



Use Permit Number: _____
 Date Filed: _____
 Received By: _____
 Application Fee: \$1,126.00*
 Pre-Paid Advertising Fee: 50.00
 Total: 1,176.00

APPLICATION FOR CONDITIONAL USE PERMIT

The signers of this application ask that the City Council of the City of Springfield, Missouri approve a Conditional Use Permit, as described below, on the following described tract of land:

LAND DESCRIPTION (an attached sheet may be used):

Address of the above described property: _____

Zoning of subject property: _____ Present use of subject property: _____

PROPOSED CONDITIONAL USE:

Is the proposed conditional use located within an urban conservation district?

(Circle one) YES NO

If yes, list the urban conservation district and the area: _____

If the proposed conditional use is located within an urban conservation district, contact staff for any specific requirements for that district. Other conditional uses have specific requirements, in addition to those on Attachment A. Contact staff for any specific requirements for the proposed use.

Proposed conditional use: _____

NOTE: Application for this Conditional Use Permit shall be made under the provisions of Section 3-3300 of the *Zoning Ordinance* of the City of Springfield, a portion of which is attached, and shall be accompanied by a site plan and other material necessary to show conformance with the *Zoning Ordinance*.

Attach to this application written responses to the following:

- A. State how the proposed conditional use will comply with the applicable standards in Subsection 3-3310 of the *Zoning Ordinance*.
- B. State how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.
- C. Identify any potentially adverse effects that may be associated with the proposed conditional use, and the means proposed by the applicant to avoid, minimize or mitigate such effects.

(Continued on reverse side)

*Fees are non-refundable

Development Review Office,
 Planning and Development Department
 840 Boonville, P.O. Box 8368
 Springfield, MO 65801
 (417) 864-1611 Fax: (417) 864-1882

7/1/2010

We, the undersigned, do attest to the truth and correctness of all facts and information presented with this application as required by the Zoning Ordinance of the City of Springfield.

CURRENT PROPERTY OWNER'S NAME(S):

Name of current property owner(s): _____
(please print)

If corporation: Corporate official: _____
(please print)

Mailing address: _____ (corporate seal)

Telephone number: _____ Fax number: _____

E-mail: _____

PROPERTY OWNER'S SIGNATURE: _____
(if corporation, need signature of one corporate official)

APPLICANT'S NAME (if different from the owner):

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this proceeding. A power of attorney is attached.

Name of Applicant: _____
(please print)

If corporation: Corporate official: _____
(please print name and title)

(corporate seal)

Address: _____ Telephone: _____ Fax: _____

E-mail address: _____

What is applicant's legal interest in property? _____

APPLICANT'S SIGNATURE: _____
(if corporation, need signature of one official)

NOTE: The Planning and Zoning Commission holds regularly scheduled meetings each month (contact the Development Review Office for a current processing schedule). **This application must be delivered to the Development Review Office no later than the application deadline date listed on the processing schedule. This application must be complete and all the items listed on the attached checklist must accompany the application or it will be returned to the applicant and will not be placed on the agenda.**

Neighborhood Meeting. This meeting is required as part of the application process. For more details, see the page of the conditional use permit checklist titled "Exhibit 1: City Council Policy for Developer/Neighborhood Meetings."

STANDARDS FOR ALL CONDITIONAL USE PERMITS

3-3310 **Standards.** An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

With respect to all proposed conditional uses, to the extent applicable:

1. The proposed conditional use will be consistent with the adopted policies in the *Springfield Comprehensive Plan*;
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site;
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;

(continued on reverse side)

16. Off-street parking and loading areas will be provided in accordance with the standards set out in 5-1500, 5-1600 and 6-1300 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;

17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield; and
21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.

With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with additional specific requirements (request the appropriate attachment from staff):

1. Telecommunications Towers Exceeding One-Hundred Feet in Height (Attachment B).
2. Bed and Breakfasts (Attachment C).
3. Jails, Prisons and Detention Facilities (Attachment D).
4. Adaptive Use of Non-Residential Structures in Residential Districts (Attachment E).
5. Emergency and Transitional Service Shelters and Soup Kitchens (Attachment F).
6. Community Corrections Facilities (Attachment G).
7. Walnut Street Urban Conservation District - West (Attachment H).
8. Rountree Urban Conservation District - Area A (Attachment I).
9. Rountree Urban Conservation District - Areas B, D and E (Attachment J).

CONDITIONAL USE PERMITS

Telecommunications Towers Exceeding One-Hundred Feet in Height. (in addition to those standards listed in Section 3-3310.A, the following standards must also be met)

- a. **Purpose.** The purpose of these restrictions is to:
 - (1) Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - (2) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - (3) Lessen traffic impacts on local streets;
 - (4) Maximize use of existing towers to reduce the number of towers needed; and
 - (5) Allow new towers in the center city area, as defined herein, only if a comparable site is not available outside the center city area.

- b. **Applicability.** In all districts where telecommunication towers are permitted a principal or accessory uses, a conditional use permit shall be required where:
 - (1) the tower exceeds one-hundred (100) feet in height; or
 - (2) the tower is on a building, exceeds twenty (20) feet in height, as measured from the top of the building, and the combined height of the building and tower exceeds one-hundred (100) feet.

- c. **Exemptions.** An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated:
 - (1) Ham radios; and
 - (2) Citizen band radios.

- d. **Approval Standards.** All applications for a conditional use permit for a tower shall comply with the following requirements.
 - (1) Structures shall be set back from adjoining residential district parcels or public property or streets sufficient to:
 - (a) Contain on-site substantially all ice-fall or debris from tower failure;
 - (b) Preserve the privacy of adjoining residential property. The site is of sufficient size to comply with this standard if;
 - (i) Accessory structures comply with the setback standards in the zoning district;
 - (ii) The tower base is set back from adjoining residential district parcels or public property or a street by a distance of twenty (20) percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
 - (iv) Guy wire anchors are set back twenty-five (25) feet from adjoining residential parcels or public property or a street; and

- (v) Guy wire anchors are set back the rear yard setback from adjoining land in other districts.
- (2) The tower shall be set back from other on- and off-site towers and supporting structures far enough so one tower will not strike another tower or support if a tower or support structure fails.
- (3) The tower shall have the least practicable adverse visual effect on the environment. A tower complies with this standard if it has a galvanized finish, is painted silver or, if constructed of aluminum remains unfinished and is not artificially lighted, unless state or federal regulations require certain painting or lighting standards. If there is an existing building or proposed building on the site of the proposed tower, every attempt shall be made to place the tower so that the building is located between the tower and the adjoining street or to incorporate the tower in the design of the building to reduce the visual impact of the tower. If more than one (1) street adjoins the proposed site, the building should be sited between the tower and the street with the highest functional street classification as designated by the *Major Thoroughfare Plan*. If two (2) or more streets have the same functional street classification, the building should be sited between the tower and the street with the highest current traffic volumes.
- (4) Existing on-site trees and shrubs shall be preserved to the maximum extent practicable.
- (5) Where the site adjoins residential parcels or public property or a street, the site perimeter shall be landscaped as follows:
 - (a) For all towers, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within fifteen (5) feet of the site boundary.
 - (b) For a tower greater than two-hundred (200) feet tall, at least one (1) row of deciduous trees, not less than one- and one-half (1-1/2) inches in diameter measured three (3) feet above grade, and spaced not more than twenty (20) feet apart and within twenty-five (25) feet of the site boundary.
 - (c) Within twenty-five (25) feet of the site boundary for a tower less than two-hundred (200) feet tall, and within forty (40) feet of the site boundary for a tower more than two-hundred (200) feet tall, at least one (1) row of evergreen trees or shrubs, at least four (4) feet high when planted and spaced not more than fifteen (15) feet apart.
 - (d) Vegetation, topography, walls, fences and features other than those required above may be used if the City Council finds they:
 - (i) Achieve about the same degree of screening as the applicable features required above;
 - (ii) Affect the stability, security or maintenance of guy wires;
 - (iii) Are needed for surveillance and security of structures; or
 - (iv) Are used for continued operation of a forest or agricultural uses.
 - (e) All plant material shall be tended and maintained in a healthy growing condition and replaced when diseased, irreparably damaged, or dead. The buffer yard required above shall be planted in lawn unless ground cover is already established and shall be kept neat, clean and free from litter, debris and noxious weeds.
- (6) Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.
- (7) At least two (2) off-street parking spaces and one (1) additional space for each two (2) on-site

personnel shall be provided. Parking shall be screened in accordance with *Section 6-1000*.

- (8) A tower for the proposed telecommunications equipment shall be sited outside of *Central Springfield* unless it is demonstrated:
 - (a) Sites outside the center city will not accommodate the proposed tower, considering size, topography and physical features; or
 - (b) The proposed equipment or its equivalent on a tower outside the center city cannot function effectively or at least in parity with other similar equipment in place or approved by the Springfield City Council.
 - (c) For the purposes of these restrictions, the *Central Springfield* is defined as the area of Springfield containing the Central Business District and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south and Kansas Expressway on the west.
- (9) The applicant shall demonstrate that the planned equipment cannot be accommodated on an existing or approved tower. Planned equipment cannot be accommodated on an existing or approved tower if:
 - (a) Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
 - (b) Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
 - (c) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved by the Springfield City Council.
 - (d) The fee and costs for shared use are unreasonable, among other reasons because they exceed the cost of the proposed tower, or
 - (e) Other reasons make it impracticable to place the equipment planned by the applicant on existing and approved towers.
- (10) The applicant shall demonstrate that the planned tower cannot be accomplished on the site of an existing or approved tower. A planned tower cannot be accommodated on the site of an existing or approved tower if:
 - (a) There is not enough land available for the proposed tower, supporting structure, or accessory uses on or adjoining the site of an existing or approved tower to comply with Subsections 5-2304.A and 5-2304.B;
 - (b) The fee and costs for shared use of an existing or approved site are unreasonable, among other reasons, because they exceed the cost of the proposed site; or
 - (c) Other reasons make it impracticable to place the planned tower on an existing or approved site.

e. **Application contents.** An application for approval of a new transmission tower shall include:

- (1) A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be

retained, removed, or replaced; and uses, structure, and land-use designations on the site and adjoining parcels;

- (2) A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and
- (3) Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The City Council may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site are reasonable.

f. **Conflict with FCC or FAA regulations.** In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.

Section 5-2600. Telecommunication Towers.

- 5-2601. Legislative Findings. On February 8, 1996, Congress enacted the federal *Telecommunications Act of 1996*, P.L. No. 104-458. The purpose of the Act is to deregulate the telecommunications industry, providing a more competitive environment for wired and wireless telecommunication services in the United States.
- A. A concomitant effect of increased competition in the market for wireless telecommunications services is an increased demand for antenna sites on Towers and other Antenna Support Structures necessary for providing wireless service.
 - B. New personal wireless telecommunications technologies, such as Personal Communications Systems, or (PCS) require antenna sites to be denser than previous technologies required. However, due to the uniqueness of the wireless telecommunications industry and constantly changing technology, local regulatory efforts must be sufficiently flexible to allow for the continuing development of the wireless telecommunications industry.
 - C. The *Telecommunications Act of 1996* preserves the authority of the City to regulate the placement, construction, and modification of Towers, Antenna Support Structures and Telecommunications Facilities and to protect the health, safety and welfare of the public and which is granted to the City under the Constitution and statutes of the State of Missouri and the Charter.
 - D. Consistent with the *Telecommunications Act of 1996*, regulation of Towers and Telecommunications Facilities in certain areas of the City of Springfield as provided in this Ordinance, will not have the effect of prohibiting any Person from providing wireless telecommunications services.
 - E. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - 1. The regulation of the environmental effects of radio frequency emissions from Telecommunications Facilities.
 - 2. The regulation of radio signal interference among users of the radio frequency spectrum.
 - F. The uncontrolled proliferation of Towers in the City of Springfield could diminish property values, the aesthetic quality of the City and could otherwise threaten the health, safety and welfare of the public.
- 5-2602. Legislative Purposes. The general purpose of this *Section 5-2600* is to regulate the placement, construction and modification of Towers and Telecommunications Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Springfield.

Specifically, the purposes of this *Section 5-2600* are:

- A. To direct the location of Towers and Telecommunications Facilities in the City;
- B. To protect residential areas and land uses from potential adverse impacts of Towers and Telecommunications Facilities;
- C. To minimize adverse visual impacts of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- D. To promote and encourage shared use/collocation of Towers and Antenna Support Structures as a primary option rather than construction of additional single-use Towers;
- E. To avoid potential damage to adjacent properties caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.
- F. To the greatest extent feasible, ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses.
- G. To the greatest extent feasible, ensure that proposed Towers and Telecommunications Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
- H. To create a licensing process which allows the City to more efficiently administer this *Section 5-2600*.

5-2603. Applicability.

- A. All Towers, Antenna Support Structures and Telecommunications Facilities, any portion of which are located within the City of Springfield, are subject to this Ordinance. All towers within the City of Springfield, Missouri at the time of passage of this Ordinance shall be registered with the City Finance Director within sixty (60) days from the effective date hereof together with the height, width and location thereof and a registration fee of \$50.00. Failure to register an existing tower shall raise a presumption that said tower, was not a legal nonconforming use on the date of passage of this ordinance. However, this ordinance shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service, or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any federal, state or local laws, and does not encroach on the public rights-of-way.
- B. Except as provided in this *Section 5-2600*, any current legal use being made of an existing Tower or Antenna Support Structure on the Effective Date of this *Section 5-2600* (herein "Non-conforming Structures") shall be allowed to continue, even if in conflict with the terms of this *Section 5-2600*. Any Tower site that has received City approval in the form of either a conditional use permit or building permit, but has not yet been constructed or located, shall be considered a Non-conforming Structure so long as such approval is current and not expired.

5-2604. Definitions. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

- A. **Act** means the federal *Communications Act of 1934* as amended by the *Telecommunications Act of 1996* and as may, from time to time, be amended.
- B. **Antenna Support Structure** means any building or other structure other than a Tower which can be used for location of Telecommunications Facilities.
- C. **Applicant** means any Person that applies for a Tower License pursuant to *Subsection 5-2608* of this Ordinance.
- D. **Application** means the process by which an Applicant submits a request and indicates a desire to be granted a License to construct, own or operate a Tower within the City. An Application includes all written documentation made by an Applicant to the City concerning such a request.
- E. **City** means the City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its City Manager or his designee.
- F. **Code** means the City of Springfield Code of Ordinances.
- G. **Communications or Telecommunications** means the transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.
- H. **Council** means the Springfield, Missouri, City Council.
- I. **Director** means the Director of Department of Building Development Services.
- J. **Engineer** means any engineer licensed by the State of Missouri.
- K. **FCC** means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- L. **Licensee** means any person who has lawfully obtained a Tower License pursuant to *Subsection 5-2308*.
- M. **Person** is any natural person, firm, partnership, association, corporation, company, or other legal entity,

private or public, whether for profit or not-for-profit.

- N. **Site** means the actual location of a tower.
- O. **Stealth** means any Tower or Telecommunications Facilities which are designed to blend into the surrounding environment.
- P. **Telecommunications Facilities** means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Telecommunications Facilities shall not include:
 - 1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes;
 - 2. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
 - 3. Any satellite earth station in excess of two (2) meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.
- Q. **Tower** means a self-supporting lattice, guyed or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC. The term Tower does not include utility poles which are utilized for the support of electrical, telephone, cable television, or other similar cables and wires, are located on public rights-of-ways or easements for that purpose and are a part of a system of such poles throughout the City of Springfield, Missouri.

5-2605. Permitted Uses And Conditional Uses.

- A. **Generally.** The allowable use of Towers and placement of Telecommunications Facilities as either permitted uses or conditional uses in the several zoning districts shall be as set forth in this Article.
- B. **Telecommunications Facilities.** Any Telecommunications Facilities which are not attached to a Tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, or multi-family structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the City; provided that the Person making such accessory use files a written certification with the City establishing the following:
 - 1. That the total height of the Antenna support Structure and Telecommunications Facilities do not exceed the structural height limitations in the applicable zoning district under this article by more than twenty (20) feet;
 - 2. That the Antenna Support Structure and Telecommunications Facilities comply with the City Building Code and any applicable state law, does not encroach on the public rights-of-way, and a building permit has been obtained from the Department of Building Development Services; and
 - 3. That any Telecommunications Facilities and antennas located on the roof of a building shall comply with setbacks required by the City building code, if any, and do not extend more than fifty (50) inches in the horizontal plane from the side of such an Antenna Support Structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond Fifty (50) inches. Any extension beyond Fifty inches must be approved by the Administrative Review Committee of the City prior to construction of said Antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the City, State or Federal law that is applicable, encroach upon public rights-of-ways and does not pose any danger to the traveling public.
 - 4. That the Telecommunications Facilities will utilize camouflaging techniques or will be side-mounted to an Antenna Support Structure in order that the Telecommunications Facilities harmonize with the character and environment of the area in which they are located if technically feasible and such techniques will not degrade or distort the service signal. Antennas and support structures shall be painted to blend with the color of the building if such painting will not interfere with functioning of the antenna or support structure.

5-2606. Collocation.

- A. **Collocation of Facilities.** New Towers constructed within the City with height in excess of sixty (60) feet should be capable of accommodating two additional carriers or telecommunications facilities for more than one other provider of communications services (hereinafter referred to as “additional capacity”). Such additional capacity, if any, shall be designated on the application and site plans presented to the City prior to construction of the tower.
- B. **Collocation or Installation.**
1. Any Licensee whose Tower in excess of sixty (60) feet which is constructed after the effective date of this Section and which has been built in accordance with setbacks and special conditions granted to towers with collocation capabilities under this Article, and has available additional capacity for installation or collocation of Telecommunications Facilities as demonstrated at the time the application for construction was granted, shall agree to allow other Persons to install or collocate Telecommunications Facilities on such a Tower subject to reasonable terms and conditions negotiated between the parties including the suitability of the proposed tenant, the credit worthiness and technical abilities of the proposed tenant. For the purpose of collocation of antennas, a legal non-conforming tower may be used. However, in no event shall a Licensee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of Licensee’s service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in Sections 3-1502, 3-1503, 3-1504, 3-1505, 3-1506 and 3-1507 or termination of utilities following a hearing as permitted in Subsection 5-2606 F hereof.
 2. Failure to comply with the provisions of this *Subsection 5-2606.B.* constitutes a material violation of this *Section 5-2600, et seq.*, for the purposes of *Subsection 5-2609.*
- C. **Special Exception from Height Exceptions and Buffer yards.**
1. A Licensee of an existing Tower may modify the height of its Tower to accommodate collocation of additional Telecommunications Facilities as long as the total height of the Tower and Telecommunications Facilities attached thereto do not exceed the maximum height allowed in the applicable zoning district under the Code by more than twenty (20) feet.
 2. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in *Subsection 5-2607.C.5*, nor additional Buffer yards or landscaping above that required for the original tower. The Tower's premodification height shall be used to calculate such distance separations.
- D. **Same Tower Type.** A Tower which is modified to accommodate the collocation of additional Telecommunications Facilities shall be of the same Tower type as the existing Tower. However, a different type of tower may be permitted by the approval of the Administrative Review Committee if it is demonstrated that permitting a different tower type will not exceed the height permitted in *Subsection 5-2606-C*, and will permit the collocation of more carriers than could be accomplished by the modification of the same Tower type as the existing tower.
- E. **Movement of Tower.**
1. A Tower which is being rebuilt to accommodate the collocation of additional Telecommunications Facilities may be moved on the same premises as it was constructed on, or an adjacent premises, within fifty (50) feet of its existing location as long as required setbacks and buffer yards are maintained.
 2. A Tower that is relocated pursuant to Subsection 5-2606 E.1 hereof shall continue to be measured from the original Tower site for the purpose of calculating the separation distances between Towers pursuant to *Subsection 5-2607.C.5*. The relocation of a Tower under this Subsection shall in no way be deemed to cause a violation of *Subsection 5-2607.C.5*.
 3. A Tower that is relocated on the same premises it was constructed on which comes within the separation distances established in *Subsection 5-2607.C.5* shall only be permitted when notarized written consent is obtained from affected residential property owners.
- F. **Appeal Process.** Any applicant who is denied a Tower application, or who is determined by the Director of Finance to be in violation of this Section shall have the right of a hearing before an administrative hearing examiner appointed by the City Manager and mutually agreeable to the applicant

or tower owner. Said Hearing Examiner shall set the hearing date no later than twenty (20) days following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this Section. In the event the Hearing Examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation, and said tower is not being made available for joint use or collocation as indicated at the time of application, the Hearing Examiner shall order utilities disconnected until such time as the tower is used jointly for collocation as originally stated in the application. The Hearing Examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said Chapter shall be filed within thirty days from the date of the Hearing Examiner's decision. Enforcement of the decision of the Hearing Examiner may be stayed by the posting of a supercedes bond in an amount determined by the Hearing Examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

5-2607. Construction Standards.

A. **Setbacks.**

1. All Towers shall be set back a distance equal to fifty (50) percent of the height of the Tower up to one hundred (100) feet, plus one foot for each foot over one hundred (100) feet in height, unless the tower is designed for collocation. In the event a tower is capable of being used for collocation for at least two additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with.
2. Set back requirements for Towers shall be measured from the center of the Tower to the property line of the parcel on which it is located.

B. **Structural Requirements.** All Towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the City's Building Code, any applicable state and federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

C. **Separation or Buffer Requirements.**

1. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose, (2) the second tower is permitted by the zoning district, and (3) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:

Designated Area	Separation Distance
Single-family or duplex residential units in a residential district ¹	300 feet. If the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	300 feet if the Tower ¹ is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in non-residential zoned districts ¹	200 Feet or 100% of Tower, ² whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of Tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply
Approved heliports	100 feet or 100% of the height of Tower, whichever is greater

¹Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this chart is to be measured from the edge of the building or structure itself.

²Separation measured from the center of the tower to closest building setback line.

³Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

2. The minimum Tower separation distances above listed shall be calculated and applied irrespective of City and County jurisdictional boundaries.
3. Measurement of Tower separation distances for the purpose of compliance with this *Section 5-2600* shall be measured from the center of a Tower to the closest point of a Designated Area as specified in the table above set forth.
4. Separation distances set forth in this Subsection may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining an exception to said distances for towers not requiring a use permit by demonstrating to the Board of Adjustment that the separation distances will:
 - a. have the effect of preventing service to an area of the City, or;
 - b. constitute a barrier to entry into the market place by the Applicant, or;
 - c. will constitute a technical or economic hardship on the Applicant.

Additionally the applicant must demonstrate that (1) the location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use, and (2) the proposed tower will accommodate at least two additional carriers of various telecommunications services.

The Board of Adjustment shall consider the information presented by the Applicant and determine if a special exception would conflict with the purposes of this Section, would create a blight on adjacent property, or interfere with adjacent uses, within the separation area. If the tower requires a use permit, then said showing shall be made to the Planning and Zoning Commission and City Council as a part of the conditional use permit process.

5. Proposed Towers must meet the following minimum separation requirements from Towers existing at the time a License is granted pursuant to *Subsection 5-2600* unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from the Administrative Review Committee if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area or the tower is designed for collocation of telecommunications facilities or joint use by carriers.

EXISTING TOWERS-TYPES

		Lattice or Guyed 150 ft. in Height or Greater	Lattice or Guyed less than 150 ft in Height	Monopole towers 75 ft in Height or	Monopole towers Less Than 75 ft in
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PROPOSED TOWERS- TYPES			Guyed	Greater	Height
	Lattice	3,000 ft	2,500 ft	1,500 ft	750 ft
	Guyed	3,000 ft	2,500 ft	1,500 ft	750 ft
	Monopole 75 ft in Height or Greater	1,500 ft	1,500 ft	1,500 ft	750 ft
	Monopole Less Than 75 ft in Height	750 ft	750 ft	750 ft	750 ft

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center, of the proposed Tower.

- D. **Method of Determining Tower Height.** The Height of the tower shall be measured as follows: The vertical distance between the highest point of the tower and the natural grade below this point.
- E. **Illumination.** Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) and provisions of the City Code except that seasonal lighting may be permitted as approved by the City. At time of construction of a Tower dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three (3) times the proposed height of the tower.
- F. **Finished Color.** Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver or white finish .
- G. **Fencing and Screening.** Fences must be constructed around or upon parcels containing Towers, Antenna Support Structures or Telecommunications Facilities and shall be constructed in accordance with *Section 6-1000, Screening and Fencing*, of this Article.
- H. **Bufferyard and Landscape.** All landscaping on parcels containing Towers, Antenna Support Structures or Telecommunications Facilities shall be in accordance with the applicable buffer yard requirements in the zoning district where the Tower, Antenna Support Structure of Telecommunications Facilities are located. Existing vegetation shall be maintained to the extent possible. However, the City may require additional landscaping if to do so would make the tower, antenna support structure or telecommunications facility more reasonably compatible with the surrounding area, but in no event shall additional landscaping exceed any bufferyard requirements as set out in Sections 6-1200, et seq., Landscaping and Bufferyards. All vegetation used in the landscaping shall be located outside any fenced area.
- I. **Security.** All Towers must be secured to protect against trespass or unauthorized use of the property, Tower or Telecommunications Facilities.
- J. **Access.** All parcels upon which Towers are located must provide access to at least two (2) vehicular parking spaces located within one-hundred (100) feet of the Tower. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.
- K. **Maintenance.**
 1. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 2. Licensees shall install and maintain Towers, Telecommunications Facilities, wire, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
 3. All Towers, Telecommunications Facilities and Antenna Support Structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or

endanger the life or property of any Person.

- L. **Drainage.** All parcels upon which Towers are located must contain adequate drainage facilities, which are approved by the Director of Public Works.
- M. **Stealth Design.** All Licensees shall make every reasonable effort to design and construct new Towers and Telecommunications Facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the Tower.

5-2608. Licensing Requirement.

- A. **License Required.** No Person may construct, own, or operate a Tower without first obtaining from the City a License to do so pursuant to this section (herein referred to as "Tower License" or "license"). This requirement applies both to new Towers and to existing Towers or Non-conforming Structures on the date of passage of this Section. Unless otherwise expressly provided elsewhere in this *Section 5-2600*, the License required by this section is in addition to the procedures and approval required pursuant to this Article of the City Code pertaining to zoning and development and the requirement for a building permit to construct the tower itself. A License may be denied if the applicant is not in compliance with *Chapter 20, Section 146* or any other provision of the *Springfield City Code* regarding the use or provision of towers, telecommunications services or public property, health or safety. The license required under this section shall not be in lieu of a license to conduct business in the City of Springfield, Missouri. Owners of existing towers shall have six months from passage of this ordinance to obtain a license as required by this subsection.
- B. **Applications.** In order to obtain a License to construct a tower after the effective date of this section, a Person must file an Application with the Department of Finance. The Application shall provide the Director of Finance with the following:
 - 1. An initial License/Application Fee in the amount of \$200.00 together with the fee for any conditional use permit application, if one is required.
 - 2. The names, addresses and telephone numbers of all owners of other Towers or useable Antenna Support Structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the Tower within a 3,000 foot radius of the proposed new Tower site, including City-owned property.
 - 3. Written documentation that the Applicant made diligent, but unsuccessful efforts for permission to install or collocate the Applicant's Telecommunications Facilities on City-owned Towers or useable Antenna Support Structures or made diligent, but unsuccessful efforts to install or collocate the Applicant's Telecommunications Facilities on Towers or useable Antenna Support Structures owned by other Persons.
 - 4. Written documentation containing the following information:
 - a. Whether the Applicant's Telecommunications Facilities are technically capable of being installed or collocated on another Person's Tower or useable Antenna Support Structure.
 - b. If the Applicant asserts that its Telecommunications Facilities are economically or technically infeasible of being installed or collocated on another Person's Tower or useable Antenna Support Structure, a written statement from the Applicant setting forth in detail the reason(s) with regard to each person contacted, why such installation or collocation is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the collocation or installation of Applicant's Telecommunications Facilities on another Person's Tower or useable Antenna Support Structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the Tower or useable Antenna Support Structure's current or planned use, or interfere operationally with Applicant's planned use. City may require additional evidence of collocation being technically infeasible if, in the opinion of the Administrative Review Committee that additional information is necessary to determine that collocation is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of collocation is not a reasonable business decision from an economic standpoint when all factors are considered.
 - c. If the tower is designed to accommodate one or more additional carriers or capacity for the

location of telecommunications facilities other than that of the Applicant and, if so, the application shall designate the nature, quality and location of the collocation that will be accommodated

5. A site plan drawn to scale specifying the location of Tower(s), its planned height, guy anchors (if any), transmission building(s), all Telecommunications Facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences and zoning designation of adjacent land.
6. Two (2) alternative camouflaging techniques or stealth designs for the proposed Tower and all associated Telecommunications Facilities if technically feasible and any explanation as to why the use of same would be technically or economically infeasible.
7. The identity of all adjacent property owners.
8. Sealed plans prepared by an engineer licensed in the State of Missouri for the Tower construction and site.
9. Proof of liability insurance in an amount of at least \$300,000.00 per occurrence for personal injury and at least \$300,000.00 per occurrence for property loss, with the City of Springfield listed as an additional insured.
10. Application for conditional use permit for the Tower, if one is required for the zoning district the Tower is to be located. Fees required for processing conditional use permits shall be a fee in addition to the fee required by *Subsection 5-2608.A.1*.

C. Processing of Applications.

1. The Director of Finance shall furnish the Administrative Review Committee with a copy of all Applications filed with the Department of Finance.
2. Within forty-five (45) days after an Application is filed with the Director of Finance, the Director shall grant a License to the Applicant if the Director of Finance determines that the Applicant meets the following criteria:
 - a. The Applicant has filed a completed Application containing, the information required in *Subsection 2608.B*.
 - b. The Tower sought to be licensed by the Applicant is designed to be structurally sound and in conformance with the applicable state law and all other applicable construction standards provided by the City Code and federal law. The Director shall consult with the Director of Public Works or his designee to make this determination.
 - c. The Tower site plan shows the design for, or present existence of, adequate drainage facilities which have been approved by the Director of Public Works.
 - d. A conditional use permit is not required for the site. In the event a conditional use permit is required, the License may be issued thirty (30) days after the conditional use permit is granted by the City Council.
 - e. The proposed Tower is not sited within *Central Springfield* unless it is demonstrated:
 - (1) Sites outside the center city will not accommodate the proposed tower, considering size, topography and physical features; or
 - (2) The proposed equipment or its equivalent on a tower outside the center city cannot function effectively or at least in parity with other similar equipment in place or approved by the Springfield City Council.
 - (3) For the purposes of these restrictions, *Central Springfield* is defined as the area of Springfield containing the Central Business District and most of the historically and architecturally significant resources of the City, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south, and Kansas Expressway on the west.
 - f. The Applicant has submitted two (2) camouflage techniques and is using one of the

techniques, or has demonstrated that using such technique(s) would be technically or economically infeasible.

- D. **Inspections.** By applying for a Tower License, an Applicant grants the City authority to enter onto its property to inspect the Tower for the purpose of determining whether it complies with the applicable state law and all other construction standards provided by the Code City and, federal law. The City reserves the right to conduct such inspections at any time.
- E. **Filing Requirement.** A Licensee shall certify in writing that its Tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the City Code, federal and state law every three years by filing, by January 1st of every third year following the date of the grant of its Tower License a sworn statement by the Licensee or his representative to that effect. All Licensees or Owners of Towers in existence on the effective date of this *Section 5-2600* shall submit a statement by December 15, 1997, and by January 1st ever three years thereafter that said Tower is free from hazards and that the tower does not pose an imminent threat to the surrounding area or public health and safety. Together with this statement, every Licensee shall provide a certificate of liability insurance for no less than \$300,000.00 coverage for injury to persons or and an additional \$300,000.00 coverage for property as a result of any Tower failure or malfunction or defect which lists the City as an additional insured. Licensee shall list City as a party who must be notified should this insurance be canceled or discontinued for any reason thirty (30) days before the expiration of coverage.
- F. **Discontinuance of Use.** In the event the licensed use of a Tower is discontinued by the Licensee, the Licensee shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.
- G. **License Renewal Fee.** On or by January 1st of every third year following the granting of an initial Tower license for a new or existing Tower, each Licensee shall submit License Renewal Fee of \$50.00. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least thirty (30) days written notice of the proposed action.

5-2609. Revocation of License.

The City may at any time revoke a Tower License for failure to comply with the provisions of this *Section 5-2600*. To properly revoke a Tower License, the City must comply with the procedures set forth below:

- A. The Director of Finance shall provide Licensee with written notice of all causes for revocation and the intent to revoke and shall allow Licensee sixty (60) days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with this Ordinance. Together with the notice required herein, the Director of Finance shall provide Licensee with written findings of fact which are the basis of the revocation.
- B. The City shall provide the Licensee with the right to a public hearing before the Hearing Examiner appointed for that purpose by the City Manager and mutually agreed to by the parties, which public hearing shall follow the sixty (60) day notice required in *Subsection 5-2609.A*. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
- C. After the public hearing, the Hearing Examiner shall, within thirty (30) days after the public hearing date, issue a written order setting forth his findings of fact and conclusions of law forming the basis for his decision.
- D. Upon written determination by the Hearing Examiner to revoke a License, the Licensee may appeal the decision to a court of competent jurisdiction pursuant to *Chapter 536, RSMo*. The Hearing Examiner may provide for a supercedes bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.
- E. Upon satisfactory correction by Licensee of the violation upon which said notice was given as determined in the Director of Finance's sole discretion, the initial notice shall become void.
- F. Upon Licensee's failure to correct a violation as found by the Hearing Examiner, the City Manager or his designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supercedes bond in an amount determined by the Hearing Examiner under *Section 5-2609.D*. As long as said bond is in full force and effect, and an appeal is pending under *Chapter 536*, no order to disconnect utilities shall be made. Said order shall not be issued prior to thirty (30) days

from the date of the Hearing Examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the Licensee at the last known address, and have attached to it the findings of the Hearing Examiner.

- 5-2610. Transfer of License. A tower License may not be sold, transferred, leased or assigned to any other Person, without the consent of the Director of Finance, such consent not to be unreasonably withheld.
- 5-2611. Abandonment of Tower.
- A. In the event the use of any Tower has been discontinued for a period of one (1) year, or in the event that a Licensee has taken no action within one-hundred-eighty (180) days after the revocation of a Tower License pursuant to *Subsection 5-2609* to appeal the decision of the Hearing Examiner or to remedy or correct the violations resulting in the revocation, such Tower shall be deemed abandoned.
 - B. The City shall provide the Tower owner three (3) months notice and an opportunity to be heard before a Hearing Examiner appointed by the City Manager for the purpose, and agreeable to the Tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the Tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third party or in the alternative, order the demolition of the Tower and all appurtenances.
 - C. The City shall provide the Tower owner with the right to a public hearing before the Hearing Examiner, which public hearing shall follow the three (3) month notice required in *Subsection 5-2611.B*. All interested parties shall be allowed an opportunity to be heard at the public hearing.
 - D. After a public hearing is held pursuant to *Subsection 5-2611.A.2*, the Hearing Examiner may order the forfeiture to the City or demolition of the Tower. The City may draw upon any performance bond or letter of credit filed pursuant to *Subsection 5-2614* or may otherwise require Licensee to pay for all expenses necessary to acquire or demolish the Tower. The Tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supercedes bond in an amount set by the Hearing Examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.
- 5-2612. Variances and Special Exceptions. Any request to deviate from any of the requirements of this section shall require either a variance approval in conformance with the procedures set forth in this Article or the granting of a special exception under Section 5-2607(c).4.
- 5-2613. Location of Towers on City-Owned Property. The City Manager or his designee may authorize any Person to locate a Tower, Antenna Support Structure or Telecommunications Facilities on publicly-owned property, subject to the Application process set forth in *Subsection 5-2608*, and subject to the terms and conditions of any lease agreement executed between the City and such Person.
- 5-2614. Miscellaneous.
- A. **Dangerous Structures.** All Towers within the City limits of Springfield, Missouri shall be subject to the procedure set forth in Chapter 8, Article IV, Dangerous Buildings Code, Sections 8-100, et seq. Should the City have to take action under said Code provision to remove a dangerous structure or abate a nuisance or health hazard, then a tax bill may be assessed in the same manner as for a building that is demolished or for the abatement of a nuisance.
 - B. **Non-Waiver.** Nothing in this Ordinance shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this Ordinance. (G.O. 4740, 8/18/97)

CONDITIONAL USE PERMITS

Bed and Breakfasts (in addition to those standards listed in Section 3-3310.A, the following standards must also be met).

- a. **Purpose.** The purpose of these requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets.
- b. **Approval Standards.** All applications for a conditional use permit for bed and breakfasts shall comply with the following requirements.
 - (1) The use shall front on a primary arterial street, if the property is zoned R-SF, or on a collector street, if the property is zoned another zoning district, or a street with a higher functional classification as designated by the *Major Thoroughfare Plan*.
 - (2) There shall be a maximum of five (5) guest rooms in the bed and breakfast.
 - (3) The bed and breakfast shall be located in an existing structure, i.e. additions shall not be built to provide bed and breakfast rooms nor shall a new structure be built expressly for a bed and breakfast.
 - (4) No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.
 - (5) No residential structure shall be removed for parking or to expand the bed and breakfast.
 - (6) Only short-term lodging shall be permitted, no monthly rentals.
 - (7) There shall be no individual cooking facilities.
 - (8) The facilities shall not be rented for receptions, parties, weddings or similar activities unless potential negative impacts, including, but not limited to, traffic, parking and noise, have been addressed and the activity is specifically permitted in the use permit.
 - (9) One (1) additional paved parking space per guest room shall be provided in the rear yard. Parking shall be screened in accordance with Section 6-1000.
 - (10) The operator shall live at the bed and breakfast.
 - (11) Only resident guests shall be served meals.
 - (12) Only one (1) non-illuminated sign no larger than twenty-five (25) square feet shall be permitted.
 - (13) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (14) No bed and breakfast shall be located within five-hundred (500) feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

CONDITIONAL USE PERMITS

Jails, Prisons and Detention Facilities (in addition to those standards listed in Section 3-3310.A, the following standards must also be met).

- a. **Purpose.** The purpose of these regulations is to:
 - (1) Disperse such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values.
 - (2) Avoid locating such facilities in close proximity to incompatible land uses; and
 - (3) Ensure that such facilities are operated in a responsible manner.

- b. **Approval Standards.** All applications for a conditional use permit for a jail, prison or detention facility shall comply with the following requirements.
 - (1) The facility shall not be located within one-quarter (1/4) mile radius, as measured from property lines, of another jail, prison or detention facility.
 - (2) The facility shall not be located within five-hundred (500) feet, as measured from property lines, of an elementary or secondary school, park or Residential District.
 - (3) The facility shall be approved by the State of Missouri or other appropriate governmental agency.

CONDITIONAL USE PERMITS

Adaptive Use of Non-Residential Structures in Residential Districts (in addition to those standards listed in Section 3-3310.A, the following standards must also be met).

- a. **Purpose.** The purpose of these regulations is to allow for the use of structures, originally constructed for non-residential uses and currently located in residential districts, for selected non-residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and are not maintained.

- b. **Permitted Uses.** The following uses may be permitted by a conditional use permit, however, a conditional use permit shall only be approved for the specific use requested in the application. A change to a use not specifically listed in the conditional use permit shall require a new application and review.
 - (1) Beauty parlors and barber shops.
 - (2) Day care centers, in accordance with Chapter 36, Article XI, Springfield City Code.
 - (3) Dry cleaning and laundry pick-ups.
 - (4) Elementary and secondary schools and schools or development centers for persons with handicaps or development disabilities.
 - (5) Hearing aid and eye glass shops.
 - (6) Museums, art galleries and libraries.
 - (7) Professional and business offices.
 - (8) Retail establishments for the following uses: bakery, books, candy, flowers, gifts and hobby materials.
 - (9) Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
 - (10) Shoe repair

- c. **Approval Standards.** All applications for a use permit for the uses listed above shall comply with the following requirements.
 - (1) Hours during which the establishment is open to the public shall be limited to a daily period extending from 7:00 a.m. to 6:00 p.m. unless specifically modified by the conditional use permit. The applicant shall demonstrate that additional hours are necessary and will not have an adverse impact on adjoining properties.
 - (2) Signage shall be limited to one free standing sign with a maximum sign area of twenty (20) square feet and wall signs with a maximum sign area of ten (10) percent of the facade. Wall signs shall only be located on facades with street frontage.
 - (3) Expansions not to exceed twenty (20) percent of the existing floor area of the structure or one-thousand (1,000) square feet, whichever is less, may be approved at the time the conditional use permit is granted.
 - (4) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The functional classification of the street on which the site is located;
 - (b) The surrounding residential densities;
 - (c) The location, nature and height of buildings, structures, walls and fences on site;

(d) The amount of parking needed for the proposed use and the amount of parking provided on site;
and

(e) The nature and extend of landscaping and screening on the site.

d. **Damage or Destruction.** In the event the principal building or structure on the property is damaged or destroyed, by any means, to the extend of more than seventy-five (75) percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

CONDITIONAL USE PERMITS

Emergency and Transitional Service Shelters and Soup Kitchens (in addition to those standards listed in Section 3-3310.A, the following standards must also be met).

- a. **Purpose.** The purpose of these regulations is to:
- (1) To provide opportunities for operation of emergency and transitional service shelters and soup kitchens while dispersing such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values and uses and to avoid stigma to the clients of such facilities based on a perception of any particular location of the City;
 - (2) Avoid locating such facilities in close proximity to incompatible or hazardous land uses; and
 - (3) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.
- b. **Approval Standards.** All applications for a conditional use permit for emergency and transitional service shelters and soup kitchens shall describe the type of service intended to be delivered at that location and comply with the following requirements.
- (1) The use shall front on a primary or secondary arterial street, if the property is zoned Restricted Industrial (RI), Light Industrial (LI), General Manufacturing (GM), or Heavy Manufacturing (HM), or on a collector street or a street with a higher functional classification as designated by the *Major Thoroughfare Plan* in any other district where permitted.
 - (2) There shall be a maximum occupancy of 50 beds for emergency shelters in all districts.
 - (3) Only residents of the shelter shall be served meals unless a soup kitchen is specifically approved as an activity at the time of the application for a use permit.
 - (4) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (5) No emergency shelter or soup kitchen shall be located within Two Thousand (2000) feet of another emergency shelter, soup kitchen, or community corrections facility, or Two Thousand (2000) feet from any transitional service shelter as measured from property lines. (G.O. 4792, 4/13/98)
 - (6) No transitional service shelter shall be located within Two Thousand (2000) feet of transitional service shelters, emergency shelters, or soup kitchens as measured from property lines.
 - (7) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The functional classification of the street on which the site is located; and
 - (b) The surrounding residential districts; and
 - (c) The location, nature and height of buildings, structures, walls and fences on site; and
 - (d) The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - (e) The nature and extent of landscaping and screening on the site; and
 - (f) The number of visitor trips anticipated each day to the site for services other than lodging, or lodging and meals for clients of the shelter; and
 - (g) The number of meals that will be served at a soup kitchen.
 - (8) At least one off-street parking space for every three beds a shelter is to be licensed or approved for or for every three seats a soup kitchen is authorized for the serving of meals except in those districts where

there is no parking requirement.

- (9) That adjacent uses do not involve the manufacture, storage or use of explosive compounds or combustibles which will pose a threat of bodily harm to the clients and visitors of the shelter or soup kitchen.
- (10) Any structure is set back from adjoining land in other districts by the rear yard setback required in the adjoining district.
- (11) Existing on-site trees and shrubs shall be preserved to the maximum extent possible.
- (12) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit. (G.O. 4763, 12/15/97)

CONDITIONAL USE PERMITS

Community Corrections Facilities (in addition to those standards listed in Section 3-3310.A, the following standards must also be met).

- a. **Purpose.** The purpose of these regulations is to:
 - (1) Provide opportunities for the operation of community corrections facilities while dispersing such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values and uses;
 - (2) Avoid locating such facilities in close proximity to residential, school, museum and library uses;
 - (3) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

- b. **Approval Standards.** All applications for a conditional use permit for community corrections facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:
 - (1) There shall be a maximum occupancy of 65 beds for all corrections facilities.
 - (2) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (3) No community corrections facility shall be located within two thousand (2000) feet of any other community corrections facility or any emergency shelters, or soup kitchens as measured from property lines.
 - (4) No community corrections facility may be located in such close proximity to a legal residential use so as to adversely impact the residential use taking place. As a condition of the use permit, City Council may require a buffer yard and/or screening to minimize the impact.
 - (5) No community corrections facility may be located within seven hundred and fifty (750) feet of any elementary or secondary school, library, museum, or any residential zoning district.
 - (6) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - (a) The functional classification of the street on which the site is located; and
 - (b) The surrounding residential districts and uses; and
 - (c) The location, nature and height of buildings, structures, walls and fences on site; and
 - (d) The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - (e) The nature and extent of landscaping and screening on the site; and
 - (f) The number of visitor trips anticipated each day to the site by visitors, staff and residents; and
 - (7) Any structure shall be set back from adjoining land in other districts by the rear yard setback required in the adjoining district.
 - (8) Existing on-site trees and shrubs shall be preserved to the maximum extent possible.
 - (9) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit.(G.O. 4792, 4/13/98)

Attachment H

Conditional Use Permits Walnut Street Urban Conservation District - West

Application and Standards Relating to Use Permits. Issuance of a use permit requires action by both the Planning and Zoning Commission and City Council. No use permit shall be issued unless the following conditions have been met or provisions made therefore:

1. The application including site plan is complete and does not contain or reveal violations of the regulations applicable to the Walnut Street Urban Conservation District - West.
2. Existing buildings proposed to be converted to uses requiring a "Use Permit" must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
3. The proposed site plan does not interfere with easements, roadways, utilities and public or private rights-of-way.
4. The proposed use as shown by the site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
5. The circulation element of the proposed site plan does not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
6. The screening of the site provides adequate shielding for nearby less intense uses.
7. The proposed structures or landscaping are not lacking amenity in relation to or are not incompatible with nearby structures and uses.
8. The proposed use as shown by the site plan does not create drainage or erosion problems on or off the site.
9. The application and site plan have been reviewed by the Landmark Board to determine whether the goal of historic preservation is met, the existing structure is preserved, and any exterior modifications are consistent with the Secretary of Inheritor's Standards for Historic Preservation Projects and the Walnut Street Urban Conservation District Design Guidelines. Such determination shall be shown by the Board issuing a Certificate of Appropriateness.
10. The City Council may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan and to assure that the conditions stated above are satisfied.

The following regulations also apply in the Walnut Street Urban Conservation District - West:

1. Parking Requirements: Each use shall provide accessory off-street parking as follows:
 - A. Parking Spaces Required.
 1. Non-residential uses shall normally have at least four (4) parking spaces for each one thousand (1000) square feet of gross leasable area. However, parking requirements (# of spaces/1000 sq. ft.) may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the Administrative Review Committee for modification to the requirements. The Administrative Review Committee will consult with the Landmark Board for overall sensitivity to historic preservation.
 2. Residential uses shall have at least one and one-half (1.5) parking spaces for each dwelling unit.
 - B. Location of Parking Spaces. No motor vehicle shall be parked in the required front yard of a lot.
 - C. Parking Lot Surface. Parking lots and driveways shall be surfaced with either asphaltic concrete or Portland cement concrete so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.
2. Parking Lot Landscaping: Not less than six (6) percent of the interior of parking lots of twenty (20) or more spaces shall be landscaped.

3. Litter Control: Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse disposal device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.
4. Sign Standards:
 - A. Number: Each premise shall be permitted one detached sign or one projecting sign and one wall sign. Roof signs shall not be permitted.
 - B. Size: A maximum of 20 square feet of background area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 10 square feet. A single-sided detached sign shall not exceed 12 square feet.
 - C. Location: Adequate sight triangles at driveway entrances shall be maintained. Specifically, no sign shall be located within the public right-of-way nor closer than five feet from the edge of the property line. In addition, the sign shall not be located inside the sight triangle prescribed by Chapter 36, Article I, Zoning Regulations.
 - D. Height: No detached sign shall exceed a height of five (5) feet above the ground area upon which it is located.
 - E. Sign Lighting: No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted. All illuminated signs shall be internally lighted.
 - F. Sign Types: Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.

Attachment I

Conditional Use Permit Rountree Urban Conservation District Area A

Application and Standards Relating to Use Permits. Issuance of a use permit requires action by both the Planning and Zoning Commission and City Council. No use permit shall be issued unless the following conditions have been met or provisions made therefore:

1. The application including site plan is complete and does not contain or reveal violations of the regulations applicable to the Rountree Urban Conservation District.
2. The proposed use is not injurious to or detrimental to the use and enjoyment of surrounding property.
3. The screening of the site provides adequate shielding for nearby less intense uses.
4. The proposed structures or landscaping are not lacking amenity in relation to or are not incompatible with nearby structures and uses.
5. The proposed use, as shown by the site plan, meets the standards required by this Article or other applicable regulations with respect to such development or use.
6. The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
7. The proposed site plan does not destroy, damage, detrimentally modify or interfere with the enjoyment and function of significant natural topographic or physical features of the site.
8. The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.
9. The proposed site plan does not create drainage or erosion problems on or off the site.
10. All exterior lighting shall be designed, located and constructed so as to eliminate or significantly reduce glare and/or a general increase in lighting intensity within adjoining residential areas.
11. Existing structures proposed to be converted to uses requiring a "use permit" shall meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.
12. In the case of the customary home occupation of roomers and boarders, the following additional requirements must be met:
 - a. Number allowed: No more than three roomers and boarders will be allowed.
 - b. Required home occupancy: The structure within which the provision for roomers and boarders is made must be owner-occupied.
 - c. Off-street parking: At least one (1) additional off-street parking space, which is paved, must be provided for each roomer and boarder. These additional parking spaces shall not be located in the required front and side yards.
 - d. Annual registration: Dwellings with roomers and boarders must register annually with the City Finance Director.

In addition to the requirements of Chapter 18 of the City Code, a sketch plan must be provided when registering, showing the provisions of the required additional parking.
 - e. Use limitation standards:
 - (1) There shall be no exterior evidence of the conduct of the home occupation, and no signs other than those permitted under the provisions of the Rountree Urban Conservation District ordinance.
 - (2) There shall be no significant or substantial interior structural modifications in order to accommodate the home occupation.
 - (3) The home occupation shall not cause or create greater vehicular or pedestrian traffic than normal

for Area A of the Rountree Urban Conservation District.

- (4) No more than twenty-five (25) percent of the gross floor area of a dwelling, not to exceed six hundred (600) square feet, may be used for roomers and boarders. Accessory buildings, such as detached garages and sheds, shall also not be used.

13. In the case of non-commercial, not-for-profit neighborhood facilities, which may include both indoor and outdoor recreational facilities, community centers and property owners' association offices and maintenance facilities operated by a neighborhood or community organization or property owners' association, the following additional requirements must be met:
 - a. The application shall describe the neighborhood, the membership requirements for the organization, and the proposed intensity of use. The City Council shall determine prior to the issuance of the permit whether or not the neighborhood, the membership in the organization and intensity of use are consistent with the surrounding property. Neither the neighborhood, the membership in the organization, nor the intensity of use shall be increased, enlarged, or expanded without City Council approval.
 - b. The proposed structures shall not locate within the required front, side or rear yards or within ten (10) feet of the property lines adjacent to the side yards of the lot on which the structures are located. Swimming pool pump and filter operations shall adhere to these standards but in no event shall they locate closer than twenty (20) feet to a side or rear property line.
 - c. Any outdoor swimming pool shall be enclosed by a fence or wall with a minimum height of six (6) feet to prevent uncontrolled access to the pool by children.
 - d. Outdoor facilities shall not be used for any purposes between the hours of 10 p.m. and 8 a.m. and they shall not be used for any purpose prior to 12 noon on Sunday if located within three hundred (300) feet of an existing church building.
 - e. There shall be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the use permit.
 - f. No inventory of merchandise shall be maintained for the purpose of sale at wholesale or retail on said premises unless the use is specifically authorized as an accessory use as part of the use permit.
 - g. The maintenance of these facilities shall remain the responsibility of the developer(s) or shall be assumed by a duly constituted neighborhood or community organization or property owners' association in accordance with the requirements of Section 80.1510 through 80.1517.
14. The City Council may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan and to assure that the conditions stated above are satisfied.

Attachment J

Conditional Use Permit Rountree Urban Conservation District Areas B, D and E

Application and Standards Relating to Use Permits. Issuance of a use permit requires action by both the Planning and Zoning Commission and City Council. No use permit shall be issued unless the following conditions have been met or provisions made therefore:

1. The application including site plan is complete and does not contain or reveal violations of the regulations applicable to the Rountree Urban Conservation District.
2. No inventory of merchandise is maintained for the purpose of sale at wholesale or retail on said premise unless the use is specifically authorized as an accessory use as part of the special use permit.
3. Existing buildings proposed to be converted to uses requiring a "use permit" must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
4. The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
5. The proposed site plan does not destroy, damage, detrimentally modify or interfere with the enjoyment and function of significant natural topographic or physical features of the site.
6. The proposed site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
7. The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.
8. The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
9. The proposed structures or landscaping are not lacking amenity in relation to or are not incompatible with nearby structures and uses.
10. The proposed site plan does not create drainage or erosion problems on or off the site.
11. The City Council may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan and to assure that the conditions stated above are satisfied.