

**CITY OF SPRINGFIELD  
LAND DEVELOPMENT REGULATION CODE**

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**ARTICLE I GENERAL PROVISIONS**

**Sec. 1-1. TITLE.**

This code shall be entitled the “Comprehensive Planning and Land Development Regulation Code” and may be hereinafter referred to as “the Code” or “this Code”

**Sec. 1-2. AUTHORITY.**

This Code is enacted pursuant to §163.3202, Florida Statutes ( Local Government Comprehensive Planning and Land Development Regulation Act), Chapter 27900, Laws of Florida (City Charter), and the general powers granted under Chapter 166, Florida Statutes.

**Sec. 1-3. INTERPRETATION.**

All words used in the present tense include the future; all words in the single number include the plural and the plural the singular; the words “person,” “developer,” “occupant,” “lessee,” “builder,” and “owner” include a firm, corporation, or other corporate entity as well as a natural person. The word “used” shall be deemed to include the words “arranged,” “designated,” or “intended to be used,” and the word “occupied” shall be deemed to include the words “arranged,” “designed,” or “intended to be occupied.”

In computing any period of time prescribed or allowed by this Code the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or Legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Words and phrases shall be construed according to the common and approved usage of the language; however, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

In the interpretation an application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City and deemed neither to limit nor repeal other powers granted under state statutes.

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**Sec. 1-4. DEFINITIONS.**

**ACCESSORY USE OF BUILDING.** A subordinate or ancillary use of land or structure or portion thereof customarily used in connection with the occupation of a primary structure upon the same lot or premises.

**ADULT CONGREGATE LIVING FACILITY (ACLF).** A type of residential facility care facility defined in Chapter 400, Part II, Florida Statutes. See residential care facility.

**ALLEY.** A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general traffic circulation.

**APARTMENT.** A group of three (3) or more renter-occupied dwelling units within one building.

**AREA OR AREA OF JURISDICTION.** The total area of jurisdiction for the City of Springfield as established by its municipal charter and any subsequent annexations.

**ARTERIAL ROAD.** A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

**AUTO STORAGE.** A facility for long-term parking of motor vehicles but not the repair or demolition or dismantling of vehicles.

**AUTO WRECKING YARD.** A facility for demolition or dismantling of vehicles for the purpose of recycling parts and materials.

**BEACH.** The zone of unconsolidated material that extends landward from the mean lower water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

**BICYCLE AND PEDESTRIAN WAYS.** Any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

**BOARDING (LODGING HOUSE).** A building other than a hotel, where lodging or meals or both are served for compensation.

**BUFFER.** A specified land area, together with the planting and landscaping required on the land, used to visibly separate one use from another or to shield block noise, lights, or other nuisances.

**BUILDING.** A structure having a roof supported by columns or walls.

**BUILDING OFFICIAL.** The duly authorized building official of the City of Springfield, Florida.

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**CITY.** The City of Springfield, Florida extending to and including its officers, agents, and employees.

**CITY CLERK.** The duly authorized clerk of the City of Springfield, Florida.

**CITY COMMISSION.** The elected legislative body of the City of Springfield, Florida.

**CLINIC.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or group of persons practicing any form of healing or health services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any other professions licenses by the State of Florida for such purposes.

**CLUBS, NEIGHBORHOOD RECREATION OR SOCIAL.** Buildings or facilities owned and operated by a corporation or association for neighborhood social or recreational purposes but not operated primarily for profit or the rendering of services which are customarily carried on as a business and not limited to special interests.

**COASTAL AREA.** The land area subject to evacuation in the event of a Category 3 hurricane and all included coastal resources. Coastal resources are considered to be estuarine shorelines, marine wetlands, water dependent land uses, public waterfront access points, and waterfront recreation areas, estuarine and oceanic waters, and submerged lands.

**COASTAL OR SHOR PROTECTION STRUCTURES.** Shore-hardening structures, such as seawalls, bulkheads, revetments, rubblemound structures, groins, breakwaters, and aggregates of materials other than natural beach sand used for beach or shore protection and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces including beach and dune restoration.

**COLLECTOR ROAD.** A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads and arterial roads.

**COMMERCIAL USES.** Activities within land areas which are predominately connected with the sale, rental and distribution of products, or performance of services.

**COMMUNITY PARKS,** A park located near major roadways, and designed to serve the needs of more than one neighborhood.

**COMPREHENSIVE PLAN.** The adopted Comprehensive Plan for the City of Springfield.

**COMDOMINIUM.** A building or group of buildings in which units are owned individually and common areas and facilities are owned by all owners proportionately.

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**CONTIGUOUS.** Next to, abutting, or having a common boundary.

**CONSERVATION FEES.** Activities within land areas designated for the purpose of conserving and protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality of ground water and surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats.

**COUNTY.** Bay County, Florida.

**DCA.** Florida Department of Community Affairs.

**DENSITY, GROSS.** The total number of dwelling units divided by the total site area, less public right-of-way.

**DEVELOPER.** Any person, including a governmental agency, undertaking any development.

**DEVELOPMENT.** The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

**DEVELOPMENT ACTIVITIES, LARGE SCALE.** Residential development involving more than five (5) acres of land and a density of more than five (5) dwelling units per acre, or involves other development, singularly or in combination with residential development, of more than three (3) acres of land.

**DEVELOPMENT ACTIVITIES, SMALL SCALE.** Residential development involving five (5) acres of land or less and a density of five (5) dwelling units per acre or less or involves other development, singularly or in combination with residential development, of three (3) acres or less of land.

**DEVELOPMENT ORDER.** Any order granting, denying, or granting with conditions an application for development permit.

**DEVELOPMENT PERMIT.** Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City Council having the effect of permitting the development of land.

**DISTRICT.** A portion of the City within certain regulations of this Code apply.

**DOUBLE WIDE.** An obsolete term used to describe a mobile home having a width of, generally, between twenty (20) and twenty-eight (28) feet.

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**DRAINAGE BASIN.** The area defined by topographic boundaries which contributes storm water to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

**DRAINAGE DETENTION STRUCTURE.** A structure which collects and temporarily stores storm water for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the storm water.

**DRAINAGE FACILITIES.** A system of man-made structures designed to collect, convey, hold, divert or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

**DRAINAGE RETENTION STRUCTURE.** A structure designed to collect and prevent the release of a given volume of storm water by complete on-site storage.

**DUPLEX.** A residential building containing two separate dwelling units.

**DWELLING.** A building or a portion thereof designed, arranged or used principally for residential occupancy, not including motels, hotels, boarding houses or rooming houses.

**DWELLING UNIT,** A single housing unit providing complete, independent living facilities for one housekeeping unit.

**DWELLING, COMMERCIAL APARTMENT.** Apartments that are built as a part of a commercial or office use.

**DWELLING, DETACHED SINGLE-FAMILY.** A building containing one dwelling unit not attached to any other dwelling unit.

**DWELLING, MULTI-FAMILY.** A residential building containing two or more separate dwelling units, including duplexes, triplexes, and quadraplexes.

**EASEMENT.** A grant by a property owner of the use of a specified portion of his land to another party for a specific purpose.

**EDUCATIONAL USES.** Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

**FAMILY.** Any number of related individuals living together as a single housekeeping or household unit.

**FENCE.** A man-made barrier erected to enclose or screen areas of land.

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**FILLING (SERVICE) STATION.** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, and which may offer in conjunction therewith a general automotive repair service as distinguished from specialized automotive repairs.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special areas and the at risk premium zones applicable to the community.

**FLOODPLAINS OR FLOOD ZONES.** Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A-Zone or a V-Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

**FLOOR AREA, GROSS.** The total gross horizontal area of all floors as measured to the outside surface of exterior walls, excluding crawl spaces, garages, carports, breezeways, open porches, balconies, and terraces.

**FLOOR AREA RATIO.** A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located.

**FOSTER CARE FACILITY.** A facility which houses foster residents and provides a family living environment for the residents, including such supervision and care of the residents and serving either children or adult foster residents.

**GARAGE APARTMENT.** An accessory building with storage capacity for not less than two (2) automobiles, the second floor of which is designed as a residence for not more than one family.

**GROUP HOME.** A facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

**HARD SURFACE.** This includes compacted shell, limestone, asphalt, concrete, or other similar shelters.

**HAZARDOUS WASTE.** Solid waste, or a combination of solid waste, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

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**HEIGHT.** The vertical distance from the highest point on a structure, excluding any chimney or antenna on a building, to the average ground level where the walls or other structural elements intersect the ground.

**HISTORIC RESOURCES.** All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the City as historically, architecturally, or archaeologically significant.

**HOME OCCUPATION.** Any occupation which is operated by a member of the family residing upon the premises, except retail sales, business which generates objectionable traffic, business which requires objectionable material storage or mechanical equipment.

**HOME OFFICE OF CONVENIENCE.** A quasi-office use where the occupant conducts no business other than by phone or mail, where no persons are employed by the applicant, where an office is needed for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions.

**HOTEL.** A building or other structure kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are provided for compensation to transient or permanent guests or tenants, having ten (10) or more rooms; whether or not food service is offered.

**HUD.** U.S. Department of Housing and Urban Development

**IMPERVIOUS SERVICE.** Any surface or material which prevents absorption of water into land.

**IMPERVIOUS SURFACE RATIO.** A mathematical expression determined by dividing the total impervious surface of a site by the gross area of the site.

**INDUSTRIAL USES.** Activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

**INFRASTRUCTURE.** Man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system, solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; sea walls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

**INTENSITY.** The degree to which land is occupied and/or the density of development. (There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. A particular use may be more or less intense due to one or more characteristics, such as traffic generated, amount of impervious surface,

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bulk of the structures, number of employees, density, or nuisance such as pollution, noise, lights, etc.)

**JUNKYARD.** An open area where waste and used or secondhand materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, but not limited to scrap iron and other metals, cloths, paper, rags, plumbing, fixtures, rubber tires and bottles, but excluding automobile wrecking yards.

**KENNELS.** A place where animals or pets are boarded for profit.

**LAND.** The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

**LANDSCAPING.** The improvement of appearance or beautification of an area by the planting of trees, grass, shrubs, or plant materials, or by the alteration of ground contours.

**LAND USE.** The development, activity, or use that has occurred on or is proposed for the land.

**LAND USE DISTRICT.** A categorization or grouping of activities (land uses) according to common characteristics. (For the purposes of this Code, land use districts are those described in the Land Use Element of the adopted Comprehensive Plan and shown on the Official Land Use Map.)

**LAUNDRY, SELF-SERVICE (LAUNDROMAT).** A business renting to the individual customers equipment for the washing, drying and otherwise processing of laundry, and where the equipment is services and its use and operation supervised by the management.

**LEVEL OF SERVICE.** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

**LOCAL PLANNING AGENCY.** The City Commission of the City of Springfield, Florida.

**LOCAL ROAD.** A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

**LOT.** A parcel tract, or area of land established by plat, subdivision, or otherwise by law.

**LOT, CORNER.** Percentage of lot covered by buildings (area of building/area of lot x 100).

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**LOT OF RECORD.** A lot which is part of a subdivision, the map of which has been recorded in the official records by Bay County, Florida.

**LOT DEPTH.** The depth of lot is the distance measured from the midpoint of the front lot line to the midpoint of the opposite rear lot line.

**LOT, SUBSTANDARD.** Any lot that does not conform in area or width to the minimum requirements of this Code.

**LOT WIDTH.** The *mean* horizontal distance between the side of lot lines, measured at right angles to the depth.

**LOW AND MODERATE INCOME FAMILIES.** “Lower income families” as defined under Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term “families” includes “households.”

**MANUFACTURED HOME.** A dwelling unit fabricated after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, each section of which bears a label certifying that it is built in compliance with the Federal Manufacturing Construction and Safety Standards (24CFR3280) HUD Code, OR inspected by and approved an inspecting agency conforming to the requirements of DCA, and bearing an insignia of approval.

**MANUFACTURED HOME LOT.** An area of land inside a planned manufactured home subdivision designed to accommodate one (1) manufactured home.

**MANUFACTURED HOUSING AS DEFINED BY HUD.** A general term used to describe a type of housing that is produced either completely or partially in a factory. A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty feet or more in length, which erected in length, when erected on site, is 320 or more square feet or more in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities. If that fabrication occurs after June 15, 1976, each section must be built to standards prescribed by the U. S. Department of Housing and Urban Development.

**MIXED USE.** Areas intended to provide a functional mix of residential and commercial activities or land uses.

**MOBILE HOME.** An obsolete term used herein to describe a home, prefabricated in whole or in part and not conforming to the definition of a manufactured home.

**MOBILE HOME PARK.** An obsolete term used herein to describe a parcel of land where spaces are rented to mobile home owners and which 3 or more lots or spaces are

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occupied by mobile homes offered for rent or lease or on which spaces are offered for rent or lease for the placement of mobile homes, and in which the primary use (s) are residential. Mobile home parks are no longer authorized for new developments.

**MOTEL, TOURIST COURT, MOTOR LODGE.** A group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith , and designed for use primarily by automobile transients.

**MULTIPLE-RESIDENT DWELLING,** A structure designed or used for residential occupancy by more than two related or unrelated residential groups, with or without separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories and similar housing types, but not including hotels, hospitals, nursing homes or townhouses, patio homes, zero lot line dwellings or other forms of single-family dwelling units.

**NEIGHBORHOOD COMMERCIAL USE.** Commercial facilities which are desirable and useful in close proximity to residential areas. Undesirable impacts of such uses on the neighborhoods which they service may be minimized by restrictions on the size and type of uses permitted as well as other site specific conditions.

**NEIGHBORHOOD PARK.** A park which services the population of a neighborhood and is generally accessible by bicycles or pedestrians ways.

**NEWSPAPER OF GENERAL CIRCULATION.** A newspaper published at least on a weekly basis and printed in the general language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular profession or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

**NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.** The national building codes for all manufactured homes built since June 15, 1976, written and administered by the U. S. Department of Housing and Urban Development; also know as “HUD Code”.

**NONCONFORMING USE.** A lawful land use existing at the time of passage of this code or amendments thereto, which does not conform with the regulations of the district in which it is located.

**NURSING HOME.** A facility for treatment of the ill, infirm, or elderly, as defined in Chapter 400, Part I, Florida Statutes.

**OPEN SPACE.** Land in its natural state or essentially unencumbered by either buildings, structures , or impervious surfaces, not including water or water bodies.

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**OPEN SPACE RATIO.** The percentage of the total gross area of a parcel that is open space.

**PARCEL OF LAND.** A quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

**PARK.** A neighborhood, community or regional park.

**PARKING LOT.** An area or parcel of land used for temporary, off-street parking of vehicles.

**PERSONAL SERVICE.** Business providing services which are primarily non-retail and conducted entirely inside a building including: Professional and business offices, clinics, laboratories, educational services and beauty salons.

**PLAYGROUND.** A recreation area with play apparatus.

**POLLUTION.** The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man— induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

**POTABLE WATER FACILITIES.** A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

**PRE-FABRICATED HOME.** A general term used to describe any home constructed in a factory setting, including manufactured homes, modular homes and industrial structures

**PUBLIC ACCESS.** The ability of the public to physically reach, enter or use recreation sites including beaches and shores.

**PUBLIC/INSTITUTIONAL USES.** Structures or lands that are owned, leased, or operated by a government or non—profit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, and government administration buildings.

**PUBLIC FACILITIES.** Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities.

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**QUADRAPLEX.** A residential building with four different dwelling units.

**RECREATIONAL USES.** Activities within areas where recreation occurs.

**RESIDENTIAL DESIGNED MANUFACTURED HOMES (RDMH).** Manufactured homes, also know as “modular homes”, bearing a DCA seal, certifying code compliance, meeting the following residential design standards which shall be used in determinations of similar appearance between RDMH structures, with permanent foundations approved as provided in this subsection, and compatible in appearance and orientation with site built housing which has been constructed in adjacent or nearby locations. An RDMH structure is not permitted to be used as a storage building.

*(a) Minimum width of body.* Minimum width of the main body of the RDMH as located on site shall be no less than twenty (20) feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.

*(b) Minimum pitch; minimum roof overhang; roofing materials.* The pitch of the home’s roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run and minimum roof overhang shall be six (6) inches. The roof shall be finished with a type of material that is commonly used in conventional residential dwellings constructed in adjacent or nearby locations. Built-up composition roof may not be used.

*(c) Exterior finish, light reflection.* The exterior siding of the home shall consist of wood, hardboard, masonry or vinyl which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations; provide however, that the reflection of such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.

*(d) Foundation.* The tongue, axles, transporting lights, towing apparatus and other transporting shall be removed from the RDMH. The RDMH shall be placed on a permanent foundation. Permanent foundation shall mean:

*(1.)* Installation of the home according to Florida Administrative Code.

*(2.)* Construction of a permanent, no-load bearing perimeter wall curtain wall of concrete block with a minimum thickness of four inches (4") extending at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the home, unpierced except for the required ventilation and access. Said curtain or wall shall be coated or covered with a finish or with materials which blends with the rest of the home’s siding materials. Skirting of the type typically used around manufactured homes or mobile homes shall not be used as a wall curtain around a DCA home.

*(e) Electrical service.* Boxes and meters shall be mounted to the exterior wall of the home unless prohibited by electrical codes.

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*(f) Site orientation and setbacks of the RDMH.* RDMH structures shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed on adjacent or nearby locations. Building setback minimums must be met as per Springfield's Land Development Regulation, Section 3-4.9 as amended herein.

*(g) Garages and carports.* Any RDMH structure constructed shall be required to have a garage or carport if more than fifty-one percent (50%) of other homes in the area have garages or carports. Such garages and carports shall be constructed according to requirements to building codes utilized by site built homes.

*(h) Certificate of Occupancy.* No Certificate of Occupancy shall be issued until all requirements of Springfield Ordinance 402 and the City LDR have been met.

**RESIDENTIAL CARE FACILITIES.** Residential care facilities are those facilities providing both a residence (for varying periods of time) and a care component. Among such facilities are adult congregate living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes. In addition, service, equipment, and safety features required for the safe and adequate care of residents may be provided. Such services may include: (1) Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene; (2) care in emergencies or during temporary illness, usually for periods of one week or less; (3) supervision in the taking of medications; and (4) other services conducive to the residents' welfare.

**RESTAURANT, FAST FOOD.** An establishment whose principal business is the sale of a wide range of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building; (2) within a motor vehicle parked on the premises; or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: Food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers; this includes all drive in restaurants.

**RESTRICTIVE COVENANT.** A contract between two or more people which involves mutual promises or reciprocal benefits and burdens among the contracting parties (usually involves additional land restrictions beyond the city requirements).

**RIGHT-OF-WAY.** Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

**ROADWAY FUNCTIONAL CLASSIFICATION.** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be sub categorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

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**SANITARY SEWER FACILITIES.** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes truck mains, interceptors, treatment plants and disposal systems.

**SBCCI.** The current edition of Southern Building Code Congress International, adopted and used by the Bay County Building Department.

**SECTIONAL HOME.** A general term used to describe any home constructed in a factory setting, especially manufactured homes.

**SERVICES.** The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities and infrastructure set out in the comprehensive plan or required by local, state or federal law.

**SETBACK.** The distance between the lot line and the wall line of a building or a projection thereof, including parking areas.

**SINGLE WIDE.** A obsolete term used to describe a mobile home or manufactured home having a width of between eight (8) and sixteen (16) feet.

**SHORELINE.** The interface of land and water as determined by the mean high tide line.

**SIGN.** See Article IV of this Code.

**SIGN, PORTABLE.** See Article IV of this Code.

**SITE PLAN.** The development plan for one or more lots on which is shown existing and proposed conditions of the lot (s), including all the requirements set forth in this Code.

**SOLID WASTE.** Sludge from waste treatment works, water treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contaminated gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or government operations.

**STANDARD DESIGN MANUFACTURED HOME (SDMH).** Manufactured homes certified by HUD Code, but not meeting residential standard design standards (RDMH) contained herein. An SDMH is not permitted to be used as a storage building.

**STORMWATER.** The flow of water which results from a rainfall event.

**STREET OR ROAD.** A public vehicular thoroughfare which affords primary means of access to abutting property.

**STREET LINE.** The boundary line or right-of-way line of a street.

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**STRUCTURE.** Any improvement of or upon land.

**STRUCTURAL ALTERATION.** Any change, except for repairs or replacement, in the supporting members of a building, such as load bearing walls, columns, beams, girders, floor joists, or roof joists or any extension of them.

**SUBDIVISION.** A division of land into two or more lots or parcels wherein the creation of new infrastructure is planned by the developer or ruled necessary by the City of Springfield either at the time of division of the land or in the future as a result of the division of the land.

**TOWNHOUSE.** A single-family dwelling unit constructed as part of a group of not less than two (2) dwelling units with individual entrances, all of which are contiguous, customarily owner-occupied and share a common wall.

**TRAILER.** An obsolete term used to describe a mobile home not constructed to HUD Code or DCA requirements.

**TRAILER COURT.** An obsolete term, see Mobile Home Park.

**TRAVEL TRAILER.** A vehicle designed as a temporary dwelling for travel or recreational uses, not more than eight (8) feet in width and not more than thirty (30) feet in length.

**TRAVEL TRAILER PARK.** A lot on which are parked two (2) or more travel trailers for a period of less than thirty (30) days.

**TRIPLEX.** A residential building with three separate dwelling units joined by common walls.

**USED CAR LOT.** A parcel of land used only for the storage, display and sales of used automobiles, excluding junk yards and storage of wrecked autos.

**VEGETATION (NATURAL).** Species of indigenous, naturally occurring plants normally found in the absence of development or landscaping.

**WALL CURTAIN.** A non-load bearing perimeter curtain wall of concrete block or stucco wire mesh, with a minimum thickness of four inches (4") extended, at a minimum, from the ground surface to the bottom starter of the exterior wall surfaces of the home, unpierced except for required ventilation and access.

**WATER-DEPENDANT USES.** Activities which can be carried out only in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities or water supply.

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**WETLANDS.** Land which is subject to the provisions of Section 403.91, Florida Statutes, or Section 404 of the Clean Water Act.

**YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or other improvements permitted herein.

**YARD, FRONT.** A yard across the full width of the lot, extending from the front line of the building or any projections thereof (except the roof overhang or uncovered steps), to the front lot line.

**YARD, REAR.** A yard extending across the full width of the lot and between the rear lot and rear line of the building, or any projections thereof (except the roof overhang or uncovered steps)

**YARD, SIDE.** An open unoccupied space on the same lot with the main building, situated between the side line of a building, or any projections thereof, and side lot line (excluding roof overhang)

**ZERO LOT LINE HOUSE.** An attached single-family housing unit with one or more common walls designed for owner occupancy. Zero lot line houses include patio houses, garden homes, townhouses, row houses, duplexes, and the like.

***Sec. 1-5. PURPOSE AND INTENT.***

**1-5.1 Generally**

The purpose of this Code is to utilize and strengthen the existing role, processes and power of the City of Springfield in the establishment and implementation of comprehensive planning programs and land development regulation to maintain present advantages as well as guide and control future development.

It is the intent of this Code that its adoption is necessary so that the City can preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within its area of jurisdiction. Through the process of comprehensive planning and land development regulation, it is intended that the City can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within the City's area of jurisdiction.

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The provisions of this Code in their interpretation and application are declared to be the minimum requirements necessary to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in the City.

1-5.2 Comprehensive Plan

This Code is further intended to provide detailed and specific provisions necessary or desirable to implement the adopted Comprehensive Plan or amendments thereof including but not limited to:

1. Regulating the subdivision of land;
2. Regulating the use of land and water for those land use categories included in the future land use element of the Comprehensive Plan and ensure the compatibility of adjacent uses and provide for open space;
3. Regulating areas subject to seasonal or periodic flooding and provide for drainage and stormwater management;
4. Ensuring the protection of environmentally sensitive lands designated in the Comprehensive Plan;
5. Regulating signage;
6. Providing that public facilities and services meet or exceed the standards established for public facilities in the Comprehensive Plan, and such facilities and services are available when necessary to serve proposed development or development approvals are conditioned upon the availability of such public facilities and services in an enforceable development agreement.
7. Ensuring safe and convenient on-site traffic flow considering needed vehicle parking.

**Sec. 1-6. APPLICABILITY.**

Except as specifically provided for in this section the provisions of this Code shall apply to all development undertaken in the City. No development shall be commenced except in strict accordance with this Code.

1-6.1 EXCEPTIONS

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1. The provisions of this Code or and amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:
  - (a) The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced after the effective date of this Code but within six (6) months after issuance of the building permit; and
  - (b) The development activity continues without interruption (except because of war, natural disaster or acts of God) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

2. Previously Approved Development Permits

Projects with development permits that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development permit expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or any amendments thereto.

3. Consistency With Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the City's Comprehensive Plan.

**Sec. 1-7. REPEAL OF PRIOR PROVISIONS.**

City Ordinances \_\_\_\_\_ are hereby repealed. All provisions contained in such ordinances are superseded by, or incorporated into this Code.

**Sec. 1-8. ABROGATION.**

This Code is not intended to repeal, abrogate or interfere with the conditions or limitations of any existing easements, covenants, or deed restrictions duly recorded in the public records of the County.

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**Sec. 1-9. RELATIONSHIP TO OTHER LAWS.**

If any subject of this Code is controlled by any other law, statute, ordinance or regulation, then that which imposes the higher or more stringent shall govern.

**Sec. 1-10. SEVERABILITY.**

This Code and its various parts, sections, subsections, provisions, and clauses thereof, are hereby declared to be severable and, if any part is adjudged unconstitutional or invalid, the remainder of the Code shall not be affected thereby.

**Sec. 1-11. PENALTIES; ENFORCEMENT.**

Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefore, the violation of any such provision of this Code shall be punished by a fine not exceeding five-hundred dollars (\$500.00) or imprisonment for a term not to exceed sixty (60) days, or by both such fine and imprisonment in the discretion of the court. Each day any violation of any provision of any provision of this Code shall continue, shall constitute a new and separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed to be a public nuisance and may be, abated as provided by law.

The City Commission shall have final authority for referring action against violations of this Code. Violations shall be referred to the Building Official for enforcement as prescribed by law.

**Sec. 1-12. EFFECTIVE DATE.**

This Code shall be effective on \_\_\_\_\_.

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## **ARTICLE II ADMINISTRATIVE PROCEDURES**

### ***Sec. 2-1. PURPOSE.***

This article is intended to assign responsibilities and procedures for the administration of this Code.

### ***Sec. 2-2. LOCAL PLANNING AGENCY.***

Pursuant to and in accordance with Section 163.3174, Florida Statutes the City Commission is designated as the Local Planning Agency for the City of Springfield.

### ***Sec. 2-3. POWERS AND DUTIES.***

In addition to any authority granted the City Commission under the City Charter, stat law or City Ordinance, the City Commission shall have the following powers and duties:

1. To have final authority for the approval or denial of development permits, sign permits or any other city-authorized permits required by this Code;
2. To hear appeals from decisions of the Building Official regarding development permits or variances;
3. To adopt and amend the Comprehensive Plan including land use districts shown on the future land use map;
4. To adopt or amend the provisions of this Code;
5. To have final authority for the approval or denial of variances, hardship relief, or other waivers from the provisions of this Code;
6. To have final authority for determinations of vested rights, availability of public facilities and services to accommodate development, disposition of non-conforming uses or other such actions requiring administrative or legislative action;

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7. To have final authority for enforcement actions against violations of this Code;
8. To take other such actions not delegated to the Building Official or other duly established board that may be deemed necessary and desirable to implement the provisions of this Code.

**Sec. 2-4. DEVELOPMENT REVIEW PROCEDURES.**

**2-4.1 Purpose and Intent**

The purpose of this section is to provide a uniform system of procedure for the review of development or redevelopment activities to be undertaken within the City. Such review is intended to provide the basis for decisions concerning the approval, denial or conditional approval of development permits.

**2-4.2 Development Review Process**

The following process shall be adhered to during the course of development review.

1. Developers wishing to engage in development activities shall first obtain from the City an application for development approval. Such application shall be in the form prescribed by the Building Official and shall be completed by the developer or agent authorized to act on behalf of the developer.
2. Development reviews shall be conducted using only those forms or materials established and approved by the City including the site plan requirements specified in subsection 2-4.4 of this Code.
3. Development review shall be undertaken at one of the following three (3) levels of detail as follows.

(a) Level 1- Minor Development.

Requires review by the Building Official, or other agent authorized by the City, of applications involving minor development. The Building Official is authorized to issue development permits without action being taken by the City Commission when issuance of such permit involves:

- i. Construction or renovation of an individual single—family detached residence on one lot or parcel;

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- ii. Single-family detached DCA approved manufactured home designated as a RDMH structure;
- iii. Construction or placement of accessory structures which are not intended for human occupancy or habitation; or,
- iv. Remodeling, renovation, expansion, or other similar activity involving alterations or additions to an existing structure within the confines of the property lines on which the structure is located.

All recommendations or actions taken by the Building Official relative to the authority granted under this section shall be in conformance with the provisions of this Code, the Comprehensive Plan, and other applicable laws, statutes, ordinances, resolutions, regulations or codes.

(b) Level 2 – Small Scale Development

Unless otherwise provided for in paragraph (a), proposed development shall be reviewed by the Building Official, or other agent authorized by the City, with recommendation for approval or denial provided to the City Commission for final action. Small scale development activities are those involving:

Residential development, or change in land use of 5 acres or less and a density of 5 units per acre or less, or involves any other development, or change in any other land use, of 3 acres or less.

The City Commission may approve small scale development activities, including changes in land without submitting same for review by state agencies provided that:

- The cumulative effect of the above condition shall not exceed 30 acres annually;
- The proposed amendment does not involve the same property more than once a year; and
- The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months;

(c) Level 3 – Large Scale Development

Unless otherwise provided for in paragraph (a) and (b), all other proposed development shall be reviewed by the Building Official or other agent

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authorized by the City, with recommendation for approval or denial to the City Commission for final action.

Approval or denial shall be made solely by the City Commission by unanimous vote of members present.

Any large scale development activity which involves a change in the designation or density/intensity of land use shall be considered a plan amendment and shall be subject to the state agency review requirements of Section 163.3187, Florida Statutes and subsection 2-6.5 of this Code.

Level 3 review must be based upon all requirements of Level 2 review plus an assessment of impact which may be caused by the proposed development. At a minimum, the impact assessment must address the following general parameters;

- i. Adequacy of public facilities and services available to serve the proposed development;
- ii. Suitability of site conditions including topography and soils, and the extent to which site modifications will be necessary to accommodate the proposed development.
- iii. Ingress and egress to roadways;
- iv. Drainage or stormwater management;
- v. Vehicular traffic, including on-site parking;
- vi. Required permits from other governmental agencies;
- vii. Noise
- viii. Lighting;
- ix. Public safety and/or potential to create a public nuisance; and
- x. Impacts on natural resources.

Additional information or assessment may be required for development activities in designated conservation zones.

**2-4.3 Site Plan and Approval Required**

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1. Any application for development approval, including request for land use amendments to the Comprehensive Plan, shall require a site plan in accordance with the requirements of this subsection.
2. The developer, or their authorized agent, shall submit three (3) copies of the proposed site plan drawn to an acceptable scale to the Building Official. Except for development specified in subsection 2-4.3, paragraph 3. (a), all site plans shall be certified by a registered land surveyor, landscape architect, architect or professional engineer. Site plans shall contain and depict the following information.

(a) Level 1- Minor Development.

- i. A vicinity sketch showing: the relationship of the site to adjacent designated land uses and streets; location of the proposed development on the site (lot or parcel), including driveways and parking; access to adjacent streets; percent of the site to be covered by impervious surfaces; flood zones and base flood elevations, if any; and environmental features including wetlands, shoreline vegetation or construction on submerged lands if any.
- ii. The boundary lines and dimensions of the area shown in the site plan including angles, dimensions, and references; a North directional arrow and map scale, and the proposed use of the land.
- iii. A description of the site (address or legal); the name, address, and telephone number of the owner, developer, and designer or contractor (if applicable), and the date of site plan preparation.

(b) Level 2 and 3 – Small Scale and Major Development

Detailed drawings which show the following.

- i. A vicinity sketch showing the relationship of the site in relation to the surrounding street facilities, land use districts, and flood zones, with base flood elevations (if applicable).
- ii. A description of the land; the name, address, and telephone number of the owner, developer, and designer, and the date of site plan preparation.

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- iii. The boundary lines and dimensions of the area or lots included in the site plan, including angles, dimensions and references; a North directional arrow and map scale; and the proposed use of the land by areas.
- iv. The existing and proposed grades, the drainage plan, erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations.
- v. The shape, size, and location of all structures, including the floor area and elevations thereof; the floor area and ground coverage ratios and the relative finished ground and basement floor grades.
- vi. Natural features such as wetlands, shoreline, lakes or ponds, and protected trees, and manmade features such as existing roads, sidewalks, walls, fences or other structures, indicating which are to be retained, removed or altered and the adjacent properties, their existing uses and land use designations.
- vii. Proposed street, driveways, sidewalks, and parking facilities; vehicular turnarounds, surd cutouts, and loading areas; the location of solid waste receptacles; the inside radii of all curves; the width of streets, driveways and sidewalks and the total number of available parking spaces specifying the type of construction and critical dimensions, and the ownership of the various facilities.
- viii. The size and location of all existing and proposed public and private utilities or easements; water and sewer tap locations; sewer cleanouts and turns; and water types, sizes, and locations.
- ix. All proposed landscaping and the dimensions and location of all proposed signs.

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**2-4.4 Review Period**

All applications for development approval shall be submitted to the office of the City Clerk. Required reviews and subsequent recommendations shall be completed within thirty (30) days after the date the application is submitted in its fully completed form to the City Clerk.

**2-4.5 Withdrawal of Applications**

Application for development approval may be written at any time prior to final action by the City Commission; however, any fees or charges required for development review shall be forfeited by the applicant.

**2-4.6 Fees and Charges.**

The City Clerk may establish and periodically adjust the schedule of fees or charges for development review. Such schedule or adjustments thereto shall be subject to prior approval by the City Commission.

**2-4.7 Certifications.**

Forms or other materials required under this Code may require certifications from registered surveyors, architects, engineers or other professional persons. All such certifications must be completed and affixed before the document or application, as appropriate, will be considered for development review.

**Sec. 2-5. PERMITS**

**2-5.1 Generally.**

No development activity may be undertaken within the City unless such activity has been authorized by a duly issued development permit, or the development activity has been exempted by the City Commission from the provisions of this Code.

**2-5.2 Development Permit Approval.**

Upon review and approval of an application for development approval pursuant to Section 2-4 of this Code the City may issue a development permit. The decision for

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issuance of such permit shall be based upon general standards, including but not limited to:

1. The proposed development must not be in conflict with or contrary to the public interest;
2. Unless otherwise exempted, the proposed development must be consistent with the Comprehensive Plan and the provisions of this Code;
3. The proposed development must not cause significant financial liability or hardship for the City;
4. The proposed development must not create an unreasonable hazard or nuisance, or otherwise constitute a threat to the general health, welfare or safety of the City;
5. The proposed development must be in conformance with all other applicable laws, statutes, ordinances, regulations or codes.

**2-5.4 Construction Permits**

No permits relating to building construction, electrical, plumbing, gas, or utilities connections shall be issued to a developer until such time as a development permit has been obtained pursuant to the provisions of this Code.

**2-5.5 Validity**

Unless otherwise specified in the development permit, such permits shall remain effective for a period of six (6) months from the date of issuance. Extensions may be granted by the City Council in the event that performance by the developer is prevented due to inability to obtain other applicable permits pursuant to subsection 2-5.3 or other extenuating circumstances to be determined by the City Commission. Under no circumstances shall a development permit remain effective for a period of more than one (1) year from the date of issuance unless specifically provided for in an enforceable development agreement (subsection 2-5.6).

**2-5.6 Development Agreement**

In order to provide flexibility and additional certainty to the comprehensive planning and land development regulation process the City may enter into a development agreement with a developer. Development agreements shall be governed by the provisions of sections 163.3220 – 163.3243, Florida Statutes.

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**Sec. 2-6 PROTECTION OF LANDOWNER'S RIGHTS.**

It is the specific purpose and intent of the City Commission to ensure that each and every land owner has beneficial use of his property in accordance with the U.S. Constitution and the Florida Constitution, and to provide conditions and procedures whereby landowner's who believe they are deprived of all beneficial use of their property may secure relief through non-judicial procedures.

**2-6.2 Existing Non-Conforming Development.**

Non-conforming development is considered to be those land uses or structures which are in existence on the effective date of this Code and which by use, design or construction do not comply with the provisions of this Code.

Subject to the following restrictions for continuance of non-conforming development such development may, if in existence on the effective date of this Code, remain in its non-conforming state.

1. Public Hazard. The development must not constitute a threat to the general health, safety and welfare of the public.
2. Ordinary repair and maintenance. Normal maintenance and repair to permit continuation of non-conforming development may be performed.
3. Expansions or extensions. Non-conforming uses shall not be expanded, modified or extended onto adjacent properties.
4. Abandonment or discontinuance. Where non-conforming development is abandoned or the use is discontinued for a period of six (6) months such use shall not be continued or resumed, and shall be subject to compliance with the provisions of this Code.
5. Damage or destruction. Where non-conforming development is substantially damaged or destroyed reconstruction of such development shall be in compliance with the provisions of this Code. A structure is considered to be substantially damaged or destroyed if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure at the time of the damage or destruction. For non-conforming development comprised of multiple structures the cost of reconstruction shall be compared to the combined fair market value of all of the structures.
6. Change of ownership. Change of ownership or other transfer of an interest in real property on which a non-conforming use is located shall

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not in and of itself terminate the non-conforming status unless the purchaser modifies or alters the use of the property.

**2-6.3 Vested Rights**

A property owner's right to development prior to adoption of this Code shall be vested, even if such development is not in conformance with this Code, subject to the following circumstances.

1. Final development approval has been granted to the developer by the City and a valid, unexpired building permit has been issued to the developer by the City.
2. Within one (1) year after adoption of the Comprehensive Plan the property owner has requested and received approval of vested rights status from the City Commission.
3. All vested development shall be undertaken in strict conformance with the design plans and specifications approved by the City Commission and the Building Official.

Any modifications, additions or alterations to the approved plans and specifications shall not be considered vested development.

**2-6.4 Hardship Relief; Variances**

Variances to the provisions of this Code may be granted by the City Commission for small scale development activities or other developments which do not require an amendment to the Comprehensive Plan. Variances allow under this subsection shall not supersede or abrogate the variance conditions associated with flood damage prevention and/or the requirements of the National Flood Insurance Program.

Any person desiring to undertake a development activity not in conformance with this Code may apply to the Building Official for a variance in conjunction with the application for development approval. The variance shall be granted or denied by the City Commission in conjunction with the procedures for development review.

The Building Official shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved. If so, the Building Official shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that request for similar variances are likely to be received, the Building Official shall

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make the required findings based on the cumulative effect of granting the variance to all who may apply.

The Building Official shall not vary the requirements of any provision of this Code unless it makes positive finding, based on substantial competent evidence, on each of the following:

1. These are extreme practical or economic difficulties in carrying out the strict letter of this Code.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of this Code, and the Comprehensive Plan.

In reviewing a development approval involving a variance, the Building Official may recommend such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

**2-6.5 Amendments to the Comprehensive Plan.**

Any changes or alterations involving the type or designation of land uses, or the allowable development within such land uses, as described in the Comprehensive Plan or this Code shall be considered plan amendments. Amendments involving a change in the type or designation of land use, or the allowable development within such land uses, may not be made more than two times during any calendar year except:

1. In the case of an emergency, Comprehensive Plan amendments may be made more often than twice during any calendar year if the additional plan amendment receives the approval of all of the members of the City Commission. “Emergency” means any occurrence or threat thereof whether accidental or natural, caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

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2. Any Comprehensive Plan amendments directly related to proposed small scale development activities may be approved without regard to the limits on the frequency of consideration of amendments to the Comprehensive Plan under the following conditions:
  - a. The proposed amendment is a residential land use of 5 acres or less and a density of 5 units per acre or less or involves other land use categories, singularly or on combination with residential use, of 3 acres or less and;
    - i. The cumulative effect of the above condition shall not exceed 30 acres annually;
    - ii. The proposed amendment does not involve the same property more than once a year; and
    - iii. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months;

Request for plan amendments involving both small-scale and large-scale development activities shall be submitted to the City Clerk on forms to be provided by the City. Such request shall be reviewed by the Building Official which will submit recommendations to the City Commission for final action.

Request for plan amendments involving major development activities will be considered by the City Commission each year at public hearings to be held during the first week of June and the first week of December, unless otherwise specified by the City Commission. Final action shall be taken by the City Commission after public notice and public hearings as specified in subsection 2-6.6, paragraph 1.

Requests for plan amendments involving small-scale development activities may be considered by the Planning Commission at any regularly scheduled meeting after due public notice as specified in subsection 2-6.6, paragraph 2. Final action shall be taken by the City Commission upon recommendation of the Building Official.

The City Clerk shall provide a semiannual report to the state land planning agency by July 1 and by December 31 of each calendar summarizing the type and frequency of plan amendments and the action taken on each by the City.

The procedure for amendment of the Comprehensive Plan for large-scale development activities shall be as for the original adoption of the comprehensive plan or element as set forth in Section 163.3184, Florida Statutes. The Comprehensive Plan may only be amended in such a way as to preserve the internal consistency of the plan pursuant to Section 163.3177(2), Florida Statutes. Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not be deemed to be amendments.

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**2-6.6 Public Notice and Participation**

It is the intent of the City Council that landowners and the public participate in the comprehensive planning and land development regulation process to the fullest extent possible. Toward that end, the City will undertake procedures designed to provide effective public participation and to provide landowners with notice of all official actions which will regulate or change the official status of their property. These procedures are as follows.

1. Adoption of amendments to Comprehensive Plan involving large scale development activities. The City Commission shall hold two (2) hearings on proposed plan amendments prior to final adoption of such amendments.
  - (a) The first public hearing shall be held at time of transmittal of plan amendments to the state planning agency. It shall be held on a weekday approximately seven (7) days after the day the first advertisement is published. The intersection to hold and advertise a second hearing shall be announced at the first public hearing.
  - (b) The second public hearing shall be held after comments are received from the state land planning agency and prior to adoption of the amendments by the City Commission. It shall be held on a weekday approximately five (5) days after the second advertisement is published.

The required advertisements shall be no less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week. The following advertisement shall be in substantially the following form:

**NOTICE OF CHANG OF LAND USE**

The City of Springfield proposes to change the use the use of land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held on \_\_\_\_\_ (date and time) \_\_\_\_\_ at \_\_\_\_\_ (meeting place) \_\_\_\_\_. Members of the public and all interested parties are invited to attend.

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The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposal. The map shall include major street names as a means of indication of the area.

2. Consideration of applications for development approval or variances; or small-scale plan amendments. All meetings of the City Commission at which an application for development approval, variance, or request for small-scale plan amendment is to be considered shall be advertised as provided in subsection 166.041, Florida Statutes.

At each meeting the City Commission shall provide opportunities for oral or written statements concerning any item to be acted upon at that meeting. No formal action may be taken by the presiding body without such advertisement or public notice as described in this subsection. Comments received from the public shall become a matter of record. The City Commission shall also announce the date, time and place final approval action will be considered.

3. Public Notice. Public notice involving changes in the use, designation, density or intensity of land use, including variances or amendments, shall be advertised as prescribed in paragraphs 1. and 2. of this section. The City shall provide additional public notice by erecting a temporary sign on the property to be affected by official action. Such sign shall be displayed in clear view of the public and shall describe the type of the meeting at which official action will be taken. The sign will be installed and kept in place for a period of not less than seven (7) days before the scheduled meeting at which action will be taken.

### **2-6.7 Appeals**

The City Commission shall have the authority to hear and decide appeals from any decision, determination or interpretation of the Building Official with respect to the provisions of this Code. An appeal may be initiated by a landowner, applicant, or adjacent property owner aggrieved or affected by any finding, order, decision, determination or interpretation by reviewing authorities with respect to the provisions of this Code.

A notice of appeal in the form prescribed by the City must be filed with the City Clerk within ten (10) working days of the decision. The filing of such notice of appeal will require the City Clerk to forward to the City Commission within five (5) working days any and all records concerning the subject matter of the appeal. Failure to file such appeal shall constitute a waiver of any rights under this Code to appeal any decision made by the Building Official.

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the appealed action poses an imminent peril to life or property, in

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which case the appeal shall not stay further proceedings. The City Commission may review such certification and grant or deny a stay of the proceedings.

The City Commission shall consider the appeal at its next scheduled meeting following receipt of all records concerning the subject matter of the appeal. The City Commission may reverse, affirm, or modify the decision, determination or interpretation appealed from and impose reasonable conditions to be compiled with by the applicant.

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**ARTICLE III DEVELOPMENT STANDARDS**

**Sec. 3-1. PUBLIC PURPOSE**

The purpose of this Article is to provide design and improvement standards applicable to all development activities undertaken within the City, consistent with other appropriate provisions of this Code. These standards are further intended to provide definite guidance for review of application for development approval and for issuance or denial of development permits to ensure functional and attractive development consistent with the Comprehensive Plan and the public interest.

**Sec. 3-2. ACCOUNTABILITY**

No building or structure shall be constructed, erected, placed or maintained, nor any development or land use commenced or continued within the City except as authorized by this Article.

**Sec.3-3. RESPONSIBILITY FOR IMPROVEMENTS;  
COMPLIANCE**

All costs associated with the planning, design, construction, installation, or compliance with permit requirements of other agencies, associated with meeting the standards set forth in this Article shall be the responsibility of the developer, unless otherwise stated.

**Sec. 3-4. SUBDIVISION REGULATIONS**

**3-4.1 Purpose**

The purpose of this section is to establish minimum standards for the platting of land and development of residential subdivisions therefrom. The provisions of this section shall serve to establish the identity of all lands shown on and being part of platted subdivisions so that such lands may be thenceforth conveyed by reference to such plat, and to establish standards of development necessary to protect the interests of the City and the general public.

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**3-4.2 Applicability**

The City Commission must grant approval for all subdivision of real property into two (2) or more lots, parcels, tracts, tiers, blocks, sites, units or any division of land; including establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area being subdivided. Subdivision, platting and subsequent development of platted lands shall be as set forth in this section and the minimum requirements of Chapter 177, Florida Statutes.

**3-4.3 Conformance with Code**

In addition to the provisions specified in this section, subdivision developments shall conform to all other applicable provisions of this Code.

**3-4.4 Procedure.**

The Building Official will review the plat and plans required to be submitted by this section, and if in their opinion, such plat and plans meet the requirements of this Article, he shall approve and certify same and the plat and plans may then be submitted to the Commission for approval. No acceptance of streets, or otherwise, shall be made by the Commission, until an inspection is made of all construction and approved by the Building Official.

**3-4.5 Subdivision and Street Names**

The developer will not be permitted to use the names of any existing subdivision or street unless the proposed streets are extensions, or may in the future become extensions, of existing streets.

**3-4.6 Preliminary Plat and Plans**

The developer shall submit a print of the proposed plat, together with the following information:

1. The title under which the proposed subdivision is to be recorded and the name of the developer submitting the plat.

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2. An overall topographical map showing one (1) foot contours “On U.S. Coast Guard and Geodetic Datum” of the land to be subdivided together with an estimate of the number of upland acres contributing runoff water to the land under consideration and the points of entry of such upland runoff water.
3. The proposed location and width of streets, lots, setback lines, easements, and typical street cross sections.
4. A drainage plan showing any proposed or existing storm sewers, culverts, drainage canals, bridges, easements for drainage and final disposal of drainage collected within the land to be subdivided, and location of outfall ditch right-of-way.

These plans shall show existing and finished grade on centerline and road-side ditches.

**3-4.7 Final Plans**

Final plans of drainage shall be submitted in duplicate on black and white or blue line prints drawn at a scale of not more than one hundred (100) feet to the inch on sheets 24 inches by 36 inches in size.

**3-4.8 Final Plat for Recording**

The final plat offered for recording shall show the following:

1. The boundary lines of the land being subdivided with distance and bearings and the legal description of the land.
2. The lines of all proposed streets with their width and names.
3. The outline of any portions of the land intended to be dedicated for public use, such as for schools, parks or other similar uses, and such dedication for public use shall be clearly indicated and stated.
4. The lines of adjoining streets with their width and names.
5. All lot lines together with the identification system for all lots and blocks. The lot numbers within a subdivision shall be assigned in a logical numerical possible, block shall bear letter designations in contrast to numbered lots.
6. The location of all setback lines and easements provided for public use, service, utilities, or drainage.

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7. All dimensions both linear and angular for locating the boundaries of the subdivision, lots streets, easements, and any other areas for public use, service, utilities or drainage.
8. The radii, arcs, points of curvature, points of tangency, tangent, delta angle, degree of curvature, shall be shown for all curves. Such data may be listed and referenced to the plat.
9. All other information as required by law.
10. The certificate of the surveyor or engineer who prepared the plat as to the correct representation of the plat according to applicable state law and this ordinance.
11. Bearing data shall be shown and shall be true bearings based on Polaris, Solar shots or existing true lines (existing true lines shall be properly annotated) and a bearing statement which provides “bearing are true from \_\_\_\_\_” and state how obtained.

**3-4.9 General Conditions**

The following general conditions shall be applicable to all subdivisions:

1. Street System- The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as they may be deemed necessary by the City Commission to serve the best interest of the public. The street arrangement shall be such as not to cause hardships to owners of adjoining property when they plat their own land and seek to provide convenient access to it. Streets obviously in alignment with existing streets shall bear the names of the existing streets. If a street is left at the edge of the subdivisions, it shall be of full width.
2. Streets Widths - All right-of-way for streets shall not be less than fifty (50) feet in width. Any intersection of streets having an interior angle of less than ninety (90) degrees shall have an easement radius of not less than twenty (20) feet. Dead-end streets of cul-de-sacs (streets that terminated within a subdivision) shall terminate in a turn-a—round with a minimum radius to outside of pavement of thirty-five (35) feet and forty (40) feet to outside of right-of-way line.
3. Street Improvement — All streets shall be cleared, grubbed (free of stumps, roots, etc.) and graded to the full width of the right-of-way. The

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roadbed shall be at least 22 feet wide and a 3-inch crown in the center of the road. The minimum size cross-road culvert shall be 18 inches in diameter. Compactive effort shall produce a uniform density sub-base suitable for the placing of base material. Base material shall consist of not less than 6 inches clay base with 1-1/4 inches asphalt after compaction. State standards for compaction shall apply to all streets affected hereby.

4. Utilities — Gas, water and sewage service lines shall be placed underground. All homes shall meet the following conditions:
  - a. The home must be secured to a permanent foundation that complies with applicable building codes.
  - b. The service equipment must be installed in a manner acceptable to the authority having jurisdiction.
  - c. The installation of the service equipment must comply with Article 230 of the national Electric Code.
  - d. Means must be provided for the connection of a grounding electrode conductor to the service equipment and routing it outside the structure.
  - e. Electrical service boxes and meters shall be mounted to the exterior side or rear wall of the home unless prohibited by electrical codes.
  
5. Water - The cost of all materials reasonably necessary to provide city water service to each lot in the subdivision will be paid by the developer before actual service is started. The City will bear the cost of installation of the water lines, meters, etc., which shall be the property of the City. An amount equal to one-half the tap-on fee collected by the City from each water user ultimately served within the subdivision shall be refunded to the developer at the time said tap-on fee is collected.
  
6. Lot Design - The arrangement and design of the subdivision shall be such that all lots will drain satisfactorily and will be properly related to the topography and the character of surrounding development.
  
7. Setback - The minimum building setback lines required for any structure shall be: twenty-five feet (25') from the front property line, ten feet (10') from the side property line, fifteen feet (15') from the property line on a side street and fifteen feet (15') from the rear property line. Setback for accessory and storage buildings of 120 square feet or less shall be three feet (3') from the property lines and Ten feet (10') from any primary structure.

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8. Easements - All necessary water, sewer, drainage, and other easements and rights of way shall be furnished at no expense to the City of Springfield. Drainage easements shall have a width of not less than the surface width required of the drainage ditch plus a fifteen (15) feet berm to lie wholly along one side of the ditch, and in the case of a storm sewer, a minimum width of 20 feet.
  
9. Required Dedication of Recreation Areas- Developers of residential subdivisions consisting of over ten (10) residential lots shall provide land area to be dedicated for public or private recreation use. Land area dedicated for residential use shall be at least equal to the size of one (1) residential lot and shall be located on upland property with the same site characteristics as the subdivisions as a whole. Upon approval of the City Commission, developers may provide funds in lieu of property dedication if such funds are at least equal to the value of one (1) residential lot within the subdivision.

**3-4.10 Review of Plat and Plans**

In order to provide for orderly checking of plat and plans for the Building Official, all plats and plans shall be submitted to the Building Official, at least two (2) weeks in advance of the proposed date of submission to the Commission. At least two (2) check prints shall be furnished to the City Commission, one for the City's files and one to be returned to the developer on which any comments, changes or corrections will be noted. The plats and plans required to be submitted by this section to the Building Official shall be submitted by the developer's Surveyor or Engineer.

**3-4.11 Variations and Exceptions**

Whenever the land to be subdivided is of such unusual conditions that strict application or the requirements contained in this ordinance would result in real difficulties or substantial hardships, or injuries, the Commission may, after a report from the Building Official, vary or modify such requirements so that the developer may develop his property in a reasonable manner but so that, at the same time, the public welfare and interest of the City are protected and the general intent and spirit of these requirements preserved; provided that, the developer's surveyor or engineer shall modify the certificates required of them by subsection 3-4.7, 10. so as to clearly state on the plans what the modifications were and the Commission's actions modifying the requirements of this ordinance shall be reflected in the minutes of the Commission.

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**3-4.12 Monuments and Lot Corners**

All monuments shall be a permanent reference monument of reinforced concrete 4 inches in diameter at least three feet long, reinforcing to be one Number 4bar 18 inches long, or equal, with a ¼ inch copper tube 3 inches long placed in the top as a permanent reference point, or equal, concrete to be at least 2000 psi strength, shall be placed on all block corners, all points of curvature, all points of tangency, and shall comply with applicable law.

All lot corners shall be in at time of submitting plat to the Building Official for checking and shall be iron pipe at least two feet long and at least one inch in diameter, or equal.

**3-4.13 Rainfall Intensity-Duration-Frequency Curves**

Curves from the U.S. Department of Commerce Weather Bureau shall be used in determining the amount of runoff water in order to set widths of drainage easements and right-of-ways. A 25 year, critical duration storm event shall be used for design purposes.

**3-4.14 Recordings; Sales; and Disclosures**

1. Approval and Recording of Plat. No Plat of a subdivision shall be filed or recorded by the Clerk of Circuit Court , in and for Bay County, Florida, until such plat has been submitted to and approved by the Commission in accordance with this section and such approval has been entered in writing on such plat by the Mayor, Commissioners and City Clerk.
2. Selling or Offering to Sell Land in a Subdivision Prior to Approval and Recording Prohibited. No developer shall sell or otherwise transfer any interest in any land in a subdivision before having submitted a plat of subdivision to the Commission obtained the Commission's approval as required by this section, and recorded such approved subdivision plat in the public records of Bay County, Florida.
3. Meets and Bounds Descriptions No Exception. The description by metes and bounds in the deed or other instrument of transfer shall not exempt the transaction from the requirements and prohibitions of this ordinance, if this ordinance be otherwise applicable.
4. False Representations Prohibited. No person shall falsely represent to a prospective purchaser of land that streets or drainage facilities serving, or which may in the future serve, such land will be built, constructed or maintained by the City.

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5. Disclosure Required. Any person or his authorized agent who has created a subdivision and who has not had the streets or drainage easements serving the subdivision accepted for maintenance at City expense by the Commission, shall disclose to the prospective purchaser of lands in such subdivision prior to the completion of the sale the following information, which shall be substantially in the following form, and which shall be affixed to the deed or other instrument of transfer and signed by the Seller or Seller's Agent and the Purchaser.

IMPORTANT: The streets or drainage easements serving, or which may in the future serve, the land being purchased have not been accepted by the City of Springfield for construction or maintenance at the expense of the City.

\_\_\_\_\_  
Seller or Seller's Agent

\_\_\_\_\_  
Purchaser

**Sec. 3-5 LAND USE REGULATIONS**

**3-5.1 Purpose**

In order to promote consistency with the goals, objectives, and policies of the Comprehensive Plan and this Code, it is necessary and proper to establish a series of land use districts to ensure that the City can: preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, and general welfare; provide adequate and efficient public facilities and services; conserve and protect natural resources; and, ensure the compatibility as adjacent land uses.

**3-5.2 Applicability**

All development within each land use district as described in subsection 3-5.3 shall be consistent with the stated purposes and allowable uses as set forth in this Section. Unless otherwise exempted or waived, the development standards prescribed in this Code shall apply as appropriate to development within each land use district.

**3-5.3 Land Use Districts**

The following land use districts or abbreviations as established in the future land use element of the Comprehensive Plan shall be used for purposes of implementing this Section:

1. Residential Low-Density (RLD);

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2. Mixed Use (MU);
3. General Commercial (GC);
4. Industrial
5. Recreation (REC);
6. Conservation (CON); and
7. Public/Institutional (P/I)

**3-5.4 Official Land Use Map**

1. Land Use Map Established  
The boundaries and designations of land use districts specified in section 3-5.3 shall be as described or depicted in the future land use element of the Comprehensive Plan, or amendments thereto, and as shown on the map entitled “Official Land Use Map of the City of Springfield, Florida” which shall further be identified by the signatures of the City Commission and attested to by the City Clerk. Such map shall be on file in the office of the City Clerk and shall be available for inspection by all interested parties during normal working hours.
2. Interpretation of Districts or Boundaries  
Where, due to the scale, lack of detail or legibility of the Official Land Use map, the boundary line of any district is uncertain or questionable, the City Clerk shall determine its location. Any person aggrieved by the location of a boundary line as determined by the City Clerk may appeal the determination to the City Commission. The City Clerk and the City Commission shall apply the following standards in determining the location of a district boundary line;
  - a. Land use district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or watercourses unless such boundary lines are fixed by dimensions on the land use map.
  - b. Where the land use map indicates a district boundary line along or following a lot line, the lot line shall be the boundary line.
  - c. Where a land use district boundary line divides a tract or plot of land of the boundary line, unless indicated by dimensions on the land use map, shall be determined by the use of the map scale shown thereon.

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- d. If, after the application for the foregoing rules, uncertainty still exists as to the exact location of a land use district boundary line, any determination of the boundary line shall give due consideration to the history of the uses of property and the history of building permits, and all other relevant facts.

**3-5.5 District Purposes and Allowable Uses**

1. Residential Low-Density (RLD)

a. Purpose

The purpose of this district is to provide areas for preservation or development of low-density neighborhoods consisting of single-family dwelling units on individual lots.

b. Allowable Uses

The following uses are allowed as of right in the residential low-density district, all other uses are prohibited:

- Single-family detached residential dwellings;
- Neighborhood parks;
- Accessory uses as provided in subsection 3-5.8 of this Code;
- Public service or utility structures;
- Home office of convenience;
- Signs as provided for and set forth in Article IV of this Code;

c. Conditional Uses

The following uses may be permitted in the residential low-density district subject to the following conditions:

- Duplex, triplex, or quadraplex attached residential dwellings provided written permission is obtained from all adjacent property owners.
- Public/Institutional uses (except for those including maintenance yards, repair shops, fabricating yards or other similar activities) provided the performance standards set forth in subsection 3-5.7 are met.

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- Community residential homes (defined as a dwelling which provides a living environment for 7 to 14 unrelated clients of HRS including disables or handicapped persons, nondangerous mentally ill persons or children) shall be allowed when 6 or fewer residents are located in a single-family, noncommercial, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes do not substantially alter the nature character of the area.
- Single-family detached DCA approved manufactured home designed as a RDMH structure.

2. Mixed Use (MU)

a. Purpose

The purpose of this district is to provide areas for medium density residential development and low intensity commercial development. The mixed use concept is specifically intended to provide flexibility in the planning and permitting process by allowing a range of land uses within one district. Emphasis is on performance mitigation such as landscaping, fencing, lighting, noise standards, etc. to promote compatibility among land uses while also providing property owners with a range of options for use of their property.

b. Allowable Uses

The following uses are allowed as of right in the mixed use district, all other uses are prohibited:

- All uses and conditional uses as allowed in the residential low-density district;
- Medium-density attached residential dwellings, including apartments, townhouses and condominiums;
- Single-family detached HUD approved manufactured home, (SDMH ) or DCA approved manufactured home for replacement and new installation.
- New construction of mobile home parks are no longer permitted.
- Community parks;

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- Public/Institutional uses;
- Public service and utilities;
- Private recreation uses; and
- Signs as provided for and set forth in Article IV of this Code.

c. Conditional Uses

The following uses may be permitted in the mixed use district provided the performance standards specified in subsection 3-5.5 and 3-5.7 are met with the following additions:

The following uses may be permitted in Mixed Use (MU) districts, subject to the conditions hereinafter set forth. Other conditions may be imposed by the City Commission to further the purposes of the Mixed Use District.

(1.) Manufactured Home Subdivisions.

(2.) Existing Mobile home parks and subdivisions are hereby declared to be non-conforming use and will not be required to conform to standards and requirements of this Code for manufactured home subdivisions except in all expansions and additions. All replacements and new installations of manufactured homes inside existing mobile home parks must be with HUD or DCA certified homes.

All commercial development required to have an occupational license pursuant to City Ordinance 182 **EXCEPT:**

Automobile Salvage	Gravel and Sand Yards
Animal Boarding	Foundries
Asphalt Dealers	Manufacturing (all categories)
Barrel Factories	Oil Canning Plant
Boat Building	Petroleum, Gas, Liquefied
Boathouses	Sausage Manufacturers
Bowling Alleys	Saw or Planing Mill
Brick or Stone Dealers	Shooting Galleries

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Building Supply Yards	Theatre
Bus or Freight Terminals	Vulcanizers
Coal Yards	Warehouses
Contractor Storage Yards	Wood Yards
Creosoting Plants	
Fire and Wreck Sales	
Flea Market	

3. General Commercial (GC)

a. Purpose

The purpose of this district is to provide areas for high intensity commercial development including high intensity commercial development including retail sales and services, wholesale sales, shopping centers, office complexes and other compatible land uses.

b. Allowable Uses

The following uses are allowed as of right in the general commercial district, all other uses are prohibited:

- Medium-density attached residential dwellings;
- All non-manufacturing commercial activities eligible to obtain a valid occupational license from the City;
- Shopping Centers;
- Public and Private recreation Facilities;
- Office Buildings/Complexes;
- Public/Institutional uses;
- Public Services and Utilities
- Signs as provided for and set forth in Article IV of this Code.

c. Conditional Uses

The following uses may be permitted in the general commercial district subject to the hereinafter set forth, or any other conditions as may be set forth in a development order rule, or ordinance:

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Duplex, triplex and quadraplex residential dwellings provided that adjacent commercial or non-residential activities which abut the residential use shall not be subject to supplemental performance standards specified in subsection 3-5.7 of the Springfield Land Development Regulations.

Single-family detached residential dwelling to replace an existing single-family detached residential dwelling located on an individual parcel, within a GC district, which has not removed or abandoned (not used for the purpose for which it was manufactured) for more than six (6) months and where such replacement would not negatively impact adjoining conforming properties.

Single-family detached manufactured homes HUD or DCA approved within manufactured home subdivisions.

DCA certified manufactured commercial structures.

4. Industrial

a. Purpose

The purpose of this district is to provide areas for industrial or manufacturing activities and related uses and to prevent potential land use incompatibilities caused by such uses.

b. Allowable Uses

The following uses are allowed as of right in the industrial district, all other uses are prohibited:

All manufacturing operations required to obtain an occupational license from the City pursuant to City Ordinance 182.

Single-family detached HUD approved manufactured home, (SDMH structure), or DCA approved manufactured home, (RDMH) structure to **replace** a mobile home already in a LI district, which has not been removed or abandoned (not used for the purpose for which it was manufactured) for more than six (6) months and where such placement would not negatively impact adjoining conforming properties. No new installations will be allowed.

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DCA certified manufactured commercial structures.

5. Recreation (REC)

a. Purpose

The purpose of this district is to provide areas of recreation open to the public.

b. Allowable Uses

The following uses are allowed as of right in the recreation district, all other uses are prohibited.

Public parks, open space, refuges, ballfields, public ways and other such activities intended for public recreation;

Public buildings and grounds;

Public services and utilities;

Private outdoor recreation activities.

6. Conservation (CON)

a. Purpose

The purpose of this district is to provide areas for protection and conservation of natural resources and locally designated environmentally sensitive resources.

b. Locally Designated Environmentally Sensitive Resources

Locally designated environmentally sensitive resources are:

- Jurisdictional Wetlands;
- A and V Zones; and
- Martin Lake.

The City hereby declares that the most appropriate and best uses for locally designated environmentally sensitive resources are those which do not interfere with the natural functions of such resources. Allowable uses shall be restricted to wildlife habitat, preservation of natural features, propagation areas for fish or wildlife species, and passive recreation.

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No development permit shall be issued for development activities within areas of environmentally sensitive resources without meeting the standards as provided and set forth in Section 3-7. of this Code.

c. Environmentally Significant Resources

Other natural resources considered to be environmentally significant are:

- Soils;
- Identified wildlife habitat;
- Drainageways; and
- Trees

All development activities which may cause adverse impacts to the resources identified in paragraph (c.) shall be subject to the standards and restriction specified in Section 3-7. of this Code.

7. Public/Institutional

a. Purpose

The purpose of this district is to provide areas for public buildings and grounds, churches, cemeteries, institutions, or other similar land uses.

b. Allowable Uses

The following uses are allowed as of right in the public/institutional district, all other uses are prohibited.

- Governmental Buildings and Grounds;
- Churches, Non-profit Institutions, Cemeteries, Etc.
- Public Parks and Recreation Facilities;
- Public Services or Utilities.
- Signs as provided for and set forth in Article IV of this Code.

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**3-5.6 Density/Intensity Standards**

1. Public Purpose

In order to promote consistency between the goals, objectives and policies of the Comprehensive Plan and this Code, it is necessary and proper to establish land use densities and intensities so that the City can:

Encourage the most appropriate use of land, water, and resources consistent with the public interest; prevent the overcrowding of land and avoid undue concentration of population; and, deal effectively with future problems that may result from the use and development of land within the City.

2. Lots of Record

Lots within plats duly recorded in the records of Bay County on or before the effective date of the Comprehensive Plan which cannot meet the requirements set forth herein shall not be subject to the density or intensity standards set forth in this subsection.

3. Density/Intensity Standards

No structure or land in the City shall be developed at an intensity or density greater than the standards set forth in this subsection, except as provided for in paragraph 2.

No single parcel of land or lot in the City shall contain more than one (1) detached single-family dwelling. Any single parcel of land or lot containing more than one detached single-family dwelling at the time of passage of this Code is declared non-conforming use. Non-conforming status shall be lost upon the removal of or destruction of or the abandonment of such non-conforming dwellings. Upon the loss of non-conforming status, the building removed, destroyed or abandoned shall not be replaced, including the replacement of a manufactured home under such circumstances.

**LAND USE DISTRICT AND ALLOWABLE USES**

	<u>Maximum Density*</u>	<u>Lot Coverage**</u>	<u>Open Space Requirement</u>
<u>RESIDENTIAL LOW-DENSITY</u>			

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Single-Family Detached Dwellings	5 du/acre	.4	.6
Manufactured Housing, RDMH	5 du/acre	.4	.6
Duplex, Triplex, Quadraplex	8 du/acre	.4	.6
Public/Institutional	NA	.9	.1
Community Residential Home		.4	.6
<u>MIXED USE</u>			
Multi-Family Residential	15 du/acre	.5	.5
Mobile Home Parks	7 du/acre	.5	.5
Public/Institutional	NA	.9	.1
Private Recreation	NA	.5	.5
Non-Residential Commercial	NA	.5	.5
Conditional Gen. Commercial.	NA	.5	.5
<u>GENERAL COMMERCIAL</u>			
Multi-Family Residential	15 du/acre (20)	.5	.5
Mobile Home Subdivision	7 du/acre (10)	.5	.5
Non-residential Commercial	N/A	.9	.1
Public/Institutional	N/A	.5	.5
Conditional Single-family Residential	4 du/acre	.4	.6
<u>INDUSTRIAL</u>	N/A	.9	.1
<u>RECREATION</u>			
Public Buildings and Grounds	N/A	.5	.5
Private Outdoor Activities	N/A	.5	.5
<u>PUBLIC/INSTITUTIONAL, ETC.</u>			

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Government Buildings and Grounds	N/A	.9	.1
Churches, Institutions, Etc.	N/A	.9	.1

\* Dwelling units per acre

\*\* Ratio of impervious service (buildings, driveways, parking lots, etc.) to open space or undeveloped land.

\*\*\* With approval of the City Commission

4. Determination of Density or Intensity

a. Residential Density

Residential densities shall be determined by multiplying the allowable dwelling units per acre by the gross acreage of the lot or parcel to be developed. (Example: 15 du/acre x 2 acres = 30 du/acre).

b. Lot Coverage/Open Space Ratio

Lot coverage is the land area of any lot or parcel which can be covered by impervious surfaces such as buildings, parking lots, driveways or similar development. Open space is the land area remaining in a landscape or natural state after development occurs.

The allowable lot coverage/open space ratio shall be determined by multiplying the gross land area of any lot or parcel to be developed by the applicable lot coverage standard set forth in subsection 5-4.3 (Example: 43,560 sq. ft. x .5 = 21,780 sq. ft. allowable lot coverage, and 21,780 sq. ft. open space).

**3-5.7 Performance Standards**

1. Public Purpose

This section is intended to provide performance standards which will reduce the potential for nuisances between adjacent land uses or land use districts.

2. Applicability

Performance standards set forth herein shall be applicable to the conditional uses specified in subsection 3-5.5.

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3. Performance Standards

a. Visual Buffers

A visual screen or buffer must be used to block from view all parking areas or vehicular use areas from adjacent residential property or developments. This barrier shall consist of at least fifty (50) percent solid material with minimum height of three (3) feet. Shrubs, trees, fences, or any combination of landscape material may be used in the construction of the barrier. There shall also be a five (5) foot buffer strip between residential use and non-residential use which may be comprised of native vegetation or landscape vegetation. All visual buffers shall be properly maintained and kept in good order and appearance by the property owner.

b. Noise

No non-residential development shall be allowed adjacent to residential properties which causes extended sound levels on such residential properties to exceed 60 dBA from 7:00 A.M. to 10:00 P.M., and 55 dBA from 10:00 P.M. to 7:00 A.M. Extended sound levels are those of a continuous or consistently repetitive nature.

c. Lighting and Glare

No multi-family residential or non-residential development shall be allowed adjacent to any low-density residential properties which causes excessive illumination or glare upon such residential properties. All lighting or illumination proposed as part of any multi-family or non-residential development shall be located and installed so that no direct or indirect light falls upon adjacent residential properties. All driveways, parking lots or other vehicular access associated with multi-family or non-residential development shall be designed and constructed so that no direct light from vehicle headlights is shown upon or into any adjacent residential dwelling.

d. Electromagnetic Interference

In all land use districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety or welfare including but not limited to interference with normal radio,

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telephone, or television reception from off of the premises where the activity is conducted.

e. Toxic or Noxious Matter

The emission of toxic or noxious matter beyond any property line is prohibited.

f. Odor

No offensive odors shall be emitted which are detectable with or without instruments beyond any property line.

g. Smoke

No smoke shall be emitted from any property which violates state air quality standards.

h. Eyesores and Junk

No equipment, material, vehicle or product shall be stored or kept in such a manner as to present an offensive or unsightly appearance when viewed from any adjacent property.

**3-5.8 Accessory Uses and Structures**

1. Purpose

This subsection is intended to regulate the location, configuration and conducts of accessory land uses and structures in order to ensure that such accessory uses and structures are not harmful either physically or aesthetically to residents of surrounding areas.

2. Accessory Uses

The following accessory land use may be allowed in the

RLD and MU districts:

- Accessory Apartments or Garage Apartments;
- Dining Rooms;
- Community Centers;
- Recreation Centers;

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- Employee Dining or Fitness Centers (MU district only);

3. Accessory Structures

The following accessory structures may be allowed in the RLD and MU districts subject to the following conditions.

a. General Standards and Requirements

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- Accessory structures shall be shown on any site development plan with full supporting documentation as required in ARTICLE II of this Code.

b. Storage Buildings, Shops, Utility Buildings, Greenhouses

- No accessory building use for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line of any residential dwelling.
- Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
- Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setbacks from an abutting right-of-way.

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- **Setbacks:** Accessory and storage buildings shall be reasonably compatible in appearance with primary structure of the property and shall comply with all setback requirements as other structures except that accessory structures of 120 square feet or less setback from the property line is three feet (3') and ten feet (10') from the primary structure.
  - Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
  - Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses.
- c. Private Swimming Pools, Hot Tubs, and Similar Structures
- Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback.
  - Enclosures for pools shall be considered part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
  - All pools shall be completely enclosed with an approved wall, fence or other substantial structures not less than five (5) feet in height. The enclosure shall completely surround the pool area and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.
  - No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.
  - Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a wall is provided.

d. Fences

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- Fences or hedges may be located in all front, side and rear yard setback areas. No fences or fence-wall shall exceed four (4) feet in height when placed in the front yard setbacks shall not exceed the height of eight (8) feet.
- In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.
- Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the City Commission upon receipt of satisfactory evidence of the need to exceed height standards.
- No fence or hedge shall be constructed or installed in such a manner to interfere with drainage on the site. No fence, wall or similar structure shall be located in or upon any body of water or submerged lands.

**3-5.9 Design Standards for Manufactured Homes**

1. Intent

It is the intent in this section to establish design standards for manufactured and modular homes to ensure that they are compatible with existing, conventional dwellings and to provide standards for the location and placement of individual manufactured homes and manufactured home subdivisions.

2. Applicability

The use of mobile homes inside the City of Springfield (if not built in compliance with the Federal Manufactured Housing Construction and Safety Standards of the HUD Code OR approved by DCA as a manufactured home, with insignia attached) is not allowed unless currently in existence and used as a single family residence, and then only so long as continuously used as a single family residence

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without a break in use for more than six (6) months or until any change in ownership, after which the right to use shall terminate and said mobile home shall be removed from the property. Manufactured homes shall comply with the requirements hereof.

3. General Requirements

Placement of individual manufactured homes

For purposes of this ordinance, manufactured homes acceptable to be used for residential purposes within the City are distinguished by two types as follows:

- a. Residential Design Manufactured Homes, herein referred to as RDMH structures, are manufactured homes (also called “modular homes”), bearing a **DCA** seal, certifying code compliance, meeting the following Residential Design Standards which shall be used in determinations of similarity in appearance between RDMH structures, with permanent foundations approved as provided in this subsection, and compatible in appearance and orientation with site built housing which has been constructed in adjacent or nearby locations. An RDMH structure is not permitted to be used as a storage building.
- b. Minimum width of main body. Minimum width of the main body of the RDMH as located on the site shall be no less than twenty feet (20'), as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.
- c. Minimum roof pitch; minimum roof overhang; roofing materials. The pitch of the home’s roof shall have a minimum vertical rise of one foot (1') for each four feet (4') of horizontal run, and minimum roof overhang shall be six inches (6"). The roof shall be finished with a type of material that is commonly used in conventional residential dwellings constructed in adjacent or nearby locations. Built-up composition roof may not be used.
- d. Exterior finish; light reflection. The exterior siding of the home shall consist of wood, hardboard, masonry or vinyl which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations; provided, however, that reflection of such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.

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- e. Foundation. The tongue, axles, transporting lights, towing apparatus and other transportation equipment shall be removed from the RDMH. The RDMH shall be placed upon a permanent foundation. Permanent foundation shall mean:
- Installation of the home according to Chapter 15C-1, Florida Administrative Code.
  - Construction of a permanent, non-load bearing perimeter curtain wall of concrete block, with a minimum thickness of four inches (4") extending at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the home, unpierced except for required ventilation and access. Said curtain or wall shall be coated or covered with a finish or with materials which blend with the rest of the home's siding materials. Skirting of the type typically used around manufactured homes or mobile homes shall not be used as a wall or curtain around a DCA home.
- f. Site orientation and setbacks of the Manufactured (Modular) Home. RDMH structures shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed on adjacent or nearby locations. Building setback minimums must be met as per Springfield's Land Development Regulation, Section 3-4.9 as amended herein.
- g. Garages and Carports - Any RDMH structure constructed will be required to have a garage or carport if more than fifty percent (50%) of other homes in the area have garages or carports. Such garages and carports shall be constructed according to requirements to building codes utilized for site built homes.
- h. No Certificate of Occupancy shall be issued until all requirements of this ordinance and the City LDR have been met.
- i. Standard Design Manufactured Homes, hereinafter referred to as SDMH structures are manufactured homes certified as meeting HUD Code, but not

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meeting Residential Design Manufactured Home Standards contained herein. An SDMH structure is NOT permitted to be used as a storage building.

- j. Electrical service boxes and meters shall be mounted to the exterior rear or side wall of the home unless prohibited by electrical codes.

After the effective date of this ordinance, an individual mobile home dwelling unit may not be located within the City unless: it has been approved as a HUD Designated Manufactured Home (SDMH) structure and meets all other requirements of this ordinance.

All manufactured homes (SDMH) installed on private lots inside the City shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.

Used Mobile Homes - Due to the lack of comprehensive implementation of federal building and safety standards for transportable structures manufactured before July 15, 1976, no mobile homes manufactured before July 15, 1976 shall be permitted in any zoning district inside the City of Springfield. Mobile homes lawfully existing in the City at the time of the adoption of this ordinance may **not** be relocated within the City. The sale, resale, installation or transportation of a mobile home that was imported in violation of this subsection is strictly prohibited. The Chief Building Official may grant limited waivers for the sole purpose of transporting a substandard mobile home out of the City of Springfield to a permitted site for demolition or disposal.

Any manufactured home dealer who takes ownership or possession of a mobile home constructed prior to July 15, 1976 shall not transport the home to any other property located within the city of Springfield.

It shall be unlawful to place or set up any manufactured building or home, either temporarily or permanently, on private or commercial property, without such manufactured building or home having first undergone a preliminary point of sale inspection carried out by an agent of the City as per Ordinance 405 of the City of Springfield..

All manufactured buildings and homes relocated from within the City to another location within the City shall be subject to this ordinance requirement for preliminary inspections. Such structures shall not be moved from their original location until the preliminary inspection is accomplished.

All manufactured buildings and homes constructed within the past two model years prior to the date of the permit request shall be exempt from preliminary inspection. However, all manufactured buildings and homes placed or set up inside the city limits of

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Springfield shall comply with preliminary inspection standards as well as with all other ordinances, building codes, LDR development standards, etc. adopted by the City.

All manufactured homes must be installed in accordance with those regulations promulgated by DCA pursuant to Section 553.38(1), Florida Statutes and those local requirements of the City as authorized under Section 553.38(2) FS, relating to the following:

- Land Use and Zoning Requirements;
  - Fire Zones;
  - Building Setback Requirements;
  - Side and Rear Yard Requirements;
  - Site Development Requirements;
  - Property Line Requirements;
  - Subdivision Control;
  - Onsite Installation Requirements;
  - Review and Regulation of Architectural and Aesthetic Requirements;
  - Landings of the requisite composition and size as per Section 1113 of the Current Building Code of the Southern Building Code Congress International, used by the Bay County Building Department, with said provisions being expressly incorporated by reference herein as part of this requirement.
- k. Manufactured homes, once placed on real property, as herein authorized, must be returned for ad valorem tax purposes annually as an improvement to and part of the real property.
- l. Manufactured homes are NOT permitted to be used as storage buildings.
- m. Skirting and foundation siding, including backup framing shall be weather resistant and must blend with the exterior siding of the home. Below grade level and for a minimum of six inches (6") above

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finish grade shall be unaffected by decay or oxidation.

- Any SDMH Manufactured Home installed in the City of Springfield prior to the adoption of this ordinance and which has not been skirted shall be skirted in compliance with provisions of this ordinance within one (1) year from the date this ordinance is adopted.
- Any SDMH Manufactured Home installed in the City of Springfield after the adoption of this ordinance shall be skirted in compliance with provisions of this ordinance within thirty (30) days from the date of installation. The date of installation being the date the home is physically placed at the home site.
- n. Manufactured Home Sales Dealers will not deliver or cause the delivery and placement of any manufactured home to a site inside the City of Springfield prior to the approval of the Development Order/Permit for such placement.
- o. No set-up and delivery agent shall deliver or cause the delivery of any manufactured home to a home site inside the City of Springfield prior to the approval of the Development Order/Permit for such placement.
- p. No person shall occupy a manufactured home placed on a site inside the City of Springfield until issuance of the Certificate of Occupancy.
- q. All occupied residences and commercial establishments within the city of Springfield must be connected to City water and sewage, when available, have City garbage service established and must have electrical service. No Certificates of Occupancy will be issued until all connections and services have been accomplished.
- r. All manufactured housing developments approved prior to the adoption of this ordinance shall be declared non-conforming developments and shall be exempt from these regulations for minimum lot size, area, and setbacks when permits are requested

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for replacement of existing manufactured or mobile homes.

- s. Existing mobile home parks, trailer parks, or other manufactured housing developments shall conform to the requirements of this ordinance and other LDR requirements on any new developments, expansions or additions to such mobile home, trailer park or manufactured housing development.
- t. This Code supersedes Springfield City Ordinance 391.

**Sec 3-6 FLOOD DAMAGE PREVENTION, DRAINAGE AND STORMWATER MANAGEMENT REGULATIONS**

1. Flood Damage Prevention

a. Purpose

Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

Control filling, grading, dredging and other development which may increase erosion of flood damage; and,

Prevent or regulate the construction of flood barriers which unnaturally divert floodwaters or which increase flood hazards to other lands.

b. Development Standards; Compliance

All development undertaken within designated flood zones as shown on Flood Insurance Rate Map (FIRM) Panel number 120014 00001 B shall conform to the provisions and requirements

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of City Ordinance No. 247 (Section 9.5, City Code of Ordinance)  
and any amendments thereto.

2. Drainage and Stormwater Management
  - a. Purpose

Ensure the provision of a system of drainage ways and conveyances so as to reduce the potential for flooding and attendant threats to life and property.
  - b. Development Standards
    - i. The City shall require all developers submitting an application for development approval an application for development approval to provide as part of the overall development site plan [subsection 2-4.4 (b)] a drainage and grading plan. At a minimum, such drainage and grading plan shall include: 1) finished topographic contours; 2) impervious surfaces; 3) existing drainage structures; 4) proposed drainage structures; and, 5) proposed stormwater treatment facilities. Construction or placement of individual single-family dwellings, including mobile homes, or duplex dwellings on an individual lot or parcel shall be exempt from these requirements.
    - ii. Design of drainage facilities and structures shall be based upon the 25-year, critical duration storm frequency event. Under no circumstances shall a developer undertake any development activity which causes stormwater to flow onto adjacent properties unless such flow is directed into an approved drainage system.
    - iii. No development permit shall be issued by the City until the developer has obtained a stormwater permit pursuant to Chapter 17-25, Florida Administrative Code, if applicable (DER permit).
    - iv. No development permit may be issued by the City until the developer has obtained a drainage permit pursuant to Chapter 14-86, Florida Administrative Code, if applicable (FDOT permit).
    - v. No developer or any other person shall obstruct, in whole or in part, any public drainage ditch, pipe, easement or any other drainage facility in the City, whether dedicated or not.

**Sec. 3-7 ENVIRONMENTAL PROTECTION REGULATIONS**

**3-7.1 Public Purpose**

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The destruction or pollution of environmentally significant resources within the City constitutes a menace to the public health and welfare; creates public nuisances; is harmful to wildlife, fish and other aquatic life; and can be reasonably expected to decrease quality of life for residents of the City. It is hereby declared that the prevention, abatement and control of development activities which cause destruction or pollution of environmentally significant resources are affected with a public interest, and the provisions of this section are established with the purpose of protecting the health, safety and general welfare of the people of Springfield.

**3-7.2 Applicability**

This section is intended to establish those resources or areas of a development site that must be protected from harmful affects of development. Application of the provisions of this section will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

**3-7.3 Compliance when subdividing land**

1. Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these protection of environmentally sensitive lands regulations.
  
2. The Conservation Element of the City's Comprehensive Plan as amended from time to time is hereby incorporated by reference into this Code.

**3-7.4 Wetlands**

I. There is hereby created a "Wetlands Protection Zone" in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:

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- a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection as specified in Chapter 403, Florida Statutes and/or
- b. The U. S. Army Corps of Engineers as specified in Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

2. Protection Standards

All development activities in the jurisdictional wetlands within the City are prohibited unless:

- a. Valid permits are obtained from the Department of Environmental Regulation and/or the U. S. Army Corps of Engineers prior to the development approval by the City, subject to the provisions of the subsection 2-5.3 of this Code;
- b. Appropriate mitigation of destroyed or damaged wetlands is undertaken by the developer subject to the provisions of Chapter 17-3 12, Part III, Florida Administrative Code.

**3-7.5 Martin Lake**

1. Protection Standards

All development activities on submerged lands or waters below the shoreline of Martin Lake are prohibited, unless specifically approved by the City Commission upon demonstration by the developer that the proposed development activity will not cause adverse impacts to fish, wildlife, vegetation or other significant resources. No development or construction activity shall be permitted within thirty (30) feet of the shoreline of Martin Lake. Within this restricted area, all natural vegetation shall be preserved for a distance of twenty (20) feet landward of the shoreline, except for a corridor not to exceed fifteen (15) feet in width to provide access to the water.

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**3-7.6 Soils**

1. Generally

All grading, filling, excavation, storage or disposal of soil and earth materials associated with development activities shall be undertaken so as to minimize the potential for soil erosion and sedimentation of -water bodies or drainage ways. Erosion control measures shall be required for all such activities except when all of the following criteria are met:

- a. The site upon which land area is disturbed or filled is 10,000 square feet or less.
- b. Natural and finished slopes are less than 10%.
- c. Volume of soil or earth materials stored is 50 cubic yards or less.
- d. Rainwater runoff is directed, either during or after construction, from an area smaller than 5,000 square feet.
- e. An impervious surface, if any, of less than 5,000 square feet is created.
- f. No drainway is blocked or has its stormwater carrying capacities or characteristics modified.
  
- g. The activities does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water or within the wetlands associated with a watercourse or water body, whichever distance is greater.

2. Protection Standards

As part of the development review process required pursuant to ARTICLE II of this Code the developer shall include an “Erosion and Sediment Control Plan” as part of the overall site plan [subsection 2-4.4 (b)]. Such plan shall include:

- a. Calculations of maximum runoff based on the 25 year, critical duration storm event;

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- b. A description of, and specifications for sediment retention devices;
- c. A description of, and specifications for, surface runoff and erosion control devices;
- d. A description of vegetative measures;
- e. A map showing the location of all items listed in (a) through (d) in this paragraph.

A developer may propose the use of any erosion and sediment control techniques provided such techniques represent best management practices, and are certified by a registered professional engineer.

Once development activity begins the developer shall maintain in good order all erosion and sediment control measures specified in the Erosion and Sediment Control Plan regardless of whether the development project is completed or not.

**3-7.7 Wildlife Habitat**

- 1. Generally

Development shall not be permitted which will significantly damage or destroy the habitat of species listed as endangered or threatened as specified in the “Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida,” published by the Florida Game and Fresh Water Fish Commission.

- 2. Protection Standards

The developer of any areas identified as containing habitat for endangered or threatened species shall be responsible for the conduct of an analysis to determine the value and extent of such habitat. This habitat analysis shall form the basis of habitat conservation and preservation measures to be established either as a condition of development approval or in an enforceable development agreement.

**3-7.8 Flood Zones**

- 1. Protection Standards

All development activity undertaken within designated, flood zones as shown on the Official Flood Insurance Rate Map for Springfield, Florida (Community Panel

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Number 1200 14 0001 B) shall be in conformance with the provisions of Section 3-6. of this Code.

In addition to the requirements set forth in Section 3-6. of this Code, the location of hospitals, nursing homes, institutions or similar facilities is prohibited within designated flood zones.

**3-7.9 Stormwater Management**

1. Protection Standards

All development undertaken within the City shall be in conformance with the provisions of Chapter 17-25, Florida Administrative Code and Section 3-6. of this Code. Stormwater permits must be obtained by developers pursuant to subsection 2-5.3 of this Code prior to the City issuing final development approval.

**3-7.10 Trees**

1. Generally

No developer, or any agent or representative thereof, shall cut down, destroy, remove or move, or effectively destroy any protected tree located on any public or private real property within the City, except that the provisions of this subsection shall not apply to owners of single-family dwellings on single-family lots.

2. Protected Trees

Protected trees shall include the following types with a trunk of fifteen (15) inches or more, except for Flowering Dogwood trees and Weeping Willow trees which shall be protected when the trunk diameter is three (3) inches or more.

American Holly	Magnolia
Black Cherry	Maple
Cypress	Oak
Dahoon Holly	Pecan
Flowering Dogwood	Sweetgum
Hickory	Sycamore
Tupelo	

Trunk diameter shall be measured at a distance of fifty-four (54) inches above ground level, and in the case of a tree with multiple main stems the diameter shall be the sum of the diameters of the stems. In the vent questions or disputes arise concerning the identification, size, drip line or other conditions involving

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protected trees the City may call upon and consult with the County Forester, landscape architect or other qualified professional in order to reach a decision.

3. Removal of Protected Trees

It is the intent of this subsection to minimize the number of protected trees subject to damage or removal, and that no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate proposed development so that the number of trees to be removed has been minimized.

No authorization for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:

- a. An allowable use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
- b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
- c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
- f. Any law or regulation requires the removal.

4. Replacement of Removed Trees

- a. Trees removed pursuant to paragraph 3. shall be replaced at the expense of the developer.
- b. For each inch of diameter removed, an inch of diameter shall be replaced.
- c. A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to paragraph d. below

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- d. Replacement trees shall, if practicable, be planted on the development site. If not practicable replacement trees may be donated, or a fee in lieu may be paid, to the City for purposes of planting trees on public property. The fee in lieu shall be based on the cost of purchasing the requisite size and number of replacement trees.
  
- e. Trees replaced pursuant to this subsection, which would be planted under or within a space of fifteen (15) feet of either side of overhead or underground utilities shall be selected from the approved small tree replant list (trees with height at maturity of eighteen feet or less) and shall have a minimum overall height of six (6) to eight (8) feet at the time of planting. Trees which can be planted in areas fifteen (15) feet or more from either side of overhead or underground utilities shall be selected from the approved list of canopy trees below and shall have a minimum overall height of ten (10) to twelve (12) feet at time of planting. The Bay County Cooperative Extension Service should be consulted in selecting appropriate tree species and planting procedures. Existing trees and native tree species that need less water and maintenance are preferred.

Small Tree Replant List

Glossy Privet	(Ligustrum Lucidum)
Loquat	(Eriobotrya Japonica)
Red Buckeye	(Aesculus Pavia)
Hawthorns	(Crateagus Spp.)
Silverbell	(Halesia Coroliniana)
Yaupon Holly	(Ilex Vomitoria)
Ashe Magnolia	(Magnolia Ashei)
Crab Apple	(Malus Angustifolia)
Wax Myrtle	(Myrica Cerifera)
Flatwoods Plum	(Prunus Umbellata)
Hoptree	(Ptelea Trifoliata)
Myrtle Oak	(Quercus Myrtifolia)
Virginia Stewartia	(Stewartia Malacodendron)
Rusty Blackhaw	(Viburnum Rufidulum)

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5. Tree Protection During Development Activities

To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

- a. Mechanical injuries to roots, trunk, and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving.

At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the County Forester and shall not be construed as limiting the authority of the City Commission to impose additional reasonable requirements as may be necessary to preserve the health of protected trees in particular circumstances.

The tree protection zone is a circular zone around each protected tree which includes:

- a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree;
- b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree;
- c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

6. Avoiding Mechanical Injuries

- a. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone.

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- b. No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.
- c. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
- d. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
- e. In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of twenty five (25) feet apart and tying ribbon, plastic tape, rope, etc. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
- f. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

7. Avoiding Injuries Due to Chemical Poisoning

- a. No fuel, paint, solvent, oil, thinner, asphalt cement grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
- b. No equipment shall be cleaned within a required protective barrier or perimeter line.

8. Avoiding Injuries Due to Grade Changes

Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

- a. When raising the grade, the following measures shall be taken:
  - Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.

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- The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
  - Porous, four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designated to provide adequate drainage of the existing configuration of the trees.
  - The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.
  - Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
  - Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60) inch diameter wall. For slow-growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the wall at every point.
  - To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
  - Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for sides of the well.
  - Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
  - Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
  - Large stones shall be placed over the remainder of the ground within the drip line.
  - A layer of gravel shall be placed over the stones.
  - The fill shall be completed with a layer of porous soil.
9. When Lowering the Grade, the Following measures shall be taken:

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- Roots shall be cut cleanly and re-trimmed after excavation.
- The canopy shall be pruned to aid in maintaining tree vigor.
- When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
  - a. Terracing- The area within the tree protection zone is left at the original grade by terracing.
  - b. Retaining Wall- The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
  - c. Terracing and Retaining Wall- The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.

10. Minor Changes in Grade

When the change in grade is minor, lesser protective measures than those described above may be taken. The County Forester shall be consulted before use of these methods where their use will not endanger the health of the protected tree.

11. Avoiding Injuries Due to Excavations

- a. Water, sewer and other utility lines should be routed around the tree protection zones of protected trees whenever possible.
- b. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.

Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

12. Exemptions

The following activities or operations shall be exempt from the requirements of this subsection.

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- a. Removal or trimming of trees by owners of single-family dwellings undertaken on the single lot or parcel upon which the dwelling is located.

13. Emergency Conditions

The City Council or its designated representative may waive all or part of these requirements in the event of natural disaster such as hurricanes, tornados, floods, or hard freezes. In such cases, the period of waiver shall not exceed ten (10) days, unless extended by the City Council.

14. Commercial Tree Growers

Licensed plant and tree nurseries shall be exempt from the terms and provisions of this subsection when trees planted or growing on the premises of said licensee are so planted and growing for the sale to the general public in the ordinary course of business.

15. Utility Operations

Tree pruning and removals by duly constitutes communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National Arborist Association Standards.

16. Rights of Way

The clearing of a path for existing or new roadway rights of way,

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provided that the rights of way are for existing roadways that are built in conformance with City standards or for new roadways that will be built in conformance with City standards. The width of the path shall not exceed the right of way width standards for each type of roadway established in this Code.

**Sec. 3-8. UTILITIES REGULATIONS**

This section is intended to provide basic standards for availability of utilities services as follows.

**3-8.1 Applicability**

1. Electricity and Telephone

All residential developments shall have available a source of electricity and telephone adequate to accommodate the basic needs of each dwelling within such development.

2. Water Service

All persons owning or occupying dwellings, businesses or other buildings located in the City which are accessible to the City water mains or lines when established and placed in operation, shall connect thereto unless their present water supply meets state specifications for purity.

Developers shall provide water distribution lines constructed to the City standards as part of any new development.

3. Sewer Services

It shall be unlawful to use any sewer facility or part thereof, including but not limited to, sewer package plants, sewage treatment facilities, sewer collection lines or sewer disposal lines located in the City, to service any area not within the territorial limits of the City.

When a sewer is not available, a septic tank must be used. Such septic tank shall be approved by the state board of health. Such septic tank and drain lines must be inspected by the state board of health before being covered up. All house connections with this tank must be installed by a licensed plumber; provided, however, any person may do his own work on his own property.

Developers shall provide sewage collection lines constructed to City standards as part of any new development.

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4. Fire Hydrants

All habitable development served by the City water system shall include a system of fire hydrants which meets or exceeds the standards set forth in Recommended Standards for Water Works, 1982 Edition.

**Sec. 3-9. CONCURRENCY MANAGEMENT**

**3-9.1 Generally**

It is the intent of the City Commission that public facilities and services need to support development shall be available concurrent with the impacts of such development. The purpose of this article is to provide guidelines and procedures necessary to fulfill this intent and to meet the concurrency requirements of state law.

Level of service standards shall be established and maintained for ensuring that adequate facility capacity will be provided for future development and for purposes of issuing development permits, pursuant to Section 163.3202(2)(g), Florida Statutes. The City shall establish and maintain a level of service standard for each public facility located within the area for which the City has authority to issue development permits. Such level of service standards shall be set for each individual facility or facility type and not on a system-wide basis.

**3-9.2 Applicability**

Development permits shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development permits shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the City to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phases facilities and services to be provided by the City shall be included in and consistent with the Capital Improvements Element of the

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Comprehensive Plan. Public facilities and services to be provided by the developer shall be guaranteed in an enforceable development agreement. Including development agreements pursuant to subsection 2-5.6 of this Code.

**3-9.3 Minimum Requirements for Concurrency**

For the purpose of determining if concurrency requirements are being met the City shall use the minimum requirements set forth in Section X of the comprehensive Plan, as a general guideline.

**3-9.4 Level of Service Standards**

1. Public Facilities and Services

Public facilities and services are those associated with:

1) transportation systems or facilities; 2) sewer systems or facilities; 3) solid waste systems of facilities; 4) drainage systems or facilities; 5) potable water systems or facilities; and, 6) parks and recreation systems or facilities.

2. Levels of Service

The following level of service standards shall be used to evaluate available facility capacity and as a basis for issuance of development permits.

- a. Transportation Systems or Facilities- Levels of service for transportation systems or facilities shall be based upon the functional classifications of roadways, and volume/capacity standards used by the Florida Department of Transportation.

Functional Classification

Peak Hour Level of Service

URBAN

Principal Arterial	D
Minor Arterial	E
Collector	E
Local Street	E

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- b. Sewer Systems or Facilities- The City shall use 65 gallons per person per day, or equivalent, to evaluate potential impacts of proposed residential development, and the estimated sewage flows specified in Section 10D-6.048, Table II, Florida Administrative Code to evaluate potential impacts of non-residential development. The City shall use 747,950 gallons per day, or the gallons per day allocation sewage treatment by and between the City and Bay County, as a basis for issuing development permits.
- c. Solid Waste Systems or Facilities- The City shall use four and one-half (4.5) pounds of solid waste per person per day to evaluate potential impacts of proposed development and as a basis for issuing development permits.
- d. Drainage Systems or Facilities- Design and construction of drainage facilities and structures shall be based upon water quantity and water quality standards for the 25-year, 24-hour storm event as follows: Water Quality- Post-development runoff from the site shall not exceed peak pre-development runoff rates; 2) Water Quality- Stormwater treatment shall be provided for a volume equivalent to one-half (½) inch of depth over the entire site, or the runoff from the first one (1) inch of rainfall on the entire site in accordance with Chapter 17-25, FAC in order to meet receiving water quality standards in Chapter 17-302, section 17-302.500, FAC. These standards shall apply to all new development and redevelopment, regardless of size.
- e. Potable Water Systems or Facilities- The City shall use 95 gallons per person per day delivered at a pressure of fifty (50) pounds per square inch to evaluate potential impacts of proposed development and for issuing development permits.
- f. Parks and Recreation Systems or Facilities- The City shall use the following standards for evaluating potential impacts from proposed development and for issuing development permits.
  - i. Recreation Site Standards  
  
Neighborhood Park/Playground:  
1/4 acre per 1000 population with ½ mile service radius.  
  
Community Park:  
1.5 acres per 1000 population with 1 mile service radius.
  - ii. Recreation Facilities standards

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<u>Facility</u>	<u>Unit Per Population</u>
Basketball	1/5,000
Tennis Courts	1/5,000
Ballfields	1/5,000
Picnic Areas	1/4,000
Equipped Playground	1/3,000
Bicycle Paths	1 mile/5,000
Community Centers	1/10,000

**3-9.5 Levels of Service to be Maintained**

1. All applications for development approval shall demonstrate that the proposed development does not degrade adopted level of service standards.
  
2. Development permits may be issued for proposed development which exceeds adopted levels of service only when the terms and conditions of such exceedances are consistent with Section X of the Comprehensive Plan and are set forth in an enforceable, executed development agreement.
  
3. Notwithstanding the foregoing, levels of service may be temporarily degraded during actual construction of new facilities, if upon completion of construction the prescribed levels of service will be met.
  
4. The City Commission may temporarily waive the foregoing requirements as they relate to levels of service for parks and recreation systems or facilities of the sites and facilities needed to maintain levels of service are included in the capital improvements element of the Comprehensive Plan.

**3-9.6 Revisions or Adjustments**

The levels of service in the Comprehensive Plan and in subsection 3-9.4 may be revised or adjusted to accommodate changing conditions and circumstances. Revisions or adjustments to levels or service shall be based upon accurate and reliable data or information, and shall be considered a plan amendment subject to the provisions of subsection 2-6.5 of this Code.

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**3-9.7 Adequate Capacity of Facilities**

For purposes of issuing development permits, the available capacity of public facilities and services shall be determined as prescribed in this section.

1. Presumption of Adequate Capacity

Adequate capacity shall be presumed to be available for the approval of development permits until such time as conditions and circumstances indicate otherwise. Determination of such conditions and circumstances shall be triggered by certain thresholds which demonstrate that public facilities and services are nearing available capacity. Development permits shall not be denied on the basis of concurrence until such time as capacity thresholds are reached and maintained. Presumption of adequate capacity as a basis of meeting concurrency requirements shall not relieve the responsibility of the developer from compliance with other provisions of this Code, or the responsibility of the City for maintaining records which indicate the cumulative impacts of development permits.

2. Capacity Thresholds

The City shall establish, and revise as necessary, capacity threshold standards to be used for presumptions of adequate capacity. Thresholds shall be indicated for transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, and parks and recreation systems or facilities. The list of capacity threshold standards shall be as specified in paragraph 3 of this section.

3. Capacity Threshold Standards

Adequate capacity shall be presumed to be available until such time as the following standards are met or exceeded.

a. Roadways

Annual "Average Daily Traffic" (ADT) counts published by the Florida Department of Transportation reach ninety percent (90%) of the maximum level of service volume as established in the City of Springfield, Evaluation and Appraisal Report, April 1990.

b. Sewer

Monthly sewer flows, based on a six (6) month average, reach ninety percent (90%) of treatment capacity allocated to the City

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pursuant to the “Four Cities Interlocal Agreement” by and between the City and Bay County.

c. Solid Waste

Average daily tons of solid waste collected in the City reach seven percent (7%) of the disposed capacity of Bay County solid waste disposal facilities.

d. Drainage

Proposed development is in compliance with Section 3-6 of this Code.

e. Potable Water

Average daily consumption (million gallons per day) of potable water in the City reaches five percent (5%) of available capacity from Bay County, or delivery pressure (pounds per square inch, psi) falls below thirty (30) psi on a city-wide basis.

f. Recreation

Population demand for recreation sites and facilities, based on annual population estimated, reaches 95% of availability for such sites and facilities.

g. Population

All capacity thresholds will be immediately reevaluated in the event population growth exceeds ten percent (10%) during any one year. Population growth shall be based upon annual estimates of population published by the Bureau of Economics and Business Research (BEBR), University of Florida.

4. Termination of Presumption of Adequate Capacity

Presumption of adequate capacity for purposes of issuing development permits shall be terminated when it has been determined by the City that the capacity thresholds have been met or exceeded. At that time, the City Clerk shall issue a statement to the City Commission which indicates that all applications for development approval will be subject to the concurrency requirements of this Article and the Comprehensive Plan.

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**3-9.8 Concurrency Management System**

Notwithstanding the provisions of subsection 3-9.7, the City shall evaluate impacts upon public facilities and services caused by proposed development for each application from development approval. Impacts caused by proposed development for which adequate capacity is presumed shall be recorded by the City and added to a cumulative total of allotted capacity for purposes of determining when capacity thresholds have been met.

The system for determination of potential impacts on public facilities caused by proposed development for purposes of recording a cumulative requirements when capacity thresholds have been met, shall be as follows.

1. Determination of Availability Capacity

Available capacity shall be determined for public facilities and services as follows:

a. Roadways

- i. The City Clerk shall obtain the latest available “Average Daily Traffic” (ADT) counts from the Florida Department of Transportation each year, or as revised ADT counts become available.
- ii. Each year, ADT counts will be used to: 1) determine if capacity thresholds have been reached or exceeded; and, 2) establish the basis from which traffic caused by proposed development can be expected to impact upon level of service standards.
- iii. Using the annual ADT counts as a basis, potential traffic to be generated by a proposed development shall be estimated through use of criteria specified in Trip Generation, 4<sup>th</sup> Edition, Institute of Transportation Engineers, 1987. Estimates of trips to be generated shall be added to the annual ADT basis to determine if capacity thresholds or levels of service standards will be met or exceeded. The City Clerk shall maintain a cumulative total of estimated trips added to the ADT count basis until such time as revised ADT counts become available from the Florida Department of Transportation.

2. Sewer

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- i. The City shall maintain an estimate of average daily sewage flow which shall be updated each month. Sewage flow estimates will be derived from an average of monthly sewage flows for six (6) month period immediately preceding the month for which the estimate is being made. The “Four Cities- Bay County Monthly Sewage Flow Report” shall be used to estimate monthly sewage flows.
- ii. Estimated average daily flows derived from the average monthly sewage flows shall be used as the basis to determine if capacity thresholds or level of service standards will be met or exceeded. Average daily sewage flow will be estimated for all proposed development using the level of service specified in subsection 3-9.4. Additional sewage flow caused by proposed development shall be added to the estimated monthly sewage flow to determine if adequate capacity is available.
- iii. The City Clerk shall maintain a cumulative total of permitted sewage flows and shall reduce the City’s allocated capacity accordingly on a monthly basis.

3. Solid Waste

- i. On an annual basis, the City shall identify available solid waste disposal capability which can be provided by Bay County. This volume shall provide the basis to determine if capacity thresholds or level of service standards will be met or exceeded.
- ii. The City shall apply the level of service standard found in subsection 3-9.4 to estimate volumes of solid waste generated by proposed developments.

4. Drainage

- i. The City shall require all developers submitting an application for development approval to provide as part of the overall development site plan a drainage and grading plan. At a minimum, such drainage and grading plan shall include: 1) finished topographic contours; 2) impervious surfaces; 3) existing drainage structures; and, 4) proposed

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drainage structures; and, 5) proposed stormwater treatment facilities.

- ii. Design standards for drainage shall be as specified in Section 3-6. No development permit shall be issued by the City until the developer has obtained a stormwater permit pursuant to Chapter 17-25, Florida Administrative Code, if applicable, and the developer has a drainage and grading plan approved by the City.
- iii. Drainage facilities for the proposed development of a single-family detached or duplex dwelling unit on an individual lot or parcel shall be presumed adequate when: 1) proposed development is part of a larger common plan of development which has been previously approved by the City; or, 2) site modifications are in conformance with Section 3-6 of this Code.
- iv. All development shall be undertaken in strict conformance with the erosion control measures specified in subsection 3-7.6 of this Code.

5. Potable Water

- i. On an annual basis, the City shall identify the amount of potable water and delivery rate (pounds per square inch) which can be supplied by Bay County. This amount shall provide the basis to determine whether capacity thresholds or levels of service standards will be met or exceeded.
- ii. The City shall apply the level of service standard found in subsection 3-9.4 to estimate potable water consumption for all proposed development.

6. Recreation

- i. On an annual basis, the City shall identify public and private recreation sites and facilities available for use by the general public. These sites and facilities shall provide the basis to determine whether capacity thresholds or levels of service standards have been met or exceeded.

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- ii The City shall apply the level of service standards found in subsection 3-9.4 to estimate demand for recreation sites and facilities caused by proposed development.

7. Action upon Failure to Show Available Capacity

- a. The project owner or developer may provide the necessary improvements to maintain level of service standards. In such case the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and an enforceable development agreement guaranteeing the construction, consistent with calculations of capacity above.
- b. The proposed project may be altered such that project level of service is no less than the adopted level of service.

8. Burden of Showing Compliance on Developer

The burden of showing compliance with level of service requirements shall be upon the developer. All applications for development approval shall provide sufficient information showing compliance with these standards.

9. Initial Determination of Concurrency

The initial determination of concurrency occurs during the review of the application for development approval, and shall include compliance with the level of service standards adopted by the City.

### **3-9.9 Annual Concurrency Report**

#### Contents

The City shall prepare an Annual Concurrency Report that includes:

- 1. A summary of building permit activity, including:
  - a. those that expired without commencing construction;
  - b. those that are active at the time of the report;

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- c. the quantity of development represented by the outstanding building permits;
  - d. those that result from final development permits issued prior to the adoption of this Code; and
  - e. those that result from final development permits issued pursuant to the requirements of this Code.
2. An evaluation of each facility and service indicating:
- a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
  - b. the portion of the available capacity held for valid preliminary and final development orders;
  - c. a comparison of actual capacity and levels of service to adopted levels of service from the Comprehensive Plan.
  - d. a comparison of actual capacity and levels of service to adopted levels of service from the comprehensive Plan.
  - e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

Use of the Annual Concurrency Report

The Annual Concurrency Reports shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

**3-9.10 Guarantee of Adequate Capacity**

Upon determination of adequate capacity as described in this Article the City shall guarantee to the developer availability of capacity in the types, amounts, or volume specified in the final development permit or development agreement. Such guarantees of available capacity shall be valid for a period of six (6) months from the date the final development permit is issued.

Any guarantee of adequate capacity by the City shall become null and void in the event circumstances beyond the control of the City causes adequate capacity to become unavailable. Such circumstances shall include, but not be limited to: acts of other

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governmental agencies; war; acts of God; or, changes in statutes, rulers or other related legislative actions.

**Sec. 3-10. TRAFFIC CIRCULATION AND PARKING**

**3-10.1 Generally**

This section establishes minimum requirements applicable to transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

**3-10.2 Technical Construction Standards**

Design and construction of all highways, roads, or streets including pavement width, right-of-way, sight clearance and all other associated design considerations shall be as specified in the most recently published edition of the Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, Florida Department of Transportation, unless otherwise specified in this Code.

**3-10.3 Functional Classifications of Roadways**

Roadways within the City have been identified in the Comprehensive Plan as to functional classification established by the Florida Department of Transportation. Functional classifications of roadways within the City are as follows:

1. Arterial Roadways (State Highway System)
  - US 98 (Tyndall Pkwy./ 15<sup>th</sup> Street
  - State Road 22
  - Business US 98
  - Transmitter Road
2. Collector Roadways (City Street System)
  - Bob Little Road

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- 7<sup>th</sup> Street
  - Cherry Street
  - School Avenue
  - 5<sup>th</sup> Street
3. Local Streets (City Street System)

All other roads and streets

The preceding functional classifications shall be used in reference to standards as applied in this section.

**3-10.4 General Design Standards**

1. All streets in a new development shall be designed and constructed pursuant to the standards in the Technical Construction Standards Manual in subsection 3-10.2. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards in the Technical Construction Standards Manual in subsection 3-10.2.
5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
7. Residential streets shall be arranged to discourage through traffic.

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8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
10. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

**3-10.5 Rights-of-Way**

1. Right-of-Way Width

Right-of-way requirements for road construction shall be as set forth the Technical Construction Standards Manual specified in subsection 3-10.2

2. Protection and Use

- a. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the City.
- b. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in the Technical Construction Standards Manual in subsection 3-10.2, or equivalent, and other applicable laws or regulations.
- c. Sidewalks and bicycle ways shall be placed within the right-of-way.

3. Vacations of Rights-of-Ways

Applications to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

- a. The requested vacation is consistent with the Traffic Circulation Element of the City Comprehensive Plan.
- b. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.

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- c. The vacation would not jeopardize the current or future location of any utility.
- d. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the City.
- e. The proposed vacation does not provide a public access-way to the water.

**3-10.6 Access Control**

- 1. Principal Arterials (State Highway System)

All driveways, access points, entrances or exits or other vehicular connections to the State Highway System must be authorized by the Florida Department of Transportation. Vehicular connection permits must be obtained by developers pursuant to Chapter 14-96, Florida Administrative Code, such permits are required for vehicular connections onto US 98 (Tyndall Pkwy. / 15<sup>th</sup> Street) Business US 98, and State Road 22.

- 2. City Streets

Location and Spacing of Access Points

Location and Spacing of access points shall be as specified in the Technical Construction Standards Manual in subsection 3-10.2.

**3-10.7 Bicycle and Pedestrian Ways**

- 1. All new developments shall be required to install bicycle paths and/or sidewalks when the need for such facilities has been established as an integral part of the City's non-automotive traffic circulation system. Decisions by the City in applying the requirements for bicycle paths or sidewalks shall be based on the following criteria:
  - a. Application of this requirement is necessary to install or complete a portion of the bicycle path or sidewalk system;
  - b. Installation of bicycle path or sidewalks is not contrary to public safety;

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- c. The cost of providing bicycle paths or sidewalks in not excessively disproportionate to the need or probable area; and
  - d. Other available factors or means do not indicate an absence of need.
2. Technical Construction Standards

Required bicycle paths and sidewalks shall be designed and constructed in conformance with the standards set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as published by the Florida Department of Transportation.

**3-10.8 Off-Street Parking and Loading**

1. Off-street parking spaces shall be provided and established upon the erection or enlargement of any building or structure or upon an increase in the capacity of any building or structure for any purpose, including, but not limited to, dwelling units, guest rooms, floor area, seating capacity, employment or patronage.

No on-street public parking spaces may be used in calculating the number of parking spaces required of any business. Where any business has a designated employment, seating or patronage capacity or twenty-five (25) persons or more, twenty-five (25) percent of the minimum parking requirements may be satisfied by available off-street parking facilities provided the availability thereof is on the same side of the block and not separated by a major street or thoroughfare and is located within five hundred (500) feet of the business, provided the parking facility and its access is not interrupted by any fence, walls, or other structure which would separate the business from the off-street parking area. The measurement from the business to the parking area shall be measured from the entrance of the business to the entrance of the parking facility along the commonly traveled and approved pedestrian walkway or route between the business and the parking facility.

Off –Street parking requirements shall be as follows:

<u>Use</u>	<u>Spaces Required</u>
<b>DWELLINGS</b>	
Single-family, duplex, cluster or town house dwelling units	2 per unit

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Apartment or condominium	1.5 per unit (plus 1 per each 10 units)
Hotels, motels and mobile home parks	1 per unit (plus 2 per office)
Boarding homes	1 per bedroom
Dormitories	1 per each 3 beds
<b>PUBLIC ASSEMBLY</b>	
Church, temple or other place of worship	1 per 4 seats in main assembly room
Fraternal organization or private club	1 per 300 sq. ft. gross floor area, plus 1.5 per bedroom
Auditorium, theater, gymnasiums or convention hall	1 per 4 seating spaces
Libraries and museums	1 per 500 sq. ft. gross area
Private schools kindergartens and day care centers	1 per 4 seats in assembly hall plus 1 per classroom
Amusement place, dance hall, Swimming pool or exhibition hall	1 per 4 seating spaces or 1 per each 100 sq. ft. of floor or grounds used for amusement or assembly
Bowling alley	5 per alley
<b>HEALTH FACILITIES</b>	
Hospitals	1.75 per bed
Sanitariums, convalescent homes or similar institutions	1 per 500 sq. ft. of gross floor area
Animal hospitals	1 per 400 sq. ft. of gross floor area
Medical, dental and health offices and clinics	1 per 300 sq. ft. of gross floor area

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Funeral parlors or mortuaries	1 per each 4 chapel seats
<b>BUSINESS</b>	
Food stores and drug stores	1 per 300 sq. ft. of gross floor area (over 4,000 sq. ft.: Use 1 per 100 sq. ft. gross floor area)
Commercial, retail business personal services	1 per 300 sq. ft. of gross floor area
Business and professional offices	1 per 300 sq. ft. of gross floor area
Banks or other financial institutions	1 per 300 sq. ft. of gross floor area
Printing, publishing or broadcasting	1 per 300 sq. ft. of gross floor area
Restaurant, lounge or establishment for consumption of beverages on premises	1 per 100 sq. ft. of floor area or 1 per 4 seats, whichever is greater
Drive-in restaurants	Subject to City Commission's approval
Shopping centers	1 per each 300 sq. ft. of gross floor area up to 15 acre center, and 1 per each 200 sq. ft. gross floor area for over 15 acre center
Convenience food stores	Subject to City Commission's Approval

2. Location of off-street parking.

The parking spaces shall be provided on the same lot as that of the structure it serves or within five hundred (500) feet of the principal entrance thereto, as measured along the most direct pedestrian walkway.

3. Joint use of off-street parking space.

No part of an off-street parking area required for any building or land use shall be used as a parking facility for another building or other land use, except where the parking demands of different uses occur at different times. The following requirements must be satisfied in order to comply with this exception:

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- a. A notarized statement from all property owners involved must be presented, indicating that the activities of each separate building or land use which creates a demand for parking shall occur at different times.
- b. Such statement must include an agreement between the parties for maintenance.
- c. Such agreement shall continue for so long as there is not a conflict of traffic between the different land uses which would result in violation of the minimum standards of this article.

Nothing in this division shall be constructed to prevent the joint use of off-street parking space by two (2) or more buildings or land uses if the total requirements for the various individual land uses or buildings computed separately.

4. Off-street parking lot requirements.

All parking areas shall be surfaced with a hard, dustless material approved by the Development Review Board; properly drained; designed for pedestrian safety and shall provide direct access to a public street or alley. Each off-street parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. Vehicular off-street turning and maneuvering space shall be provided for each lot containing five (5) or more spaces so that no vehicle will be required to back into or from any public street or alley.

5. Off-street loading and unloading requirements.

There shall be provided on the same lot as that of the principal structures (other than a one- or two-family dwelling) adequate space for vehicular off-street loading, unloading, and the maneuvering of commercial vehicles. Vehicular off-street maneuvering spaces shall be provided so that no vehicular backing onto or from a public street is required. All vehicular loading and maneuvering areas shall be surfaced with a hard, dustless material, and shall have direct access to a public street or alley. A minimum of one such loading space shall be provided for all nonresidential buildings where six (6) or more parking spaces are required, plus one additional space for each ten thousand (10,000) square feet (or fraction thereof).

## **ARTICLE IV SIGN REGULATIONS**

### **Sec. 4-1. PURPOSE**

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The purpose of this Article shall be to coordinate the type, placement, and physical dimensions of signs within the City; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Article.

**Sec. 4-2. SCOPE**

This Article shall not relate to building design. Nor shall this Article regulate official traffic control or governmental signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

**Sec. 4-3. DEFINITIONS**

For the purpose of this Chapter, the following definitions shall apply.

Abandoned Sign- A sign which no longer identifies or advertises a bona fide business; lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Animated Sign- Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare “Flashing Sign”).

Awning- A shelter projecting from and supporting by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare “Marquee”).

Awning Sign- A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign- A sign made of fabric or any nonrigid material with no enclosing framework.

Billboard- (see “Off-Premise Sign”)

Changeable Copy Sign (Automatic)- A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

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Changeable Copy Sign (Manual)- A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

Clearance (of a Sign)- The smallest vertical distance between the grade of the adjacent street and the lowest point of any sign, including framework, embellishments, poles and supports, extending over that grade.

Construction Sign- A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy- The wording on a sign surface in either permanent or removable letter form.

Directional / Information Sign- An on-premise sign giving directions, instructions, or facility information and which may not contain the name or logo of an establishment or any advertising copy, e.g., parking or exit and entrance signs.

Double-Faced Sign- A sign with two faces.

Electrical Sign- A sign structure in which electrical wiring, connections, or fixtures are used.

Electric Message Center- (see “Changeable Copy Sign, Automatic”)

Facade- The entire building front including the parapet.

Face of Sign- The area of the sign in which the copy is placed.

Festoons- A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Portable or on Premise Sign- A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation light. Does not include changeable copy signs.

Freestanding Sign- A sign supported upon the ground by poles or braces and not attached to any building.

Frontage- The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building- The length of an outside building wall facing a public right-of way.

Governmental Sign- Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

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Height (of a Sign)- The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

Identification Sign- A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign- A sign which does not meet the requirements of this Article and which has not received legal nonconforming status.

Illuminated Sign- A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign- A small, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating house of business.

Lot- A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Maintenance- For the purpose of this Article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard- A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee- A permanent roof-like structure or canopy of rigid materials supported by and extended from the facade of a building (compare "Awning").

Marquee Sign- Any sign attached to or supported by a marquee structure.

Nameplate- A nonelectric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign- (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the sign code requirements provided herein but for which a variance has been issued.

Occupancy- The portion of a building or premise owned, leased, rented, or otherwise occupied for a given use.

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On-Premise Sign- A sign which pertains to the use of the premises on which it is located.

Off- Premise Sign- A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards: or “outdoor advertising”.

Owner- A person recorded as such on official records. For the purposes of this Article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the City Clerk, e.g., a sign leased from a sign company.

Painted Wall Sign- Any sign which is applied with paint or similar substance on the face of a wall.

Parapet- The extension of a false front or wall above a roofline.

Person- For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or similarly defined interest.

Point of Purchase Display- Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

Political Sign- For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Premises- A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign- A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign- A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline- The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign- Any sign erected over or on the roof of a building (compare “Mansard,” “Wall Signs”).

Rotating Sign- A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sign- Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or service.

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Sign, Area of- (1) Projecting and Freestanding: The area of a freestanding or projecting sign shall have only one face (the largest one) of any double- or Multi-sided sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

- a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

(2) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign- A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign- A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign- A sign not constructed or intended for long-term use.

Under-Canopy Sign- A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use- The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Wall Sign- A sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

#### **Sec. 4-4 APPLICABILITY**

No person shall erect, place or maintain a sign within the City except in accordance with the provisions of this Article.

#### **Sec. 4-5. PROHIBITED SIGNS**

The following signs are prohibited in all areas of the City:

1. Abandoned signs;
2. Any non-governmental sign located within a dedicated City street right-of-way;

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3. Flashing, fluttering undulating, swinging, rotating, or otherwise moving or animated signs; except for time and/or temperature signs.

**Sec. 4-6. PERMITS REQUIRED**

No person shall erect, place or construct any sign without first obtaining a permit from the City except as specified in Section 4-7. No permit is required for the maintenance of a sign or for a change of a copy on painted, printed or changeable copy signs.

**Sec. 4-7. SIGNS NOT REQUIRING PERMITS**

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Article.

- a. Construction signs of 24 square feet or less
- b. Directional /Informational signs of four (4) square feet or less located behind the applicable setbacks.
- c. Holiday or special events decorations
- d. Nameplates of two (2) square feet or less
- e. Political signs
- f. Public signs
- g. Real estate signs
- h. Window signs
- i. Incidental signs

**Sec. 4-8. MAINTENANCE**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The City Commission shall have the authority under subsection 4-18.5 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

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**Sec. 4-9. CHANGEABLE COPY**

Unless otherwise specified by this Article, any sign herein allowed may use manual or automatic changeable copy.

**Sec. 4-10. LIGHTING/ILLUMINATION**

Unless otherwise specified by this Article, all signs may be lighted or illuminated consistent with the following provisions.

1. Sign lighting shall not be installed or located so as to cause confusion with traffic control lights.
2. Illumination by spotlights or floodlights may be allowed provided that no light emitted shines onto an adjoining property or into the eyes of persons driving or walking upon any roadway or sidewalk.
3. Exposed incandescent lights shall not be used for lighting outdoor signs.
4. Revolving beacons and flashing lights are prohibited.

**Sec. 4-11. LICENSE**

No person may engage in the business or erecting, altering, relocating, constructing, or maintaining signs without a valid occupational license and all required state and federal license.

**Sec. 4-12. INEDMINFICATION AND INSURNANCE**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Article has not specifically directed the placement of a sign.

**Sec. 4-13. ALLOWABLE SIGNS-LAND USE DISTRICTS**

**4-13.1 The following signs are allowed in all districts.**

1. All signs not requiring permits.

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2. One (1) construction sign for each street frontage of construction project, not to exceed 32 square feet in sign area. Such signs may be erected 120 days prior to beginning of construction and shall be removed 30 days following completion of construction.
3. One (1) nonillumination real estate sign per not to exceed four (4) square feet in sign area. Such signs must be removed ten (10) days following sale, rental, or lease.
4. One (1) attached nameplate per occupancy, not to exceed four (4) square feet in sign area.
5. Political signs, not to exceed six (6) square feet in residential districts and thirty-two (32) square feet on non-residential districts. All political signs shall be removed within fourteen (14) days after the election or runoff.
6. Four (4) directional / information signs per business, not to exceed four (4) square feet in area or two and one-half (2-1/2) feet in height provided that no directional/information sign not located behind the applicable setback shall contain any name or logo, and provided that the location of any such directional /information signs is approved by the Development Review Board.
7. One (1) temporary special events-sign and decoration per premises as allowed by the City Council for special events, grand openings, or holidays. Such signs and decoration may be erected 30 days prior to a special event or holiday. For grand openings such signs may be used for no more than fourteen (14) days.
8. Temporary banners for civic events or events of general public good extending across the public right of way at locations specified by the Development Review Board. Such banners shall be up no more than fourteen (14) days.
9. "For Sale" signs advertising vehicles, boats or other similar items for sale by owner provided such sign does not exceed two (2) square feet of sign area.

**4-13.2 Permitted Signs in RLD Districts**

The following signs shall be permitted in RLD land use districts; all other signs are prohibited.

1. All signs permitted in subsection 6-13.1

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2. Two (2) subdivisions identifications signs per subdivision, or development, not to exceed thirty-two (32) square feet of sign area.
3. Signs describing a home occupation or home office of convenience provided signs are mounted flat against the wall of the building; there are no more than one (1) sign per residence; and, the sign does not exceed four (4) square feet of sign area.
4. Snipe signs for garage sales, yard sales or similar events provided that the sign is removed by the installer or owner of said sign no later than the 24-hour period following the sale or event.
5. For churches, synagogues or similar institutional uses one (1) freestanding sign not to exceed 24 square feet in sign area, and one wall sign not to exceed 24 square feet in sign area.
6. All allowed freestanding signs in RLD districts shall have a height limit of eight (8) feet and shall have a setback of ten (10) feet from any public right-of-way, provided, however, that the setback requirement shall not apply to subdivision identification signs so long as they do not create a sight obstruction.

**4-13.3 Permitted Signs in MU Districts**

The following signs shall be permitted in MU districts; all other signs are prohibited.

1. All signs permitted in subsection 4-13.2.
2. Two identification signs per apartment, townhouse, condominium or other multi-family residential development, not to exceed 24 square feet of sign area.
3. For commercial development allowed in MU districts, one (1) freestanding sign per premises not to exceed 24 square feet of sign area and one (1) wall sign not to exceed 24 square feet of sign area.
4. All allowed freestanding signs in MU districts shall have a height limit of ten (10) feet and shall have a setback of ten (10) feet from any public right-of-way.

**4-13.4 Permitted Signs in GC and IND Districts**

The following signs shall be permitted in GC districts, all others are prohibited.

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1. All signs permitted in subsection 4-13.3.
2. One (1) freestanding sign per premises and street front is allowed. This sign may not exceed one (1) square foot in sign area for each linear foot of main street frontage. If the property is a shopping center only one (1) freestanding sign is allowed per street front. Where the premises is located on a corner or has more than one (1) public street frontage, one (1) additional freestanding sign will be allowed on the additional frontage, not to exceed the size of other allowed freestanding signs. If linear footage exceeds 300' a second pylon is allowed as long as total square footage of all signage does not exceed one (1) square foot per linear foot.
3. All freestanding signs shall be located at least ten (10) feet behind the public right-of-way line, unless the grade clearance of the sign is a minimum of ten (10) feet in which case the leading edge of the sign may extend to the right-of-way line. In no case may a sign extend over the right-of-way line. In the case of electrified signs, the bottom of the sign and the outlining lighting enclosure shall not be less than sixteen (16) feet above grade in areas accessible by vehicles.
4. No part of any sign shall be located within a twenty-five (25) foot radius of the intersection of the improved surface of any two streets or the improved surface of any street and railroad unless any part of the sign extending over or into this radius has at least ten (10) feet of clearance.
5. No part of any sign shall be located within a fifteen (15) foot radius of the intersection of any driveway and the improved surface of any street unless any part of the sign extending over or into this radius has at least ten (10) feet of clearance.
6. Wall signs shall not exceed an aggregate area of one (1) square foot in sign area for each linear foot of that occupancy's building frontage.
7. Awning signs are measured by copy area only.
8. One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area.
9. Incidental signs not to exceed four (4) square feet in aggregate sign area per occupancy.
10. The maximum permitted height for any on-premise sign in a non-residential district shall be fifty (50) feet above the grade of the adjacent street.

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11. Projecting signs shall conform to the requirements of the Standard Building Code and shall be permitted only where a public sidewalk abuts the side of the building on which the projecting sign is affixed.

**4-13.5 Permit in P/I Districts**

The following signs permitted in P/I districts, all others are prohibited.

1. All government signs
2. For all government institutional use, one (1) freestanding sign not to exceed 24 square feet of sign area, wall sign not to exceed 24 square feet of wall area.
3. All freestanding signs in P/I districts shall have a limit of ten (10) feet and shall have a setback of ten (10) feet from any public right-of-way.

**Sec. 4-14. Signs**

In addition to any regulation applying to signs in general, the following regulations shall apply to portable signs.

1. Portable signs shall comply with the same setback and sight distance requirements as all other signs.
2. No portable signs shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. No portable sign shall be animated.
3. Portable signs shall be used only for on premise advertising and shall not be used on billboards.
4. Sign Permits shall be required for portable signs. Permits for portable signs shall be for (6) months and may be renewed.
5. Portable signs shall be limited to one (1) per business.
6. Subject to the provisions of this chapter, portable signs may be permitted in MU and GC districts.
7. In addition to any other remedies provided for in this Article, the Building Official shall have the authority to remove and impound any portable sign

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which remains on any public right-of-way forty-eight (48) hours after delivery of notice to remove the sign from the public right-of-way.

**Sec. 4-15. Off-Premises Sign (Billboards)**

In addition to any regulations applying to signs in general the following regulations shall apply to off-premise sign (billboards).

**4-15.1 Location**

1. Off-premise signs may be located, installed or construction only in MU, GC and IND districts, and only along arterial and collector roadways.
2. No billboards shall be located closer than 1000 feet to any other billboard on the same side on any street, on the route of travel. The distance shall be measured along the nearest edge of the pavement at points directly opposite the center of the sign and located on the same side of the same street.
3. Billboards shall not be located one above the other side by side.
4. Unless otherwise provided for in this Article, billboards shall comply with the same height, setback and sight distance requirements as all other signs.
5. No billboard shall be located closer than 100 feet to any residential district or any property used for residential purposes, unless separated from it by a street or building.

**4-15.2 Development Standards**

1. The lowest portion of any billboard must be at least sixteen (16) feet above grade.
2. No billboard shall be illuminated by or contain flashing intermittent, rotating or moving light or lights used primarily to attract attention, excluding electric message centers or time and temperature.
3. All billboards shall be all-metal single pole construction except for the skirt which may be of other durable materials.

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4. The maximum permitted height for any off-premise sign shall be sixty-five feet above the adjacent street or the maximum height permitted in the district within which the sign is located.
5. Billboard porta-panels may be used for temporary uses only. No animation.

**Sec. 4-16. NONCONFORMING SIGNS**

Existing, permanent signs which do not conform to the provisions of this Article shall be legally conforming provided that:

1. The Building Official determines that such signs are properly maintained and do not in any way endanger the public.
2. Such signs are not located on any public right of way.

**4-16.1 Loss of Legally Nonconforming Status**

A legal nonconforming sign shall lose this designation if:

1. The sign is relocated or replaced.
2. The structure or size of the sign is altered in any way except towards compliance with this Article. This does not refer to normal maintenance.
3. The ownership of the sign and/or property changes on premises.
4. The sign becomes abandoned for a period of six (6) consecutive months.

**4-16.2 Maintenance and Repair of Nonconforming Signs**

The legal nonconforming sign is subject to all requirements of this Article regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent appraised damage or deterioration, it must be brought into conformance with this Code or removed.

**Sec. 4-17. Construction Standards**

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All permanent signs shall be constructed and erected in accordance with the requirements of the Standard Building Code and the National Electronic Code, and as specified in this Section.

**4-17.1 Anchoring**

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
3. All portable signs on display shall be braced or secured to prevent motion.

**4-17.2 Wind Loads**

All signs shall be designed and constructed to meet the wind loading requirements as set in the Standard Building Code. In addition, on all signs 30 feet or greater in overall height, the drawings and structural specifications submitted for permitting shall bear the seal of a Registered Engineer.

**4-17.3 Additional Construction Specifications**

1. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned.
4. All signs containing electrical components shall be constructed according to the specifications of the National Electric Code as well as the specifications of Underwriters Laboratories or other approved testing agency. All such shall have a clearly visible testing agency label permanently affixed.

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**Sec. 4-18 Administration and Enforcement**

**4-18.1 Administration**

The Building Official shall be authorized to process applications for permits and variances, schedule public hearings as required, and enforce and carry out all provisions of this Article, both in letter and in spirit.

The Building Official is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. The Building Official may be accompanied by the appropriate inspectors or other officials necessary to ensure compliance. Such inspections shall be carried out during business hours unless an emergency exists.

**4-18.2 Application for Permits**

Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Building Official upon a form provided by the City and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign structure as defined in this Article.
4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing on the same premises.
5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

**4-18.3 Issuance and Denial**

The Building Official shall make a recommendation to the City Commission concerning approval or denial of the permit within ten (10) days after the application for permit is received by the City. The City Commission shall act upon such recommendation at its next regularly scheduled meeting.

**4-18.4 Permit Conditions**

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A permit issued by the City Commission becomes null and void if work is not commenced within 90 days of issuance. If work authorized by the permit is suspended or abandoned for 90 days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to the receipt of a permit, the sign, including any embellishments, poles, and supporting structures, shall be removed. If any alteration, addition, or enlargement requiring a permit is made to a sign prior to the receipt of a permit, such alteration, addition, or enlargement shall be removed. No variance from these provisions shall be granted.

**4-18.5      Removal of Signs**

The Building Official, upon approval by the City Commission, may cause the removal of an illegal or unsafe sign in case of emergency, or for failure to comply with the orders of removal, relocation or repair, or upon determination that the sign has been abandoned for a period of ninety (90) days. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment on the costs as certified by the Building Official together with an additional fifteen percent for inspection and incidental costs. For the purposes of this section, removal of a sign shall include the removal of any embellishments, poles, and supporting structures.

If the amount specified in the notice is not paid within 30 days of the notice, it shall become as assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property with a ten percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the City, as in the case of a leased sign.