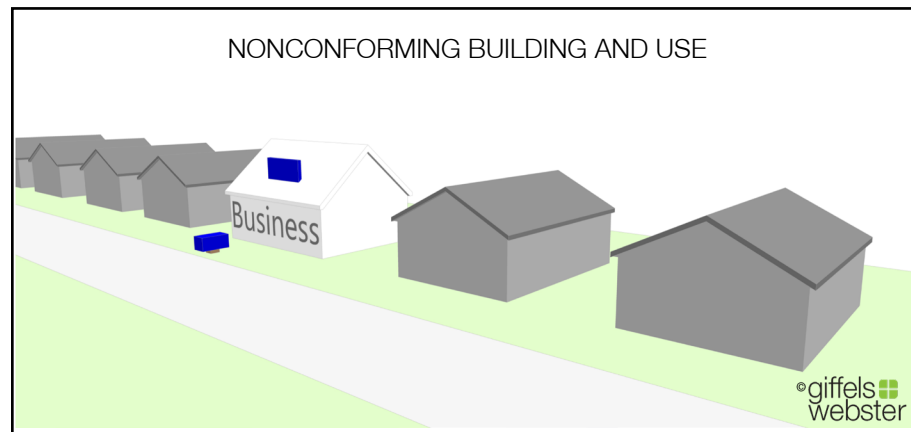
Section 50-2.2N

NONCONFORMING BUILDING

means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter derives, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located. ✍

NONCONFORMING USE

means a use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located. ✍



NUISANCE FACTORS

means an offensive, annoying, unpleasant or obnoxious thing or practice that limits the use and/or enjoyment of property, is a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- A. Noise;
- B. Dust;
- C. Smoke;
- D. Odor;
- E. Glare;
- F. Fumes;
- G. Flashes;
- H. Vibration;
- I. Shock waves;
- J. Heat;
- K. Electronic or atomic radiation;
- L. Objectionable effluent;
- M. Noise of congregation of people, particularly at night;
- N. Passenger traffic;
- O. Invasion of nonabutting street frontage by traffic.

NURSERY, PLANT MATERIALS

means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

NURSERY, COMMERCIAL PLANT

means the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.

OFF-STREET PARKING LOT

means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

OPEN-FRONT STORE

means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term “open-front store” shall not include automobile repair or gasoline service stations.

OUTDOOR VEHICLE STORAGE

means any storage of operable or inoperable motor vehicles or trailers not completely enclosed within a building, exclusive of a permitted outdoor sales area.



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PARKING SPACE

means an area of definite length and width, such area shall be exclusive of drives, aisles and entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSON

means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT

means establishments which perform services on the premises, such as but not limited to repair shops (watches, radio, television, shoe, clothing etc.).

PERSONAL SERVICE USE

means a business that primarily sells personal services such as a salon or barber shop, tailor, custom dress maker, minor cleaning, photographic studios, self-service laundries, drycleaners or similar activities. This use does not include spas, adult businesses, massage, tattooing, body piercing, or any medical use.

PETROLEUM BULK PLANT

means an establishment for the storage of petroleum products in bulk and for distribution.

PLACE OF ASSEMBLY

means a place for public assembly, group entertainment, or worship (i.e. theaters, auditoriums, meeting halls, and places of worship).

POOL, PRIVATE SWIMMING

means an artificially constructed basin for holding water for private family use on a residential lot.

PRINCIPAL USE

means the main use to which the premises are devoted and the principal purpose for which the premises exist.

PROTECTED USE

means a church, school or public park.

PUBLIC PARK

means any park owned and maintained by the city.

PUBLIC UTILITY

means a person, firm, or corporation, municipal department, Board or Planning Commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

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QUADPLEX

means a building consisting of four dwelling units, which share a common wall or are stacked, and which each have a separate entrance (interior common hall/foyer or exterior).

RADIO ANTENNA

means a signal receiving device that receives radio broadcast from radio transmitters.

RETAIL, GENERAL

such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware; restaurants or other places serving food or beverages except those having the character of a drive-in.

RESTAURANT, DRIVE-IN

means a restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carryout.

ROOM

means, for the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-bedroom, two-bedroom or three-bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

ROWHOUSE

means a dwelling unit attached to other dwelling units by a common side wall(s) arranged in a linear fashion, each with a separate entrance, and front and rear facades that are completely exposed to private or shared yards for entrance(s), light, and ventilation. When three or more rowhouses are attached it shall be considered multiple-family residential.

SATELLITE DISH DEFINITIONS

- A. ANTENNA** means any device used for the receipt of video programming services, including TVBS, MDS, DBS, ITFS and LMDS, and MMDS. A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets the Federal Communications Planning Commission standards for radio frequency emissions. A mast, cabling or other accessory necessary for the proper installation, maintenance and use of a reception antenna shall be considered part of the antenna.
- B. ANTENNA USER** means the person or entity that has a direct or indirect ownership interest in, and exclusive use or control over, the property upon which the antenna is located.
- C. APPLICATION** means any proposal, submission or request to install a satellite dish. An application includes an applicant’s initial satellite plan, any and all subsequent amendments or supplements to the satellite plan, relevant correspondence, and all written and oral representations, and/or material made or provided to the city.
- D. CODE** means the construction code adopted by the state pursuant to the Stille-DeRossett Hale Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230 (MCL 125.1501 et seq.).
- E. COMMISSION** and **FCC** mean the Federal Communications Commission or any successor governmental entity thereto.
- F. COMMUNICATIONS ACT** means the Communications Act of 1934, 47 USC 151 et seq., as the Act has and may hereafter be amended.
- G. SATELLITE DISH, LARGE**, means any satellite earth station antenna that is not defined as a small satellite dish.
- H. SATELLITE DISH, SMALL**, means any receive-only satellite earth station antenna that is two meters or less in diameter and located or proposed to be located in any area where commercial or industrial uses are generally permitted by nonfederal land use regulation, or a satellite earth station antenna that is one meter or less in diameter in any area regardless of land use or zoning category.
- I. MAST** means a structure to which an antenna is attached that raises the antenna height.
- J. NATIONAL HISTORIC PRESERVATION ACT** means the National Historic Preservation Act of 1966, 16 USC 470 et seq., as the Act has and may hereafter be amended.
- K. PERMIT** means the authorization expressly granted by the city to an antenna user to install an antenna on the property wherein the user has a direct or indirect ownership interest. The term does not include any other authorization, including, but not limited to, a franchise, license or permit that may be covered by other laws, ordinances or regulations of federal, state or any local government entity including other laws or regulations of the city.
- L. SATELLITE PLAN** means a proposal, submission or request to install a satellite dish that includes:

 - 1. A description of how the dish is installed;
 - 2. A description of how the dish is mounted;
 - 3. A description of how the dish will be maintained;
 - 4. The name and address of the antenna user; and
 - 5. A photograph or sketch of the dish and its surrounding location once it is installed.



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- M. TEMPORARY OR MOVEABLE DISH** means an antenna which is not anchored in the ground which is not affixed to a permanent structure.
- N. VSAT** means a commercial satellite service that may use satellite antennae less than one meter in diameter but that is not used to provide over-the-air video programming.
- O. SUBSTANTIAL CHANGE** means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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).
 6. 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.
 7. 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.
 8. Excavation or deployment outside the wireless compound for the wireless tower or base station and any related access or utility easements.
 9. 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 1 through 8.
 10. 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.

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SCHOOL

means a public or private school offering education to students enrolled in kindergarten or one or more grades of one through 12.

SEASONAL BUSINESS

means a business in which any person who sells, offers for sale, exhibits, displays, demonstrates or takes orders for the retail sale 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.

SETBACK

means the distance required to obtain minimum front yard, side yard or rear yard open space provisions of this chapter.

SIGN DEFINITIONS

- A. **AREA OF SIGN** means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area, except marquee signs will be permitted two faces each having maximum area.
- B. **BANNER** means a canvas, plastic or vinyl, single-face nonilluminated sign intended for temporary attachment to a building or other structure.
- C. **BUSINESS CENTER** means a group of four or more contiguous stores or contiguous industrial businesses or an industrial subdivision developed as a planned complex.
- D. **DISPLAY TIME** means the amount of time a message and/or graphic is displayed on an electronic message sign.
- E. **DISSOLVE** means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with a gradual reappearance and legibility of the second message.
- F. **DISTRICT** means a zoning district as established in this chapter.
- G. **DYNAMIC FRAME EFFECT** means an electronic message sign frame effect in which the illusion of motion and/or animation is used.
- H. **FADE** means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible, and the subsequent message gradually increases intensity to the point of legibility.
- I. **FLASH** means a visual effect, including but not limited to undulating, pulsing, blinking, expanding, contracting, bouncing, rotating, spinning, twisting, or continuous scrolling and/or traveling, that does not hold a constant message or graphic for eight seconds or longer. A transition period lasting longer than three seconds is also considered flashing.
- J. **FRAME** means a complete, static display screen on an electronic message sign.
- K. **FRAME EFFECT** means a visual effect on an electronic message sign applied to a single frame. See also Dynamic frame effect.
- L. **GASOLINE FILLING STATION** means a space, structure, or building or part of a building for the retail sale or supply of motor fuels, lubricants, air, water, and other customary facilities and service for the installation of such commodities in or on such motor vehicle, but not including special facilities for the painting, repair or similar servicing thereof.
- M. **HEIGHT OF GROUND POLE SIGN AND ENTRANCEWAY SIGN** means the vertical distance measured from the natural surface grade of the land without including any berm, landscaping, grading, or other artificially or unnaturally constructed or raised portion of land beneath the midpoint of the face of the sign to the highest point of the sign or supporting structure. Where setback regulations require a ground pole or entranceway sign to be behind or on top of a

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landscaped berm mandated by this chapter, the Board of Appeals, upon review with the city's Zoning Administrator, may permit a variance to the height measurement, but only to the extent necessary to prevent the sign from being obscured by the landscaped berm.

- N. **LINEAL FEET** when used in determining the area of a sign, means the length of the first floor business frontage of the business premises on which the sign is located.
- O. **NONCOMMERCIAL** means not related to or connected with trade and traffic or commerce in general.
- P. **PARCEL OF LAND** means a unit of contiguous real property under common ownership.
- Q. **PLACE OF ASSEMBLY** means a place for public assembly, group entertainment, or worship (i.e. theaters, auditoriums, meeting halls, and places of worship).
- R. **REQUIRED SETBACK** means the minimum setback required for the respective district as specified in this chapter. However, setback, when used in determining sign area, shall be the distance the sign is from the nearest street centerline measured along a perpendicular line to that street line.
- S. **SCROLL** means a mode of message transition on an electronic message sign in which the message appears to move vertically across the display surface.
- T. **SIGN** means a name, identification, description, display, device, illustration, numerals, figures or designs, which is affixed to, or painted, or otherwise represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to a service, product, activity, person, institution, organization or business. Types of signs are as follows:
 - 1. **BILLBOARD OR OUTDOOR ADVERTISING SIGN** means a permanent ground pole sign which exceeds the maximum permitted sign area for an individual ground pole sign in the applicable zoning district.
 - 2. **BUSINESS CENTER GROUND POLE SIGN** means a sign located within the planned complex or contiguous stores with four or more businesses on a single lot.
 - 3. **ELECTRONIC MESSAGE CENTER (EMC)** means an electronically activated, changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also the following terms principally associated with electronic message centers: Display time, dissolve, dynamic frame effect, fade, frame, frame effect, scroll, transition).
 - 4. **ENTRANCEWAY SIGN** means a sign adjacent to the street entranceway to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.
 - 5. **FLASHING SIGN** means any illuminated sign, or element thereof, on which the artificial light is not maintained stationary or constant in intensity and color at all times when the sign is in use such that the sign appears to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.
 - 6. **GROUND POLE SIGN** means a sign supported by one or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.
 - 7. **ILLUMINATED SIGN** means a sign that provides artificial light by either emission or reflection.

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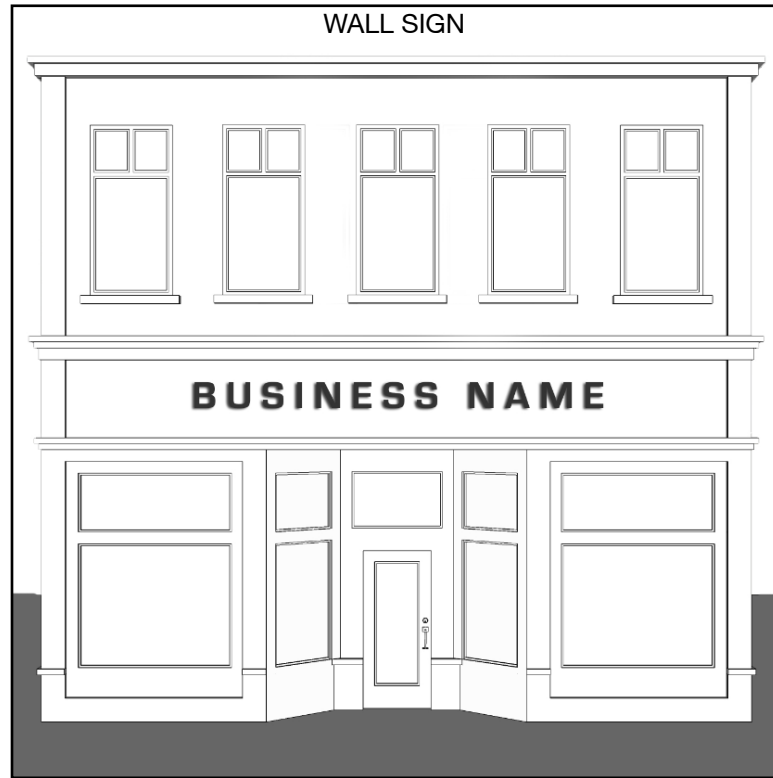
8. **MARQUEE SIGN** means a sign attached to a marquee, canopy, or awning projection from the building. ↵



9. **PROJECTING SIGN** means a sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
10. **ROOF SIGN** means a sign which is erected above the roof of a building.
11. **TEMPORARY SIGN** means a sign or other advertising device with or without a structural frame intended for a limited period of display.
12. **TOURIST-ORIENTED DIRECTIONAL SIGN** means a sign used to provide motorists with advance notice of certain uses as regulated by the Michigan Department of Transportation.

Section 50-2.2S

- 13. WALL SIGN** means a sign which is attached directly to or painted upon a building wall which does not project more than 18 inches from such building or wall. The exposed face of the sign must be in a plane parallel to the building wall or structure, such as a water tower. The sign must not extend above the height of the building, wall or structure. ✍



- U. THOROUGHFARE** means a major thoroughfare or thoroughfare as established in the Master Plan adopted by the city pursuant to 1931 PA 285 (MCL 125.31 et seq.).
- V. TRANSITION** means a visual effect used on an electronic message sign to change from one message to another. Transitions are limited to three seconds or less.
- W. VENDING MACHINE** means a currency operated machine for selling small articles or services.

START-UP INCUBATOR

means a place intended to be used by multiple businesses during the start-up phase. A start-up incubator may include small assembly spaces, 3-D printing operations, office space, common areas for eating and socialization, and similar spaces, and may offer administrative staff to tenants.

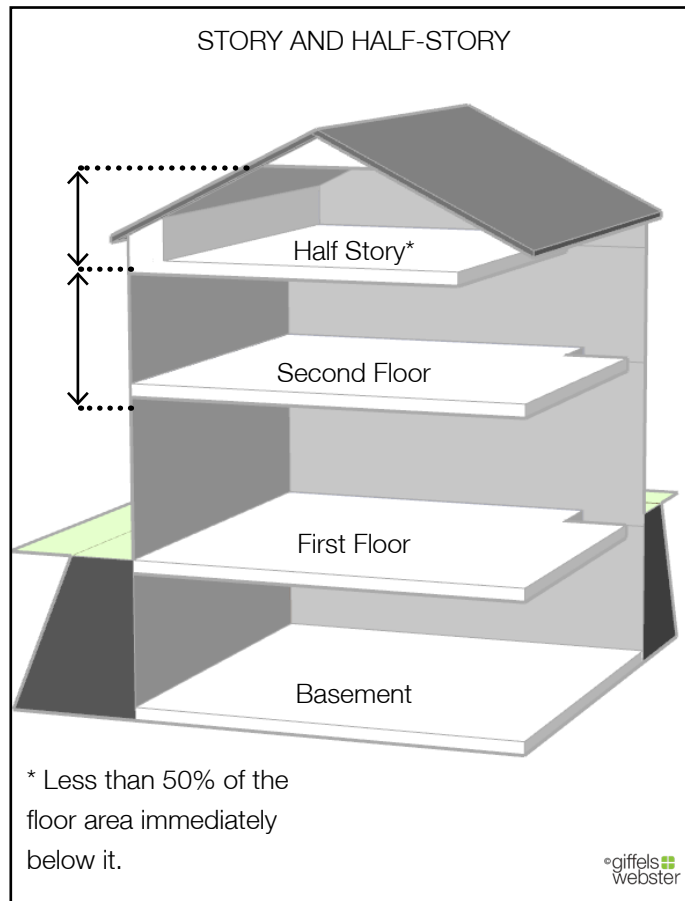
Section 50-2.2S

STORY

means that part of a building, except a mezzanine as defined in this section, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. ↵

STORY, HALF

means an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling. ↵



STREET

means a dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE

means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TATTOO PARLOR

means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

TECHNOLOGICALLY INNOVATIVE BUSINESS

means a business that engages in research and development of innovative ideas in technology-intensive fields which does not require the use or breeding of animals for testing or other purposes. Development, construction, assembly and small scale inside-storage of prototypes may be associated with this use. May include limited small-scale production for retail sale and/or proof of concept.

TELEVISION ANTENNA

means a signal-receiving device, the purpose of which is to receive television signals from television transmitters in the area.

TEMPORARY USE or BUILDING

means a use or building permitted by the Board of Appeals to exist during a specified period of time.

TRIPLEX

means a building consisting of three dwelling units, which share a common wall or are stacked, and which each have a separate entrance.

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).

USE

means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

USED CAR LOT

means a lot or portion thereof to be used only for the display and sale of automobiles that are in drivable condition, as defined by the Michigan vehicle code, 1949 PA 300 (MCL 257.1 et seq.).

VARIANCE

means a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship (for use variances) or practical difficulty (for non-use variances) owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception.

VEHICLE IMPOUND YARD

means an open space on a lot of record used for the temporary storage of legally confiscated motor vehicles or vehicles held for settlement or processing of insurance claims.

WALL, OBSCURING

means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

WIRELESS COMMUNICATION FACILITY DEFINITIONS

- A. 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.
- B. 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 communication signals.
- C. 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.
- D. BACKHAUL NETWORK** means the lines connecting a telecommunication provider’s tower site and antennas to one or more cellular telephone switching officers, and/or long-distance telephone providers, or the publicly switched telephone network.

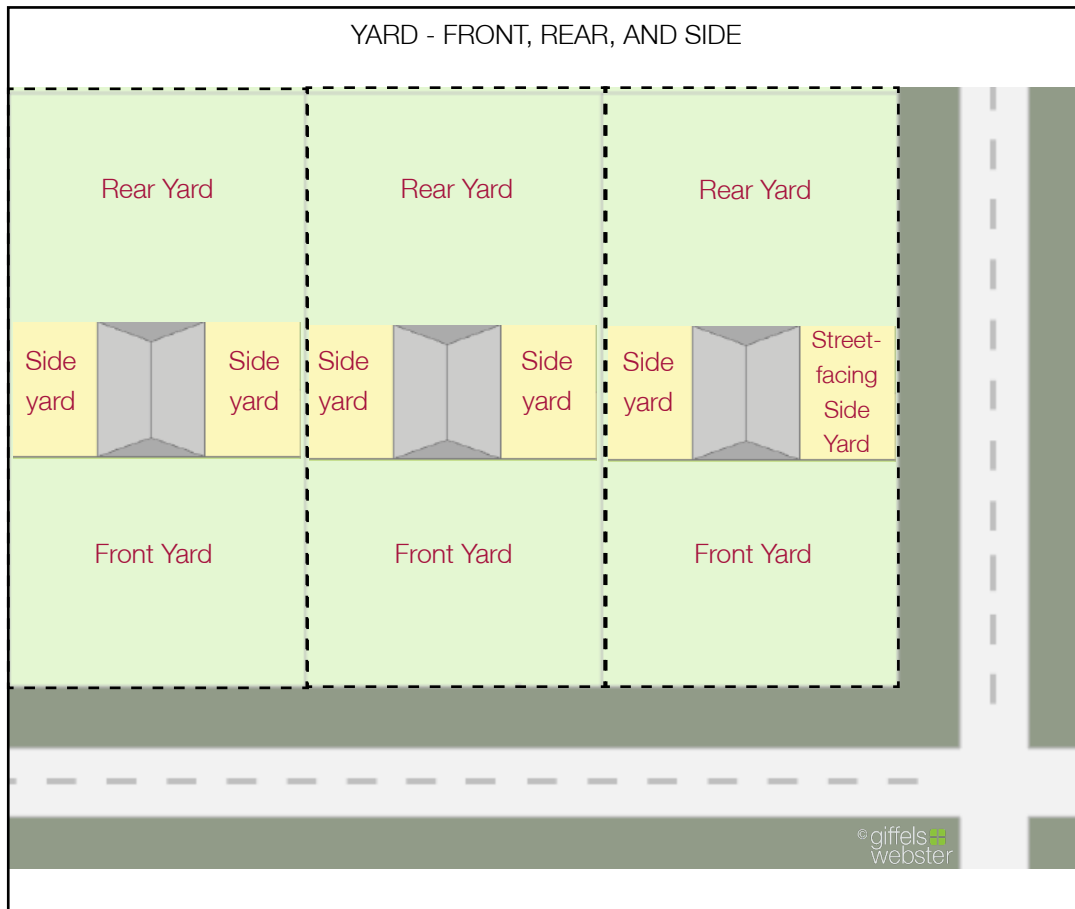
Section 50-2.2W

- E. 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:
1. Collocation of new transmission equipment;
 2. Removal of transmission equipment; or
 3. Replacement of transmission equipment.
- F. 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.
- G. 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.
- H. FAA** means the Federal Aviation Administration.
- I. FCC** means the Federal Communications Planning Commission.
- J. 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.
- K. NEW FACILITY** means a new wireless communication support structure.
- L. 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.
- M. SUBSTANTIAL CHANGE** means a modification substantially changes the physical dimensions of an eligible support structure.
- N. 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.
- O. 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.

YARD

means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

- A. **FRONT YARD** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **REAR YARD** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **SIDE YARD** means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. A street-facing side yard is known as an exterior or street-facing side yard.



ZONING ADMINISTRATOR

means the City Manager or designee.

Zoning Ordinance | Article 50-3

Zoning Districts

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



Article 50-3 - Zoning Districts

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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Section 50-3.1

50-3.1 Established Districts

For the purpose of this chapter, the City of Springfield is hereby divided into the following zones:


R-1	One-Family Residential
R-2	One-Family Residential
R-3	One-Family Residential
AUH	Attached Urban Housing Residential PUD
RM-1	Multiple-Family Residential
CR	Commerical Residential
B-1	Local Commercial
B-2	General Commercial
OS	Office Service
IRT	Industrial/Research/Technology
MIX	Mixed Use
PUD	Planned Unit Development Overlay
ABCOD	Adult Business Corridor Overlay
MAMCOD	Medical and Adult Use Recreational Marijuana Corridor Overlay

Section 50-3.1.1










50-3.1.1 R-1 One-Family Residential

A. Purpose and Intent



The R-1 through R-3 one-family residential districts are designed to be the most restrictive of the residential districts. The intent of the R-1 through R-3 one-family residential districts is to provide for an environment of predominantly medium-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Single-family detached dwellings](#)  §50-4.36
2. [Farms](#)  §50-4.37
3. Adult foster care family home
4. Adult foster care small group home, caring for up to 6 adults
5. Foster family home
6. Foster family group home
7. Family child care homes
8. Publicly owned and operated parks, parkways and recreational facilities
9. Existing cemeteries
10. Public, parochial and other private elementary schools not operated for profit
11. State licensed residential facility as required by Act 110 of 2006, as amended
12. [Accessory buildings and uses](#)  §50-5.1
5. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations
6. [Adult foster care](#)  [small group home, caring for 7-12 adults](#) §50-4.39
7. [Adult foster care](#)  [large group homes](#) §50-4.39
8. [Group child care homes](#)  §50-4.39
9. [Adult day care center](#)  §50-4.40
10. [Nursery schools, day nurseries and child care centers](#)  §50-4.21, not including dormitories
11. [Private noncommercial recreational facilities and centers, institutional or community recreation centers; nonprofit swimming pool clubs](#) §50-4.15
12. [Golf courses](#) §50-4.16
13. [Colleges, universities](#) §50-4.17 and other such institutions of higher learning, public and private
14. [Extended care hospitals](#) §50-4.18, including the main hospital building, staff housing, visitor sleeping accommodations, service buildings, storage buildings and the like
15. [Private swimming pools](#) §50-4.19
16. [Accessory buildings and uses](#)  §50-5.1

C. Special Land Uses

1. [Home occupations](#)  §50-4.20
2. [Places of worship](#)  §50-4.14
3. Public libraries
4. Public, parochial and private intermediate or secondary schools not operated for a profit

Section 50-3.1.1

D. Development Standards

Lot Size

Minimum lot area: 10,000 sq.ft. *
 Minimum lot width: 80 ft. *

*For flexibility allowances, see [Section 50-5.4 Average Lot Size](#), [Section 50-4.33 Subdivision Open Space Plan](#), and [Section 50-4.34 One-Family Cluster Option](#).

Lot Coverage

Maximum lot coverage: 25%

Setbacks

Minimum front yard setback: 30 ft.**
 Minimum rear yard setback: 35 ft.**
 Minimum side yard setback: 10 ft.**

**For additional setback requirements, see [Section 50-3.4, subsection B](#) and [subsection C](#).

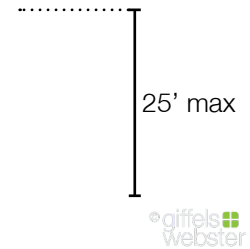
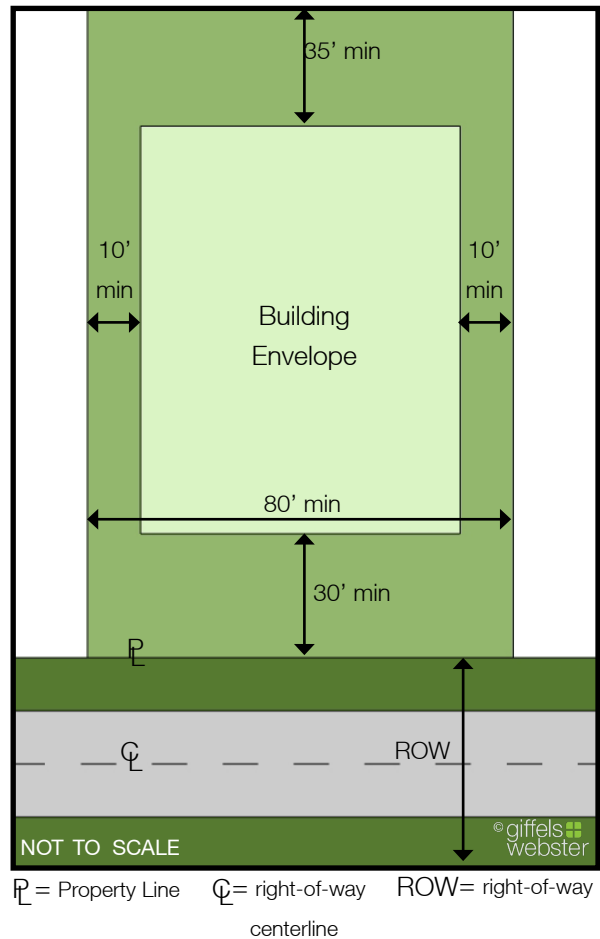
Building Height

Maximum building height: 2 stories, or 25 ft.

Minimum Floor Area

Minimum floor area per unit: 900 sq. ft.

- For additions to the above requirements, refer to [subsection B](#) and [subsection C](#) of [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-7 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.1

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I
- Lots having lake frontage §3.11.J

Article 50-4

- Satellite Dish Antennas §50-4.35
- One-Family Cluster Option §50-4.34
- Subdivision Open Space Plan §50-4.33

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

Section 50-3.1.2

50-3.1.2 R-2 One-Family Residential

A. Purpose and Intent

The R-1 through R-3 one-family residential districts are designed to be the most restrictive of the residential districts. The intent of the R-1 through R-3 one-family residential districts is to provide for an environment of predominantly medium-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Single-family detached dwellings](#) ^{§50-4.36}
2. [Farms](#) ^{§50-4.37}
3. Adult foster care family home
4. Adult foster care small group home, caring for up to 6 adults
5. Foster family home
6. Foster family group home
7. Family child care homes
8. Publicly owned and operated parks, parkways and recreational facilities
9. Existing cemeteries
10. Public, parochial and other private elementary schools not operated for profit
11. State licensed residential facility as required by Act 110 of 2006, as amended
12. [Accessory buildings and uses](#) ^{§50-5.1}
5. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations, not including storage yards
6. [Adult foster care](#) ^{small group home, caring for 7-12 adults} ^{§50-4.39}
7. [Adult foster care](#) ^{large group homes} ^{§50-4.39}
8. [Group child care homes](#) ^{§50-4.39}
9. [Adult day care center](#) ^{§50-4.40}
10. [Nursery schools, day nurseries and child care centers](#) ^{§50-4.21}, not including dormitories
11. [Private noncommercial recreational facilities and centers, institutional or community recreation centers; nonprofit swimming pool clubs](#) ^{§50-4.15}
12. [Golf courses](#) ^{§50-4.16}
13. [Colleges, universities](#) ^{§50-4.17} and other such institutions of higher learning, public and private
14. [Extended care hospitals](#) ^{§50-4.18}, including the main hospital building, staff housing, visitor sleeping accommodations, service buildings, storage buildings and the like
15. [Private swimming pools](#) ^{§50-4.19}
16. [Accessory buildings and uses](#) ^{§50-5.1}

C. Special Land Uses

1. [Home occupations](#) ^{§50-4.20}
2. [Places of worship](#) ^{§50-4.14}
3. Public libraries
4. Public, parochial and private intermediate or secondary schools not operated for a profit

Section 50-3.1.2

D. Development Standards

Lot Size

Minimum lot area: 7,500 sq ft.

Minimum lot width: 60 ft. *

*For flexibility allowances, see [Section 50-5.4 Average Lot Size](#), [Section 50-4.33 Subdivision Open Space Plan](#), and [Section 50-4.34 One-Family Cluster Option](#).

Lot Coverage

Maximum lot coverage: 25%

Setbacks

Minimum front yard setback: 25 ft.

Minimum rear yard setback: 35 ft.

Minimum side yard setback: 8 ft.

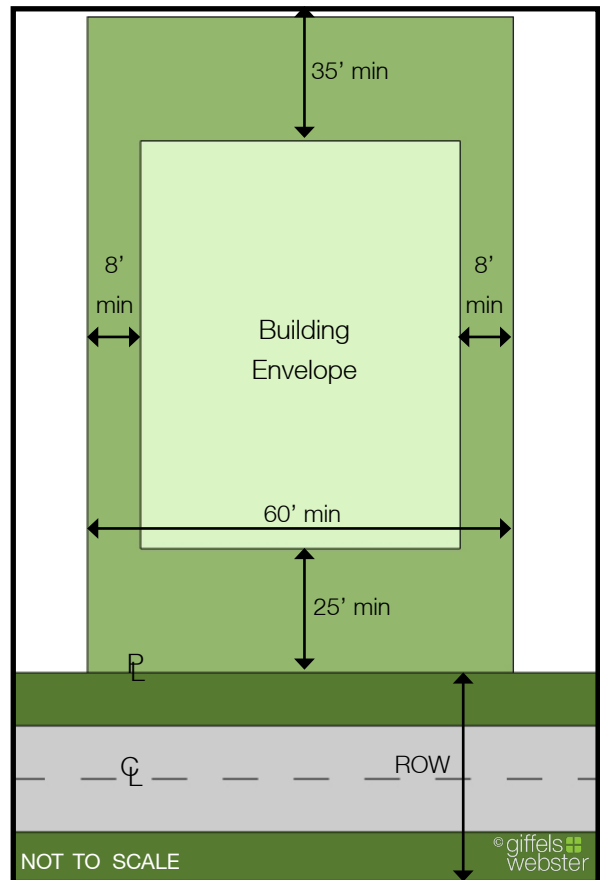
Building Height

Maximum building height: 2 stories, or
25 ft.

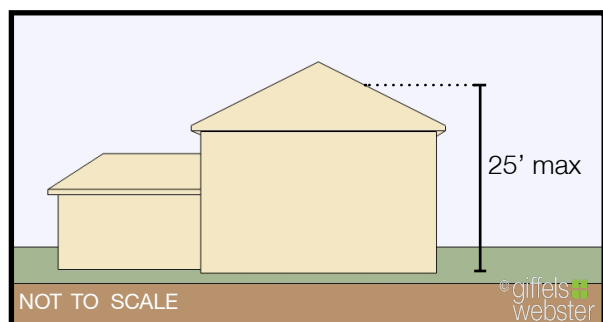
Minimum Floor Area

Minimum floor area
per unit: 800 sq. ft.

- For additions to the above requirements, refer to [subsection B](#) and [subsection C](#) of [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-11 for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



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Section 50-3.1.2

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I
- Lots having lake frontage §3.11.J

Article 50-4

- Satellite Dish Antennas §50-4.35
- One-Family Cluster Option §50-4.34
- Subdivision Open Space Plan §50-4.33

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

Section 50-3.1.3

50-3.1.3 R-3 One-Family Residential

A. Purpose and Intent

The R-1 through R-3 one-family residential districts are designed to be the most restrictive of the residential districts. The intent of the R-1 through R-3 one-family residential districts is to provide for an environment of predominantly medium-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Single-family detached dwellings](#) §50-4.36
2. [Farms](#) §50-4.37
3. Adult foster care family home
4. Adult foster care small group home, caring for up to 6 adults
5. Foster family home
6. Foster family group home
7. Family child care homes
8. Publicly owned and operated parks, parkways and recreational facilities
9. Existing cemeteries
10. Public, parochial and other private elementary schools not operated for profit
11. State licensed residential facility as required by Act 110 of 2006, as amended
12. [Accessory buildings and uses](#) §50-5.1
5. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations
6. [Adult foster care](#) [small group home, caring for 7-12 adults](#) §50-4.39
7. [Adult foster care](#) [large group homes](#) §50-4.39
8. [Group child care homes](#) §50-4.39
9. [Adult day care center](#) §50-4.40
10. [Nursery schools, day nurseries and child care centers](#) §50-4.21, not including dormitories
11. [Private noncommercial recreational facilities and centers, institutional or community recreation centers; nonprofit swimming pool clubs](#) §50-4.15
12. [Golf courses](#) §50-4.16
13. [Colleges, universities](#) §50-4.17 and other such institutions of higher learning, public and private
14. [Extended care hospitals](#) §50-4.18, including the main hospital building, staff housing, visitor sleeping accommodations, service buildings, storage buildings and the like
15. [Private swimming pools](#) §50-4.19
16. [Accessory buildings and uses](#) §50-5.1

C. Special Land Uses

1. [Home occupations](#) §50-4.20
2. [Places of worship](#) §50-4.14
3. Public libraries
4. Public, parochial and private intermediate or secondary schools not operated for a profit

Section 50-3.1.3

D. Development Standards

Lot Size

Minimum lot area: 5,000 sq ft.
 Minimum lot width: 50 ft. *

* For flexibility allowances, see [Section 50-5.4 Average Lot Size](#), [Section 50-4.33 Subdivision Open Space Plan](#), and [Section 50-4.34 One-Family Cluster Option](#).

Lot Coverage

Maximum lot coverage: 25%

Setbacks

Minimum front yard setback: 25 ft.
 Minimum rear yard setback: 35 ft.
 Minimum side yard setback: 8 ft.

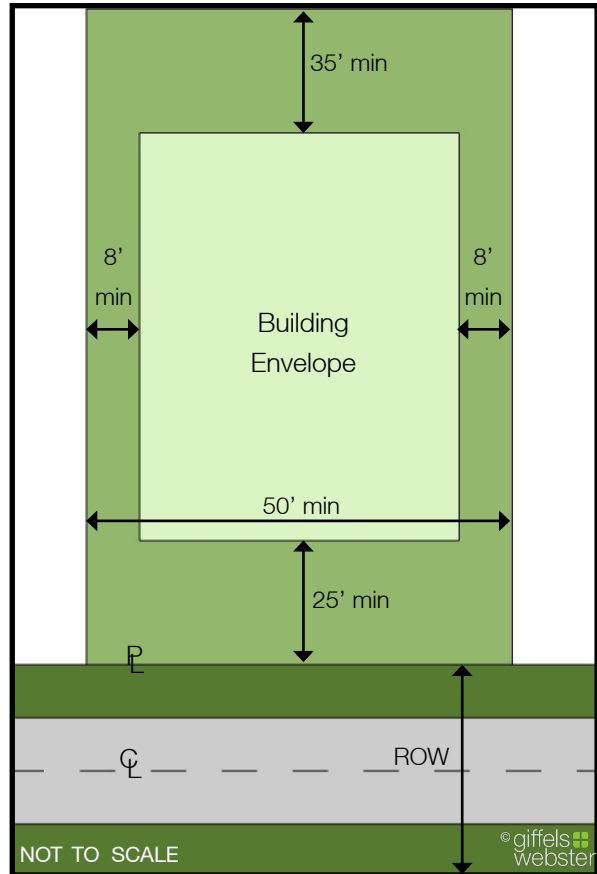
Building Height

Maximum building height: 2 stories, or 25 ft.

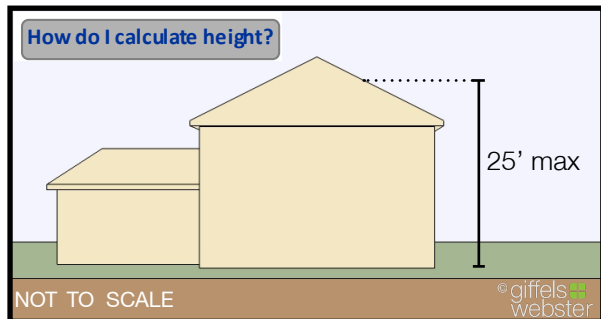
Minimum Floor Area

Minimum floor area per unit: 720 sq. ft.

- For additions to the above requirements, refer to [subsection B](#) and [subsection C](#) of [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on page 3-15 for applicability.
- Other requirements are found throughout this ordinance.



P = Property Line Q = right-of-way centerline ROW = right-of-way centerline



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Section 50-3.1.3

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I
- Lots having lake frontage §3.11.J

Article 50-4

- Satellite Dish Antennas §50-4.35
- One-Family Cluster Option §50-4.34
- Subdivision Open Space Plan §50-4.33

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

50-3.1.4 AUH Attached Urban Housing Residential PUD

A. 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 [Section 50-6.4 Planned Unit Development Procedure](#).

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Uses Permitted with Conditions (subject to PUD approval)

1. [Single-family detached dwellings](#) ^{§50-4.36}
2. Duplexes
3. Multiple-family dwellings
4. Family child care homes
5. Group child care homes
6. State licensed residential facilities as required by Act 110 of 2006, as amended
7. Publicly owned and operated parks, parkways and recreational facilities
8. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations
9. [Live/work units](#) ^{§50-4.11}

C. Accessory Uses

1. [Home occupations](#) ^{§50-4.20}
2. Accessory dwelling units
3. [Accessory buildings and uses](#) ^{§50-5.1} and uses customarily associated with permitted uses

Section 50-3.1.4

D. Development Standards

Lot Size

Minimum lot area: See [Section 50-3.4.A.1](#)

Minimum lot width: See [Section 50-3.4.A.1](#)

Minimum Lot depth: 120 ft.

Building Dimensions & Lot Coverage

Maximum building lot coverage: 50%

For the longest allowed building dimension (street-facing), See [Section 50-3.4, subsection A.1.](#)

Number of Units per Lot

Single-family:	1 per lot
Two-family:	1-2 per lot
Multiplex:	3-4 units per lot
All other:	4-8 units per lot

Setbacks

Minimum front and street-facing yard setback:	15 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	15 ft. total, 5 ft. on least side
Minimum distance between principal buildings:	15 ft.

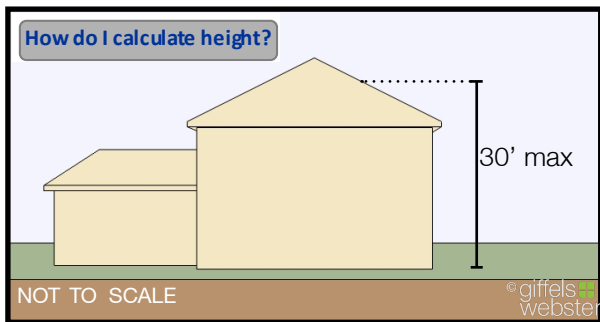
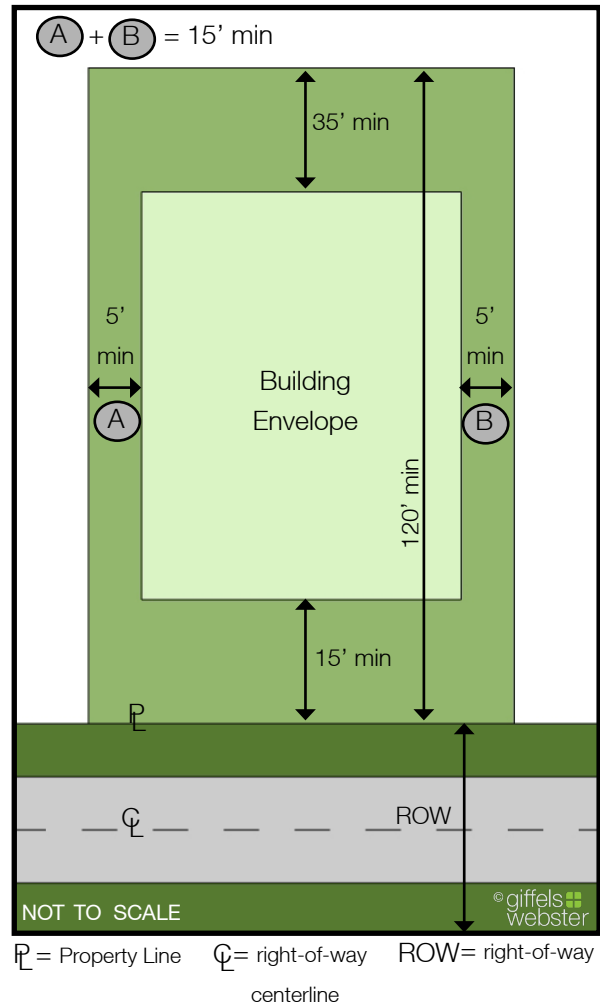
Minimum Floor Area per Unit

Efficiency units:	400 sq. ft.
All other units:	600 sq. ft.

Building Height

Maximum building height: 2.5 stories, or 30 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards.](#)
- See Additional Requirements on Page 3-19 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.4

E. Additional Requirements

Article 50-3

Notes to District Standards §50-3.3

Attached Urban Housing (AUH) District Standards §50-3.4

Area, Height and Use Exceptions §50-3.11

Lot area §3.11.D

Lots adjoining alleys §3.11.E

Yard regulations §3.11.F

Porches §3.11.G

Projections into yards §3.11.H

Access through yards §3.11.I

Lots having lake frontage §3.11.J

Article 50-4

Satellite Dish Antennas §50-4.35

One-Family Cluster Option §50-4.34

Subdivision Open Space Plan §50-4.33

Article 50-5

Frontage on a Public Street §50-5.2

Access to Major Thoroughfare or Collector Street §50-5.3

Average Lot Size §50-5.4

Off-Street Parking and Loading Requirements §50-5.6

Landscaping and Walls §50-5.7

Fences §50-5.8

Article 50-6

Site Plan Review §50-6.1


Special Land Use Review §50-6.2

Planned Unit Development Procedure §50-6.4

50-3.1.5 RM-1 Multiple-Family Residential

A. Purpose and Intent

The RM-1 multiple-family residential districts are designed to provide sites for multiple-family dwelling structures, and, related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple-family residential district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Single-family detached dwellings](#)[ⓘ]
§50-4.36
2. Duplexes
3. Multiple-family dwellings
4. Publicly owned and operated libraries, parks, parkways and recreational facilities.
5. Existing cemeteries
6. Public, parochial and other private elementary schools not operated for profit
7. State licensed residential facility as required by Act 110 of 2006, as amended
8. [Accessory buildings and uses](#)[ⓘ]
§50-5.1

C. Special Land Uses

1. [General hospitals](#)[ⓘ] §50-4.28
2. [Extended care hospitals](#) §50-4.18
3. [Housing for the elderly](#)[ⓘ] §50-4.29
4. [Convalescent homes](#)[ⓘ] and orphanages §50-4.30
5. [Mobile home parks](#)[ⓘ] §50-4.38
6. [Accessory buildings and uses](#)[ⓘ]
§50-5.1

Section 50-3.1.5

D. Development Standards

Lot Size

Minimum lot area: See [Section 50-3.5.D](#)

Minimum lot width: See [Section 50-3.5.D](#)

Lot Coverage

Maximum building lot coverage: 25%

Setbacks

Minimum front and street-facing yard setback: 50 ft.
 Minimum rear yard setback: 30 ft.
 Minimum side yard setback: 30 ft.
 Minimum distance between principal buildings: 15 ft.

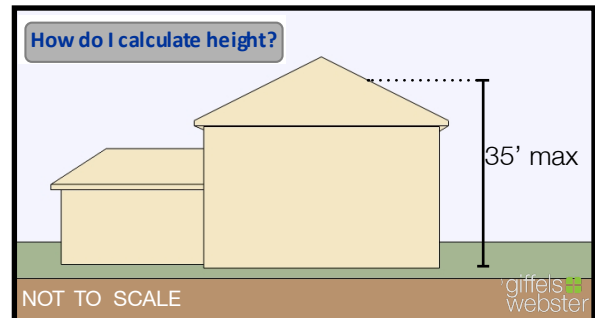
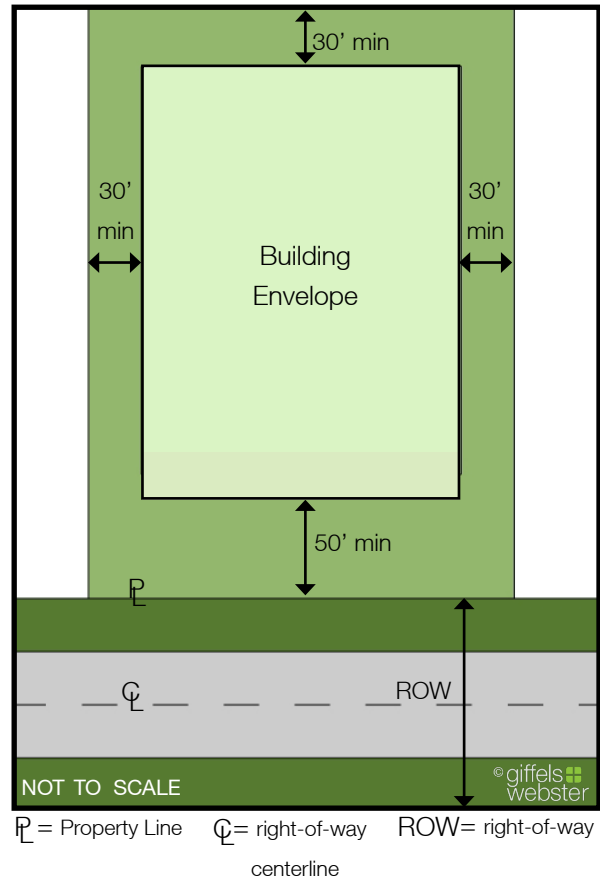
Minimum Floor Area per Unit

One bedroom: 500 sq. ft.
 Two bedroom: 700 sq. ft.
 Three bedroom: 900 sq. ft.
 Four bedroom: 1,100 sq. ft.

Building Height

Maximum building height: 2.5 stories, or 35 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-23 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.5

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Multiple-Family Residential (RM-1) District Standards §50-3.5
- Area, Height and Use Exceptions §50-3.11
 - Lot area §3.11.D
 - Lots adjoining alleys §3.11.E
 - Yard regulations §3.11.F
 - Porches §3.11.G
 - Projections into yards §3.11.H
 - Access through yards §3.11.I
 - Lots having lake frontage §3.11.J

Article 50-4

- Satellite Dish Antennas §50-4.35

Article 50-5


- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8
- Dumpster Enclosures §50-5.9
- Lighting §50-5.10
- Signs §50-5.11
- Performance Standards §50-5.12

Article 50-6










- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

A. Purpose and Intent


The intent of the CR district is to accommodate commercial uses while permitting 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.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards


B. Permitted Uses

1. [Single-family detached dwellings](#)  §50-4.36
2. Duplexes 
3. Conversion of existing dwelling units to other uses permitted in the district
4. Generally recognized retail establishments, restaurants or other places serving food or beverages except those having the character of a drive-in or drive-through
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 
9. Banks, credit unions, savings and loan associations, and similar uses
10. Galleries
11. [Live/work units](#)  §50-4.11
12. Artisan manufacturing, limited 
13. [Seasonal business](#)  §50-4.5
14. [Accessory buildings and uses](#)  §50-5.1

C. Special Land Uses

1. [Gasoline service stations](#)  §50-4.4
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. Accessory Uses

1. [Drive-through facilities](#)  §50-4.24 accessory to subsection B.9

Section 50-3.1.6

E. Development Standards

Lot Size

Minimum lot area: None

Minimum lot width: None

Setbacks

Minimum front setback: 25 ft.

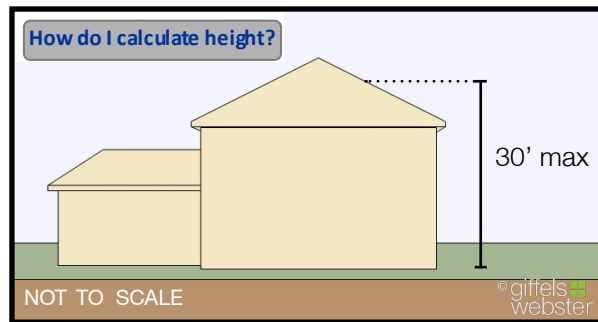
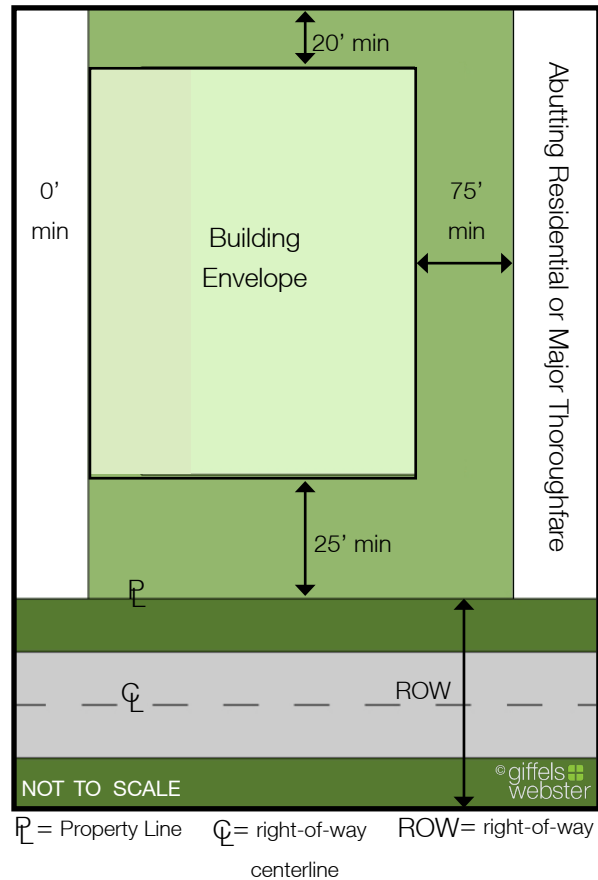
Minimum rear yard setback: 20 ft.

Minimum side yard setback:
abutting residential: 0 ft. interior
75 ft.

Building Height

Maximum building height: 30 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-27 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.6

E. Additional Requirements

Article 50-3

Notes to District Standards §50-3.3

Commercial Residential (CR) District Standards §50-3.6

Area, Height and Use Exceptions §50-3.11

Lot area §3.11.D

Lots adjoining alleys §3.11.E

Yard regulations §3.11.F

Porches §3.11.G

Projections into yards §3.11.H

Access through yards §3.11.I

Lots having lake frontage §3.11.J

Article 50-4

Satellite Dish Antennas §50-4.35

Article 50-5

Frontage on a Public Street §50-5.2

Access to Major Thoroughfare or Collector Street §50-5.3

Average Lot Size §50-5.4

Off-Street Parking and Loading Requirements §50-5.6

Landscaping and Walls §50-5.7

Fences §50-5.8

Dumpster Enclosures §50-5.9

Lighting §50-5.10

Signs §50-5.11

Performance Standards §50-5.12

Article 50-6

Site Plan Review §50-6.1

Special Land Use Review §50-6.2

Planned Unit Development Procedure §50-6.4

50-3.1.7 B-1 Local Commercial

A. Purpose and Intent

The B-1 local business district is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent or nearby residential areas.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Retail establishments
2. Personal service establishments[ⓘ]
3. Dry cleaning establishments, or pickup stations, dealing directly with the consumer
4. Professional offices[ⓘ]
5. Medical offices[ⓘ]
6. Banks, credit unions, savings and loan associations, and similar uses
7. Restaurants, without drive-in or drive-through
8. Post office and similar governmental office buildings serving persons living in the adjacent residential area
9. [Places of worship](#)[ⓘ] §50-4.14
10. Off-street parking lots
11. Assembly halls, theaters and concert halls
12. Public, parochial and other private elementary schools not operated for profit
13. [Colleges](#), [universities](#) §50-4.17, business schools or private schools operated for profit
14. Private clubs, fraternal organizations and lodge halls
15. [Accessory buildings and uses](#)[ⓘ] §50-5.1

C. Special Land Uses

1. [Gasoline service stations](#)[ⓘ] §50-4.4
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
3. [Seasonal business](#)[ⓘ] §50-4.5
4. Open-air businesses[ⓘ]
5. Recreation space as part of a Planned Development
6. Planned Shopping Center
7. Automobile service centers[ⓘ] as part of a Planned Shopping Center
8. Indoor commercial recreation

D. Accessory Uses

1. [Drive-through facilities](#)[ⓘ] §50-4.24 accessory to subsection B.7.

Section 50-3.1.7

E. Development Standards

Lot Size

Minimum lot area: None
 Minimum lot width: None

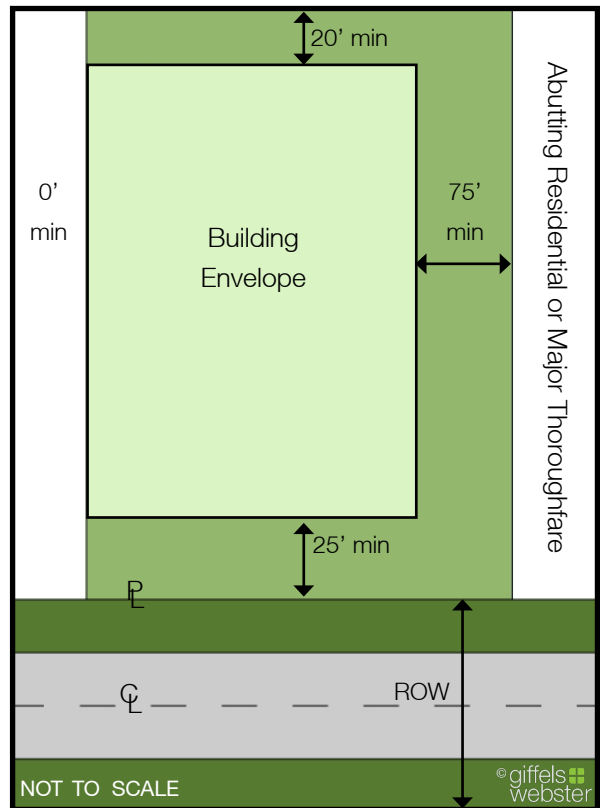
Setbacks

Minimum front yard setback: 25 ft.
 Minimum rear yard setback: 20 ft.
 Minimum side yard setback: 0 ft. interior
 abutting residential: 75 ft.

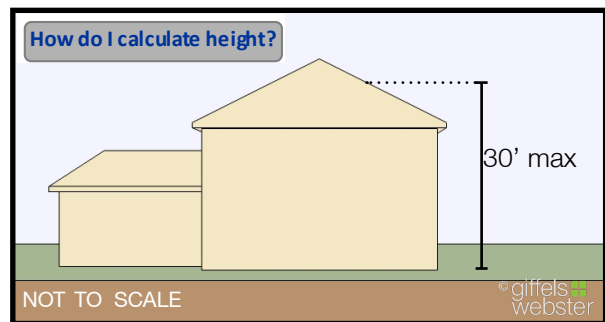
Building Height

Maximum building height: 30 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#) (subsections D through H).
- See Additional Requirements on Page 3-31 for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



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Section 50-3.1.7

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Local Business (B-1) District Standards §50-3.7
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I

Article 50-4

- Satellite Dish Antennas §50-4.35

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8
- Dumpster Enclosures §50-5.9
- Lighting §50-5.10
- Signs §50-5.11
- Performance Standards §50-5.12

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

A. Purpose and Intent

The B-2 general business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the B-1 local business district.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Retail establishments
2. Personal service establishments
3. Dry cleaning establishments, or pickup stations, dealing directly with the consumer
4. Professional offices[☞]
5. Medical offices, including clinics
6. Banks, credit unions, savings and loan associations, and similar uses
7. Restaurants, without drive-through
8. Post office and similar governmental office buildings
9. [Places of worship](#)[☞] §50-4.14
10. Off-street parking lots
11. [General hospitals](#)[☞] §50-4.28
12. Assembly halls, theaters and concert halls
13. Primary schools, not for profit
14. [Colleges, universities](#) §50-4.17, business schools or private schools operated for profit
15. Private clubs, fraternal organizations and lodge halls
16. [Accessory buildings and uses](#)[☞] §50-5.1

C. Special Land Uses

1. 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
2. [Hotels or motels](#)[☞] §50-4.23
3. [Drive-in, drive-through or open front stores](#) §50-4.24
4. Veterinary hospitals or clinics[☞]
5. Open-air businesses[☞]
6. Car salesroom, showroom or office; new or used
7. [Commercial plant materials nursery](#)[☞] §50-4.26
8. [Greenhouse, commercial](#)[☞] §50-4.27
9. [Automobile repair facilities, minor](#)[☞] §50-4.7
10. [Outdoor sales spaces for the exclusive sale of new or secondhand automobiles, rental of trailers and/or automobiles, motorcycles, snowmobiles, recreational vehicles, mobile homes, manufactured and modular housing not constructed on site](#)[☞] §50-4.22

Section 50-3.1.8

E. Development Standards

Lot Size

Minimum lot area:	None
Minimum lot width:	None

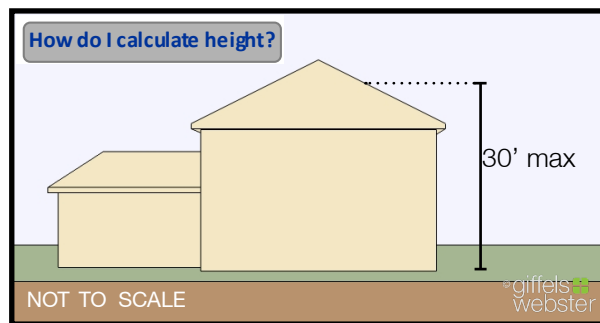
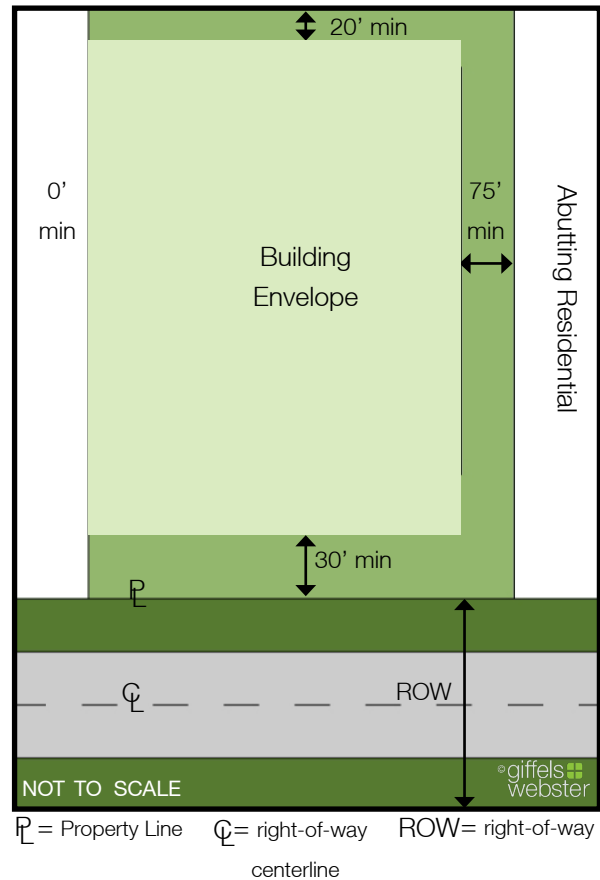
Setbacks

Minimum front yard setback:	30 ft.
Minimum rear yard setback:	20 ft.
Minimum side yard setback:	0 ft. interior, abutting residential: 75 ft.

Building Height

Maximum building height:	30 ft.
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- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-35 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.8

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I

Article 50-4

- Outdoor Storage of Vehicles §50-4.3
- Satellite Dish Antennas §50-4.35

Article 50-5


- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8
- Dumpster Enclosures §50-5.9
- Lighting §50-5.10
- Signs §50-5.11
- Performance Standards §50-5.12

Article 50-6





- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

A. Purpose and Intent



The OS office service district is designed to accommodate uses, such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards


B. Permitted Uses

1. Professional offices 
2. Medical office
3. [General hospitals](#)  §50-4.28
4. [Extended care hospitals](#) §50-4.18
5. [Convalescent and rest homes](#)  §50-4.30
6. Banks, credit unions, savings and loan associations, and similar uses
7. Personal service establishments 
8. Off-street parking lots
9. Publicly owned and operated parks, parkways and recreational facilities

C. Special Land Uses

1. Accessory uses  customarily related to a principal use
2. [Mortuary establishments](#)  §50-4.31
3. Car salesroom, showroom, or office
4. Publicly owned buildings telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations

D. Accessory Uses

1. [Drive-through facilities](#)  §50-4.24 accessory to subsection B.6

Section 50-3.1.9

E. Development Standards

Lot Size

Minimum lot area: None

Minimum lot width: None

Setbacks

Minimum front and street-facing yard setback: 25 ft.

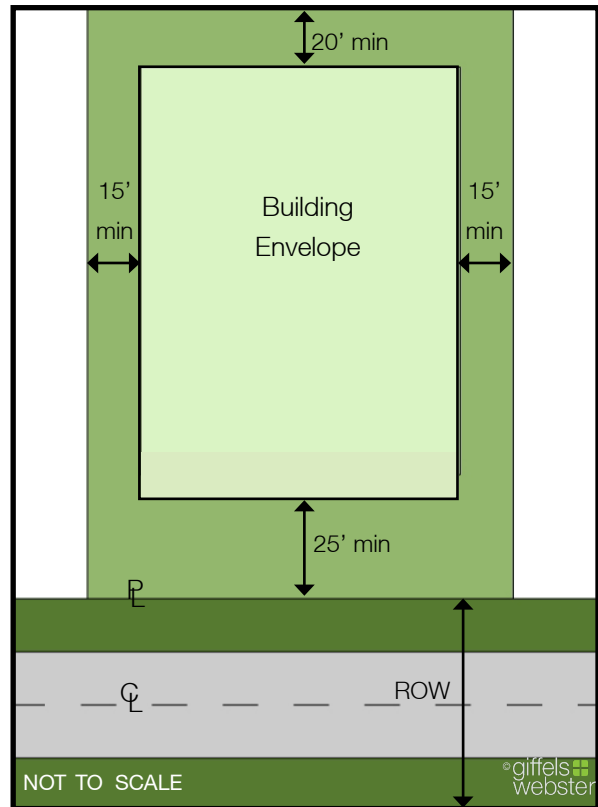
Minimum rear yard setback: 20 ft.

Minimum side yard setback: 15 ft.

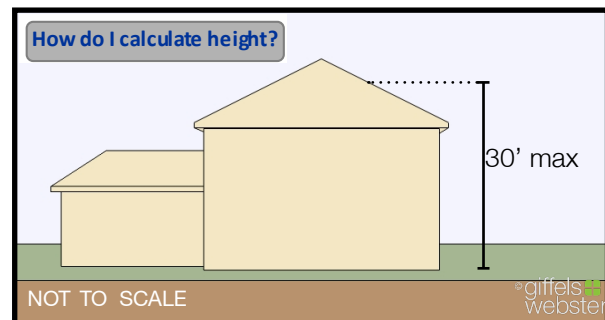
Building Height

Maximum building height: 30 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#) (subsections D through H).
- See Additional Requirements on Page 3-39 for applicability.
- Other requirements are found throughout this ordinance.



\perp = Property Line
 \perp = right-of-way centerline
 ROW = right-of-way



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Section 50-3.1.9

E. Additional Requirements

Article 50-3

Notes to District Standards §50-3.3
Office Service (OS) District Standards §50-3.8
Area, Height and Use Exceptions §50-3.11
Lot area §3.11.D
Lots adjoining alleys §3.11.E
Yard regulations §3.11.F
Porches §3.11.G
Projections into yards §3.11.H
Access through yards §3.11.I

Article 50-4

Outdoor Storage of Vehicles §50-4.3
Satellite Dish Antennas §50-4.35

Article 50-5

Frontage on a Public Street §50-5.2
Access to Major Thoroughfare or Collector Street §50-5.3
Average Lot Size §50-5.4
Off-Street Parking and Loading Requirements §50-5.6
Landscaping and Walls §50-5.7
Fences §50-5.8
Dumpster Enclosures §50-5.9
Lighting §50-5.10
Signs §50-5.11
Performance Standards §50-5.12

Article 50-6

Site Plan Review §50-6.1
Special Land Use Review §50-6.2
Planned Unit Development Procedure §50-6.4










A. Purpose and Intent

The intent of this district is to foster economic development by enabling a mix of traditional and innovative industrial uses while protecting the health, safety and welfare of residents by considering the potential external effects of those uses on nearby residential development. The principal permitted uses of the district primarily accommodate wholesale activities, warehouses, start-up or collaborative work spaces, light industrial uses with a retail or public-facing component, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way or create a nuisance to any of the surrounding districts. More intensive uses and uses with an outdoor component are permitted as special land uses; these uses may be permitted in appropriate locations but may not be appropriate in all areas of the district. The general goals of the IRT Industrial, Research and Technology district include, among others, the following specific purposes:

1. Providing sufficient space, in appropriate locations, to meet the needs of the city's expected future economy for all types of manufacturing and related uses.
2. Protecting abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. Protecting the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the city's tax revenue.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Professional offices 
2. [Hotels or motels](#)  §50-4.23
3. Medical office
4. [General hospitals](#)  §50-4.28
5. [Extended care hospitals](#) §50-4.18
6. Conversions of existing dwelling units
7. [Convalescent and rest homes](#)  §50-4.30
8. Automobile wash
9. Bus passenger station
10. Banks, credit unions, savings and loan associations, and similar uses
11. Personal service establishments
12. Off-street parking lots
13. [Places of worship](#)  §50-4.14
14. Trade or industrial school
15. Light manufacturing 
16. Tasting rooms for food and beverage manufacturers
17. Technologically innovative businesses 
18. Computer services and data processing centers
19. Start-up incubators 
20. Maker spaces 
21. Artisan manufacturing, limited
22. [Colleges, universities](#) §50-4.17, and vocational or technical education facilities
23. Warehouses and wholesale operations
24. Truck facilities

Section 50-3.1.10

25. Laboratories
26. Central dry cleaning plants or laundromats
27. Mini-warehouse/self-storage unit
28. Retail outlets for the sale of products manufactured at the location
29. Outdoor sales spaces for the exclusive sale of new or used secondhand automobiles, motorcycles, snowmobiles, recreational vehicles, mobile homes, manufactured and modular housing not constructed on site
30. Warehouse, storage and transfer, and electric or gas service buildings
31. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals, not including storage yards
32. Indoor storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies
33. **Auto engine and body repair, and undercoating shops** ^{§50-4.7} when completely enclosed
34. Municipal uses such as water plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage
35. Commercial kennels and animal shelters
36. Greenhouses, wholesale and retail
37. Freestanding non-accessory signs
38. Uses which serve the convenience needs of the industrial district, such as but not limited to eating and drinking establishments, banks,

savings and loan associations, credit unions, and automobile service stations

39. Other uses of a similar and no more objectionable character to the uses set out in this section, as determined by the Planning Commission
40. **Accessory buildings and uses** ^{§50-5.1} customarily incidental to the above permitted uses, including but not limited to day care, exercise facilities, stores catering directly to employees, security facilities, solar energy arrays, and similar support functions

C. Special Land Uses

1. **Outdoor storage** ^{§50-4.2}
2. Storage of hazardous materials
3. Outdoor product testing facilities
4. **Lumber and planing mills** ^{§50-4.8} when completely enclosed
5. **Recycling collection facilities and junkyards** ^{§50-4.6}
6. Metal plating, buffing and polishing
7. Heating and electric power generating plants
8. Medium to heavy manufacturing ^{§50-4.8}
9. **Lumber and planing mills** ^{§50-4.8}
10. **Storage, distribution, and sale of liquefied petroleum gas** ^{§50-4.9}
11. **Vehicle impound yards** ^{§50-4.3} for the temporary storage of motor vehicles
12. Other uses of a similar and no more objectionable character to the uses set out in this section, as determined by the Planning Commission

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Section 50-3.1.10

E. Development Standards

Lot Size

Minimum lot area: None

Minimum lot width: None

Setbacks

Minimum front setback: 40 ft.

Minimum rear yard setback: 20 ft.

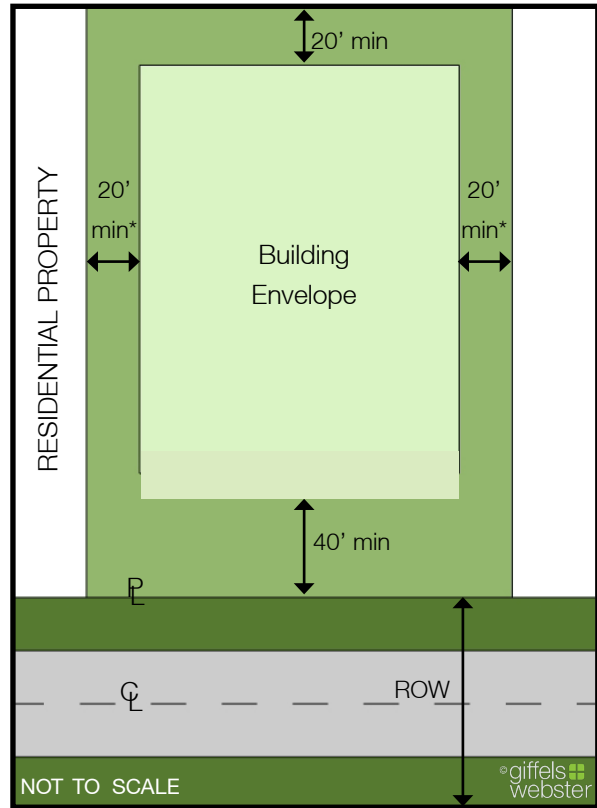
Minimum side yard setback: 20 ft. *

* where the lot abuts a residential district, the setback to said district shall be equal to or greater than the height of the building.

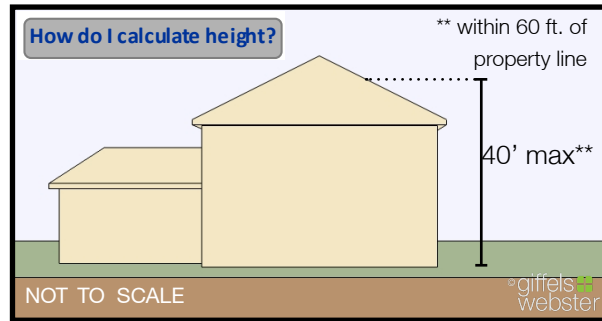
Building Height

Maximum building height
 within 60 ft. of property line: 40 ft.
 greater than 60 ft from
 property line: 75 ft.

- For additions to the above requirements, refer to [subsection I](#), [subsection J](#), and [subsection K](#) of [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on page 3-45 for applicability.
- Other requirements are found throughout this ordinance.



PL = Property Line CL = right-of-way centerline ROW = right-of-way



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Section 50-3.1.10

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Industrial, Research and Technology (IRT) District Standards §50-3.9
- Area, Height and Use Exceptions §50-3.11
 - Lot area §3.11.D
 - Lots adjoining alleys §3.11.E
 - Yard regulations §3.11.F
 - Porches §3.11.G
 - Projections into yards §3.11.H
 - Access through yards §3.11.I

Article 50-4

- Satellite Dish Antennas §50-4.35

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8
- Dumpster Enclosures §50-5.9
- Lighting §50-5.10
- Signs §50-5.11
- Performance Standards §50-5.12

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

50-3.1.11 MIX Mixed Use

A. Purpose and Intent

The intent of the MU district is to enable creative development through the considered use of the Planned Unit Development option. A mix of residential and commercial uses is anticipated. Innovation in site design, including the use of alternative energy systems and natural stormwater management, is encouraged.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Single-family detached dwellings](#)^{§50-4.36}
2. Duplexes, triplexes, quadplexes^{§50-4.36}
3. Rowhouses^{§50-4.36}
4. [Live/work units](#)^{§50-4.11}
5. Indoor retail establishments
6. Private, noncommercial recreation facilities
7. Personal service uses^{§50-4.36}
8. Professional offices under 10,000 square feet
9. Galleries
10. Sit-down or fast casual restaurants without drive-in or drive-through facilities
11. Physical fitness establishments under 10,000 square feet
12. Other uses of a similar character to those listed above, as determined by the Planning Commission
13. [Accessory buildings and uses](#)^{§50-5.1}

C. Special Land Uses

1. Reserved

Section 50-3.1.11

D. Development Standards

Lot Size

Minimum lot area: 5 acres

Open Space

Minimum open space: 30%

Setbacks

Minimum front yard setback: 10 ft.

Minimum rear yard setback: 20 ft.

Minimum side yard setback: 20 ft.

Spacing between Buildings

Minimum spacing between non-residential and mixed-use: 20 ft.

Minimum spacing between residential-only: 15 ft.

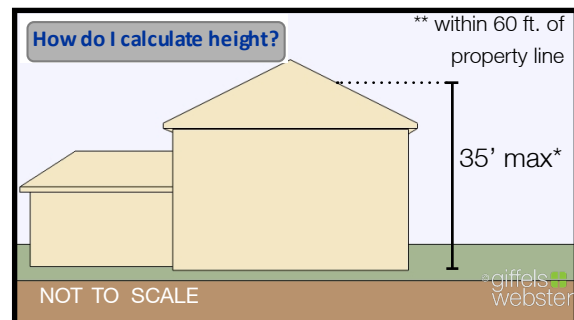
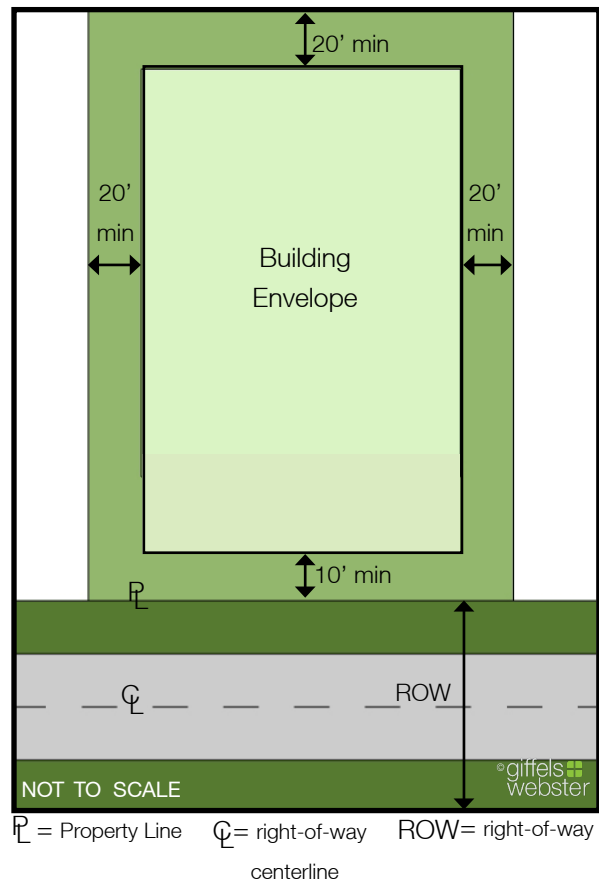
Minimum spacing between non-residential/mixed-use and residential-only: 30 ft.

Building Height

Maximum building height within 60 ft. of property line: 35 ft.

greater than 60 ft from property line: 45 ft.

- For additions to the above requirements, refer to [Section 50-3.3 Notes to District Standards](#).
- See Additional Requirements on Page 3-49 for applicability.
- Other requirements are found throughout this ordinance.



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Section 50-3.1.11

E. Additional Requirements

Article 50-3

- Notes to District Standards §50-3.3
- Mixed Use (MIX) District Standards §50-3.10
- Area, Height and Use Exceptions §50-3.11
- Lot area §3.11.D
- Lots adjoining alleys §3.11.E
- Yard regulations §3.11.F
- Porches §3.11.G
- Projections into yards §3.11.H
- Access through yards §3.11.I

Article 50-4

- Satellite Dish Antennas §50-4.35

Article 50-5

- Frontage on a Public Street §50-5.2
- Access to Major Thoroughfare or Collector Street §50-5.3
- Average Lot Size §50-5.4
- Off-Street Parking and Loading Requirements §50-5.6
- Landscaping and Walls §50-5.7
- Fences §50-5.8
- Dumpster Enclosures §50-5.9
- Lighting §50-5.10
- Signs §50-5.11
- Performance Standards §50-5.12

Article 50-6

- Site Plan Review §50-6.1
- Special Land Use Review §50-6.2
- Planned Unit Development Procedure §50-6.4

50-3.1.12 PUD Planned Unit Development Overlay

- A.** Intent. The PUD Planned Unit Development district overlay is intended to permit the private or public development or redevelopment of areas throughout the city which shall be substantially in accord with the goals and objectives of the Master Plan of future land use for the city. The reuse patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare.
- B.** In the PUD Planned Unit Development district, for purposes of computing and controlling population density, the following standards shall apply:
1. The maximum density shall not exceed 17.1 rooms per acre;
 2. The number of dwelling units permitted per acre shall be determined by the following schedule:
 - a. All single-family detached dwellings and attached cluster dwellings, shall count as six rooms;
 - b. All four-bedroom units in multiple-family structures shall count as five rooms;
 - c. All three-bedroom units in multiple-family structures shall count as four rooms;
 - d. All two-bedroom units in multiple-family structures shall count as three rooms;
 - e. All one-bedroom units in multiple-family structures shall count as two rooms;
 - f. All efficiency units in multiple-family structures shall count as one room;
 3. For the purpose of determining the number of bedrooms in units in multiple-family structures, all plans showing one-bedroom, two-bedroom or three-bedroom units and including a den, library or other extra room, shall count such extra room as a bedroom for the purpose of computing density;
 4. No more than 50 percent of the total rooms permitted on the site shall be in multiple-family dwelling units;
 5. No more than 38 percent of the total rooms permitted on the site as multiple-family dwelling units shall be efficiency type apartments;
 6. Public open space such as park sites and public and private road rights-of-way, except for major thoroughfare, may be included in computing the area of the parcel, and therefore, the related density. Nonresidential use areas and those areas proposed for the development of churches and related activities shall be excluded in computing the area of the parcel, and, therefore, the related density. A maximum of 50 percent of the horizontal surface of all natural or manmade bodies of water located entirely within the planned residential development project shall be permitted to be computed as a portion of the required 15 percent private common open space. The horizontal surface of all bodies of water shall be excluded from the computation of density.

50-3.1.12 PUD Planned Unit Development Overlay

- C. In order to protect abutting land on the periphery of the planned unit development, the following rules shall control:
 - 1. Where the adjacent land is zoned R-1, R-2 or R-3, the Planned Unit Development shall provide for single-family development to a depth of not less than 330 feet along such boundary so as to make this area conform to the abutting one-family area; provided that this 330-foot depth may be penetrated by an elementary school site, park, golf course or other related open space which is recorded in perpetuity for such purpose. The only building permitted in this 330 feet shall be a one-family residence;
 - 2. The requirement of subsection C.1 of this section may be waived by the Planning Commission where the abutting land is not platted and if the Planning Commission determines that there is a reasonable basis for believing that the adjacent land may be developed in other than single-family usage because the Master Plan indicates other than single-family, and the conditions of the land at such boundary indicate that multiple-family development would preserve the natural terrain and vegetation to a greater extent than single-family along this common boundary.
- D. Common open space shall be included on the basis of at least 15 percent of the total acreage of the site area within the planned unit development, provided that if a golf course is contained in the development, at least 7½ percent of the total land area must be put in open space other than golf course. No yard requirements for either single-family or multiple-family units shall count as part of this open space requirement. The common open space shall be centrally located as one site, or shall be well spaced throughout the development.
- E. Multiple-family structures shall be subject to the requirements of [Section 50-3.1.5](#) of this ordinance for the RM-1 multiple-family district, except as otherwise modified in the approved plan.
- F. For PUD development procedures, refer to [Section 50-6.4](#).

50-3.1.13 ABCOD Adult Business Corridor Overlay

- A.** Intent. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when one or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this section are intended to prevent deterioration or blighting of residential neighborhoods.
- B.** Applicability. An adult business corridor overlay district (ABCOD) shall each be so designated by the City Council of the City of Springfield upon consultation with the Planning Commission and pursuant to the requirements of Public Act 110 of 2006 the Michigan Zoning Enabling Act (MZEA). The provisions of this section shall serve as a supplement to the original zoning of each property located within the districts. Where a conflict arises between the original zoning and the provisions of this section, the ABCOD shall control.
- C.** Exempt Activities. Uses currently permitted by underlying zoning requirements shall be permitted to continue under the regulation of the underlying zoning as long as no physical changes or changes of use requiring site plan approval are proposed.
- D.** Restrictions on location. Adult businesses may be located in the city only in accordance with the following restrictions:
1. All such businesses shall be permitted in the city but limited to the area described herein:
 - a. For the purposes of site design review (site plan review) and zoning, the adult business corridor overlay district shall include the following legally described territory:
 SPRINGFIELD City, SECTION 3, TOWN 2 SOUTH RANGE 8 WEST COMMENCING AT NORTHEAST CORNER OF SECTION 3; THENCE NORTH 88 DEGREES 59 MINUTES 15 SECONDS WEST 1331.61 FEET ALONG NORTH LINE OF SECTION 3; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST 925.32 FEET TO POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST 925.32 FEET TO THE NORTH LINE OF SECTION 3; THENCE SOUTH 88 DEGREES 59 MINUTES 15 SECONDS EAST 1363.13 FEET ALONG THE NORTH LINE OF SECTION 3 TO WESTERLY RIGHT OF WAY OF 20TH STREET; THENCE SOUTH WESTERLY ALONG SAID 20TH STREET TO THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET; THENCE NORTH WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET TO THE POINT OF BEGINNING.
 2. No adult business business shall be located within 500 feet of a preexisting protected use.

50-3.1.13 ABCOD Adult Business Corridor Overlay

- E. Miscellaneous Requirements.
 - 1. The height, yard, lot area, lot width, building coverage, sign and parking requirements of adult businesses, including medical marihuana facilities and adult use recreational establishments, shall conform to the requirements for the underlying zone in which they are located except as otherwise specified in this article.
 - 2. No person shall reside or permit any person to reside in the premises of an adult business.
- F. Exceptions. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician, surgeon, chiropractor, osteopath or physical therapist, duly licensed by the state, or to barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders of patrons.

Δ Ord. No. 2 of 2021 (January 6, 2022).

50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- A. Intent. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when one or more of them are in or near to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this section are intended to prevent deterioration or blighting of residential neighborhoods.
- B. Applicability. A medical and adult use recreational marihuana corridor overlay district (MAMCOD) shall each be so designated by the City Council of the City of Springfield upon consultation with the Planning Commission and pursuant to the requirements of Public Act 110 of 2006, known as the Michigan Zoning Enabling Act (MZEA). The provisions of this section shall serve as a supplement to the original zoning of each property located within the district. Where a conflict arises between the original zoning and the provisions of this section, the MAMCOD shall control.
- C. Exempt Activities. Uses currently permitted by underlying zoning requirements shall be permitted to continue under the regulation of the underlying zoning as long as no physical changes or changes of use requiring site plan approval are proposed.

50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- D. Restrictions on location. Medical marihuana facilities and adult use recreational marihuana establishments may be located in the city only in accordance with the following restrictions:
1. All such businesses shall be permitted in the city but limited to the areas described herein; provided, however, that medical marihuana facilities and marihuana establishments shall be permitted in the MAMCOD only subject to conditions imposed in [Section 50-5.6](#) and [subsection E](#) and [subsection F](#) of this section and subject to the further review and approval of the Planning Commission.
 - a. For the purposes of site design review (site plan review) and zoning, the medical and adult use recreational marihuana corridor overlay district shall include the following legally described territories:
 - SPRINGFIELD CITY, NORTH CUSTER PARK, COMMENCING AT THE SOUTHWEST CORNER OF LOT 1; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 205.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 118.00 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 32.6 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 150.00 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 32.4 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 444.00 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 75.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 392 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 85 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 108 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 120.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 89 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 160.5 FEET; THENCE NORTH 35 DEGREES 02 MINUTES 35 SECONDS WEST 1,286 FEET TO THE POINT OF BEGINNING.
 - SPRINGFIELD City, SECTION 3, TOWN 2 SOUTH RANGE 8 WEST COMMENCING AT NORTHEAST CORNER OF SECTION 3; THENCE NORTH 88 DEGREES 59 MINUTES 15 SECONDS WEST 1331.61 FEET ALONG NORTH LINE OF SECTION 3; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST 925.32 FEET TO POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST 925.32 FEET TO THE NORTH LINE OF SECTION 3; THENCE SOUTH 88 DEGREES 59 MINUTES 15 SECONDS EAST 1363.13 FEET ALONG THE NORTH LINE OF SECTION 3 TO WESTERLY RIGHT OF WAY OF 20TH STREET; THENCE SOUTH WESTERLY ALONG SAID 20TH STREET TO THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET; THENCE NORTH WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET TO THE POINT OF BEGINNING.
 2. No medical marihuana facility or marihuana establishment shall be located within 500 feet of a preexisting protected use.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- E. Miscellaneous Requirements.
 - 1. The height, yard, lot area, lot width, building coverage, sign and parking requirements of adult businesses and medical marihuana facilities and marihuana establishments shall conform to the requirements for the underlying zone in which they are located except as otherwise specified in this article.
 - 2. No person shall reside in or permit any person to reside in the premises of a medical marihuana business or marihuana establishment.
- F. Marihuana grower, excess marihuana grower, marihuana processor, marihuana provisioning center, marihuana retailer, marihuana secure transporter, marihuana microbusiness, marihuana safety compliance facility, designated consumption establishment, marihuana event organizer license, and temporary marihuana event license.
 - 1. A marihuana grower, excess marihuana grower, marihuana processor, marihuana provisioning center, marihuana retailer, marihuana secure transporter, marihuana microbusiness, marihuana safety compliance facility, designated consumption establishment, marihuana event organizer license, and temporary marihuana event license, in accordance with the provisions of state law, shall be permitted in the MAMCOD subject to the conditions imposed in this section for each use and subject further to the review and approval of the Planning Commission:
 - a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law shall not be permitted by the city. In the event that a court with jurisdiction declares some or all of this article invalid, then the city may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.
 - b. Every applicant for special use permit to operate a medical marihuana facility or marihuana establishment shall submit with the application a copy of the applicant's prequalification letter issued by the Bureau of Medical Marihuana Regulation of the Department of Licensing and Regulatory Affairs demonstrating the bureau has determined that the applicant has prequalification status pursuant to the licensing provisions of the Medical Marihuana Facilities Licensing Act (MMFLA) or the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and the Michigan Administrative Code.
 - c. At the time of application for a special use permit, the marihuana facility or establishment must be licensed by the city, or have the city license concurrently in process with the special use permit and site plan approval, and then must be at all times in compliance with subsections 3.1.14.A and B of this section.
 - d. The marihuana facility or establishment must be at all times in compliance with all other applicable laws and ordinances of the city.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- e. The city may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, other applicable provisions of this chapter, Article X of Chapter 8, or the terms of the special use permit and approved site plan are not met.
 - f. A marihuana facility, marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this section.
 - g. Signage requirements for marihuana establishments and facilities, unless otherwise specified, are as provided in [Section 50-5.11 Signs](#) of this code.
2. Marihuana growers, excess marihuana growers, and marihuana processors shall be subject to the following standards:
- a. **Minimum Yard Depth/Distance from Lot Lines.** The minimum front, rear, and side yard setbacks for any structure used for marihuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines. The minimum waterfront setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high-water mark.
 - b. **Indoor Production and Processing.** In the IRT Industrial, Research and Technology district within the MAMCOD, marihuana production shall be located entirely within one or more completely enclosed buildings.
 - c. In the IRT Industrial, Research and Technology district within the MAMCOD, marihuana processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
 - d. **Maximum Building Floor Space.** The following standards apply in the IRT Industrial, Research and Technology district:
 - I. A maximum of 50,000 square feet of building floor space may be used for all activities associated with marihuana production on the subject property.
 - II. If only a portion of a building is authorized for use in marihuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana production space and the remainder of the building.
 - e. **Lighting.** Lighting shall be regulated as follows:
 - I. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - II. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.



MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- f. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
 - I. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - II. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - III. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - IV. Negative air pressure shall be maintained inside the building.
 - V. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to enter or leave the building.
 - VI. An alternative odor control system is permitted if the special use permit applicant submits, and the Planning Commission accepts, a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The city may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- g. Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.
- 3. Provisioning centers and marihuana retailers shall be subject to the following standards:
 - a. Hours. A provisioning center and marihuana retailers may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center or marihuana retailer between the hours of 9:00 a.m. and 9:00 p.m.
 - b. Indoor Activities. All activities of a provisioning center or marihuana retailer, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center or marihuana retailer shall not have a walk-up window or drive-thru window service.
 - c. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a provisioning center or marihuana retailer, unless the licensee has been granted a designated consumption establishment license under Mich. Admin. Code R 420.22 or temporary marihuana event license under Mich. Admin. Code R 420.25.
 - d. Nonconforming Uses. A provisioning center or marihuana retailer may not locate in a building in which a nonconforming retail use related to the marihuana trade has been established in any district.

50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

- e. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- f. Buffer Zones. A provisioning center or marihuana retailer may not be located within 500 feet of a church or within 1000 feet of a school building or park. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The Planning Commission may waive this section for provisioning centers and marihuana retailers. If an objection is not filed by the church or school, the city may issue the license under subsections 3.1.14.A and B of this section. If an objection is filed, the Planning Commission shall hold a hearing before making a decision on issuing the license.
- g. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center or marihuana retailer.
 - I. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - II. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - III. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - IV. Negative air pressure shall be maintained inside the building.
 - V. Doors and windows shall remain closed, except for the minimum time length needed to allow people to enter or leave the building.
 - VI. An alternative odor control system is permitted if the special use applicant submits and the Planning Commission accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The city may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

4. Marihuana Safety Compliance Facility shall be subject to the following standards:
 - a. A marihuana safety compliance facility shall be subject to the special regulations and standards applicable to medical laboratories and medical testing facilities in this code.
 - b. All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.
5. Marihuana secure transporters shall be subject to the following standards:
 - a. A marihuana secure transporter shall be subject to the special regulations and standards applicable to transportation and warehousing uses in this code.
 - b. Any buildings or structures used for the containment of stored materials shall comply with all setback restrictions contained within the ordinance pertaining to the underlying district in which they are located.
 - c. Pursuant to MI ADC R 420.206, a marihuana transporter shall not maintain custody of the marihuana product for more than 96 hours unless permission is otherwise sought and granted by the agency.
 - d. Compliance with the regulations set forth in MCL 333.27503.
6. Temporary event marihuana license holders shall be subject to the following standards:
 - a. Hours. Temporary marihuana events may only occur between the hours of 9:00 a.m. and 9:00 p.m.
 - b. Sales. The sale of marihuana may only be performed by a licensee that possesses a valid license pursuant to the MRTMA.
 - c. Prohibitions. The sale or consumption of alcohol or tobacco is prohibited at the location of the temporary marihuana event.
 - d. Age Restrictions. Persons under the age of 21 shall not be admitted to or allowed to access the area(s) where the sale or consumption of marihuana occurs during the temporary marihuana event.
 - e. Buffer Zones. A temporary marihuana event may not be located within 500 feet of a church or 1000 feet of a school building. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The Planning Commission may waive this section for a temporary marihuana event. If an objection is not filed by the church or school, the city may issue the license under subsections 3.1.14.A and B of this section. If an objection is filed, the Planning Commission shall hold a hearing before making a decision on issuing the license.

50-3.1.14 MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay

7. Marihuana microbusinesses shall be subject to the following standards:
- a. Hours. Marihuana microbusinesses may only sell to consumers or allow consumers to be present in the building space occupied by the marihuana microbusiness between the hours of 9:00 a.m. and 9:00 p.m.
 - b. Indoor Activities. All activities of a marihuana microbusiness, including all transfers of marihuana, shall be conducted within the structure and out of public view. A marihuana microbusiness shall not have a walk-up window or drive-thru window service.
 - c. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana microbusiness, unless the licensee has been granted a designated consumption establishment license under Mich. Admin. Code R 420.22 or temporary marihuana event license under Mich. Admin. Code R 420.25.
 - d. Nonconforming Uses. A marihuana microbusiness may not locate in a building in which a nonconforming retail use has been established in any district.
 - e. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
 - f. Buffer Zones. A marihuana microbusiness may not be located within 500 feet of a church or 1000 feet of a school building. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The Planning Commission may waive this section for a marihuana microbusiness. If an objection is not filed by the church or school, the city may issue the license under subsections 3.1.14.A and B of this section. If an objection is filed, the Planning Commission shall hold a hearing before making a decision on issuing the license.

50-3.1.14 MAMCOD Medical and Adult Use Recreational
Marihuana Corridor Overlay

- 8. Designated consumption establishments shall be subject to the following standards:
 - a. Designated consumption establishments shall provide a smoke-free area for employees to monitor the marihuana consumption area.
 - b. Have installed and operational a ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted.
 - c. Include a location physically separated from areas where smoking is prohibited and where smoke does not infiltrate into nonsmoking areas or buildings.

Δ Ord. No. 2 of 2021 (January 6, 2022).

Section 50-3.1.14

50-3.1.14 MAMCOD Medical and Adult Use Recreational
Marihuana Corridor Overlay

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50-3.2 Boundaries

- A. The boundaries of the zoning districts are hereby established as shown on the Zoning Map, which accompanies this chapter, and which Map with all notations, references and other information shown thereon shall be as much a part of this chapter as if fully described in this section.
- B. Boundaries interpreted. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - 4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
 - 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - 6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 of this section shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the Map.
 - 7. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 6 of this section, the Board of Appeals shall interpret the district boundaries.
 - 8. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of Map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

50-3.3 Notes to District Standards

- A. For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Article 4 Use Standards or the underlying zoning district, whichever is greater.
- B. In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which it is located and all regulations applicable to a front yard shall apply.

Section 50-3.3.C - 50-3.3.K

- C. Off-street parking shall be permitted to occupy a portion of the required front yard; provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the major thoroughfare plan. Where 30 percent or more of a block front is improved with buildings, then no part of any new building or addition shall project beyond a line joining with the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings.
- D. 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.
- E. Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of OS district loading space shall be provided in the ratio of five square feet per front foot of building. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of such alley.
- F. In the business districts, no building shall be closer than 75 feet to any adjacent residential district or to any major thoroughfare.
- G. Off-street parking shall be permitted in a required side yard setback.
- H. Off-street parking for visitors, over and above the number of spaces required under [Section 50-5.6](#), may be permitted within the required front yard; provided that such off-street parking is not located within 20 feet of the front lot line.
- I. In the IRT district, no building shall be located closer than 50 feet or the height of the building, whichever is greater, to the outer perimeter (property line) of such district when such property line abuts any residential district.
- J. All outdoor storage shall be in the rear yard and shall be completely screened with an obscuring wall or berm, not less than six feet high, or with a chainlink-type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- K. The minimum lot area and width, and the maximum percent of building coverage, shall be determined on the basis of off-street parking and loading, screening and yard setback requirements as required in this chapter for the respective uses and use districts indicated.

50-3.4 Attached Urban Housing (AUH) District Standards

A. Because of the importance of establishing proper pedestrian-oriented form and meeting the purpose and intent of this 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.

1. District regulations by building type :

TABLE 3.4.A.1			
DISTRICT REGULATIONS BY BUILDING TYPE			
BUILDING TYPE	MIN. LOT WIDTH (FT)	MAX. LOT WIDTH (FT)	MIN. LOT AREA (SQ. FT.)
Single-family	50 ¹	120	5,000 ¹
Bungalow Court ²	100	225	10,000 ^{6, 8}
Two-family Dwelling	25 / 50 ³	120 / 240 ³	3,000 ¹
Rowhouse	20 / 60 ⁴	200	6,000 ^{6, 8}
Courtyard attached	100	200	10,000 ^{6, 8}
Multiplex ⁷	50 ⁴	120	5,000 ⁵
Live-Work ⁹	50	120	6,000

NOTES TO TABLE 3.4.A.1

DISTRICT REGULATIONS BY BUILDING TYPE

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

¹ Minimum per dwelling unit.

² 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. 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.

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

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

⁵ Maximum does not apply to parks, playgrounds, tennis courts, similar public non-profit recreational uses, and similar public uses.

⁶ 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.

⁷ Includes triplexes and quadplexes and mansion apartments up to four units in a principal building.

⁸ Courtyard attached, rowhouse, and bungalow court building types may be located on a zoning lot containing up to eight dwelling units.

⁹ Live/work units are permitted in rowhouse building types but may be permitted in other building types if the Planning Commission finds that a predominantly residential character will be maintained. The live/work unit shall be the primary dwelling of the occupant and the non-residential use shall be located on the ground floor of the unit. The Live/work uses standards in [Section 50-4.11](#) shall apply.


Section 50-3.4.A.2 - 50-3.4.A.12

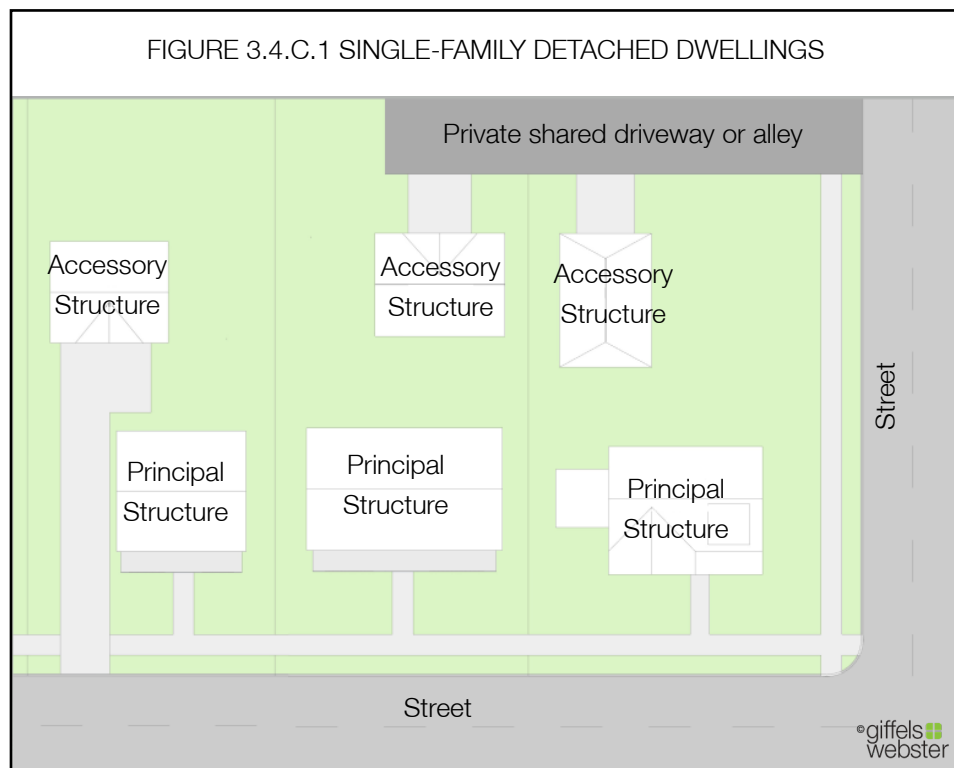
2. Longest Building Dimension (street-facing) by building type:
 - a. For detached single-family, detached bungalow, multiplex and two-family units, the longest street-facing building dimension shall be a maximum of 85 ft.
 - I. For bungalow court units, applies to front facade dimension of court-facing 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. For all other types of buildings, the longest street-facing building dimension shall be a maximum of 185 ft.
3. Allowed Building Frontages
 - a. Porch, projecting (All)
 - b. Porch, integral (All)
 - c. Stoop (All)
 - d. Lightwell (rowhouse)
 - e. Forecourt (courtyard attached and multiplex)
 - f. Flex Dooryard (rowhouse and courtyard attached)
4. Allowed Rooftops.
 - a. Flat
 - b. Pitched
5. Vehicle Parking
 - a. Parking spaces shall be enclosed, covered or open
 - b. Parking shall not be permitted in a front yard or any other street-facing yard.
 - c. Garages shall be freestanding, attached or tuck-under. Garage doors shall not face a street.
6. Vehicular Access. Parking may be accessed from alley, side street or front.
7. Pedestrian Access.
 - a. Main entrance location
 - I. Street-facing or courtyard main entrances shall be provided for rowhouse and bungalow court building types.
 - II. The main entrance locations provided for single- and two-family homes or small multiplexes shall be street-facing only.
 - i. For multiplexes, there shall be provided one common street-facing entrance serving at least two units.
8. Attic space may be converted to half-story.
9. The floor to ceiling height shall be a minimum of 9 ft. on the first floor, and a minimum of 8 ft. on each additional floor.
10. Building facades facing streets shall have a minimum of 10 percent clear glass on each story.
11. Upper floor windows shall be square or vertically proportioned.
12. Building facades not facing streets shall have a minimum of 5 percent clear glass on each story.

Section 50-3.4.B - 50-3.4.B.5.e


- B.** Additional district regulations. The following additional regulations shall apply to the AUH and PUD Districts.
- 1.** No zoning lot shall contain more than eight (8) dwelling units.
 - 2.** The number of efficiency units shall not exceed 38 percent of the total units permitted.
 - 3.** 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.
 - 4.** 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.
 - 5.** 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:
 - a.** Appropriate easements will be recorded or right-of-way will be dedicated,
 - b.** The access plan will provide safe and reasonable access to the impacted lots,
 - c.** The access proposal is consistent with safe and efficient traffic flow in the neighborhood,
 - d.** Safe and sufficient emergency access is provided, and
 - e.** 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.

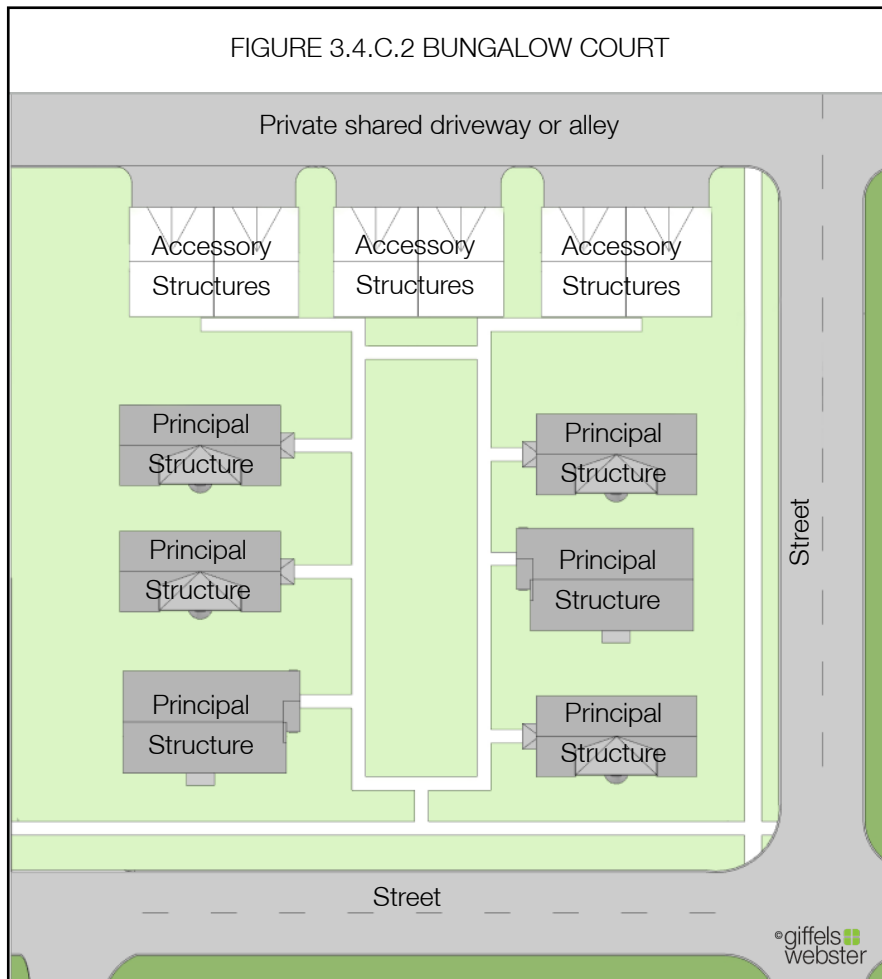
Section 50-3.4.C - 50-3.4.C.1.c

- C. The regulations in this subsection shall apply based on allowed building type. Only the building types listed in the district shall be permitted.
1. Single-Family Detached Dwellings 
 - a. 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.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. 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.

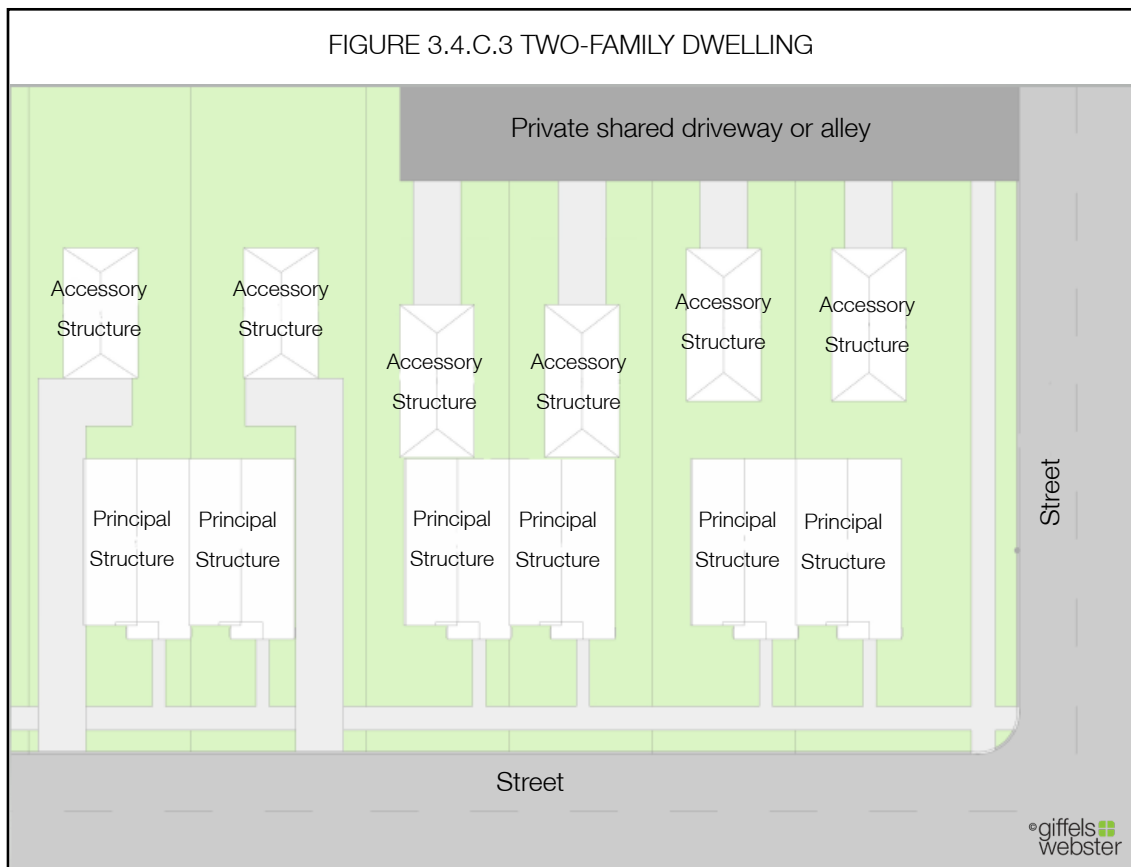


Section 50-3.4.C.2 - 50-3.4.C.2.c


2. Bungalow Court 
 - a. 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.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. 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.

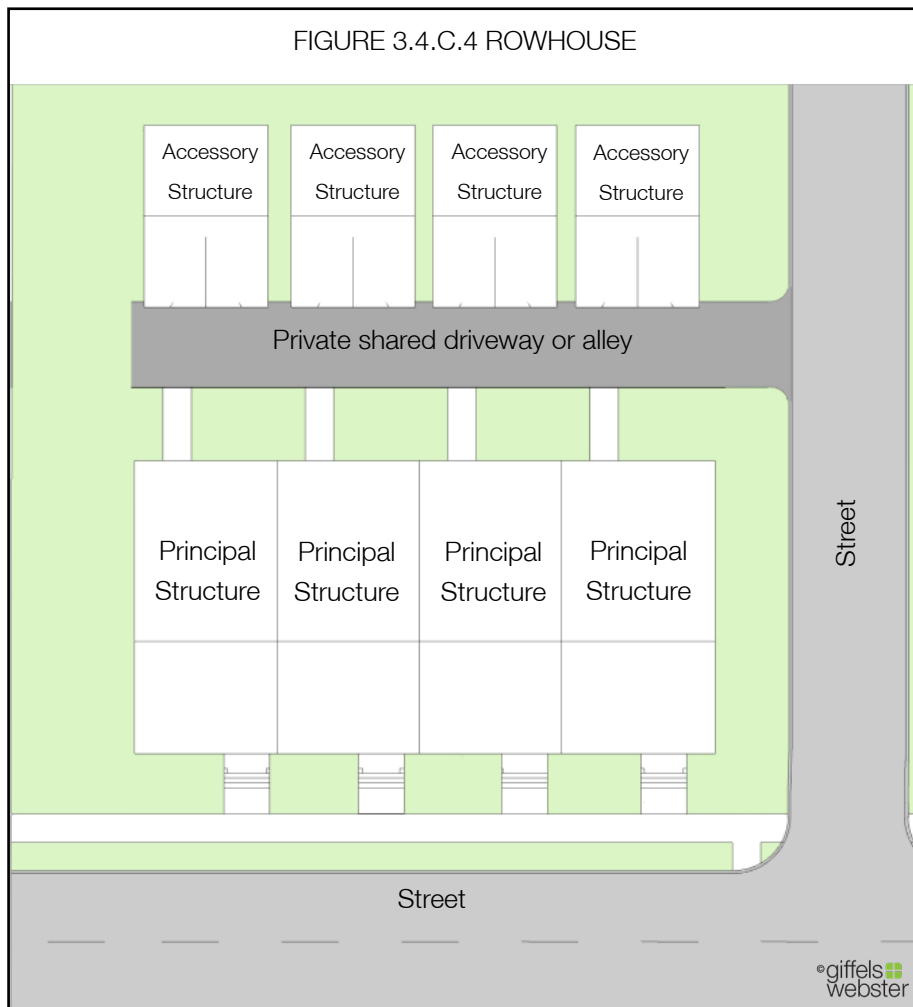


3. Two-family dwelling
 - a. Description. The two-family detached dwelling unit type consists of structures containing two attached dwelling units surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant. Two-family dwelling units are typically attached side-by-side with one common wall, but they may also be stacked vertically.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. 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.

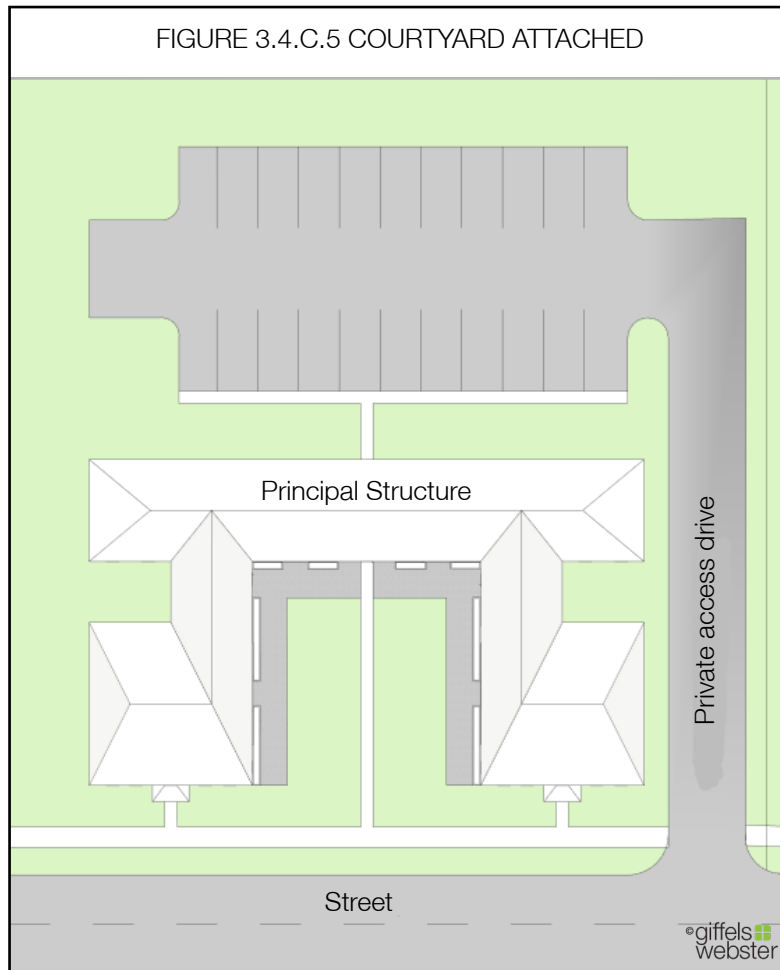


Section 50-3.4.C.4 - 50-3.4.C.4.c

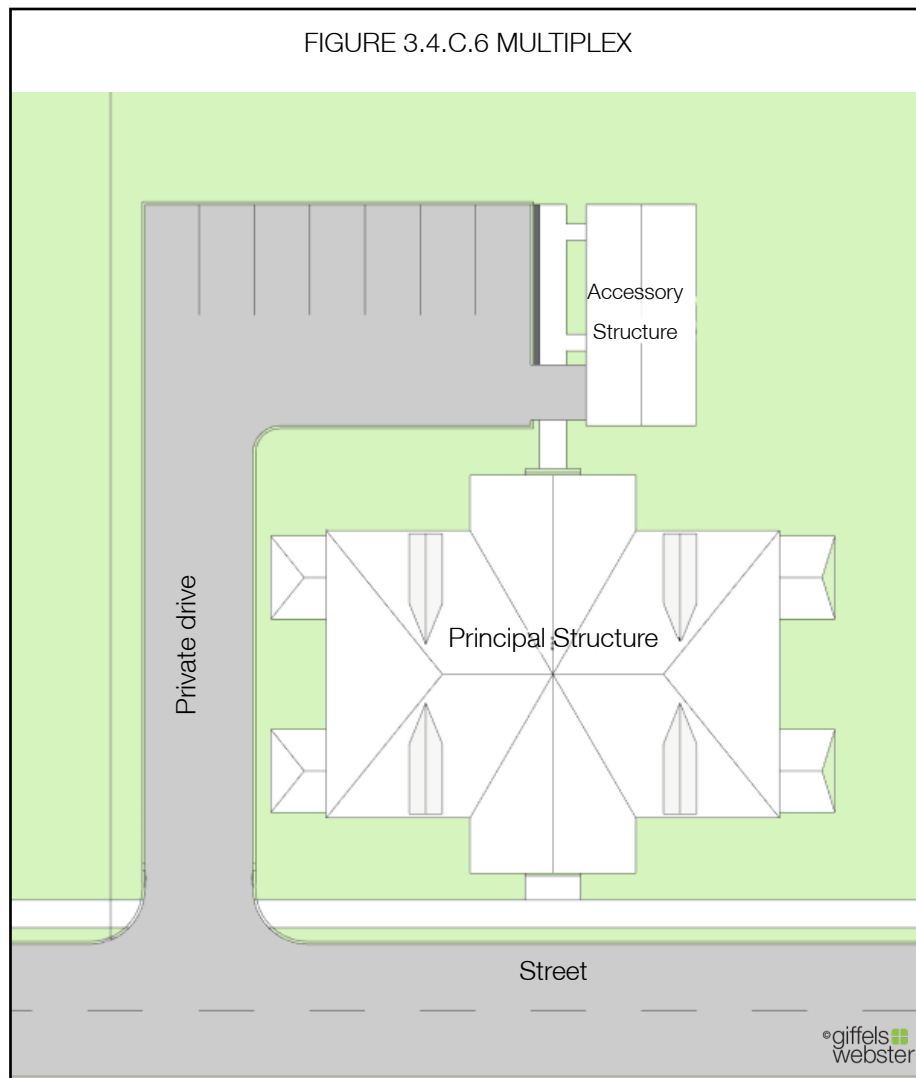
4. Rowhouse 
 - a. Description. The Rowhouse dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides, where private open space is available for the exclusive use of the occupant. The Rowhouse building type shall not be the predominant building type on the block.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. Illustrative Concept Sketch. See below for illustrative concept sketch of the Rowhouse attached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



5. Courtyard Attached.
 - a. 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.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. 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.



6. Multiplex.
 - a. 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.
 - b. Building Form. See [subsection A](#) and [subsection B](#) above for form, placement, and other requirements.
 - c. Illustrative Concept Sketch. See below for illustrative concept sketch of the multiplex attached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.

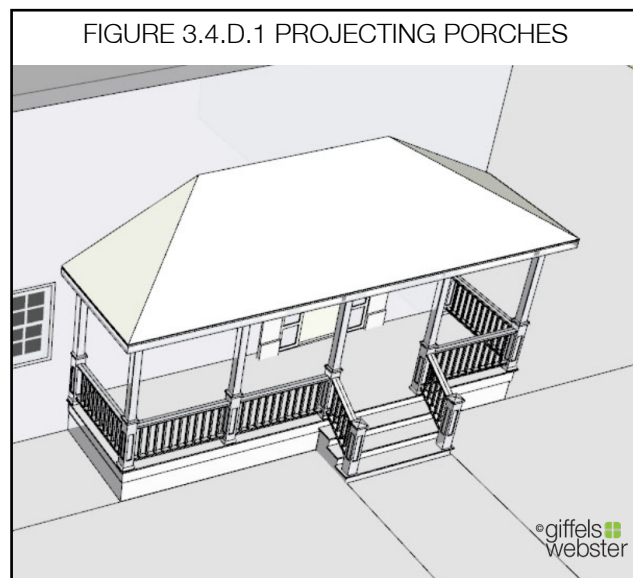


Section 50-3.4.D - 50-3.4.D.1.b

- D.** 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 proposed development is consistent with the city's goals for walkability and residential character by providing proper building form, character, and quality.

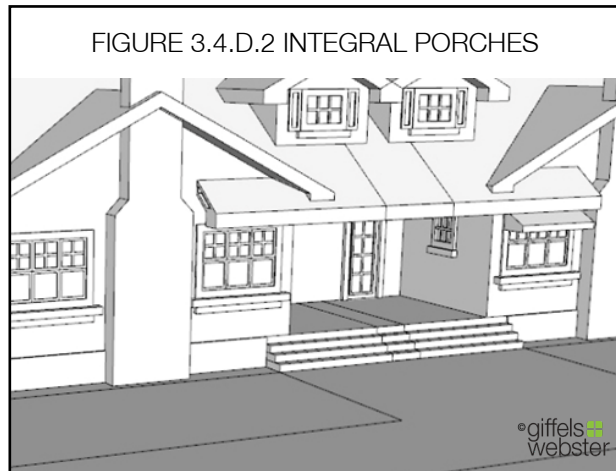
1. Projecting Porches. ✍

- a.** 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.
- b.** 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.




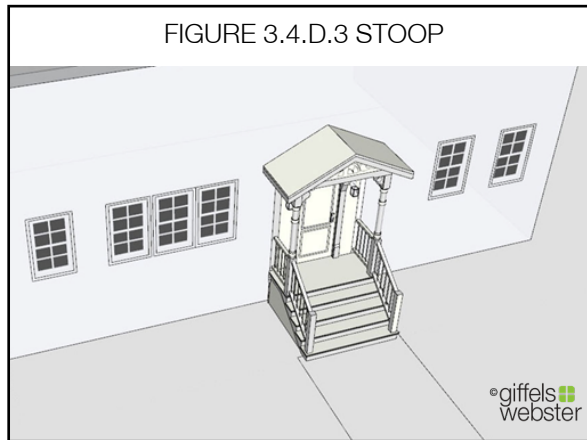
Section 50-3.4.D.2- 50-3.4.D.2.b

2. Integral Porch. ✍
 - a. 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.
 - b. Standards. The integral porch shall be open on at least one side 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.




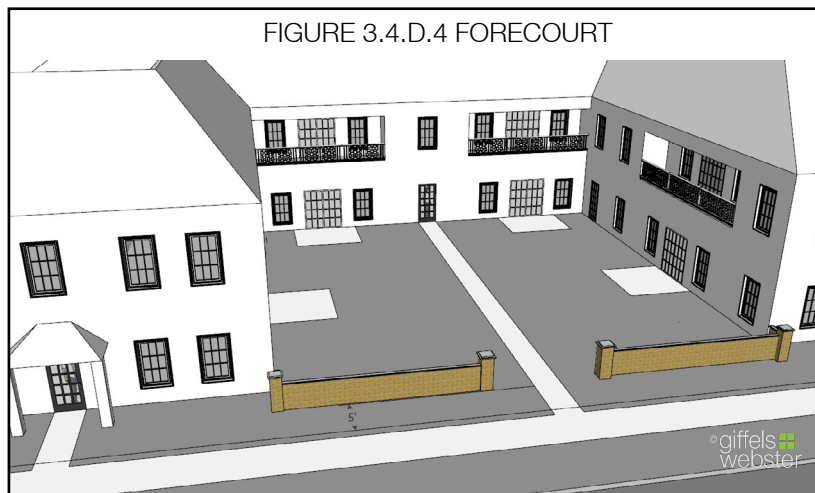
Section 50-3.4.D.3- 50-3.4.D.3.b

3. Stoop. 
 - a. 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.
 - b. 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.

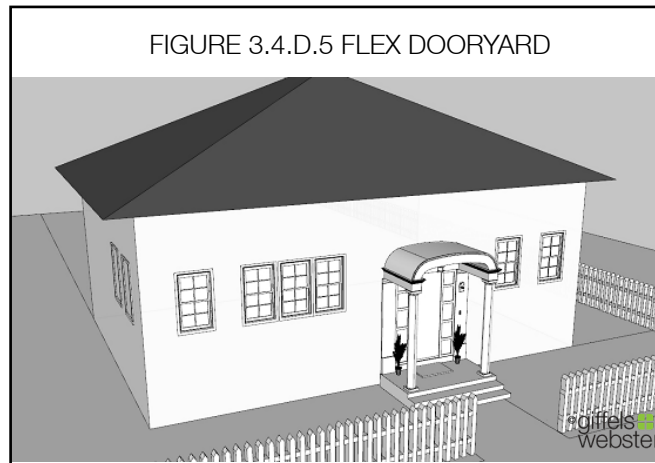


Section 50-3.4.D.4- 50-3.4.D.4.b


4. Forecourt. 
 - a. 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.
 - b. 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 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.

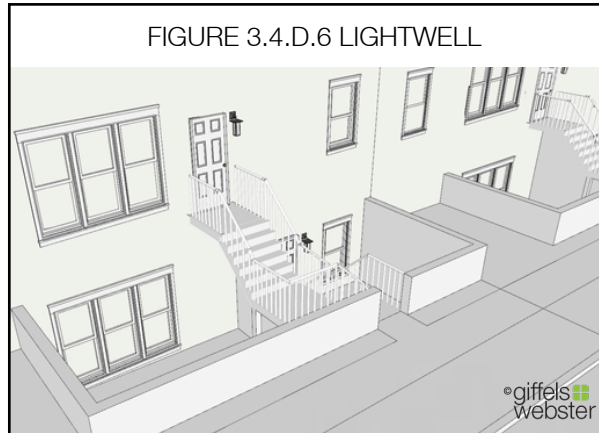


5. Flex Dooryard.
- a. Description. The facade of the building that faces the front street is setback a small distance from the street, typically within a build-to-zone. The front property line is oftentimes defined by a low wall, fence, or hedge, creating a small dooryard. The dooryard shall not provide 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.
 - b. 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.



Section 50-3.4.D.6- 50-3.4.D.6.b

6. Lightwell. 
 - a. 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.
 - b. 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.



50-3.5 Multiple-Family Residential (RM-1) District Standards

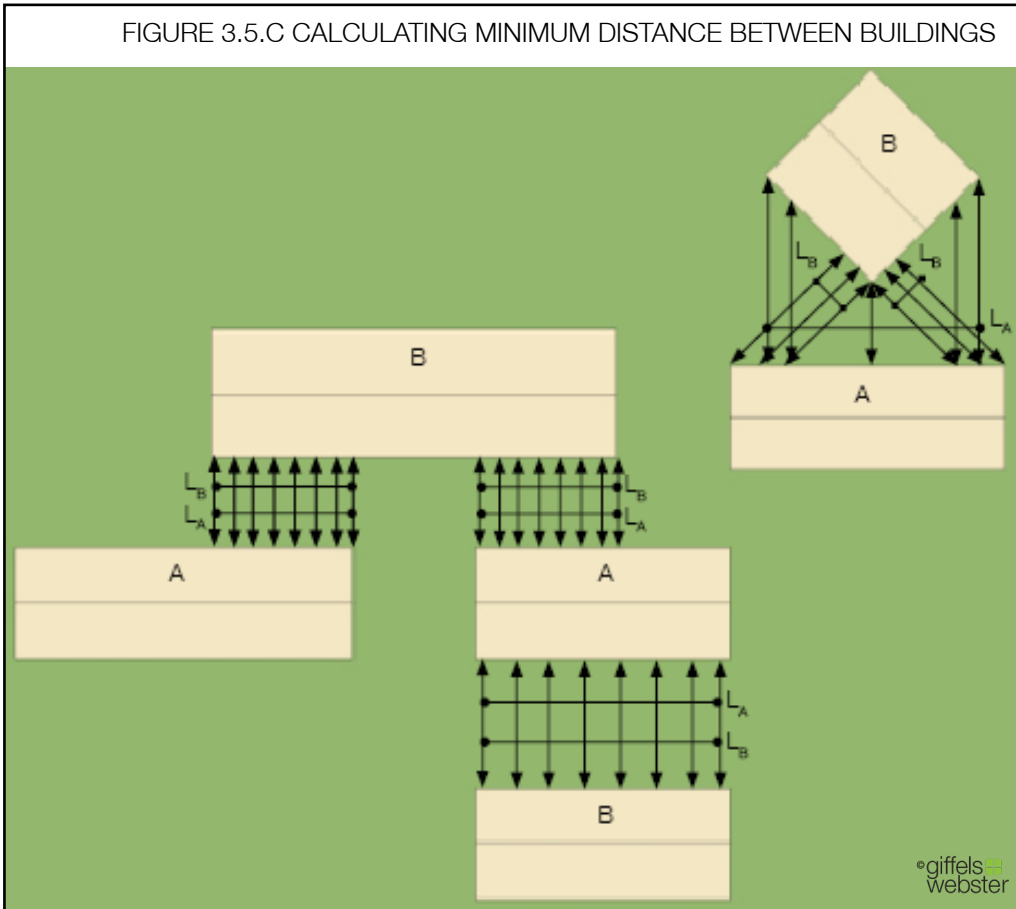
In the case of multiple-family development in the multiple-family residential district, all site plans shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit. Approval shall be contingent upon a finding that:

- A. The site plan shows a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
- B. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as but not limited to channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with public safety equipment access.
- C. The minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet. Parking may be permitted within a required side yard or rear yard but shall not cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM-1 district is as follows:

TABLE 3.5.C		
CALCULATING MINIMUM DISTANCE BETWEEN BUILDINGS		
S	=	$\frac{L_A + L_B + 2(H_A + H_B),}{6}$ WHERE
S	=	Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
L _A	=	Total length of building A.
		The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
L _B	=	Total length of building B.
		The total length of building B is the length of that portion of a wall of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

TABLE 3.5.C CALCULATING MINIMUM DISTANCE BETWEEN BUILDINGS		
H_A	=	Height of building A.
		The height of building A at any given level is the height above natural grade level of any portion of a wall along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.
H_B	=	Height of building B.
		The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

FIGURE 3.5.C CALCULATING MINIMUM DISTANCE BETWEEN BUILDINGS



giffels webster

Section 50-3.5.D - 50-3.7.A

- D. The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by 1,200. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units maybe of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

TABLE 3.5.D	
TOTAL NUMBER OF ROOMS PER UNIT	
UNIT TYPE	REQUIRED NUMBER OF ROOMS
Efficiency or Studio	1 room
One bedroom	2 rooms
Two bedroom	3 rooms
Three bedroom	4 rooms
Four bedroom	5 rooms

1. Plans presented showing one-bedroom, two-bedroom or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.
2. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.
3. Maximum height of building shall not exceed 35 feet, regardless of the number of stories constructed.

50-3.6 Commercial Residential (CR) District Standards

- A. The conversion of a dwelling unit to commercial use shall require site plan approval.
- B. 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.

50-3.7 Local Business (B-1) District Standards

- A. Applicability. All non-residential and mixed use development in the B-1, Local Business 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.

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- B.** 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 front setback may be reduced by the Planning Commission up to fifty percent (50%) as necessitated by the parking layout requirements of this section.
- C.** Architectural Design. All building walls shall have architectural features which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale.
- 1.** Façades. Façades 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.
 - 2.** 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.
 - 3.** 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.
 - 4.** 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 City Manager or his/her duly appointed designees.
 - a.** 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.
 - b.** Structures shall be constructed using a minimum of fifty percent (50%) masonry as described below.
 - I.** 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.
 - II.** Brick material used for masonry construction shall be composed of hard-fired all-weather standard size brick or other all-weather facing brick.
 - c.** 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 City Manager or his/her duly appointed designee. Concrete masonry units (CMU or block) shall be textured or split-face, and otherwise not smooth.
 - d.** Office uses may use: Architectural metal panels, glass (up to 75% of the façade area) and ornamental metal.
 - 5.** 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.

6. 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 or residential zoning district.
7. 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.
8. 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 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.

50-3.8 Office Service (OS) District Standards

- A. In the OS office service districts, no interior display shall be visible from the exterior of the building.
- B. In the OS office service districts, the outdoor storage of goods or material shall be prohibited.
- C. In the OS office service districts, warehousing or indoor storage of goods or material, beyond that normally incident to the permitted uses in this section, shall be prohibited.

50-3.9 Industrial, Research and Technology (IRT) District Standards

- A. Any use established in the Industrial district shall be operated so as to comply with the performance standards set forth in [Section 50-5.12](#).
- B. All uses permitted in the Industrial district shall require review and approval of the site plan by the Planning Commission.
- C. Unless otherwise provided, special approval uses shall not occupy a zoning lot which is located within three hundred (300) feet of a residential district.

50-3.10 Mixed Use (MIX) District Standards

- A. All development in the MU district shall be subject to the procedures and requirements of the Planned Unit Development provisions of this ordinance [Section 50-6.4](#), except where those provisions are modified below:
 1. Open space shall include all areas not used for buildings, vehicular maneuvering, or parking.
 2. Pedestrian circulation, separated from vehicular maneuvering areas, shall be provided for throughout the site.
 3. Residential and non-residential uses may be mixed within the same building. In such instances, non-residential uses shall occupy the ground floor, and residential uses shall occupy the upper floors. Residential garages may occupy the rear of the ground floor.
 4. Only the uses listed in the district shall be permitted.
 5. Garages shall not face primary circulation routes.

6. The development shall be buffered from all neighboring residential districts by a major 1 buffer, per [Section 50-5.7 Landscaping and Walls, subsection D.b.i.](#)

50-3.11 Area, Height and Use Exceptions

- A. Essential services. Essential services serving the city shall be permitted as authorized and regulated by law and other ordinances of the city. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the city shall receive the review and approval, after a public hearing, of the Board of Appeals. Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the city.
- B. Voting place. The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. Height limit.
 1. The height limitations of this chapter shall not apply to farm buildings, chimneys, church belfries or spires, or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted under special approval.
 2. Rooftop equipment, solar collectors, TV antennas, cupolas, skylights:
 - a. In any nonresidential or multiple-family district, penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air-conditioning equipment, satellite reception antennas and other similar apparatus may be erected above the height limit of the zoning district in which located when, after review by the Planning Commission, the plans are found to meet the following conditions:
 - I. All rooftop equipment shall be screened according to the standards of [Section 50-5.7 Landscaping and Walls, subsection D.3](#), Screening of Rooftop Equipment.
 - II. Penthouses or structures shall be set back from the outermost vertical wall or parapet of the principal building to a distance equal to at least two (2) times the height of such penthouse or structure and which shall in no instance exceed the height of ten (10) feet unless recessed from the front facade.
 - III. Such penthouse or structures shall not have a total floor area greater than fifteen (15) percent of the total roof area of the building.
 - b. In any use district, solar energy collectors may be permitted to exceed the height limit after review by the Planning Commission, subject to the following guidelines:
 - I. Such structure is in addition to a roof; it is not intended to permit an increase in the overall building height as permitted by this chapter.
 - II. Such external solar collector shall not be placed so as to materially impair solar access to adjacent property.
 - III. For residential structures, review of solar energy collectors shall be conducted by the City Manager or his/her designee.

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- D.** Lot area. Any lot existing and of record on the effective date of the ordinance from which this chapter is derived may be used for any principal use permitted in the district in which such lot is located, other than conditional uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made provided that all requirements other than lot area and width prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.
- E.** Lots adjoining alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- F.** Yard regulations. When yard regulations cannot reasonably be complied with, or where the application of such regulations cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.
- G.** Porches. An open, unenclosed and uncovered porch, deck, paved terrace or fixed canopy may project into a front yard for a distance not exceeding ten feet.
- H.** Projections into yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.
- I.** Access through yards. For the purpose of this chapter, access drives may be placed in the required front yard or side yard so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure, and shall be permitted in any required yard.
- J.** Lots having lake frontage. Those residential lots or parcels having lake frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Board of Appeals.

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Zoning Ordinance | Article 50-4

Use Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement

*clear*zoning

CITY OF SPRINGFIELD CHAPTER 50 - ZONING ORDINANCE
Effective August 6, 2020



Article 50-4 - Use Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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Section 50-4.1

50-4.1 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 Planning Commission shall hold a public hearing in accordance with [Section 50-6.2](#). In the event the use is found to not be similar in nature and compatible with listed uses in any zoning district and, furthermore, it is determined by the Planning Commission there is a demonstrated need for the land use, it is a reasonable land use, and the use is not unlawful, then it shall be considered a special land use in the IRT District.

Consideration shall be given to the following when evaluating land uses under this section:

- 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 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 any use reviewed under this section.
- 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.

50-4.2 Outdoor Storage

- A. Outdoor storage of any industrial or commercial equipment, industrial or commercial vehicles, vehicles under repair, and all industrial or commercial materials including wastes, except new merchandise for sale and/or display, shall be permitted in the rear yard only, and no articles shall be stacked or piled so as to exceed the height of the required wall or fence. The outdoor storage areas shall be screened from the view of any adjoining public street, thoroughfare or freeway and shall be constructed in accordance with the applicable requirements of [Section 50-5.7 Landscaping and Walls](#).
- B. Outdoor storage shall be permitted only as a special land use.
- C. All outdoor storage areas shall be fully enclosed by a wall or fence a minimum of six feet in height; where screening or a wall is required, the required wall may serve as part of the enclosure.
- D. All outdoor storage areas, as approved by the Planning Commission, shall be treated or surfaced so as to facilitate proper drainage and to prevent dust or dirt from blowing and to prevent the release of hazardous materials into the environment. All city engineering standards shall be met.
- E. Enlargement of an outdoor storage area by more than 5% or 1,000 square feet, whichever is less, shall require site plan approval by the Planning Commission.
- F. Outside of the IRT District, the size of an outdoor storage area shall not exceed 30% of the area of the lot up to a maximum of 25,000 square feet of storage area.

50-4.3 Outdoor Storage of Vehicles

Outdoor vehicle storage shall be permitted in the IRT district subject to the following conditions:

- A. The lot area on which vehicles are stored shall be paved with asphalt or concrete materials in accordance with the provisions as provided in [Section 50-5.6, subsection B.8](#) so as to provide a permanent, durable and dustless surface;
- B. The perimeter of the lot on which vehicles are actively stored shall be enclosed in its entirety with an opaque fence with a minimum height of eight feet.
- C. No dismantling, repair or alteration of vehicles will be allowed on the premises.
- D. No sale of vehicles or vehicle parts shall be allowed.

50-4.4 Gasoline Service Stations

- A.** In all permitted districts:
1. 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.
 2. 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.
- B.** In the CR district, 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.

50-4.5 Seasonal Businesses

Seasonal businesses are subject to the following:

- A. 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.
- B. Where no permanent building is proposed, the following standards shall be applied prior to approval by the Zoning Administrator:
 - 1. An application for a seasonal business license shall be obtained from the City Clerk and fully completed prior to submittal to the Zoning Administrator;
 - 2. All parking requirements shall conform to [Section 50-5.6 Off-Street Parking and Loading Requirements](#);
 - 3. Signage shall conform to the requirements specified in [Section 50-5.11 Signs](#) of this chapter;
 - 4. 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;
 - 5. If required by local health codes, appropriate sanitation facilities shall be provided;
 - 6. Upon approval by the Zoning Administrator, proper fees shall be paid to the City Clerk for the license, as determined from time to time by the City Council.
- C. Where a new permanent building or major modification to an existing building is proposed, site plan approval will be required.

50-4.6 Recycling and Junkyards

- A. Junk Yards. Junk yards are permitted as a special land use in the IRT District, subject to the following standards:
 - 1. Junk yards shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body. The landscaped greenbelt shall be located between the fence or wall and the property line.
 - 2. There shall be no burning on the site.
 - 3. A junk yard shall not be located adjacent to an existing residential use or within 500 feet of any residentially zoned property.
 - 4. Junk yards shall not be located in a floodplain.
 - 5. All machinery and accessory buildings shall comply with the setback standards of the district.
 - 6. Junk yards shall comply with city performance standards for noise, dust, fumes, and vibrations.

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7. All industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
 8. The operator shall not permit automotive fluids or similar hazardous materials to contaminate soil or groundwater. Plans shall demonstrate that all areas for dismantling are conducted within an enclosed building with floor drains connected to an approved holding tank.
 9. Junk and other items stored outdoors shall not be stored in piles or stacks taller than the height limit for accessory structures in the district.
 10. A report shall be submitted to the Fire Chief detailing all hazardous or flammable materials used, stored, collected for recycling or disposal, or associated in any other way with the operations on-site.
 11. A spill prevention plan shall be submitted for review by the Fire Chief that details the procedures to be followed in the event of a spill of any hazardous material, whether or not said material was included in the report submitted subject to number 10 above.
 12. Hours of operation shall fall between 7:00 am and 10:00 pm.
 13. Junk yards near highways shall be screened in accordance with MCL 252.201 et seq., except where the city requires greater screening.
- B. Recycling Collection Facilities.** Recycling collection facilities are permitted in the IRT District, subject to the following standards:
1. Outdoor storage areas shall be entirely enclosed within an eight (8) foot high, decorative masonry wall or a six (6) foot high decorative obscuring fence in combination with a minimum twenty (20) foot wide landscaped greenbelt at the discretion of the approving body. The landscaped greenbelt shall be located between the fence or wall and the property line.
 2. Outdoor storage areas shall have an approved all-weather surface.
 3. Items stored outdoors shall not be stacked higher than the obscuring fence or wall.
 4. Items stored outdoors shall be covered or kept in containers.
 5. Garbage shall not be stored on site for longer than necessary; all nonrecyclable materials shall be kept in dumpsters, to be emptied on a weekly basis, at a minimum.
 6. All machinery and accessory buildings shall comply with the setback standards of the district.
 7. Drop-off areas shall be attended during business hours and kept free of debris.
 8. Recycling collection facilities shall not be located in a floodplain.
 9. Hours of operation shall fall between 7:00 am and 10:00 pm.

50-4.7 Auto Engine and Body Repair and Undercoating Shops

- A. Adequate space must be provided for storage of vehicles on the premises, exclusive of required off-street parking facilities.
- B. A maximum of five vehicles waiting to be repaired, in the process of being repaired or having completed repairs may be stored outside on the premises at any one time and shall conform to the required yard setbacks of the IRT district.
- C. Vehicles in excess of five shall be located within the rear yard and shall be stored within the confines of a building or outdoor storage area meeting the standards of [Section 50-4.2 Outdoor Storage](#). Such storage shall not comprise an auto junkyard or salvage operation.
- D. All repair work shall be conducted within a fully enclosed building.

50-4.8 Lumber and Planing Mill

- A. The property shall not abut any residentially zoned property.
- B. All operations shall be in an enclosed building.
- C. Storage yards shall be screened in accordance with [Section 50-5.7 Landscaping and Walls](#).

50-4.9 Storage, Distribution, and Sale of Liquefied Petroleum Gas

Any facility engaged in the storage, distribution or sale of liquefied petroleum gas shall be buffered from any non-industrial use or district with a berm equaling the height of any storage tank located between the building and the non-industrial use or district.

50-4.10 Vehicle Impound Yards

Vehicle impound yards for the temporary storage of motor vehicles shall be subject to the following conditions:

- A. The perimeter of the lot on which vehicles are actively stored shall be enclosed in its entirety with an opaque fence with a minimum height of eight (8) feet.
- B. Adequate lighting shall be located near the perimeter of the storage area so as to deter vandalism.
- C. Adequate fire suppression devices shall be located on the premises in accordance with the International Fire Prevention Code.
- D. No more than one vehicle per 200 square feet of gross active storage area shall be allowed.
- E. No vehicle will be allowed to be stored on the premises for a continuous period of 90 days or more.
- F. No dismantling, repair or alteration of vehicles will be allowed on the premises.
- G. No sale of vehicles or vehicle parts shall be allowed.
- H. Impound yards shall be subject to periodic inspections for compliance with the requirements by the public safety and building departments of the city.

50-4.11 Live/Work Units

- A. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations.
- B. In addition to the permitted uses above, the Planning Commission may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law.
- C. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- D. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided there is internal access between the residential and commercial space.
- E. The commercial component and residential components shall be designated on the floor plan approved through the PUD process.
- F. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure.
- G. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units;
- H. Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component.
- I. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level.
- J. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation.
- K. The live/work unit shall be required to provide parking in accordance with this ordinance.
- L. No more than two employees (excluding residents of the dwelling unit) shall work or report to work on the premises, and the employment of any persons who do not reside in the live/work unit shall comply with all applicable building code requirements.
- M. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.
- N. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

50-4.12 Outdoor Theaters

- A. Outdoor theaters. Because outdoor theaters possess the unique characteristics of being used only after dark and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in IRT districts only. Outdoor theaters shall further be subject to the following conditions:
1. The proposed internal design shall receive approval from the Building Inspector and the City Manager as to adequacy of drainage, lighting and other technical aspects;
 2. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare;
 3. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way;
 4. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfare. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

50-4.13 Wireless Communication Facilities

- 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 from 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 effect of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

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- B.** Applicability. All towers or antennas erected in the city after the adoption of this ordinance from which this subsection is derived shall be subject to the provisions of subsection A except as otherwise provided in this subsection.
- C.** 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, 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.
- D.** 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.
 - a. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator 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.
 - b. The Zoning Administrator 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 Administrator 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, 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.
- E. General standards.
1. Towers and antennas shall meet the following aesthetic requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. 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.
 - c. 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.
 - d. 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.
 2. 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 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.

Section 50-4.13.E.3 - 50-4.13.G.2

3. 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 non-conformance with this chapter and the removal of the tower or antenna at the owner's expense.
 4. No advertising or identification signs visible from off-site shall be allowed or permitted on an antenna or tower.
 5. Buildings and support equipment associated with antennas or towers shall comply with the requirements set forth in this subsection.
- F. 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.
- G. 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 Administrator 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. The on-site relocation of a tower under this section shall not be deemed to be a violation of those provisions of this subsection 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 in subsection A of this section shall be permitted only when a variance has been approved by the 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:
 - a. 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:
 - I. 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.
 - II. A legal description of the lot and the leased parcel as applicable.
 - III. Evidence of the tower or structure owner's consent to place the proposed antenna.
 - IV. 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.
 - V. The separation distance from other towers described in the inventory of existing sites set forth at subsection D.3 of this section.
 - VI. A landscape plan showing specific landscape materials.
 - VII. Method of fencing and finish color and, if applicable, method of camouflage and illumination.
 - VIII. A signed and notarized statement by the applicant certifying compliance with all applicable federal, state and local laws.
 - IX. 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.
 - X. Identification of the entities providing the backhaul network for the tower and antennas.

- b. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with the general standards set forth in subsection E of this section as well as the setback and separation distance established in subsections K and L of this section.
 - c. In connection with any administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - d. The Zoning Administrator shall respond to each application within 60 days after its receipt by approving with or without modification or denying the application. If the Zoning Administrator fails to respond to the applicant within 60 days, the application shall be deemed approved.
 - e. If an administrative approval is denied, the applicant shall be required to file an application for a special use permit pursuant to this subsection prior to filing any appeal that may be available under this chapter.
- H. Special use permits.**
- 1. Generally. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:
 - a. If a tower or antenna is not permitted under subsection F or G 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.
 - b. Applications for special use permits under this subsection 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.
 - c. Any information of an engineering nature the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
 - d. 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:
 - a. 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.
 - b. A legal description of the parent lot and leased parcel, if applicable.
 - c. Evidence of the lot owner's consent to place the proposed tower.
 - d. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned property and unplatted residentially zoned property.
 - e. The separation distance from other towers described in the inventory of existing tower sites set forth in subsection D of this section.
 - f. A landscape plan showing specific landscape materials.
 - g. The method of fencing and finish color and, if applicable, the method of camouflage and illumination.
 - h. Certification of compliance with all applicable federal, state and local laws.
 - i. A sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - j. Other tower and antenna sites owned, or leased or operated by the applicant in the city.
 - k. Identification of the entities providing the backhaul network for the proposed tower.
 - l. 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.
 - m. 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.
 - n. A statement by the applicant that the proposed tower is needed:
 - I. Because of proximity to an interstate or state highway, or its proximity to areas of population concentration or commercial, business or industrial centers; or
 - II. Because there are areas where signal interference occurs due to tall buildings, masses of trees, or other obstructions;
 - III. Because the proposed antenna is needed to complete a communications grid as it relates to the needs of the city and surrounding areas; and
 - IV. The telecommunications provider is not able to collocate its antenna on another tower.

Section 50-4.13.I - 50-4.13.I.1.i

- I. Factors to be considered in granting a 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 the goals of this subsection are better served thereby. The factors to be considered as follows:
 - a. 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;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress;
 - h. Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures; and
 - i. 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:
 - a. No existing towers or structures are located within the geographic area which meet the applicant's proposed antenna and related equipment.
 - b. Existing towers and structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. 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.
 - e. 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.
 - f. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates 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.
- J. Tower Height. Tower height shall be measured as the distance from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- 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.

Section 50-4.13.L - 50-4.13.L.3.b.III

- L. Separation.**
- 1.** The separation requirements in this subsection 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:
 - a.** Tower separation shall be measured from the base of the tower to the lot line at the off-site use or designated area.
 - b.** 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.
 - c.** 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.
 - d.** A tower shall comply with the setback distance set forth at subsection K of this section for any nonresidentially zoned land or nonresidential use.
 - 3.** Separation of distances between towers shall be as follows:
 - a.** 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.
 - b.** Separation distances between towers shall be based upon tower construction as follows:
 - I.** 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.
 - II.** 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.
 - III.** For a proposed monopole less than 75 feet in height, its distance from any existing tower shall be 750 feet.

Section 50-4.13.M - 50-4.13.O.3

- 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 anticlimbing 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 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. When use of a tower is discontinued, the owner shall notify the city within 90 days of said discontinuance. 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 said 12-month period. Failure to remove an abandoned tower or antenna within 12 months 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 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 section 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 section 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 section.
 3. Notwithstanding subsection P.2 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 section. 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 section.

Section 50-4.13.P - 50-4.13.Q

- P.** Review. Within 60 days of the date on which an applicant submits an application seeking approval for collocation under this section, the Zoning Administrator or his/her designated appointee shall approve the application unless it determines the application is not qualified under the terms of this ordinance regulating Eligible Facilities. If the Zoning Administrator 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 Zoning Administrator determines the application is incomplete. To pause the timeframe for incompleteness, the City of Springfield Zoning Administrator 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 Administrator shall notify the applicant within 5 days that the submission did not provide the missing information. This timeframe is then paused again until the next submission.

50-4.14 Places of Worship

Buildings of greater than the maximum height allowed in the underlying zoning district may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.

50-4.15 Private Noncommercial Recreational Facilities and Centers; Institutional or Community Recreation Centers; Nonprofit Swimming Pool Clubs

- A. The proposed site for any of the uses permitted in this subsection which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan and the site shall be so planned as to provide all access in accordance with [Section 50-5.3](#);
- B. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition;
- C. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage;
- D. Whenever a swimming pool is constructed under this chapter, it shall conform to the requirements of chapter 6, article VII of the Code of Ordinances.

50-4.16 Golf Courses

- A. The site plan shall be laid out to achieve a relationship between the major thoroughfare or collector street and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety;
- B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 100 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement;
- C. Whenever a swimming pool is constructed under this chapter, it shall conform to the requirements of chapter 6, article VII of the Code of Ordinances.

50-4.17 Colleges and Universities

- A. Any use permitted in this subsection shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat;
- B. No building shall be closer than 80 feet to any property line.

50-4.18 Extended Care Hospitals

- A. In Residential Districts.
 - 1. Such hospitals shall not exceed 2 stories or 35 ft. in height.
 - 2. Such hospital complexes shall be developed only on sites consisting of at least 40 acres in area;
 - 3. The minimum distance of any main or accessory building from bounding lot lines, or streets shall be at least 150 feet, except that detached dwelling units for staff housing may be permitted with minimum setback distances equal to at least the minimum yard requirements for one-family dwellings as set forth in [Section 50-4.36 Single-Family Dwellings](#) of this article, schedule of regulations, for each applicable residential district;
 - 4. An obscuring wall or berm shall be provided to screen storage areas, loading areas, parking areas, and the like from any adjacent residentially zoned area.

50-4.19 Private Swimming Pools

Swimming pools in Residential Districts are permitted as an accessory use within the rear yard, provided they meet the following requirements:

- A. Private pools shall not require Planning Commission review and approval;
- B. There shall be a minimum distance of not less than six feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall;
- C. No swimming pool shall be located less than 35 feet from any front lot line;
- D. No swimming pool shall be located in an easement;
- E. Private pools shall be subject to the requirements of chapter 6, article VII of the Code of Ordinances.

50-4.20 Home Occupations

- A. Such occupation shall be carried on by one occupant within the principal building, excluding all outdoor activities, with no employees. Examples of such home occupations are hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, catalog sales, and instruction in a craft or a fine art within the residence. The use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence shall be considered a permitted accessory use and shall not require special land use approval.
- B. Home occupations shall be operated in their entirety within the dwelling and not within any garage or accessory building located upon the premises except for incidental storage which may be allowed within a residential-type garage upon the premises.
- C. There shall be no evidence other than a plate, plaque or similar feature no more than two square feet in area, in accordance with the provisions of [Section 50-5.11](#), [subsection H](#) of this chapter.
- D. No home occupation shall be conducted within a dwelling unless the home occupation is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. No service shall be sold or conducted upon or from the premises which would constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises.
- F. No home occupation requiring warehousing of retail or wholesale merchandise or delivery of the retail or wholesale merchandise by large semitrailer-type trucks shall be allowed.
- G. Paving of any yard area other than normal driveway areas to accommodate parking for home occupations is prohibited.
- H. No home occupation shall be allowed which utilizes more than 20 percent of the interior gross floor area of the premises and not, in any event, more than 300 square feet.
- I. In no instance shall the repair or sale of motor vehicles be determined to be a home occupation.

- J. The permission for home occupations as provided in this subsection is intended to secure flexibility in the application of this chapter, but such permission is not intended to allow the essential residential character of a residential district in terms of use, traffic and appearance to be changed in the slightest degree by the occurrence of nonresidential activities. Furthermore, no addition shall be made to a structure for the accommodation of any home occupation, nor shall any alterations be made that are visible from the exterior of a structure. All activities, unless otherwise stated, shall be carried on indoors only within the principal building.
- K. The regulation of home occupations shall not waive additional provisions that may be necessary to meet other local, state or federal requirements.
- L. No home occupation under the terms of this chapter shall be allowed until a Certificate of Occupancy therefor has been issued by the Zoning Administrator. Such certificate shall state the home occupation complies with this chapter.

50-4.21 Nursery Schools, Day Nurseries and Child Care Centers

For each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be fenced and screened from any adjoining lot in any residential district.

50-4.22 Outdoor Sales of Vehicles

- A. The lot area on which vehicles for sale are parked, along with required parking spaces and maneuvering lanes which access the showroom and/or sales area, shall be paved with asphalt or concrete materials in accordance with the provisions as provided in [Section 50-5.6](#);
- B. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets;
- C. No major repair or major refinishing shall be done on the lot;
- D. All lighting shall be shielded from adjacent residential districts.

50-4.23 Hotels and Motels

- A. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare;
- B. Each unit shall contain not less than 250 square feet of floor area;
- C. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.

50-4.24 Drive-in, Drive-through or Open Front Stores

- A. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained;
- B. Access points shall be located at least 60 feet from the intersection of any two streets;
- C. All lighting shall be shielded from adjacent residential districts;
- D. A six-foot high completely obscuring wall or berm shall be provided when abutting or adjacent districts are zoned for R, OS, B-1, or B-2 districts. The height of the wall or berm shall be measured from the surface of the ground. Such wall or berm shall further meet the requirements of [Section 50-5.1](#), [Section 50-5.6](#), [Section 50-5.7](#), [Section 50-5.8](#), [Section 50-5.11](#), [Section 50-7.14](#) of this chapter.

50-4.25 Veterinary Hospitals or Clinics

- A. All activities must be conducted within a totally enclosed building.
- B. All buildings shall be set back at least 200 feet from abutting residential districts on the same side of the street.

50-4.26 Commercial Plant Materials Nursery

- A. The storage or display of any materials or products shall meet all setback requirements of a structure;
- B. All loading and parking shall be provided off-street;
- C. The storage of any soil, fertilizer, equipment, tools and products shall be contained so as to prevent any effects on adjacent uses.

50-4.27 Commercial Greenhouse

- A. The storage or display of plant materials shall meet all setback requirements;
- B. Storage of soil, fertilizers, equipment, tools and products required for the growing of plant material shall be totally enclosed within the building;
- C. All parking and loading shall be provided off-street.

50-4.28 General Hospitals

- A. In the RM-1 District, there shall be no maximum height restrictions when the following conditions are met:
 - 1. All such hospitals shall be developed only on sites consisting of at least ten acres in area.
 - 2. All access to the site shall be in accordance with [Section 50-5.3](#).
 - 3. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.

50-4.29 Housing for the Elderly

- A. In the RM-1 District, there shall be no maximum height restrictions when the following conditions are met:
 - 1. All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities;
 - 2. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25 percent of the total site exclusive of any dedicated public right-of-way for two-story buildings and 15 percent of the total site exclusive of any dedicated public right-of-way for buildings over two stories in height;
 - 3. For every story above two, the minimum yard distance shall be increased by at least 20 feet.

50-4.30 Convalescent or Rest Homes and Orphanages

- A. There shall be provided on the site not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings;
- B. No building shall be closer than 40 feet to any property line.

50-4.31 Mortuary Establishments

- A. There shall be provided on the site an adequate assembly area for vehicles to be used in funeral processions; provided further that such assembly area shall be provided in addition to any required off-street parking area.
- B. A caretaker's residence may be provided within the main building of mortuary establishments.

50-4.32 Repealed

Δ Ord. No. 2 of 2021 (January 6, 2022).

50-4.33 Subdivision Open Space Plan

- A. The intent of the subdivision open space plan is to promote the following objectives:
 - 1. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;
 - 2. Encourage developers to use a more creative approach in the development of residential areas;

Section 50-4.33.A.3 - 50-4.33.B.8

3. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site;
 4. Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- B.** Modification to the standards outlined in this section may be made in the R-1 and R-2 one-family residential districts when the following conditions are met:
1. The lot area in all one-family residential districts, which are served by a public sanitary sewer system, may be reduced up to 20 percent. In the R-1 district, this reduction may be accomplished in part by reducing lot widths up to ten feet. In the R-2 district, this reduction may be accomplished in part by reducing lot widths up to five feet. These lot area reductions shall be permitted, provided the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under this section. All calculations shall be predicated upon the one-family districts having the following gross densities (including roads):
 - R-1 = 3.3 dwelling units per acre;
 - R-2 = 4.4 dwelling units per acre.
 2. Rear yards may be reduced to 30 feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided the width of such dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot;
 3. Under the provisions of subsection B.1 of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in this section, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the city;
 4. The area to be dedicated for subdivision open space purposes shall in no instance be less than four acres and shall be in a location and shape approved by the Planning Commission;
 5. The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed so as to have natural drainage. The entire area may, however, be located in a floodplain;
 6. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer;
 7. This plan, for reduced lot sizes, shall be started within six months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval;
 8. Under this subdivision open space approach, the proprietor shall dedicate sufficient park area so that each final plat is within maximum density requirements; provided, however, that any entire park within a single block shall be dedicated as a whole.

50-4.34 One-Family Cluster Option

- A.** The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive. To accomplish this development, the following modifications to the one-family residential standards, as outlined in this section, shall be permitted subject to the conditions imposed in this section:
- 1.** In all one-family residential districts, one-family clustering shall be permitted in those parcels having at least one of the following characteristics:
 - a.** In all one-family residential districts, one-family clustering shall be permitted in an area generally parallel to, and not to exceed 360 feet in depth, on those unsubdivided parcels of land having frontage on a major thoroughfare of at least 120 feet and being so located as to provide transition, through site plan flexibility, between such major thoroughfare and adjacent one-family development.
 - I.** The Planning Commission may vary this 360 feet of depth wherein it shall find that the parcel is of a narrow dimension and would not permit sound development of that portion remaining after the 360 feet of depth were subtracted from the total depth.
 - II.** The Planning Commission may vary the 360 feet of depth when the development of the remaining portion of the parcel in question would, due to topography or existing abutting development, more properly be related to the development on the 360 feet of depth.
 - b.** An unsubdivided parcel which would make sound physical development under the normal subdivision approach impractical due to shape and/or dimension.
 - c.** An unsubdivided parcel which contains a floodplain or poor soil conditions which results in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain Maps or documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development.
 - d.** Those parcels of land containing major topographic problems which, in the opinion of the Planning Commission, would make sound physical development under the normal subdivision approach impractical.
 - e.** An unsubdivided area which the Planning Commission finds to be characterized by major stands of trees, streams, or other watercourses, which, as significant natural assets, ought to be preserved, such conditions making sound development of the site, under normal subdivision approaches undesirable. Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option.

2. Under this section, attached one-family homes shall be permitted when such homes are attached through a common party wall which does not have over 50 percent of its area in common with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit. The maximum number of units attached in the manner described shall not exceed four in a cluster.
3. The maximum density permitted under this section, including roads, shall be as follows:
 - R-1 = 3.3 dwelling units per acre.
 - R-2 = 4.4 dwelling units per acre.
 - R-3 = 6.5 dwelling units per acre.
4. The minimum floor area for all units constructed on any portion of the site under this option shall be at least equal to the minimum floor area required for the one-family residential district in which the cluster is to be constructed.
5. Yard requirements shall be provided as follows:
 - a. Spacing between any grouping of four clustered one-family units or less and another grouping of such structures shall be equal to at least 30 feet, measured between the nearest points of the two groupings;
 - b. All such clusters shall be so situated as to have one side of the grouping abutting onto a common open space;
 - c. That side of a cluster adjacent to a private service drive or private lane shall not be nearer to such drive or lane than 20 feet with the garage portion of the structure and not nearer than 25 feet with the living portion of the structure;
 - d. That side of cluster adjacent to a dedicated street shall not be nearer to such street than 30 feet, except that on lands immediately adjacent to an interior dedicated street which is part of the comprehensive site plan submitted under this section and having slopes in excess of 15 percent; for each one percent over 15 percent, the front yard may be reduced by five feet, and in no instance shall a structure be closer to the road right-of-way line than ten feet;
 - e. This nature of cluster, when abutting a front yard of an existing recorded subdivision, which is not a part of the comprehensive site plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat the side of the cluster as a front yard;
 - f. No building shall be located closer than 30 feet to the outer perimeter (property line) of the site.
6. The area in open space, including recreation and water areas, accomplished through the use of one-family clusters shall represent at least 15 percent of the horizontal development area of a one-family cluster development.
7. The maximum height of buildings shall be 25 feet provided that the height of any individual dwelling unit in a cluster on a slope in excess of 15 percent, when the unit is constructed on stilts, shall not compute the first ten feet of height in the stilts. Application of the definition of "building height" shall apply over and above this ten feet of stilt height.

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8. In reviewing the plans and approving the application of this section to a particular site, the Planning Commission shall require the following:
 - a. A landscaped berm, at least five feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side yard or rear yard. The Planning Commission shall find the slopes on such berms are gentle enough as not to erode when planted in grass and shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured;
 - b. Street ingress and egress shall be directly onto a major thoroughfare, and shall not be permitted through adjacent subdivision streets unless the Planning Commission shall find such major thoroughfare access impassable or impractical due to physical or traffic safety conditions.
9. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two-foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm, and any other details which will assist in reviewing the proposed plan. Approval of a site plan under this section shall be effective for a period of one year. Development for which building permits have not been taken during this period shall be considered as abandoned and authorization shall expire requiring that any proposed development thereafter shall be reviewed and approved by the Planning Commission. Any proposed change in site plan or building plans, after approval is had, shall require review and approval by the Planning Commission prior to effecting such change.
10. Further site plan review by the Planning Commission shall be provided as required in [Section 50-6.1](#) insofar as such review provided for therein is not inconsistent with the provisions provided in this section.
11. Following its review, the Planning Commission shall forward its report and recommendation to the City Council. Upon receipt of the report and recommendation of the Planning Commission, the City Council shall, by resolution, either approve or disapprove the site plan. If the City Council approves the proposed site plan, it shall instruct the city attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by the City Council, shall be entered into between the city and the applicant prior to the issuance of a building permit for any construction in accordance with the site plans.
12. As a condition for the approval of the site plan by the City Council, the applicant shall deposit a cash or corporate surety bond in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Council, and provided further that maintenance of such improvements is ensured by a means satisfactory to the City Council. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.

50-4.35 Satellite Dish Antennas

- A.** Purpose and intent. It is the purpose and intent of this section to establish rules and regulations consistent with federal policy with respect to the installation, placement, maintenance and use of satellite dishes designed for over-the-air reception of television broadcast signals that:
1. Ensure consumers have access to a broad range of video programming services;
 2. Foster full and fair competition among different types of video programming services;
 3. Satisfy the city's legitimate governmental interests in protecting lives and property and promoting the public's safety, health and including, but not limited to:
 - a. Reducing the likelihood that satellite dishes will become windblown storm hazards;
 - b. Reducing crime and the opportunity for crime; and
 - c. Reducing the negative aesthetic consequences which may result from the unregulated placement of satellite dishes in residential areas.
 4. Ensure compliance with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the Stille-DeRossett-Hale Single State Construction Code Act 1972 PA 230 (MCL 125.1501 et seq.).
- B.** Small satellite dish regulation.
1. Small satellite dish antennas are subject to the following application requirements:
 - a. The satellite antenna installation shall require the approval of the City Manager or his/her appointed designee..
 - b. The approval of the Zoning Administrator or the Zoning Administrator's designee is contingent upon the compliance by the satellite antenna with the regulations of the city.
 - c. Where the construction, connection or installation of an antenna requires a permit under the Stille-DeRossett-Hale Single State Construction Code Act (the "code"), a permit shall be obtained.
 - d. Installation of satellite dish prior to obtaining a permit.
 - I. To avoid any possibility of delay with respect to the deployment of an antenna, any person who wishes to install or have installed an antenna may do so without the advance filing of an application, the advance filing of a satellite plan, the advance payment of the application fee and the filing and obtaining in advance of a permit, as such are required in this section; provided, however, that the installer or the person for whom the antenna is installed must provide written notice to the city within 48 hours after any such installation (exclusive of weekends and legal holidays) reporting the facts of such installation (i.e., the address of the installation, identity of the person responsible for the antenna at the installation site and location of the antenna as installed). Failure to provide such notice is a violation of this article.
 - II. As soon as staff resources permit, the city will inspect the installation to determine if it complies with the requirements of this article and the code (if such code is also applicable). Neither the approval of the Zoning Administrator or the Zoning Administrator's designee nor a permit under the code will be unreasonably withheld to delay antenna deployment.

- III. If an antenna is deployed in advance, but does not comply with this section, the code or both in any respect, the city shall not be responsible for any costs incurred in connection with any alteration, modification, redeployment or reinstallation of an antenna in order for it to achieve full compliance.
 - e. Installation of satellite dish subsequent to obtaining a permit.
 - I. Alternatively, the person who wishes to install an antenna may file the application, submit the satellite plan, pay the fee and obtain the permit, if one is required, in advance of the installation.
 - II. If a satellite plan is in compliance with federal and local rules, approval of the Zoning Administrator or the Zoning Administrator's designee and a permit under the code will be issued within 20 days of application, absent exceptional circumstances.
 - f. Such permitting shall be no more burdensome than is necessary to ensure public health and safety.
 - g. Review and approval shall be required on an annual renewal basis and at such time the applicant may be required to submit photos of the antenna taken from the street and adjacent properties. This is necessary to ensure continued compliance and to keep the city appraised of the status of satellite communications within the city.
2. Small satellite dish antennas are subject to the following installation requirements: The Zoning Administrator or the Zoning Administrator's designee shall review all installations and applications for small satellite antenna approvals within 20 days of receipt of applications, absent exceptional circumstances, to determine the installation meets the following permit conditions:
- a. The installation or modification of a satellite earth station shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the code.
 - b. No antenna shall be permitted in a front yard or on the front part of any roof which runs parallel with the front property line, except in the instance of corner lots where only one side will be designated the front property line (the "front" shall be the same as the street address of the property as assigned by the United States Post Office).
 - c. Every reasonable effort must be made to locate the antenna in a manner where it is effectively screened by a fence, near a structure or near another protective barrier which will decrease the likelihood of a broken or dislodged antenna becoming a windblown storm hazard.
 - d. The city shall charge a \$20.00 administration fee for review of each application and installation. Such fee shall be remitted with the application.
 - e. The antenna shall be ground mounted or located on the side of a structure as close to the ground as is reasonably possible.

- f. Ground-mounted satellite earth stations shall conform to the minimum setback requirements as are required for the principal building on the building site pursuant to the code and any applicable city zoning code provision.
 - g. Ground-mounted satellite earth stations shall conform to the minimum setback requirements from water as may be required for the principal building location on the property pursuant to the code and any applicable city zoning code provision.
 - h. Ground-mounted satellite earth stations shall conform to minimum setback requirements from power lines which shall be, at minimum, no less than eight feet from any power line over 250 volts.
 - i. Except as provided in subsection B.5 of this section, no antenna shall be placed upon a roof area that is supported by trusses.
 - j. Each antenna and antenna installation shall be required to be painted in a fashion so that it blends into the background against which it is mounted.
 - k. The provisions of this subsection shall apply to “temporary or moveable” dish antennas. All temporary or moveable dish antennas must be permanently installed within six months after a temporary permit has been issued absent the receipt of approval as provided by this subsection.
3. VSAT is not within the purview of this section because it is not used to provide over-the-air video programming.
4. If, as a result of compliance with this section’s requirements, reception is impaired, the cost to comply is or would be unreasonable, or the installation may be unreasonably delayed, the Zoning Administrator may approve plans which deviate from the requirements of this article. The following list enumerates the hierarchy of deviations in order of the most acceptable deviation to least. The Zoning Administrator must attempt to deviate from requirement of subsection B.4.a of this section before attempting to deviate from requirement of subsection B.4b of this section, the Zoning Administrator must attempt to deviate from requirements of subsections B.4.a and B.4.b of this section before attempting to deviate from requirement of subsection B.4.c of this section, and must attempt to deviate from requirements of subsections B.4.a—B.4.c of this section before attempting to deviate from requirement of subsection B.4.d of this section.
- a. The antenna shall not be located in a historic district, or on a historic site, building or structure, landmark or object, listed or eligible to be listed in the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended;
 - b. The antenna shall be ground mounted or located on the side of a structure as close to the ground as is reasonably possible;
 - c. An antenna shall not be placed on a roof area which is supported by trusses;
 - d. No antenna shall be permitted in a front yard area or on the front part of any roof which runs parallel with the front property line, except in the instance of corner lots where only one side will be designated the front property line. The “front” shall be the same as the street address of the property as assigned by the United States Post Office.

Section 50-4.35.B.5- 50-4.35.B.6.f

5. Any other deviation from the requirements of this article must be justified, taking into consideration the location and surrounding structures, fences, landscaping and other features.
 - a. Rooftop installation of satellite dish or dish antennas will only be permitted where:
 - I. A Zoning Administrator/truss manufacturer approves the method of attachment proposed by the applicant;
 - II. The antenna is anchored to the roof in conformance with the requirements of the code; and
 - III. A professional engineer certifies as safe any infrastructure improvements made to fortify the truss system or the truss system as designed to which the antenna will be installed. Such certification must be obtained, absent exceptional circumstances, within 20 days of installation.
 - b. The installation of any antenna structure mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antenna structure above the roof, nor shall such structure be erected near electric power lines or encroach upon any street or other public space.
 - c. Antenna users must obtain a special permit as described in subsection 6.b of this section, in cases in which the antennas extend more than 12 feet above the roof line in order to receive signals.
6. Mast installation shall be as follows:
 - a. Mast height may be no taller than absolutely necessary to receive acceptable quality signals.
 - b. Masts that extend 12 feet or less beyond the roof line may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roof line must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast that extends more than 12 feet above the roofline must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to the public, then the city may prohibit such installation. The notice of rejection shall specify these safety risks.
 - c. Masts must be installed by a licensed and insured contractor.
 - d. Masts must be painted the appropriate color to blend into the masts' surroundings.
 - e. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the masts and antenna structure (combined height) above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
 - f. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.

- g. Masts shall not encroach upon another owner’s lot or common property.
 - h. Masts installed on the ground must sustain a minimum of 70-mile per hour winds, or such speeds as otherwise provided in the state construction code and this chapter, if applicable.
 - 7. The regulations in this section shall be applied in a nondiscriminatory manner to other appurtenances, devices and fixtures that are comparable in size, weight and appearance to the subject antennas and to which local regulations would normally apply.
- C. Large satellite dish regulation. The provisions of subsection B of this section shall apply to large satellite dish antennas. Any provision of subsection B of this section that:
 - 1. Materially limits transmission or reception by satellite earth station antennas; or
 - 2. Imposes more than minimal costs on users of such antennas;
 - 3. shall not apply unless the city can demonstrate that such regulation is reasonable.
- D. Violation of section. Violation of specified conditions and safeguards, when made part of the terms under which the antenna is approved, or the various provisions of this section, shall be deemed grounds for revocation of permit and/or punishable as a civil infraction provided for in section 1-56 of the Springfield Code of Ordinances.
- E. Contact.
 - 1. The antenna user shall provide the Zoning Administrator with the name and address of the contact designated to receive notices, filings, reports, records, amendments and other types of correspondence or information that relate to administration and/or enforcement of this section.
 - 2. The Zoning Administrator may be contacted at the Springfield City Hall, which is located at the following address: 601 Avenue A, Springfield, Michigan 49037.
 - 3. All notices affecting the legal rights of the parties and all other filings, reports, records, documents and other types of correspondence shall be in writing, and shall be deemed served when delivered by hand or personal service, certified mail, return receipt requested, registered mail, or express delivery by the designated contact.

50-4.36 Single-Family Dwellings

Single-family dwellings shall comply with the following conditions:

- A. It complies with the minimum square footage requirements for the district in which it is located.
- B. It has a minimum width across any front, side or rear elevation of 24 feet and complies in all respects with the Stille-DeRossett-Hale Single State Construction Code including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Stille-DeRossett-Hale Single State Construction Code, then and in that event such federal or state standard or regulation shall apply.



Section 50-4.36.C - 50-4.36.H

- C. It is firmly attached to a permanent foundation constructed on site in accordance with the Stille-DeRossett-Hale Single State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the applicable building code for single-family dwellings. If the dwelling is a mobile home, as defined herein, such dwellings shall be installed pursuant to the manufacturers setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home Planning Commission and shall have a perimeter wall as required by in this subsection.
- D. If a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the county health department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, or in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15 percent of the square footage of the dwelling or 200 square feet, whichever shall be less.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with windowsills and roof drainage systems concentrating roof drainage along the side of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being either in the rear or side of the dwelling; contains permanently attached steps connected to the exterior door areas or to porches connected to such door areas, where a difference in elevation requires the steps. The compatibility of design and appearance shall be determined in the first instance by the city Building Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Board of Appeals within a period of 15 days from the receipt of notice of the Building Inspector’s decision. Any determination of compatibility shall be based upon the standards set forth within the definition of “dwelling,” as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of such area; or, where the area is not so developed, by the character of residential development outside of mobile home parks throughout the city. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard-designed home.
- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this chapter.

- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation with and connected to the mobile home shall be of a similar type and quality conforming to the “Mobile Home Construction and Safety Standards,” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The longest side of the dwelling, being the natural front, shall be as closely parallel as possible to the street.
- K. The standards of subsections A through J shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law or otherwise specifically required in the ordinance of the city pertaining to such parks.

50-4.37 Farms

Where permitted, farms shall meet the following conditions:

- A. include a continuous parcel of more than ten (10) acres in area.
- B. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal or as rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

50-4.38 Mobile Home Parks

- A. Mobile home park and manufactured home park. Mobile homes which do not conform to the standards of the definition of “dwelling, single-family,” in section 50-2, shall not be used for dwelling purposes within the city unless located within a mobile home park or a mobile home plat zoned for such uses. All mobile home parks and manufactured home parks shall comply with the applicable requirements of 1987 PA 96 (MCL 125.2301 et seq.), and the provisions of the Michigan Administrative Code R 125.1101 et seq.; provided further that such developments meet the following standards and conditions, and all other provisions as established in this subsection:
 - 1. All applications for manufactured home parks must be approved by the City Council upon recommendation of the Planning Commission in accordance with the provisions of this subsection (c).
 - 2. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home park may be sold by a licensed dealer and/or broker. This subsection shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale.

Section 50-4.38.A.3 - 50-4.40

3. Mobile home parks may be permitted within the RM-1 district subject to the following conditions and locational requirements:
 - a. Mobile home parks shall not abut one-family residential districts;
 - b. Locational requirements in RM-1 districts shall be as follows:
 - I. Parcels being proposed for mobile home parks in RM-1 districts may be permitted when such mobile home park affords a buffer between the remainder of the RM-1 district and any railroad.
 - II. In an RM-1 district, the mobile home park shall not be any nearer to the outer limits of the RM-1 district than 450 feet. Outer limits as used here shall not include the edge along a railroad, public road or IRT district;
 - III. The mobile home park shall provide a 12-foot greenbelt between itself and other properties zoned RM-1 unless such property is occupied by another mobile home park. The greenbelt shall provide a continuous year-round obscuring screen. A five-foot obscuring wall or berm may be substituted for the greenbelt with the approval of the Planning Commission.

50-4.39 Adult Foster Care, Small and Large Group Homes, and Group Child Care Homes

Where permitted, Adult Foster Care Small Group Homes (caring for 7-12 people), Adult Foster Care Large Group Homes and Group Child Care Homes shall meet the following conditions:

- A. Shall have primary access to a major collector or arterial (minor or major) street, as identified in the City of Springfield Master Plan.
- B. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- C. The approval shall not result in an excessive concentration of child or adult care facilities in the neighborhood.

50-4.40 Adult Day Care Centers

Where permitted, Adult Day Care Centers shall have primary access to a major collector or arterial (minor or major) street, as identified in the City of Springfield Master Plan.

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Zoning Ordinance | Article 50-5

Site Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement

*clear*zoning

CITY OF SPRINGFIELD CHAPTER 50 - ZONING ORDINANCE
Effective August 6, 2020



Article 50-5 - Site Standards

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

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6. Development Procedures

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Section 50-5.1

50-5.1 Accessory Buildings

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- A.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- B.** All detached accessory buildings shall be confined to the rear yard area.
- C.** An accessory building shall not exceed in square footage more than 25 percent of the required rear yard, or 1,200 square feet, whichever is less; provided that in a residential area all accessory buildings exceeding 144 square feet shall be similar in outward appearance to that of the main building. In addition, whenever an accessory building is constructed on an abutting buildable lot which does not contain the principal building, such structure shall be placed so as to allow the construction of a dwelling of the minimum size as required by this chapter. Accessory buildings shall not be allowed on singular lots which do not abut the zoning lot upon which the principal use is located. Accessory buildings shall not exceed two in number.
- D.** No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- E.** No detached accessory building in R-1 through R-3, RM-1, OS, and B-1 districts shall exceed one story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to Board of Appeals review and approval if the building exceeds one story or 14 feet in height.
- F.** When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than 20 feet to a street right-of-way line.
- G.** When an accessory building in any residential, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.
- H.** The parking of a mobile home on lands not approved for mobile home parks shall be expressly prohibited.

50-5.2 Frontage on a Public Street

No lot shall be used for any purpose permitted by this chapter unless such lot abuts a public street, unless otherwise provided for in this chapter.

50-5.3 Access to Major Thoroughfare or Collector Street

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds there are special circumstances which indicate there will be a substantial improvement to a thoroughfare.

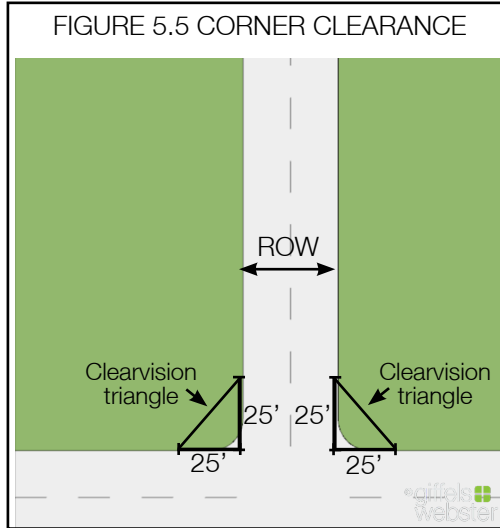
50-5.4 Average Lot Size

- A. The intent of this section is to permit the subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in this section for the R-1 and R-2 one-family residential districts. If this option is selected, the following conditions shall be met:
 - 1. In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in the schedule of regulations, and shall not create an attendant increase in the number of lots.
 - 2. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
 - 3. All computations showing lot areas and the average resulting through this technique shall be indicated on the print of the preliminary plat.

Section 50-5.5

50-5.5 Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of three feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from the point of intersection of such right-of-way lines. A similar corner clearance area shall be maintained where a private drive intersects a public or private road. ✍



50-5.6 Off-Street Parking and Loading Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a Certificate of Occupancy, as prescribed as follows:
1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback, unless otherwise provided in this chapter. Off-street parking shall not be permitted within a minimum front yard nor within a minimum side yard setback, unless otherwise provided in this chapter.
 2. Recreational vehicles, such as travel trailers, campers, motor homes and similar vehicles owned by residents of the city and stored on their individual lots, shall be stored either in the confines of the rear yard or within the side yard behind the front building line of the main building; provided a minimum distance of five feet is maintained between the recreational vehicle and the nearest side or rear lot line. If for valid reasons, as defined in [Section 50-7.4](#), the recreational vehicle cannot be stored in the rear or side yard of the property in question, the property owner may request a variance from the Board of Appeals to park vehicles in the designated front off-street parking spaces as required by this chapter. Any recreational vehicles, parked or stored, shall not be connected to sanitary sewer facilities and shall not be occupied.
 3. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
 4. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of [Section 50-5.1 Accessory Buildings](#).
 5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
 6. Off-street parking existing at the effective date of the ordinance from which this chapter is derived, in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this chapter for a similar new building or new use.
 7. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 8. In the instance of dual function of off-street parking spaces where peak operating hours of buildings do not overlap and the applicant can demonstrate that adequate parking will be provided, the Board of Appeals may grant an exception.

Section 50-5.6.A.9 - 50-5.6.A.12

9. The storage of merchandise and vehicles, including vehicles for sale, and the repair of vehicles are prohibited within off-street parking areas. The parking of tractor/trailer trucks and van trucks over 20 feet in length, other than for loading and unloading of cargo and material, shall be prohibited in all residential zones. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
11. For the purpose of computing the number of parking spaces required, the definition of usable floor area in [Article 50-2](#) shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

TABLE 5.6.A.12	
OFF-STREET PARKING REQUIREMENTS	
Uses	Number of Minimum Parking Spaces per Unit of Measure
a. Residential	
I. Residential, one-family and two-family	Two for each dwelling unit.
II. Residential, multiple-family	Two for each dwelling unit.
III. Housing for the elderly	One for each two units, and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided.
IV. Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
b. Institutional	
I. Churches or temples	One for each three seats or six feet of pews in the main unit of worship.
II. Hospitals	One for each one bed.
III. Convalescent or nursing homes	One for each four beds.
IV. Elementary and junior high schools	One for each one teacher, employee or administrator, in addition to the requirements of the auditorium.
V. Senior high schools	One for each one teacher, employee or administrator, one for each ten students, in addition to the requirements of the auditorium.
VI. Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local fire codes.

TABLE 5.6.A.12	
OFF-STREET PARKING REQUIREMENTS	
Uses	Number of Minimum Parking Spaces per Unit of Measure
VII. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
VIII. Golf courses open to the general public, except miniature or “par-3” courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use, such as a restaurant or bar.
IX. Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
X. Stadium, sports arena or similar place of outdoor assembly	One for each three seats or six feet of benches.
XI. Theaters and auditoriums	One for each three seats plus one for each two employees.
XII. Nursery school, day nurseries or child care centers	One for each 350 square feet of usable floor space.
c. Business and Commercial	
I. Planned commercial or shopping center	One for each 150 square feet of usable floor area for the first 15,000 square feet.
	One for each 175 square feet for the next 15,001 to 450,000 square feet of usable floor area.
	One for each 200 square feet for that area in excess of 450,000 square feet of usable floor area
II. Auto wash (automatic)	One for each one employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
III. Auto wash (self-service or coin-operated)	Five for each washing stall in addition to the stall itself.

TABLE 5.6.A.12	
OFF-STREET PARKING REQUIREMENTS	
Uses	Number of Minimum Parking Spaces per Unit of Measure
IV. Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber chairs, and 1½ spaces for each additional chair.
V. Bowling alleys	Five for each one bowling lane plus accessory uses.
VI. Dancehalls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One for each two persons allowed within the maximum occupancy load as established by local fire codes.
VII. Establishment for sale and consumption on the premises, of beverages, food or refreshments	One for each 75 square feet of usable floor space or one for each two persons allowed within the maximum occupancy load as established by local fire codes.
VIII. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
IX. Gasoline service stations	Two for each lubrication stall, rack, pit or service bay.
X. Laundromats and coin-operated dry cleaners	One for each two washing and dry cleaning machines.
XI. "Par-3" golf courses	Three for each one hole plus one for each one employee.
XII. Drive-in restaurant	One for each 25 square feet of usable floor area.
XIII. Mortuary establishments	One for each 50 square feet of usable floor space.

TABLE 5.6.A.12	
OFF-STREET PARKING REQUIREMENTS	
Uses	Number of Minimum Parking Spaces per Unit of Measure
XIV. Motel, hotel, or other commercial lodging establishments	One for each one occupancy unit plus one for each one employee.
XV. Motor vehicle sales and service establishments	One space of each 100 square feet of showroom floor area plus two for each service bay plus one space for each two employees on the maximum work shift and one space for each new and/or used car.
XVI. Retail stores except as otherwise specified in this section	One for each 200 square feet of usable floor space.
d. Offices	
I. Banks	One for each 100 square feet of usable floor space.
II. Business offices or professional offices except as indicated in the following item	One for each 200 square feet of usable floor space.
III. Professional offices of doctors, dentists or similar professions	One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
e. Industrial	
I. Industrial or research establishments, and related accessory offices	Five plus one for every 1½ employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
II. Warehouses and wholesale establishments and related accessory offices	Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is greater.

- B. Off-street parking space layout, standards, construction and maintenance.
 - 1. No parking lot shall be constructed unless and until a permit therefor is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Inspector and shall be accompanied by two sets of site plans for the development and construction of the parking lot showing the provisions of this section will be fully complied with.
 - 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

TABLE 5.6.B.2					
OFF-STREET PARKING REQUIREMENTS					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Space Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 t.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20	40 ft.	60 ft.

- 3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- 5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- 6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- 7. The off-street parking area shall be provided with a continuous and obscuring wall or berm not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

Section 50-5.6.B.8 - 50-5.6.C.2

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

8. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Building Inspector prior to the issuance of the occupancy permit. Off-street parking areas shall be drained so as to dispose of all surface waste accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards the building. If the parking area cannot be paved in accordance with the surfacing specifications due to inclement weather conditions, a temporary extension may be granted by the Building Inspector.
 9. 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.
 10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
 11. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
- C. Off-street loading and unloading. On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:
1. All spaces shall be provided as required in [Section 50-3.3, subsection G](#), except as provided for in this section for IRT district.
 2. Within the IRT district, all spaces shall be laid out in the dimensions of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in IRT district shall be provided in the following ratio of spaces to floor area:

TABLE 5.6.C.2 REQUIRED LOADING AND UNLOADING SPACES	
Gross Floor Area (sq. ft.)	Loading and Unloading Space Required
0-1,400	None
1,401 - 20,000	One space
20,001 - 100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five spaces



3. All loading and unloading in an IRT district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in such exterior side yard when the setback is equal to at least 50 feet.

50-5.7 Landscaping and Walls

- A. The intent of this section is to provide standards for the implementation 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.
- B. 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.
- C. Landscape plans shall be prepared in accordance with the following:
 1. The plan shall be prepared, signed, and sealed by a professional landscape architect.
 2. Detailed plans shall be submitted that show the following:
 - a. Plans shall be minimum scale of one (1) inch equals forty (40) feet.
 - b. Include north arrow.
 - c. Include location Map.
 - d. The plan shall show location of plant material in graphic form.
 - e. 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.
 - f. Existing and proposed contours shall be shown at intervals not to exceed two (2) feet.
 - g. Where berms are provided, typical straight cross-sections shall be included that show slope, height, width and type of ground cover. Where walls are provided, illustrations shall be included showing the wall, including footings, height and construction materials.
 - h. Existing and proposed utilities shall be shown.
 - i. Proposed treatment of all ground surfaces shall be indicated.
 - j. The location of protective wooden snow fencing shall be shown around trees to remain.
 - k. 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.
 - l. Snow storage areas shall be shown.

Section 50-5.7.C.3 - 50-5.7.C.4

3. Plans shall be reviewed in accordance with the following additional information and requirements:
 - a. The placement of plant material must comply with the corner clearance provisions as referred to in [Section 50-5.5](#). These standards shall also apply to the intersection of private drives with public streets.
 - b. 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.
 - c. 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.
 - d. Required landscape material shall satisfy American Association of Nurserymen standards and be:
 - I. Nursery grown.
 - II. State department of agriculture inspected.
 - III. Planted per City of Springfield details and specifications and in accordance with this section.
 - e. 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.
4. The plant material listed in Table 5.7.C.4 below 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.

TABLE 5.7.C.4	
SUGGESTED PLANT MATERIAL	
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)

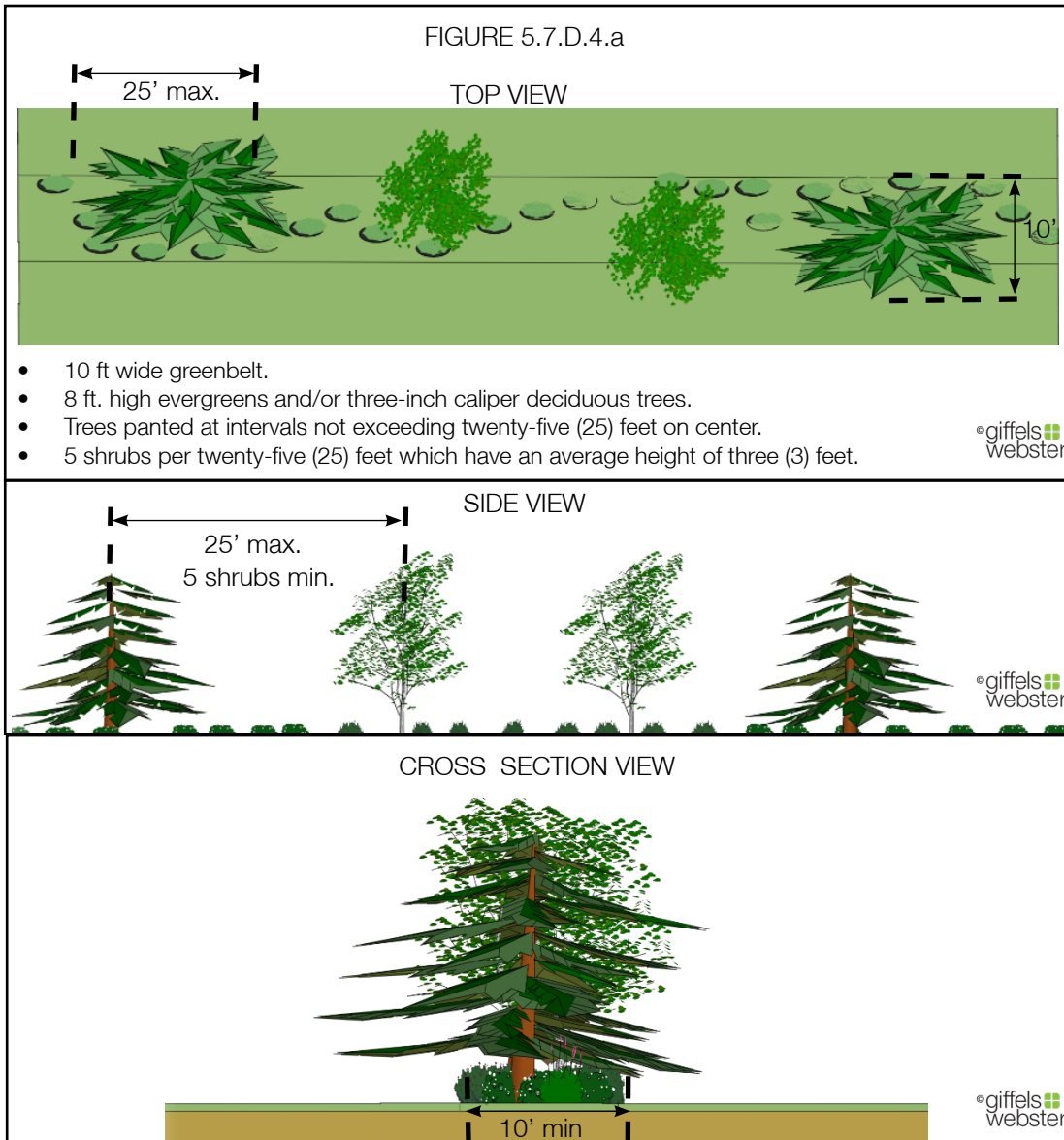
TABLE 5.7.C.4	
SUGGESTED PLANT MATERIAL	
Large Shrubs - Evergreen:	
Yew (Irish, Hicks), Juniper (Pfitzer, Sea Green), Mungo Pine	
Small Shrubs - Deciduous:	
Compact Burning Bush, Privet (Lodense), Sumac (Fragrant), Cottoneaster (cranberry), Potentilla, Spiraea (Little Princess)	
Small Shrubs - Evergreen:	
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	

5. 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 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 air purification, ground water recharge, and the mitigation of storm water runoff 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:
 - a. 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.
 - I. 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.
 - II. 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.

- III. 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.
 - IV. 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 provided at least 33 percent of the divider trees are shade trees.
 - V. Two (2) feet of interior landscape areas (except parking lot divider medians) may be part of each parking space required by [Section 50-5.6, subsection A.12](#) 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 mulch shall be provided where cars will overhang the curb to protect landscape plantings from damage.
- b. 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:
- I. 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.
 - II. 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.
 - III. A 2.5-foot high brick wall with a suitable stone cap may be used instead of a hedge row to screen parking areas.

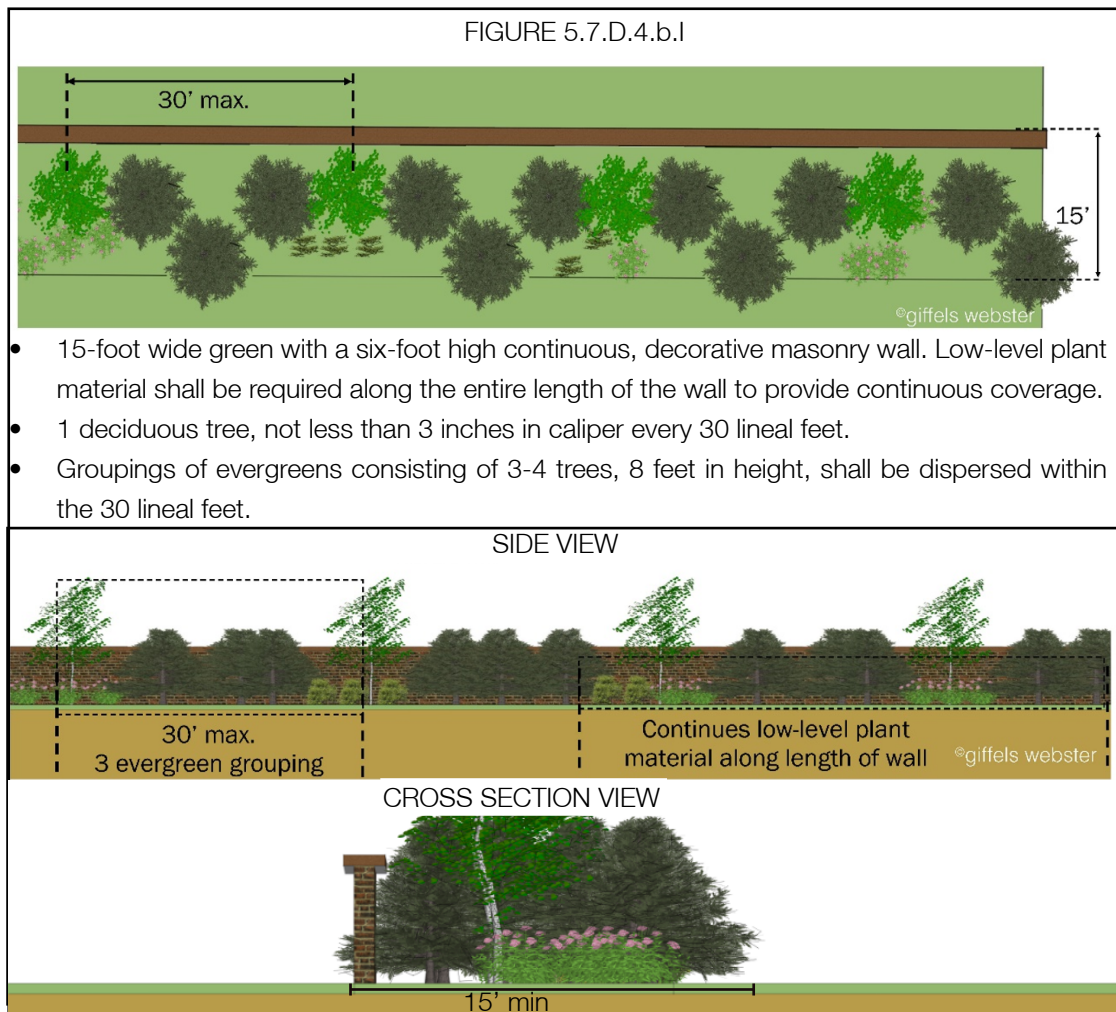
- IV.** Curbing Required. All landscaping and perimeter screening shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
 - c.** Snow storage area. Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant groundcovers characterized by low maintenance requirements. Snow storage areas shall be indicated on the site plan.
- D.** 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 toward 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 screening, as intended by this ordinance, the Planning Commission may waive or modify screening requirements.
 - 3.** Screening of Rooftop Equipment. Rooftop appurtenances such as air conditioners and other similar equipment shall be screened from view by a penthouse or screening structure equal in height to the height of the equipment being screened and constructed of a building material that is the same as, similar to, or compatible with the material used in the principal building. A parapet wall may be used to meet this standard. Satellite reception antennas shall be exempt from this requirement.

4. Screening alternatives for each intensity/impact classification are as follows:
 - a. 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:
 - I. Ten-foot wide greenbelt.
 - II. Eight-foot high evergreens and/or three-inch caliper deciduous trees planted at intervals not exceeding twenty-five (25) feet on center.
 - III. 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.

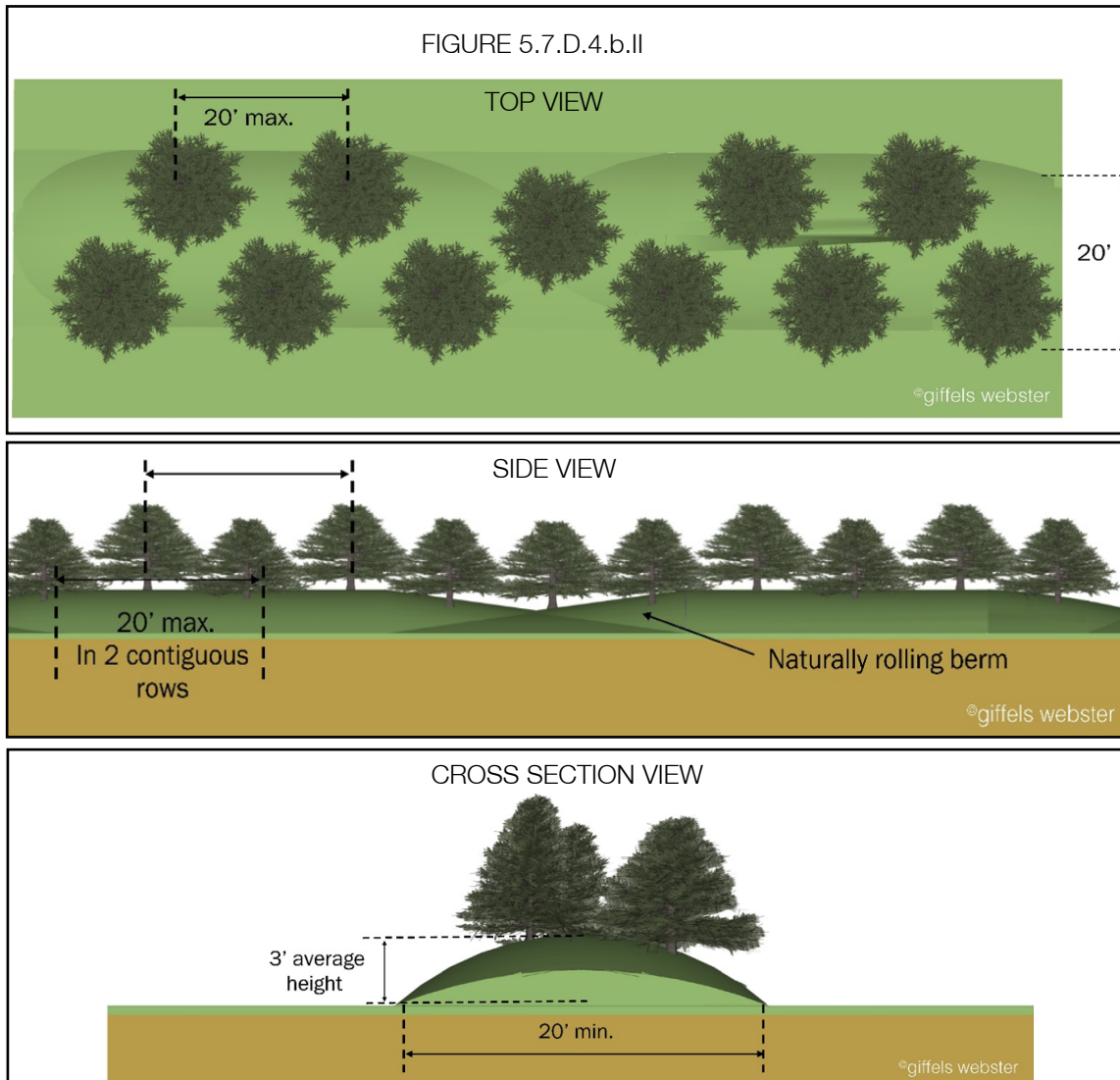


Section 50-5.7.D.4.b - 50-5.7.D.4.b.I.iii

- b. 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:
- I. Major 1 requirements.
- i. 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
 - ii. 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
 - iii. 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.



- II. Major 2 requirements.
 - i. 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
 - ii. A naturally rolling landscaped berm averaging three (3) feet in height.



Section 50-5.7.D.5 - 50-5.7.D.6

5. Retaining walls. The construction of a retaining wall in any district shall meet 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.
 - 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 set back 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.
6. Berms. See [Section 50-5.7 Landscaping and Walls, subsection G](#) for additional berm requirements.

7. Schedule of screening requirements.

TABLE 5.7.D.7			
SCHEDULE OF SCREENING REQUIREMENTS			
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. All planting shall meet the following spacing and size requirements. When used as a minor or major buffer, more intensive planting requirements may apply (see subsection 4):
 - 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 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 at the time of planting. They shall be planted not more than four (4) feet on center.

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- V. Large deciduous trees shall not be less than three (3) inches in caliper. When planted in either informal groupings or in rows, they shall not be planted more than thirty (30) feet on center 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. When planted in rows, they shall be placed not more than 20 feet on center.
 - 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.
- E. 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.
- F. 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.
- G. 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:
1. 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 wall or berm adjacent to the thoroughfare and in accordance with the requirements of above.
 2. 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:

TABLE 5.7.G.2	
HEIGHT OF WALL OR BERM	
USE	MINIMUM HEIGHT REQUIREMENTS
Parking districts	6 ft.
Off-street parking area in any district	6 ft.
Commercial, office and mixed use districts	6 ft.
Industrial districts	6 ft.

TABLE 5.7.G.2	
HEIGHT OF WALL OR BERM	
USE	MINIMUM HEIGHT REQUIREMENTS
Industrial districts--open storage areas, loading or unloading areas, service area	6 ft. or 8 ft.
Auto wash, drive-in/fast food restaurant	6 ft.
Hospital ambulance delivery areas	6 ft.
Utility buildings, stations or substations	6 ft.

3. 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 [subsection A](#) of this section. If a berm is used, the trees may be planted on the berm.
4. 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 Planning Commission may consider the following:
 - a. The height of existing nearby walls;
 - b. The effectiveness of the wall in screening adjacent property;
 - c. Variation in height would result in a significantly better-appearing wall when the length, in the opinion of the Planning Commission, is excessive;
 - d. The characteristics of the area being screened;
5. Where site plan approval by the Planning Commission is not required, the Zoning Administrator may provide such review.
6. 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 the wall be designed so 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 Zoning Administrator may provide such review.
7. 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.
8. 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 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 Zoning Administrator may provide such review.

9. 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.
10. 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.
11. 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.
12. Berms shall be designed to provide a natural rolling appearance, and should not merely be a straight line parallel to the property line.
13. 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.
14. 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 [subsection A](#) of this section.
15. 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 Zoning Administrator.
16. All walls required in this section shall be constructed to specifications approved by the Zoning Administrator. 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.

50-5.8 Fences

- A. Permit required to construct fence. It shall be unlawful for any person to construct a fence within the city without first obtaining a permit therefor.
- B. Application for permit; contents. Application for a permit required by this article shall be made to the Zoning Administrator and shall contain all information, including drawings, required for the determination of whether the erection of such fence would be contrary to the provisions of this ordinance, other ordinances of the city or the laws of the state.
- C. Permit fees. The fee for a permit required by this section shall be as adopted by resolution of the City Council from time to time and a copy of such resolution shall always be available in the offices of the City Clerk and Treasurer.

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- D. Height and construction requirements in residential districts. Fences located in residential districts shall meet the following requirements:
1. Such fences shall not exceed four feet in height in the required front yard or setback and shall not exceed six feet in height in any part forward from the extreme rear line of the dwelling if the fence is built on the property line or within five feet thereof. Fences located in the rear yard on the lot line or within five feet thereof may be built to a height of eight feet without restriction on being of closed construction.
 2. Such fences shall not be of closed construction, except as provided in subsection D.1 of this section.
- E. Height and construction requirements in nonresidential districts. In other than residential districts, fences may be 12 feet in height without restrictions as to being of closed construction.
- F. Materials and maintenance generally:
1. All fence material shall be approved by the Zoning Administrator.
 2. Any fence, wall or landscape screen shall be of uniform design, construction and appearance and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district. Woven wire or chainlink fences with plastic slats or plastic inserts shall not be permitted.
 3. All fences, walls and landscape screens shall be constructed and maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passersby or the general public.
- G. Additional requirements and provisions. Additional requirements and provisions are as follows:
1. All fences and walls shall be erected so that the finished face of the fence or wall faces outside the property.
 2. Fences parallel to one another shall be prohibited unless special provision is made to specifically provide for the proper maintenance of both fences, including but not limited to adequate distances between fences and construction design details.
 3. Gates in fences or walls shall not open over public property, into alleys, or over adjoining properties.
 4. A fence shall not be constructed or maintained that is charged or connected with an electrical current.
 5. Barbed wire fences are prohibited in all zoning districts, except in the industrial district the use of barbed wire strands is permitted provided the strands are at least eight feet above the bottom of the fence.
 6. Essential service structures and buildings such as electrical substations may be protected by a fence up to ten feet in height with barbed wire strands located at least eight feet above the bottom of the fence.

Section 50-5.8.G.7 - 50-5.8.M

7. Fences higher than permitted by the zoning district may be permitted by the Planning Commission if it is demonstrated that such fence is necessary for public safety or proper screening, or is necessary for the proper operation of the principal use.
 8. All vertical support members for a fence shall not exceed the maximum permitted fence height by more than four inches.
 9. A fence, wall or landscape screen shall not be constructed within or over any public right-of-way.
 10. The height of a fence or wall shall be measured from the average finished grade within ten feet of the fence or wall.
 11. Fences for swimming pools shall also comply with the Stille-DeRossett-Hale Single State Construction Code.
 12. The provisions of this section shall not interfere with the erection of temporary fences around construction sites erected or maintained according to the building code or other ordinances of the city.
- H.** Temporary fences to comply with building code; period of maintenance. Temporary construction fences and fences required for construction around excavations shall comply with the building code. Such fences shall not be maintained for a period greater than one year without special permission from the Board of Appeals.
- I.** Dangerous fences prohibited; declared a nuisance. No fences shall be maintained so as to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby declared a nuisance.
- J.** Power of Board of Appeals to alter requirements of article; application; hearing. Upon application, in writing, by any person directly or indirectly affected by the provisions of this section, the Board of Appeals may, after a hearing in accordance with the established procedure of the Board in its sound discretion and in the interest of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this article in individual cases.
- K.** Notice to repair, modify or remove unsafe fences. If an unsafe condition exists in regard to a fence, the Zoning Administrator shall serve upon the owner, agent or person in control of the property upon which such fence is located a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repair, modification or removal.
- L.** Zoning Administrator may promulgate rules and regulations. The Zoning Administrator may make such rules and regulations, not in conflict with this section or inconsistent with public safety, as may be necessary to effectuate the purposes of this section.
- M.** Resolution of conflicts. Where a provision of this section is found to be in conflict with any other provision of this ordinance or other ordinance of the city relating to zoning, building, fire, safety or health, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

50-5.9 Dumpster Enclosures

- A. A space for the location of a dumpster, paved with concrete, and with minimum dimensions of nine (9) feet wide and six (6) feet deep, shall be provided for each zoning lot in all nonresidential districts regardless of whether or not use of a dumpster is intended.
- B. Dumpsters may be permitted as accessory to any use except one-family residential. Multiple-family and mixed use lots containing parking enclosed within garages are not required to provide a dumpster where trash cans may be stored within garages.
- C. Dumpsters shall be screened from view on all sides. Such screening shall consist of any permanent building wall, or obscuring wall which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is greater, on three sides. The side from which the dumpster is accessed shall be screened with gates, which shall be closed when the dumpster is not being accessed.
- D. Dumpsters and their screening enclosures shall be located only in a rear yard or interior side yard.
- E. Dumpsters and their screening enclosures shall be located as far as practicable from any adjoining residential district or use and shall in no instance be located within twenty (20) feet of any residential property line or district.
- F. The location of the dumpster enclosure shall be indicated on the site plan and the location and screening shall be subject to the approval of the Zoning Administrator, or of the Planning Commission when the Planning Commission reviews the site plan. Details of the dumpster pad and enclosure construction shall be provided as part of any Planning Commission site plan review.

50-5.10 Lighting

- A. Intent. The purpose of this ordinance is to provide regulations for outdoor lighting that will:
 - 1. 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.
 - 2. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
 - 3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
 - 4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
 - 5. Conserve energy and resources to the greatest extent possible.
 - 6. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots.

Section 50-5.10.B - 50-5.10.D.8

- B.** 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.
- C.** 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 lighting plan submitted for review shall contain the following:

 - 1.** A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures.
 - 2.** 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.
 - 3.** Relevant building elevation drawings showing all fixtures and the portions of the walls to be illuminated.
- D.** A proposed lighting plan shall be reviewed based upon the following considerations:

 - 1.** Whether the lighting is designed to minimize glare and evenly light appropriate areas of the site;
 - 2.** Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;
 - 3.** Whether the lighting will cause negative impacts on residential districts and uses;
 - 4.** Whether the plan will achieve appropriate levels of illumination for the use proposed;
 - 5.** Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties;
 - 6.** Whether the lighting plan contributes to traffic safety but preventing glare on public rights-of-way;
 - 7.** Whether the lighting is likely to negatively affect traffic safety of nearby rights-of-way;
 - 8.** Whether the lighting is in keeping with the City's goal of prohibiting unnecessary illumination of the night sky.

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

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

TABLE 5.10.D.1 MAXIMUM HEIGHT TO TOP OF LIGHT SOURCE	
District	Max. Height (ft.)
Residential	15
Office	20
Commercial/Mixed Use	25
Industrial	30
Any district, within 20 ft. of residential district	15

2. Specific Lighting Conditions
 - a. 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. Fixtures shall not be angled. They shall be installed to direct light to the surface area below, and all lighting shall be full cut-off design.
 - b. 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.
 - c. Sites abutting a residential district or use shall meet the following conditions:
 - I. No direct light source shall be visible at the property line (adjacent to residential) at ground level.
 - II. Maximum illumination at the property line shall not exceed one third (1/3) foot-candle.
 - d. 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).

3. 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.

TABLE 5.10.D.4		
ILLUMINATION LEVELS		
USE	MAX. AMBIENT LIGHT	
	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

- F. 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 50-7.13, subsection B](#).
- G. Exemptions. The following uses shall be exempt from the provisions of this section:
 1. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
 2. Construction lighting approved by the Building Department as part of a building permit;
 3. Flag lighting, provided the illumination is the minimum level necessary, and the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
 4. Emergency lighting approved by the city, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
 5. Other temporary lighting that does not result in light trespass or glare on adjacent property as determined by the City of Springfield City Manager or his/her appointed designee.
- H. Prohibited lighting. The following types of lighting are prohibited:
 1. Bottom mounted sign lighting. Bottom mounted outdoor sign lighting attached to a sign structure that projects light up toward a sign, resulting in spillover to the night sky, shall not be used.
 2. Mercury vapor lamps and fixtures.
 3. 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.
 4. Searchlights. The operation of searchlights for advertising purposes is prohibited.

50-5.11 Signs

- A. The purpose of this section is to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of all materials of all signs and outdoor advertising structures within the municipal limits of the city.
- B. Rules and Regulations to interpret this section. The Planning Commission shall have the power, as may be necessary in the interest of the public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement provisions of this section and to secure the intent thereof. Such rules and regulations shall become effective upon publication, after filing with the City Council within 20 days after being filed. These rules and regulations shall be deemed to be as complete and binding a part of this section as if such rules and regulations were specifically set forth in this section. The violation of any such regulation so adopted shall be deemed a violation of this section. Copies of such rules and regulations shall be published by the City Clerk and placed in file in the City Clerk's office for inspection.
- C. Permits.
 1. Required. It shall be unlawful for any person to erect, alter, relocate or maintain, by structural change or changing the display of the face of the sign, within the city any sign or other advertising structure, except where specifically exempted by this article, without first obtaining a permit therefor from the Zoning Administrator and payment of a fee provided for in this section.
 2. Application. Application for erection permits shall be made upon forms provided for by the Zoning Administrator, and shall contain or have attached thereto the following information:
 - a. Name, address and telephone number of the applicant;
 - b. Location of the building, structure or lot to which the sign is to be attached or erected;
 - c. Position of the sign in relation to nearby buildings, structures and property lines;
 - d. Two drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
 - e. Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Zoning Administrator;
 - f. Name and address of the person erecting the structure;
 - g. Any electrical permit required and issued for such sign;
 - h. Insurance policy or bond as required by this article;
 - i. Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the city and the state;
 - j. In the discretion of the Zoning Administrator when, in the Zoning Administrator's opinion, that public safety requires it, material required by this section shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit;
 - k. In all applications for entranceway signs, the Zoning Administrator shall require the appropriate provisions have been made to ensure continued maintenance of the sign.

Section 50-5.11.C.3 - 50-5.11.E

3. Fee. A permit fee shall be paid to the city for each permanent permit and each temporary permit required by this article as shall be set by resolution of the City Council.
 4. Exceptions. The provisions and regulations of this article shall not apply to the ordinary servicing or repainting of an existing sign message, cleaning of a sign, nor to changing of advertising on a sign specifically designed for periodic change of message without change in structure, such as a bulletin Board or similar type of sign. Any commercial message may be substituted with a non-commercial message.
 5. Effect of issuance. No permit for a sign issued under this article shall be deemed to constitute permission to maintain an unlawful sign, nor shall any permit issued under this article constitute a defense in an action to abate an unlawful sign.
- D.** Liability Insurance for Certain Signs. If any wall, projecting pole, or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or to be used onto public property, then the owner of such sign shall keep in force a public liability insurance policy, approved by the city attorney, in the amount set by resolution of the City Council. The policy shall indemnify the owner from all damage suits or actions of every nature brought or claimed against the owner for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the owner, the owner's servants, agents or employees regarding such sign. In lieu of an insurance policy, an owner may present proof satisfactory to the city attorney that the owner is financially capable of self-insurance in the amount required by resolution of the City Council.
- E.** Liability Insurance for Sign Erectors. Every person before engaging or continuing in the business of erecting, repairing or dismantling signs, poster boards or other display signs in the city shall first furnish the city a public liability insurance policy approved by the city attorney, in the amount set by resolution of the City Council. The policy shall indemnify the erector from all damage suits or actions of every nature brought or claimed against the erector for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the erector, such person's servants, agents or employees in the erection, repair or dismantling of any sign, poster board or other display sign. The policy shall contain a clause whereby the policy cannot be canceled until after a written notice of intention to cancel has been filed with the City Clerk at least ten days prior to the date of cancellation. The policies shall be renewed annually on or before May 1 of each year and certificates of renewal or new policies shall be filed with the City Clerk. In lieu of an insurance policy, an erector may present proof satisfactory to the city attorney that the erector is financially capable of self-insurance in the amount required by resolution of the City Council.

F. Permitted According to District. The following types of signs, illuminated or unilluminated, shall be permitted in the following districts and in limited number, in accordance with the following regulations:

1. Types of signs permitted in each district. Types of signs permitted in each district according to the function category of such signs shall be as follows:

- a. In any residential district (R-1, R-2, R-3, AUH and RM-1) signs as follows:
 - I. Signs at residential subdivision entrance-ways, apartment complex entranceways, condominium entranceways, and permitted uses other than residential.
 - II. Wall sign for non-residential uses.
 - III. Ground pole sign for non-residential uses.
 - IV. Temporary signs as noted in [Section 50-5.11, subsection G.](#)
 - V. Signs as noted in [Section 50-5.11, subsection H.](#)
 - VI. Tourist-oriented directional signs provided such signs are otherwise permitted by the state transportation department pursuant to 1996 PA 299, as amended.
 - VII. Electronic message centers are allowed as a special use only and only on properties engaged in permitted nonresidential uses in a residential district. Electronic message centers are prohibited on residential properties and on subdivision, apartment, multi-family dwellings, and condominium properties as provided in [Section 50-5.11, subsection I.](#)
- b. In any office district (OS) and planned unit developments outside of the AUH district, signs as follows:
 - I. Ground pole sign.
 - II. Wall sign.
 - III. Business center ground pole sign.
 - IV. Marquee signs.
 - V. Temporary signs as noted in [Section 50-5.11, subsection G.](#)
 - VI. Signs as noted in [Section 50-5.11, subsection H.](#)
 - VII. Electronic message centers as a special use only as provided in [Section 50-5.11, subsection I.](#)
- c. In the IRT district, signs as follows:
 - I. Ground pole sign.
 - II. Wall sign.
 - III. Business center ground pole sign.
 - IV. Marquee signs.
 - V. Temporary signs as noted in [Section 50-5.11, subsection G.](#)
 - VI. Signs as noted in [Section 50-5.11, subsection H.](#)
 - VII. Electronic message centers as a special use only as provided in [Section 50-5.11, subsection I.](#)

Section 50-5.11.F.1.d - 50-5.11.F.2.a.III

- d. In any business district (B-1 and B-2), signs as follows:
 - I. Ground pole sign.
 - II. Wall sign.
 - III. Business center groundpole sign.
 - IV. Marquee signs.
 - V. Temporary signs as noted in [Section 50-5.11, subsection G](#).
 - VI. Tourist-oriented directional signs provided such signs are otherwise permitted by the state transportation department pursuant to 1996 PA 299, as amended. (B-2 District only).
 - VII. Signs as noted in [Section 50-5.11, subsection H](#).
 - VIII. Electronic message centers as provided in [Section 50-5.11, subsection I](#).
2. Area, height and placement regulations. Area, height, and placement regulations shall be as follows:
 - a. Ground pole sign:
 - I. Area: Where a business is located on a divided four-lane road, having at least 250 feet of road frontage on said road, it shall be permitted a ground pole sign with a maximum area of 100 square feet. On all roads, businesses shall be permitted a ground pole sign with a maximum area of 50 square feet.
 - II. Height: The height of the ground pole sign shall not be greater than as follows:
 - i. Signs in non-residential districts located on four-lane roads, a maximum height of 30 feet.
 - ii. All others, a maximum of eight feet (see measurement method, [Article 50-2 - Definitions, Sign definitions, subsection A - Area of sign](#)).
 - III. Placement: No portion of any sign shall be placed nearer than five feet from the right-of-way line or property line. The sign shall be placed not closer than 50 feet from any residential district.

- b. Wall sign:
 - I. Area: For businesses with 48 feet or less of lineal feet of business frontage, up to 27 square feet of wall signage is permitted. For businesses with more than 48 lineal feet of frontage, up to 50 square feet of wall signage is permitted. Where a business is located on a divided four-lane road, having at least 250 lineal feet of road frontage on said road, it shall be permitted a maximum of 100 square feet of wall signage.
 - II. Height: Not to exceed the height of the wall on which the sign is located.
 - III. Placement: Where more than one separately owned and operated business occupies a building or parcel of land, those wall signs permitted for individual businesses shall be located on the same side of the building as the respective business front entrances, and within the lineal frontage of the respective businesses. Provided further, that where such a building is oriented so that the front entrances to the business do not face the adjacent thoroughfare, a business occupying that portion of the building nearest the thoroughfare may place its sole wall sign upon that wall facing the thoroughfare.
- c. Marquee sign:
 - I. Area: Maximum 24 square feet on either or both sides of the marquee.
 - II. Height: Maximum 12 feet, maximum not to exceed top of face or valance of the marquee, awning or canopy on which the sign is located.
 - III. Placement: Shall be attached to and contained within the perimeter of the face or valance of a marquee, awning or canopy.
- d. Entranceway sign:
 - I. Area: One square foot of sign for one foot of setback, measured from the centerline of the fronting street with a maximum of 24 square feet. Setback is to be measured to the center of the sign.
 - II. Height: Maximum of five feet.
 - III. Placement: Not less than ten feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution.

Section 50-5.11.F.3 - 50-5.11.F.3.a.IV

3. Number of permanent signs permitted. The number of permanent signs permitted shall be as follows:
 - a. No parcel of land shall be allowed more than one permanent sign permitted under this section, except as follows:
 - I. A single business occupying a single building shall be permitted one of the following combinations of signs or singular signs:
 - i. One ground pole sign and one wall sign. If the property is located on a corner lot, one wall sign facing each street shall be permitted. In addition, one wall sign not greater than two square feet in area at the rear entrance to a business establishment is permitted.
 - ii. One entranceway sign and one wall sign. If the property is located on a corner lot, one wall sign facing each street shall be permitted. In addition, one wall sign not greater than two square feet in area at the rear entrance to a business establishment is permitted.
 - iii. One marquee sign and one wall sign. If the property is located on a corner lot, one wall sign facing each street shall be permitted. In addition, one wall sign not greater than two square feet in area at the rear entrance to a business establishment is permitted.
 - iv. One ground pole sign and one marquee sign. If the property is located on a corner lot, one wall sign facing each street shall be permitted. In addition, one wall sign not greater than two square feet in area at the rear entrance to a business establishment is permitted.
 - v. One roof sign and one ground pole sign. If the property is located on a corner lot, one wall sign facing each street shall be permitted. In addition, one wall sign not greater than two square feet in area at the rear entrance to a business establishment is permitted.
 - II. Where four or more separately owned and operated businesses occupy a building on a single parcel of land, the parcel is permitted one business center ground pole sign.
 - III. Each separately owned and operated business occupying a one-story building on a single parcel of land, where such business has a separate direct entrance to that business establishment from outside the building, is entitled to one wall sign.
 - IV. Where separately owned businesses occupying a single building or a single parcel of land utilize individual identification wall signs, all such signs on the building or within the center shall be of a common style—i.e., individual freestanding letters shall be utilized with other signs composed of individual freestanding letters, box signs (framed wall signs) shall be utilized with other box signs. Where premises have lawfully developed with signs not of a common style, future signs shall be of a style common to a majority of signs within the development.

Section 50-5.11.F.3.a.V - 50-5.11.G

- V. In the case of a corner lot occupied by a single business and situated on two or more thoroughfares, signs may be permitted on each thoroughfare in accord with this article, except that if a ground pole sign is selected and placed on the premises, only the ground pole sign shall be permitted.
- VI. In the case of a building utilized solely for office purposes within the OS, PUD and MIX districts, a second wall sign or ground pole sign may be utilized by a major tenant provided the following conditions are met:
 - i. The building is no less than three stories in height and no less than 50,000 square feet in size;
 - ii. The tenant for whom the additional signage is sought leases no less than 50 percent of the gross leasable space within the building;
- VII. A single business occupying a single building, and having at least 250 feet of road frontage on a divided four-lane road, will be permitted two ground pole signs and two wall signs facing said four-lane road. The total combined area for all signs may not exceed 250 square feet.

G. Temporary Signs. Temporary signs may be erected in accordance with the use, area, height and placement regulations of this section. Unless specifically exempted, permits for such signs shall be required and shall specify a maximum length of time such sign may be used.

TABLE 5.11.G				
MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS				
DISTRICT	PERMITTED TYPES	MAX AREA OF ALL TEMPORARY SIGNS BY TYPE	MAX AREA OF ANY INDIVIDUAL SIGN	MAX HEIGHT (FREESTANDING)
Residential	Freestanding	0.2 sq. ft. of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 15 sq. ft. nor more than 48 sq. ft.	6 sq. ft.	5 ft.
	Wall ¹	3 sq. ft. per building in single-family residential districts; 12 sq. ft. per building in multiple-family residential districts or for non-residential uses in a residential district.	3 sq. ft. in single-family residential 12 sq. ft. per building in multiple-family residential districts or for non-residential uses in a residential district.	

TABLE 5.11.G				
MAXIMUM AREA PER SIGN FACE, MAXIMUM HEIGHT, AND ALLOWED TYPE OF TEMPORARY SIGNS				
Non-residential	Freestanding ¹	0.6 sq. ft. of sign area per linear foot of street frontage, provided the maximum allowable total area shall not be less than 32 sq. ft. nor more than 64 sq. ft.	32 sq. ft.	5 ft.
	Wall ²	20 sq. ft.	20 sq. ft.	
<p>¹ When a residential or non-residential subdivision is under construction, with lots available for sale, it shall be allowed a freestanding sign at each vehicular entrance that is sized according to the non-residential freestanding sign regulations for 12 months or until 75 percent of the lots are issued Certificates of Occupancy, whichever occurs first.</p> <p>² The display period for temporary wall signs (e.g. banners) shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed.</p>				

1. Freestanding temporary signs shall be setback five feet from all property lines. Three (3) square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. No permit is required for this sign. In addition to the three (3) square foot temporary sign that is always allowed, other temporary freestanding signs may be erected for a maximum display time of 30 days for up to two times per year, subject to a permit from the City Manager or his/her appointed designee. In all cases, the sign area limits in the Table 5.11.G. shall apply.
2. In addition to the above permitted freestanding signs, the city will establish up to four display periods per year, commencing prior to an election, where temporary signs may be displayed without a permit for up to 65 days, commencing 60 days prior to an election and concluding 4 days after the election. After this time expires, the sign(s) shall be removed. In all cases, the sign area limits in the Table 5.11.G. shall apply.
3. When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed if it has been displayed for more than 65 days. In all cases, the sign area limits in the Table 5.11.G. shall apply. Signs associated with the sale and lease of property shall not require a permit.
4. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display; provided, however, that each zoning lot may have one temporary freestanding sign up to three square feet constructed of any non-illuminated material. All temporary freestanding signs larger than three square feet shall have a frame, rigid border, or be made of a rigid material.
5. Temporary signs shall be subject to the maintenance standards of this section.

Section 5.11.H - 5.11.H.7

- H. Permitted in all districts unless otherwise specified below. The following types of signs shall be permitted in all districts where the principal use to which they are related is permitted by this chapter:
1. House numbers and nameplates not exceeding two square feet in area. No permit is required.
 2. Building markers when cut into any masonry surface or when constructed of bronze or other noncombustible material and not exceeding 3 square feet. No permit is required.
 3. Signs painted on or permanently attached to motor vehicles which are legally licensed and primarily used upon the highways for the transporting of persons, goods or equipment; provided that no vehicle displaying a sign may be parked solely or primarily for the purpose of displaying a sign where parked, and provided such signs are not constructed so as to extend in height greater than one foot above the vehicle's roof or body line, whichever is more closely contiguous to the part of the vehicle to which such sign is attached, and provided such vehicle with sign is not parked within the zoned setback for the premises where parked. No permit is required.
 4. Flags bearing the official designation of the United States of America when displayed on a flagpole, but not more than one such flagpole per parcel of land. This limitation shall not apply on any day designated as a holiday by the United States or by the state. Each parcel of land may display not more than two additional flags not exceeding 24 square feet when displayed on a flagpole. Flags shall be permitted without limitation at any single-family residence and at any apartment dwelling when located within an area leased to a resident and not within any common area. No permit is required.
 5. Traffic or other municipal signs such as legal notices, railroad crossing, danger, and other emergency signs as may be approved by the City Council or the City Manager. No permit is required.
 6. Gasoline filling stations only may display the following special signs which are deemed customary and necessary to such stations' respective businesses:
 - a. Signs affixed to a gasoline pump consisting of the brand of gasoline sold, lead warning sign, and any other sign required by law and not exceeding a total of three square feet on each pump. No permit shall be required.
 - b. A single non-illuminated double-faced sign per gasoline pump island, each of which shall not exceed four square feet in area, may be placed on a gasoline pump island. Such sign may extend a maximum of two feet above the pumps. No permit shall be required.
 7. In Commercial districts, where exterior racks or showcases are permitted, signs on such racks or showcases may be displayed on the exterior of business establishments. Each such rack or showcase may contain a single sign not exceeding ten percent of the largest visible rack area and shall meet the placement requirements set forth for ground pole signs. No permit shall be required.

Section 5.11.H.8 - 5.11.I.2.c

8. Private traffic control signs which conform to the requirement of the Michigan Manual of Uniform Traffic Control Devices. A permit shall be required.
 9. In non-residential districts, private parking lot and drive identification signs based upon the following standards: One ground pole sign per entrance not to exceed three (3) square feet in area and six feet in height may be located within the minimum setback area. A permit shall be required.
 10. Vending machines on the exterior of business establishments, where permitted, shall be permitted two signs. The total area of such signs shall not exceed ten percent of the wall surface area of the side of the vending machine on which such signs are located, but not to exceed a maximum area of ten square feet for all such signs. All portions of such signs shall be located within the face of the vending machine. No permit shall be required.
 11. For non-residential uses, business signs displayed through building glass area where such sign:
 - a. Covers not more than 25 percent of all the glass area of the frontage of the building premises displaying the sign.
 - b. Is not illuminated.
 - c. Is removed from the glass area not more than 30 days after its first display.
 - d. No permit shall be required.
 12. Portable signs directing the public to a real estate development may be erected with the consent of the Board of Appeals. The Board of Appeals shall not grant such consent if the sign shall be detrimental to the surrounding area. No permit shall be required.
- I. Electronic Messaging Centers (EMC).
1. Electronic message centers where permitted shall be subject to the sign areas set forth in Subsection F.
 2. Additional general EMC regulations:
 - a. An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.
 - b. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings.
 - c. EMC signs shall not emit more than 3,000 nits in full daylight and 150 nits at night time, which commences no later than one hour after sunset and extends through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness level of the sign proportionately to any reduction in the ambient light. In order to verify compliance with this ordinance or other applicable law, the interface that programs an electronic, message sign shall be made available to city staff for inspection prior to operation during the permitting process and upon request. If the interface is not or cannot be made available upon the city's request, the sign shall cease operation until the city has been provided proof of compliance with the regulations.

- 3. EMC regulations by zone:
 - a. In all residential and office districts, EMC signs are permitted only in certain circumstances by special use permit in accordance with [Section 50-5.11, subsection F](#) of this code. They are otherwise prohibited in these districts.
 - b. In residentially zoned districts where permitted, EMC signs shall have a minimum display time of 12 seconds.
 - c. In residentially zoned districts where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusory movement or simulated movement.
 - d. In the office service district (OS), Planned Unit Development (PUD), business districts (B-1, B-2), and IRT district EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds, and these transitions may employ fade, dissolve, and/or transition effects.
- 4. In business districts (B-1, B-2) and IRT district, all EMC display features and functions are permitted, with the exception of:
 - a. Flashing, which is prohibited.
 - b. Full motion video or film display via an electronic file imported into the MC software or streamed in real time into the EMC. Full motion video as described shall be permitted by special exception only.
- J. Noncommercial Message Permitted. Anything in this article to the contrary notwithstanding, a sign structure permitted in this article as an on-premises advertising sign or an off-premises advertising sign may contain a noncommercial message.
- K. Prohibited Signs.
 - 1. A sign not expressly permitted is prohibited.
 - 2. The following signs shall not be permitted, erected or maintained in any district, anything in this article to the contrary notwithstanding:
 - a. Signs which incorporate in any manner any flashing or moving lights, including signs which attempt to simulate light or fluid by wind directed flaps or panels known in the industry as “spangles” or “light catchers”; provided, however, time and temperature signs which show both time and temperature simultaneously, on each face, or time only or temperature only in each face are permitted.
 - b. In other than IRT industrial district, pennants, spinners and streamers are not permitted.
 - c. String lights used in connection with commercial premises for commercial purposes, other than holiday decorations. All holiday decorations shall be permitted for a period not to exceed 75 days.

- d. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, by action of normal wind current or by any other means.
 - e. Any sign or sign structure which:
 - I. Is structurally unsafe;
 - II. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - III. Is not kept in good repair;
 - IV. Is capable of causing electrical shocks to persons likely to come in contact with it;
 - V. Has peeling paint on any surface;
 - VI. Has any parts broken, missing letters or nonoperational lights.
 - f. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads. Signs which make use of the words such as "Stop," "Look," "Danger," or any other word, phrase, symbol or character, in such a manner as to interfere with, mislead or confuse traffic.
 - g. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
 - h. Any sign unlawfully installed, erected or maintained.
 - i. Any sign now or hereafter existing which no longer is part of a bona fide business conducted.
 - j. Portable signs except where expressly permitted in this article.
 - k. BillBoards
- L. Construction Materials.
- 1. Generally. Materials of construction for signs and sign structures shall be of the quality and grade as specified for structures in the state construction code, 1972 PA 230 (MCL 125.1501 et seq.).
 - 2. Combustible materials. All signs and sign structures erected shall conform to the state construction code relating to combustibility.
 - 3. Nonstructural trim. Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.
 - 4. Fastenings. Signs erected to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. All building fastenings must be of noncorrosive materials. Lightweight sign letters may be attached by means of an approved adhesive.

Section 50-5.11.M - 50-5.11.O.3

- M.** Windloads. For the purpose of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than 15 pounds per square foot for those portions above the ground. In calculating wind pressure on curved surfaces such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on six-tenths of the projected area. In all open frame signs or sign structures, the area used in computing wind pressure shall be one-half times the net area of the framing members exposed to the wind.
- N.** Nonconforming Signs.
1. Every permanent, legally existing sign which does not conform to the height, size, area or location requirements of this article as of the effective date of this ordinance, is hereby deemed to be nonconforming.
 2. Nonconforming signs may not be expanded, enlarged or extended; however, such signs may be maintained and repaired so as to continue the useful life of the sign.
 3. For purposes of this section, a nonconforming sign may be diminished in size or dimension, or the copy of the sign may be amended or changed without jeopardizing the privilege of nonconforming use.
 4. Any nonconforming sign, sign structure, or frame substantially destroyed by fire or other casualty loss shall not be restored or rebuilt.
 5. When a nonconforming sign or portion of such sign is removed, it shall be replaced only with a sign that conforms with all requirements of the zoning district within which that property is located. A sign which may be removed for maintenance or repair purposes in accordance with subsection 2 of this section following a permit from the Zoning Administrator or authorized representative shall be reinstalled within 90 days of removal or the right of nonconforming use shall be deemed abandoned.
- O.** Appeals.
1. Appeal from the ruling of any officer, department, Board or bureau of the city concerning the enforcement of the provisions of this article may be made by any aggrieved party within 30 days of the ruling to the Board of Appeals.
 2. The Board of Appeals shall have the same jurisdiction as is granted to the Board pursuant to [Section 50-7.4, subsection A](#) of this chapter.
 3. The Board of Appeals may revoke any grant of a variance for violation of such grant upon the giving of 30 days' notice of such violation to the owner of the premises and a hearing held thereon.

Section 50-5.11.P - 50-5.12.B

- P.** Violations; Signs in violation declared public nuisance.
1. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move or convert any sign in the city, or cause or permit such work to be done on such person's property contrary to or in violation of any of the provisions of this article.
 2. Any sign which is erected, constructed, maintained, enlarged, altered, moved or converted in violation of any of the provisions of this article is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
 3. In addition to the remedies otherwise provided, the city may remove an unlawful sign on public property, in accordance with the following procedures. Unlawful signs on public property may be removed by the city. Upon removal, the city shall attempt to notify the owner of the sign, or the person or entity responsible for erecting the sign, that the sign may be retrieved upon payment of the cost incurred by the city for the removal of the sign. The notice shall advise that upon the request of such person, the City Manager or his/her designee(s) will conduct a hearing at which the person may contest the propriety of the removal of the sign or the cost of such removal. If the City Manager or his/her designee(s) determines at such hearing the sign was not properly removed or the cost of removal was incorrect, the payment required for return of the sign shall be adjusted accordingly. If the owner or person or entity responsible for erecting a sign cannot be determined by reasonable effort, or if a sign is not retrieved or a hearing requested within 20 days after notice to such person, the sign may be treated as abandoned and be discarded.
- Q.** Penalties and Sanctions; Municipal civil infraction. A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction as provided in section 1-56 of the Springfield Code of Ordinances.

50-5.12 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.

- A.** 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 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.
- B.** 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.

Section 50-5.12.C - 50-5.12.F

- C. 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.
- D. 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 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 district 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 district, there shall be provided an obscuring wall or obscuring fence of at least six (6) feet in height.
- E. 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.
- F. 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.

Section 50-5.12.G - 50-5.12.H

G. 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 50-5.12.G.5 Weighted Sound Level Limit Decibels. The measurements made are to be evaluated under Section 50-5.12.G.5 based upon the zoning of the property receiving the emitted sound. Additionally, the following shall apply:

1. Where background sound levels exceed the sound level limits in Table 50-5.12.G.5, below, a violation shall be deemed to exist if activity reported in the complaint exceeds the background sound levels by six (6) decibels.
2. 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.
3. 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.
4. 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 thirty (30) minutes of activation.
5. 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.

TABLE 5.12.G.5			
WEIGHTED SOUND LEVEL LIMIT DECIBELS			
RECEIVING ZONING DISTRICTS			
RESIDENTIAL		NON-RESIDENTIAL	
Night Time Hours (Decibels)	Day Time Hours (Decibels)	Night Time Hours (Decibels)	Day Time Hours (Decibels)
55	60	70	75

H. Odors. Creation of offensive odors shall be prohibited.

Section 50-5.12.I - 50-5.12.K

- I. 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.
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. Wastes shall not have chlorine demand greater than 15 p.p.m.
 - 5. Wastes shall not contain phenols in excess of .05 p.p.m.
 - 6. 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.
- J. 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.
- K. 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.

Zoning Ordinance | Article 50-6

Development Procedures

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
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*clear*zoning

CITY OF SPRINGFIELD CHAPTER 50 - ZONING ORDINANCE
Effective August 6, 2020



Article 50-6 - Development Procedures

1. Purpose & Intent

2. Definitions

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50-6.1 Site Plan Review 6-3

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50-6.3 Certificates of Zoning Compliance 6-11

50-6.4 Planned Unit Development Procedure 6-12



50-6.1 Site Plan Review

- A.** A site plan, together with ten copies, are to be submitted for review by the Planning Commission for approval of:
1. Any use or development for which the submission of a site plan is required by any provision of this chapter;
 2. Any development, except single-family dwellings on an existing lot and two-family residential on one or two existing lots, for which off-street parking areas are provided as required in [Section 50-5.6 Off-Street Parking and Loading Requirements](#);
 3. Any use in an RM-1, OS, B-1, B-2, IRT or PUD district;
 4. Any use, except single-family dwellings on an existing lot or two-family residential on one or two existing lots, which lies contiguous to a major thoroughfare or collector street;
 5. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools and public facilities;
 6. 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, or the overall square footage of buildings on the site is increased by greater than ten percent (10%);
 7. All principal uses subject to special conditions under this chapter (i.e., special land uses);
 8. Developments created under [Section 50-3.1.12 PUD Planned Unit Development Overlay](#) of this chapter.
- B.** 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 Zoning Administrator or the Zoning Administrator's designee:
1. The size of a building is reduced or increased by less than ten percent (10%).
 2. Overall density of units in an approved subdivision does not increase.
 3. Changes in floor plans that do not alter the scale of the use.
 4. Landscaping improvements that increase screening and/or landscaping on the site.
 5. Minor adjustments resulting from agency review.
- C.** 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 50-6.2](#).

Section 50-6.1.D

D. 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:

TABLE 6.1.D	
SITE PLAN REQUIREMENTS	
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 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;
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;

TABLE 6.1.D	
SITE PLAN REQUIREMENTS	
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;
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.

- E. Approval. Any approval given by the Planning Commission, under which premises are not used or work is not started within six months or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
- F. 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;

Section 50-6.1.F.4 - 50-6.1.F.4.d

4. Marginal access roads shall be required in those instances where the Planning Commission finds 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 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 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 50-5.6](#)
 - 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 Zoning Administrator 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.

50-6.2 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 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 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.

Section 50-6.2.D.5 - 50-6.2.H

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 unreasonably 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 Planning Commission shall consider all the aspects of that use which have impact that fall within the scope of regulation of this ordinance, and the Planning 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 50-6.1](#).
- G. Approval. If the Planning Commission determines 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 City Manager or his/her designee 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 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.

Section 50-6.2.I - 50-6.2.L

- 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 ensure 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, 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 or 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.
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 Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, the Planning Commission may extend the permit for a period of time not exceeding six (6) months if it is satisfied 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 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 50-5.12](#), 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 Building Inspector and its own findings of fact. Prior to revoking the special land use permit, the city shall:
 - a. Have its Building Inspector 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.
 - b. Offer the permit holder thirty (30) days to correct all violations, without penalty.

- c. If all violations are not corrected within thirty (30) days, the City Council shall hold a revocation hearing as follows:
 - I. 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.
 - i. Public notice of the revocation hearing shall be given in the manner required by the Michigan Zoning Enabling Act.
 - ii. 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.
 - iii. 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.

50-6.3 Certificates of Zoning Compliance

- A. A Certificate of Zoning Compliance shall be required for any non-residential use in Springfield established on or after August 6, 2020. 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. Certificates of Zoning Compliance are required in the following circumstances:
 - 1. Establishment of any new non-residential use, 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 use.
 - 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 Certificate of Zoning Compliance at the time of application.

50-6.4 Planned Unit Development Procedure

- A. Application shall be made to the City Council for consideration under the PUD Planned Unit Development district. The applicant shall be required to submit the application to the City Manager for review and recommendation by the Planning Commission. The application shall contain the following materials:
 - 1. A property area survey of the exact area being requested (scale: one inch equals 50 feet);
 - 2. A proof of ownership of land being requested for rezoning;
 - 3. A topography Map of the entire area at a contour interval showing one foot changes in elevation. This Map shall indicate all natural and manmade features (scale: one inch equals 50 feet);
 - 4. A preliminary plan of the entire area carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system;
 - 5. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to market studies, supporting land use request, and the intended scheduling of development
- B. Preliminary Approval. Approval of the preliminary plan of the PUD Planned Unit Development district by the City Council shall be effective for a period of two years. In reviewing and approving the plan, the following conditions shall be set forth:
 - 1. The preliminary plan shall be reviewed and a recommendation shall be made by the Planning Commission relative to the plan's meeting the intent and the requirements of the Master Plan of future land use.
 - 2. Approval by the City Council shall be given only after public hearing, and shall be granted by rezoning the area to the Planned Unit Development district. Notification of the public hearing shall be given in the same manner as required by [Section 50-7.4, subsection G](#). Within a reasonable time following the public hearing, the City Council shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Approval under this subsection is based on the plan submitted and the supporting documentation, and the plan, therefore, is basic to the rezoning.
 - 3. Once an area has been included within the PUD by having been granted preliminary approval, no development shall take place therein nor use made of any part thereof except in accordance with the general plan as originally approved, or in accordance with an approved amendment thereto.

Section 50-6.4.B.4 - 50-6.4.D.4

4. Approval of the preliminary plan by the City Council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
 5. The proposed PUD shall be of such area as to represent a sound carrying out of the Master Plan of land use, it not being the intention of this district that an unrelated parcel-by-parcel rezoning be effectuated.
- C. Final Plan Submittal. A presentation of the final site plan for a PUD Planned Unit Development district shall be made to the City Council for review and recommendation by the Planning Commission of the following:
1. A final overall site plan, for the entire area being requested under this PUD, shall be submitted. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building plans, and schedule of construction shall be submitted.
 2. The final plan shall reflect the use patterns as approved in the preliminary plan. Standards for building bulk and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations of off-street parking requirements in [Section 50-5.6](#).
- D. Final Approval. Approval of the final plan for a PUD Planned Unit Development district shall be effective for a period of three years. If development is not completed in this period, the Planning Commission shall review progress to date and make a recommendation to the City Council as to action relative to permitting continuation under original approval. In reviewing and approving the final plan, the following conditions shall be set forth:
1. Approval shall be granted by the City Council after review and recommendation is made by the Planning Commission. Public hearings shall not be required on the final plan.
 2. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
 3. In residential reuse areas, any prorated open space shall be irrevocably committed by dedication to an association or residents, either as right-in-fee or easement, and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements of the City Council.
 4. Upon approval by the City Council of this chapter amendment, the site plan, building elevations, and other development proposals, including the proposed uses, shall become an integral part of the zoning amendment to the PUD and for purposes of recordation, and shall be referred to as "Planned Development No. ____, which number shall correspond to the number of the amending ordinance. All approved plans shall be filed with the City Clerk.

Section 50-6.4.E - 50-6.4.E.4

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
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7. Administration &
Enforcement

- E.** Required conditions. Before approving the plan for a PUD Planned Unit Development district in either the preliminary or final submittal, the Planning Commission and the City Council shall determine that:
1. Provisions, satisfactory to the City Council, have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is ensured by a means satisfactory to the City Council.
 2. The cost of installing all streets and necessary utilities has been ensured by a means satisfactory to the City Council.
 3. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal.
 4. Proceeding with a Planned Unit Development district shall only be permitted if it is mutually agreeable to the City Council and the developer.



Zoning Ordinance | Article 50-7

Administration & Enforcement

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
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Article 50-7 - Administration and Enforcement

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50-7.1 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:

- A. City Council
- B. Planning Commission
- C. City Council acting as Board of Appeals

50-7.2 City Council

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

- A. 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.

50-7.3 Planning Commission

- A. In General. The Planning Commission is designated as the Planning Commission specified in Public Act No. 33 of 2008 and shall perform the duties of such Planning Commission as provided in the statute in connection with this ordinance.
- B. 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 Planning Commission for the proper consideration of the matter.
 - 1. 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.
 - 2. 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.
- C. Planning Commission. The Planning Commission is hereby designated as the Planning Commission specified in Article III of Public Act 110 of 2006, as amended, and shall perform the duties of said Planning Commission as provided in the statute.
- D. 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 unexpired 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.
- E. 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.

Section 50-7.3.F - 50-7.4.B

- F. 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 Planning 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 Planning 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 Planning Commission's work.
- G. 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, the Zoning Ordinance, 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.

50-7.4 Board of Appeals

- A. City Council Acting as 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 Board of Appeals subject to the rules as established herein. The following rules shall apply to the City Council acting as Board of Appeals:
 - 1. A member of the City Council acting as a member of the 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 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 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 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 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 Appeals shall constitute a quorum for the conduct of its business. The City Council acting as Board of 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 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 Map, and to adopt rules to govern its procedure serving as a Board of Appeals. The Board of Appeals shall also hear and decide on matters referred to the Board of Appeals or upon which the 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. 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 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 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 zoning 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 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.

Section 50-7.4.C.3.f.IV - 50-7.4.D.8

- IV. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine 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 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 the Zoning Ordinance and Master Plan.
 6. Interpretation of Zoning Ordinance Provisions. The 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 Board of Appeals shall, before making any such exceptions or granting any variances, in a specific case, first determine the following conditions are satisfied:
1. The proposed variation will not impair an adequate supply of light and air to adjacent property.
 2. The proposed variation will not unreasonably increase the congestion in public streets.
 3. The proposed variation will not increase the danger of fire or endanger the public safety.
 4. 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 Board of Appeals that the applicant has created the hardship or practical difficulty.
 8. Before a variance is granted, it must be shown 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.

Section 50-7.4.D.9 - 50-7.4.H.2

9. The applicant for a variance shall be prepared to furnish documentation to indicate 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 Zoning Administrator, 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 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.
1. 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 ordinance or the Zoning Map or to rezone, such power and authority being reserved to the City Council.
 2. Nothing in this section shall be construed to authorize the 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.
 - 1. No order of the Board of Appeals permitting the erection or alteration of a building, except in the case of an interpretation made by the 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.
 - 2. No order of the Board of Appeals permitting a use of a building or premises, except in the case of an interpretation made by the 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.
 - 3. No request or appeal which the Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Board of Appeals for a period of one year following the effective date of the decision by the Board of Appeals, except where the 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 with 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.

50-7.5 Amendments, Including Rezoning

- A. Initiation of Amendments. The City Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the 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 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 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.

Section 50-7.5.B - 50-7.5.B.8

- B.** Application Procedure. An amendment to this ordinance or the 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 Zoning Map, a general description of the proposed amendment shall accompany the application form. In the case of an amendment to the Zoning Map, the following information shall accompany the application form:
1. Completed application form and fee to cover administrative cost and review by consultants.
 2. A legal description and street address of the subject property, together with a Map identifying the subject property in relation to surrounding properties.
 3. 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.
 4. The existing and proposed zoning district designation of the subject property.
 5. A written description of how the requested rezoning meets subsection E Criteria for Amendment of the Zoning Map.
 6. 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.
 7. A rezoning traffic study, if required based on subsection E Criteria for Amendment to the Zoning Map.
 8. 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.

Section 50-7.5.C - 50-7.5.D

- C. Amendment Procedure; Public Hearing Notice.
1. 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.
 2. 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.
 3. 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 Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria contained in subsection E below.
 4. 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.
- D. 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.

Section 50-7.5.E - 50-7.5.E.14

- E.** Criteria for Amendment to the Zoning Map (Rezoning). In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Council shall consider the following criteria.
1. 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.
 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
 3. 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.
 4. 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.
 5. 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.
 6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 7. 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.
 8. 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.
 9. The requested rezoning is to the most appropriate district.
 10. 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?
 11. The requested rezoning will not create an isolated and unplanned spot zone.
 12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
 13. 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.
 14. Other factors as appropriate.

- F.** Approval of Zoning Amendments. Approved amendments shall require the following:
- 1.** 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.
 - 2.** The Zoning Ordinance 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 the property is subject to a Statement of Conditions.
 - 3.** 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:
 - a.** Be in a form recordable with the Calhoun County Register of Deeds and include a statement acknowledging that it is recorded.
 - b.** Contain a legal description of the land to which it pertains.
 - c.** 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.
 - d.** Contain a provision acknowledging the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - e.** 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.
 - f.** 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.
 - g.** 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.

Section 50-7.5.G - 50-7.6.A.2.B

- G.** Effect of Conditional Rezoning. The following provisions shall apply to approved conditional rezonings:
- 1.** 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.
 - 2.** Amendment of Conditions. Amendment of conditions shall follow the process for rezoning outlined above.
 - 3.** 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.).

50-7.6 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 7.5.
 - 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 7.5, with the exception 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.

5. Actions Requiring a Public Hearing:

Action	Reviewing body
Zoning Ordinance Amendment	Planning Commission
Special Land Use Review	Planning Commission
Revocation of Special Land Use	Planning Commission
Variances and Appeals	Board of Appeals
Temporary Uses	Board of Appeals
PUD Review	Planning Commission
Ordinance Interpretation	Board of Appeals
Uses not otherwise included within a specific use district/uses not otherwise addressed.	Planning Commission

50-7.7 Duties, Powers, and Limitations of the Board of Appeals

- A. The provisions of this chapter shall be administered and enforced by the Zoning Administrator or by such deputies of the Zoning Administrator’s department as the Zoning Administrator may delegate to enforce the provisions of this chapter.
- B. The Zoning Administrator shall have the power to grant zoning compliance and occupancy permits, and the Zoning Administrator and Fire Department 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 Zoning Administrator to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until the Zoning Administrator has inspected such plans in detail and found them to conform with this chapter.
- C. The Zoning Administrator shall record all nonconforming uses existing at the effective date of the ordinance for the purpose of carrying out the provisions of [Section 50-7.14](#).
- 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.

50-7.8 Plot Plan

The Zoning Administrator 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, 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 six (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.

50-7.9 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 Zoning Administrator 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 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.

50-7.10 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.
- B. 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.
- C. 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 Compliance as required by this ordinance. No such certificate shall be issued until there is compliance with all sections of this ordinance.
- D. 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 [Section 50-5.6](#) for the new or modified use. If additional parking is required by [Section 50-5.6](#), 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 Zoning Administrator 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 by the Zoning Administrator.
 - 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.

- E. 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 Building or Public Services Departments 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 other city ordinances and requirements.

Section 50-7.10.E.4 - 50-7.10.E.9

4. The estimate of such cost shall be solely in the discretion of the Building or 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.
5. 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).
6. 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.
7. 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.
8. 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.
9. 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 Public Services Department, 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.

Section 50-7.10.F - 50-7.10.F.8

- 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 Service Departments. In no case shall a final Certificate of Occupancy be approved until final as-built drawings are submitted to and approved by the Zoning Administrator.
1. Records of certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Administrator.
 2. Certificates for residential accessory buildings. Buildings or structures 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.
 3. Applications for certificates. Application for Certificates of Occupancy shall be made in writing to the Zoning Administrator 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.

Section 50-7.11 - 50-7.13.B

50-7.11 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.

50-7.12 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 Council in advance of issuance. The amount of such fees shall be established by resolution of the 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 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.

50-7.13 Enforcement

- A. Enforcement. The City Manager 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 Planning 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.

Section 50-7.13.C - 50-7.14.A

- 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.

50-7.14 Nonconformities

- A. 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.

- B. General Requirements.**
1. 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.
 2. 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.
 3. 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.
- C. 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:
1. 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 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.
 2. 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.

Section 50-7.14.D - 50-7.14.E.1

- D. 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:
 - 1. 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.
 - 2. 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.
 - 3. 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 (6) 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.
 - 4. 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.
- E. 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:
 - 1. 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.

2. 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:
 - a. Is not located closer to the side or rear property line than the structure's existing nonconforming side or rear yard setback;
 - b. Is attached to a one-family dwelling located within an R-1, R-2, R-3 zoning district and is designed for use as enclosed or screened living space;
 - c. Is not taller than 16 feet or one-story in height; and
 - d. Complies with all other requirements of this ordinance and does not necessitate any other variances.
 3. Reconstruction. Nonconforming structures that are declared to be physically unsafe by the Zoning Administrator 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.
 4. 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.
- F. 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:
1. 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.
 2. 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.

3. 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.
 4. 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 (6) 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.
 5. 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.
- G. Nonconforming Sites.** A site existing as of the effective date of this ordinance that is nonconforming due solely to failure to meet the site development standards of this ordinance may be used for any purposes permitted in the district provided the use is in conformance with the provisions of this section.
1. A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs.
 2. 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 ordinance.
 - 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 ordinance 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 ordinance. The additional parking area shall comply with all associated landscaping and drainage requirements of this ordinance.
 - d. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Zoning Administrator.

Appendix A - Schedule of Amendments

2022 Ordinances to Amend Chapter 50 Zoning of the Springfield Code of Ordinances

Ordinance No. 2 of 2021, January 6, 2022

Section No.	Description
Section 50-2.2	Adult use definitions - Marihuana (Adult Use Recreational and Medical) definitions (added and amended)
Section 50-3.1	Established Districts - MAMCOD Medical and Adult Use Recreational Marihuana Corridor Overlay (amended)
Section 50-3.1.13	ABCOD Adult Business Corridor Overlay - subsection E (amended)
Section 50-4.32	Medical Marihuana Facilities (repealed)

*clear*zoning

CITY OF SPRINGFIELD CHAPTER 50 - ZONING ORDINANCE

Effective August 6 2020
