

## Article 1. General Provisions

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### 1.01 Title

The official title of this chapter (Chapter 36) is the “Springfield Land Development Code.” References to this shall be considered a reference to the Springfield Land Development Code.

### 1.02 Purposes

The Springfield Land Development Code is adopted to promote the public health, safety, and general welfare for the City of Springfield and its residents and businesses. Specifically, the regulations have the following purposes:

- A. Implement the comprehensive plan, and other plans and programs authorized under the guidance of the comprehensive plan, and in particular the different contexts for planning, design, and development of the city.
- B. Ensure long-term value and the physical, social, and economic well-being of residents and businesses through coordinated public and private investment in development and infrastructure.
- C. Promote planning and community design that emphasizes distinct places and unique characteristics throughout Springfield.
- D. Secure proper arrangement and design of streets to form efficient development patterns, implement multimodal networks, coordinate with existing and planned streets, improve mobility and access, and provide the safe, reliable, and efficient movement of people, goods and services.
- E. Provide parks, trails, natural areas, and civic spaces and organize development around systems of connected open spaces in a variety of design contexts.
- F. Divide the city into zone districts that promote the character, intensity, and development patterns of distinct places identified in the comprehensive plan.
- G. Regulate and restrict the development and use of buildings and land within each zone district to create compatibility within districts and transitions between complimentary districts, uses, and buildings.
- H. Secure adequate provisions for water, storm drainage, wastewater, utilities, communication facilities, streets, and other public improvements based upon local, state, and federal requirements and specifications.

- I. Provide public safety, community services, and other necessary services and facilities concurrent with development and in a manner that apportions the costs and long-term maintenance of these facilities and services in an equitable manner

These purposes are further defined by the intent or design objectives associated with specific articles, sections, or subsections of this chapter.

### 1.03 Applicability

- A. **Authority.** The land development code is adopted through the powers granted in the Springfield City Charter and in accordance with the general purposes and authority granted by the Revised Statutes of Missouri, Title VII, Chapter 89, Zoning & Planning.
- B. **Jurisdiction.** The land development code applies to all buildings, structures, land, and uses within the corporate limits of the City of Springfield.
- C. **General Applicability.**
  1. *New Activity.* It shall be unlawful to conduct any development or change or initiate any use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.
  2. *Specific Applications.* Articles, sections, and subsections of this chapter may establish more direct and specific applicability of particular standards and procedures.
  3. *Existing Situations.* No standard in this chapter shall require any change to existing uses, buildings, structures, or land that was lawfully initiated and properly approved under prior laws, except where this chapter specifically limits the continuation of nonconformances or establishes a lapse in prior approvals.
  4. *Continuation of Enforcement.* Any violations of a previously valid and applicable regulation that continue after adoption of this chapter may be enforced under the enforcement provisions of this chapter. The city may, in its discretion, enforce either the previous valid and applicable regulation or the standards of this chapter.
- D. **Transition Provisions.** The following rules determine the transition from previous regulations to this chapter:
  1. *Applications.* Any official application submitted prior to the effective date, and determined a complete application by the Planning and Development (PD) Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application. Any application reviewed and approved under the prior land development code and not completed by a permit
  2. *Prior Approvals.* All permits, site plans, or other approvals issued under an administrative capacity prior to the effective date of this chapter shall remain effective for the duration specified with that approval or as provided in the prior code. If no date is specified, they shall remain valid for six months. Any changes or amendments to a prior approval requested after the effective date of this chapter shall be subject to all provisions of this chapter.

3. **Plats.** Any approved preliminary plat may continue to advance to final plat according to the standards, procedures, and time limits of the prior land development code. However, a new preliminary plat shall be required according to this chapter if:
    - a. The preliminary plat expires under the conditions of the prior approval; or
    - b. The final plat proposes an amendment or substantial change that requires resubmittal of the preliminary plat.
  4. **Conditional Use Permit.** Any use operating under a conditional use permit use permit or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this chapter. An existing use not so limited, but which requires a special use permit under this chapter shall be considered to have been issued the approval according to this chapter limited to the extent of the existing operations.
  5. **Planned Developments.** All Planned Developments (PDs) approved under the previous zoning regulations shall remain in effects. Applicants may propose changes to the standards of prior approved planned developments through a rezoning application and site plan according the terms of this chapter.
- E. **Severability.** The several provisions of this chapter are separable, based on the following rules:
1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be unconstitutional, invalid, or illegal, the judgement shall not affect any other provisions of this chapter.
  2. If any court of competent jurisdiction shall adjudge the application of any provisions of this chapter to a particular property, building, structure, or use to be unconstitutional, invalid, or illegal, the judgement shall not affect the application of the provision to any other property, building, structure.

#### 1.04 Administration

- A. **Staff.** The following city staff positions are responsible for administering specific aspects of this chapter.
1. **Director of Planning & Development.** The Director of Planning & Development (PD Director) is responsible for administration of this chapter and interpretation and enforcement official of these regulations. The PD Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs of the city that impact the comprehensive plan. The PD Director shall specifically:
    - a. Prepare and provide development application forms, submittal requirements, and support material to aid in application and administration of this chapter;
    - b. Oversee the application, review, and administration processes, and prepare presentations, reports, and other technical assistance for review bodies;
    - c. Coordinate planning and zoning reviews with corresponding review by other departments for compliance with technical codes, specifications, or related permits and certificates.
    - d. Set the dates for meetings and hearings before the Planning and Zoning Commission, Board of Adjustment, and Landmarks Board;
    - e. Issue official interpretations of this chapter when applied to a specific site or context, based on professional planning and community design principles.

- f. Approve the use of other resources, guides, and industry standards used in interpretation and administering this chapter.
  - g. Make all final interpretations and any final administrative decision referred to the PD Director under the procedures and standards of these regulations.
  - h. Initiate enforcement actions.
2. **Director of Building Development Services.** The Director of Building Development Services (BDS Director) is responsible for interpretation and administration of all building codes in Chapter 38. The BDS Director shall coordinate with the PD Director on all zoning, subdivision and site design interpretation and enforcement issues, and shall coordinate with the PW Director on all public facility interpretation and enforcement issues.
  3. **Director of Public Works.** The Director of Public Works (PW Director) is responsible for interpretation and administration of all public improvement standards and specifications, and the coordination of private improvements with public improvements. The PW Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the BDS Director on all building code interpretation and enforcement issues.
  4. **Administrative Review Committee.** The PD Director may assemble the Administrative Review Committee for any applications that the PD Director determines require more coordinated referral, review, and comment from any of other departments or external agencies. The committee includes the PD Director, BDS Director, PW Director, and may include other representatives in an advisory capacity from parks, public safety (police / fire), public health, environmental services, city utilities, or other relevant departments or agencies on a project-specific basis.
- B. **Planning & Zoning Commission.** The Planning and Zoning Commission (Planning Commission) is the appointed body of the city responsible for long-range and comprehensive planning, as well as review, recommendations, and decisions on implementation of the comprehensive plan. The Planning and Zoning Commission is established according to Article XI., Section 11.1 of the Springfield City Charter and in compliance with RSMo 89.320. In addition to all other general planning authority granted by statute, the charter, local ordinance, or bylaws, the Planning and Zoning Commission shall have the specific review responsibilities and authority granted to it under the procedures and standards of these regulations.
1. **Procedure.** All meetings of the commission shall be open to the public except as otherwise provided by law. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every recommendation or decision of the commission shall be in writing and shall contain the findings of the commission in each case, which shall be immediately filed in the office of the commission and shall be a public record.
  2. **Conduct of hearings by planning and zoning commission.** Public hearings conducted by the planning and zoning commission on any matter over which it has jurisdiction shall be subject to the following procedural rules and the commission's adopted rules of procedure:
    - a. Parties in interest, neighborhood and civic organizations, and members of the public shall be afforded an opportunity to appear and be heard at the public hearing, subject to the limitations set forth in the commission's rules of procedure.
    - b. Members of the commission shall base their consideration of matters on which the commission conducts a public hearing upon the following:

- i. Information and comments presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;
      - ii. Reports, memoranda and other materials prepared by the director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing;
      - iii. Inspections of the site;
      - iv. The Springfield Comprehensive Plan and adopted goals, objectives and policies related to community development; and
      - v. The knowledge of matters of fact held by members of the commission, provided any such factual matters shall be made a part of the record at the time of the hearing; and any party to the hearing.
    - c. The commission shall adopt, and may from time to time amend, such additional procedural rules as it may deem necessary or desirable for the efficient and orderly conduct of its business. Copies of such rules shall be available in the office of the director of planning and development.
- C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Section 11.4, Title XI of the Springfield City Charter and in compliance with RSMO 89.080, according to the following provisions.
  1. **Membership.** The Board shall consist of five members and up to three alternates, nominated by the City Manager and appointed by the City Council.
    - a. Members shall serve without compensation.
    - b. Alternates may serve in the absence of or upon the disqualification of any regular member.
    - c. Members and alternates shall serve 5-year terms.
    - d. The PD Director shall be an ex officio member without the power of vote, and shall act as the secretary for the Board.
  2. **Procedure.** Meetings of the Board shall be held at the call of the chairman and at other regular meeting times established by the Board.
    - a. All meetings shall be open to the public, except as provided by law.
    - b. The Board shall keep minutes of the meetings, showing the vote of each member upon each question, and keep records of its examinations and all other official actions.
    - c. Every final decision of the board on an application shall be in writing and contain a record of the findings for the case, which shall be filed in the office of the Board and be a public record.
    - d. The secretary shall make all proceedings and final decisions on applications available to the City Council, Planning and Zoning Commission, Landmarks Board, and other city departments of Board decisions.
  3. **Authority.** The Board shall have the following roles under this chapter:
    - a. To hear and decide appeals where it is alleged that there is an error in any final order, requirement, or decision made by an administrative official in the application or enforcement of this chapter according to the procedures and criteria in Section 2.10, Appeals of Administrative Decisions.
    - b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 2.09, Variances.
    - c. To hear any other matters specifically delegated to the Board by ordinance.

- D. **Landmarks Board.** There is hereby created a Landmarks Board of Springfield. The Landmarks Board is the successor to the historical site board and historic district review board.
1. *Membership.* The Landmarks Board shall consist of nine members appointed by the City Council.
    - a. Members shall serve without compensation.
    - b. At least one member shall be an architect with a professional design degree in architecture plus at least two years of full-time experience in architecture, or a state license to practice architecture.
    - c. At least one member shall be a licensed real estate agent.
    - d. At least one member shall be a historian or architectural historian.
    - e. At least one representative shall be a resident, merchant, property owner from each historic district – mid-town historic district, Walnut Street historic district, and Commercial Street historic district, or employed full time as an architect, real estate agent, or historian or architectural historian within the district. The historic district representatives may also satisfy one of the other mandatory member requirements.
    - f. If more than three historic districts are established by the City Council, one member for each additional district shall be added to the original nine members.
    - g. Members shall serve 3-year terms, and may be reappointed; however, no person shall be appointed for more than two consecutive three-year terms. Members may be appointed to fill the remainder of vacant terms.
  2. *Powers, Duties, and Responsibilities.* The Landmarks Board shall have the following powers, duties, and responsibilities.
    - a. Adopt its own rules of procedure;
    - b. Establish advisory committees as it deems necessary, from both within and outside its membership;
    - c. Survey and identify historically and architecturally significant properties as described in **Section 10.02.XY.**
    - d. Recommend plans and policies with regard to historic preservation;
    - e. Prepare written recommendations to the council regarding designation of historical or architectural resources;
    - f. Recommend to the council the adoption of ordinances designating historic landmarks and historic districts;
    - g. Keep a register of all properties and structures which have been designated as historic sites, historic landmarks or historic districts, including all information required for each designation. This register shall be known as the Springfield Historic Register;
    - h. Prepare, keep current and publish a map or maps showing the locations and exact boundaries of both proposed and designated historic sites, historic landmarks and historic districts except that the board shall have the authority to exclude from the map or maps the location of archaeological sites or other prehistoric, historic, or natural features considered to be susceptible to damage, defacement or destruction;
    - i. Conduct a periodic review of the status of designated historic sites, historic landmarks and historic districts and provide periodic reports on the findings of such review, along with any resolutions or ordinances for action, as considered appropriate, to council;
    - j. Recommend the promulgation of standards for architectural review in addition to those cited in **Section 10.02.XY.**

- k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to **Section 10.02.XY** and to prepare written reasons pursuant to that action;
- l. Consider applications for and issue or deny certificates of economic hardship pursuant to **Section 10.02.XY** and to prepare written reasons pursuant to that action;
- m. Increase public awareness of the value of historical and architectural resources by developing and participating in public information programs and further, by placing monuments and markers at historic sites, historic landmarks and historic districts designated under this article;
- n. Advise and assist owners of historic sites, historic landmarks and properties or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places;
- o. Review, evaluate and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The PD Director shall send such applications for use permits, rezonings or zoning variances to the landmarks board for comment prior to the date of hearing by the planning and zoning commission or board of adjustment;
- p. Evaluate, comment and make recommendations concerning actions undertaken by other non-city public agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits for structures 50 years or older, or having historic significance as determined by the landmarks board;
- q. Evaluate, comment, and make recommendations concerning actions undertaken by other city agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits (prior to issuance) for structures 50 years or older, or having historic significance as determined by the landmarks board;
- r. Make recommendations to the council concerning grants from federal and state agencies, private groups and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources;
- s. Make recommendations to the council concerning the acquisition by gift, purchase, grant, bequest, devise, lease or otherwise the fee, any lesser interest, development right, easement, including scenic easement, covenant or other contractual right, including conveyance on conditions or with limitations or revisions, in any property in the city;
- t. Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this article; and
- u. Carry out any other action or activity necessary or appropriate to the implementation of this article or which may be specified by council.

## 1.05 Interpretation

- A. **Rules of Construction.** The following rules shall be used in the application and interpretation of these regulations, except when the context clearly requires otherwise:
  - 1. All words shall have the customary dictionary meaning using the Marriam Webster dictionary, unless specifically defined in these regulations.
  - 2. The present tense includes the future tense, and the future tense includes the present tense.

3. The singular includes the plural, and the plural includes the singular.
  4. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
  5. The conjunctive “and” in a list means that all apply; the conjunctives “or” and “and/or” mean the provisions may apply singly or in any combination; and the conjunctive “either...or” means the provisions apply singly but not in combinations.
  6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
  7. “Shall,” or “must” is mandatory; “should” or “may” is permissive but a recommended method to best meet the standard or achieve the intent of the standard.
  8. A reference to an administrative official shall refer to that official, or their designee, and all references to specific city officials may also include any other designee of the City Manager.
  9. Any reference to other official local, state, or federal government rules or regulations shall include the current versions of those regulations except where any official adoption or reference indicates a specific version.
  10. References to a person includes individuals, partnerships, agencies, corporations or other legal entities and the owner and any other legal, contractual, authorized representatives of any legal entity.
  11. The day of the act that commences a time period shall not be counted and the last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.
- B. **Conflicts.** All provisions in this chapter shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted and applicable rule, regulation, standard, or limitation, the higher standard shall apply. In deciding of which standard is higher, the PD Director may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent, and design objectives of these regulations; and which best promotes the public health, safety and welfare.
1. *Other City Codes.* Other city codes apply in conjunction with these regulations and the higher standard shall control.
  2. *Other State & Federal Regulations.* State and Federal regulations may apply independent of these regulations, provided they remain binding on the city. In the case where they are non-binding or otherwise can be interpreted in conjunction with these regulations, they may apply provided they support the purposes, intent, and design objectives of these regulations.
  3. *Private Restrictions.* These regulations shall not impair or interfere with any private restrictions placed on property by deed, covenant, or other private agreement; however, no private agreement shall authorize a violation of these regulations.
- C. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries approximately following streets or other rights of way or rivers or streams, the centerlines or extension of these centerlines shall be the boundaries.
  2. Boundaries indicated as approximately following property lines, the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.



3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
  4. Boundaries that split any platted lots, the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the PD Director shall determine the appropriate zoning based on consideration of the comprehensive plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.
  5. Boundaries that split any unplatted property, zoning may be interpreted as the actual platted boundary provided the future platting approximately follows the zoning boundary. Where any resulting lots have significant discrepancies with mapped zoning boundaries, rezoning may be required.
- D. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between these non-regulatory provisions and a specific standard, the specific standard shall control.
- E. **Resources, Guides & Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development, and urban design professions, may be used to supplement interpretation of this chapter. They shall be subject to the approval of the PD Director upon a determination that the content is consistent with the policies of the comprehensive plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the PD Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Planning and Development Department. These guides shall only be used to aid interpretation and application of the standards, and shall not be used to otherwise modify or conflict with any specific standard in these regulations.

## 1.06 Nonconformities

- A. **Intent.** The city permits existing uses, buildings, and lots that were created legally and in conformance with then-applicable requirements, but which do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. The intent of this section is to:
1. Bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical.
  2. Recognize different degrees of nonconformity have different impacts, both in terms of the type and the extent of deviation from the standards.
  3. Balance the interests of property owners in past investments and the community or adjacent property owners' interest in investment consistent with the comprehensive plan and these regulations.
  4. Discourage or prohibit investment that expands, reinforces, or unnecessarily extends nonconforming situations.
- B. **Nonconforming Uses.** Uses that were legally initiated or established prior to the adoption or amendment of this chapter, but which could otherwise not be continued under the current terms of this chapter, may continue to exist subject to the following:
1. The use shall not be expanded beyond the specific area of the site or lot where the use was legally established, beyond any existing building or structure in which the use is located, or within any building or structure where any structural changes expand the exterior footprint of a building or structure. The PD Director may consider an exception based on the following findings:

- a. The expansion is part of routine or ordinary business operation rather than an investment in a change or increase the physical capacity of the site or building.
  - b. Any enlargements of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage, or promote expansion or increase of the nonconforming use; and
  - c. Any expansions on the lot and site conform with all site development standards and can easily accommodate other future conforming uses.
2. If active and continuous operations are not carried on during a period of one year, the use shall not be reestablished, and all subsequent uses shall be in conformance with the provisions of this chapter.
- a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
  - b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
  - c. Continuation of an accessory use absent the operation of a principal nonconforming use shall not avoid any abandonment period.
  - d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for one year or more.
3. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The PD Director may consider and authorize a change to a lesser nonconforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this chapter.
4. Any structure in which a nonconforming use is carried out that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the nonconforming use, with the exception of detached houses and duplexes, which may be replaced at its prior size as evidenced by records of the county assessor or other official record.
5. Any new activity that triggers specific site design standards shall require full compliance with that site design standard for the nonconforming use to continue, and the presence of a nonconforming use shall not be used to justify not meeting other applicable standards.
- C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this chapter, but which could not be constructed under the current terms of this chapter, may continue to exist subject to the following:
1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this chapter; are not detrimental to the purposes, intent and objectives of the standards; and do not interfere with development in conformance with this chapter on adjacent property. In general, no repairs or alterations that exceed 50% of the replacement value of the structure shall be permitted.
  2. If damaged by 50% or less of its total replacement cost, the structure may be restored to its original condition if a permit is obtained within 180 days and work is completed prior to expiration of the permit.

3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter or is otherwise damaged and the cost of improvement or restoration is more than 50% of the current replacement value, the right to maintain the nonconformance shall terminate.
  4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.
- D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:
1. Any change of use or expansion of use shall require compliance with the current development standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.
  2. Any site development activity on a portion of a site shall require compliance with the new standards up to the proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.
  3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.
  4. Where any investment is greater than 50% of the current replacement value of the site or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.
  5. The site condition and proposed continued use does not present any other apparent risks to the public health, safety or welfare
- E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this chapter, but which could not be platted under the current requirements of this chapter, may continue to exist and be used for the uses permitted in the current zoning district, provided development can meet other development standards, or any other criteria for relief from those standards included in this chapter.
- F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Nonconforming signs must be brought into compliance with this chapter or must be removed when any of the following conditions exist:
1. When the property or premises upon which the sign is located is vacant for a period of at least 180 days.
  2. When a sign and/or sign structure is abandoned for more than 180 days, including empty frames.
  3. When a sign and/or sign structure is damaged or destroyed and restoration exceeds 50% of its total replacement cost.

4. When the condition of the sign is a violation of any public safety or property maintenance code, and where compliance with those codes would extend the life of the nonconforming sign.
5. When the sign is relocated, replaced, or altered in any way except towards compliance with these regulations. This does not refer to the change of copy or normal maintenance.
6. When a structure upon which the sign is placed is relocated, replaced, or altered in any way except towards compliance with these regulations.
7. When there is a zone change initiated by the business or property owner.

The provisions of this subsection shall not apply to nonconforming lighting of signs or nonconforming temporary signs, which shall be brought into compliance within 60 days after the effective date of any applicable standard.

- G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a “certificate of legal nonconforming status” by filing an application with the PD Director.

## 1.07 Enforcement

- A. **Violations.** It shall be unlawful for any building, structure, site element, use of land or building, or development of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. It shall be unlawful for any person to:
1. Do or cause any act or thing prohibited by these regulations;
  2. Omit or materially misrepresent any act or thing required by these regulations;
  3. Neglect any review process, permit, or other authorization required by these regulations prior to the use of land or buildings, or initiation of development; or
  4. Interfere in any manner with persons in performance of a right or duty granted by this chapter to interpret, apply, and enforce these regulations.
- B. **Notice.** Whenever the PD Director or any other authorized agent of the city determines there are reasonable grounds to believe a violation of this chapter exists, the PD Director shall give notice of the alleged violation to the owner or agent of the property, including:
1. A written statement of the alleged violation.
  2. State what action is required, set a reasonable time limit for required action or code compliance, and what remedies the city may pursue if the action is not taken in the required time.
  3. Indicate that the owner may be responsible for all costs and penalties associated with the violation through fines against the owner or agent, or through assessments against the property.
  4. Serve the notice upon the owner or agent by either delivering it to them personally, sending it by registered mail to the last known address, or posting it in a conspicuous place in the building or on the property affected by the action.
- C. **Enforcement.** The city may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including:
1. Withhold any permits or licenses, or revoke or suspend any permits or licenses previously granted;
  2. Conduct inspections of land and buildings and exercise a right of entry where there are reasonable grounds to suspect a violation exists or where part of systematic inspection programs.
  3. Issue stop work orders, cease action on pending development application or permits;
  4. Initiate legal proceedings to prevent the continuance of unlawful actions or conditions;

6. Withhold any public improvements;
  7. Correct or abate the violation if it is not complied with within the time specified by the notice; and/or
  8. Penalize and levy fines, and assess all costs including actual costs, incidental and administrative costs, inspection fees, attorney's fees, and court costs.
- D. **Penalty.** Any person violating any provisions of this chapter shall be guilty of a violation of a municipal ordinance and upon conviction shall be punished as provided in Section 1-7, Springfield City Code; except, the court shall hear evidence concerning the economic value of continuing the violation and shall assess a fine sufficient in the court's judgment to deter a continuation of the violation. Each day that a violation continues, after service of notice or filing of charges in municipal court shall be deemed a separate offense. Notice shall not be required in order to prosecute a person for a violation of any provision of this chapter, except notice shall be required to prosecute a person for failure to comply with an order. However, the city shall attempt to give notice when the violation does not pose an imminent danger, and the owner has not previously been notified either orally or in writing regarding a violation of this article.