

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**FEBRUARY 23, 2017**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendations on:

**ORDINANCE 2017-36**

AN ORDINANCE AMENDING CHAPTER 656, (ZONING CODE), PART 1 (GENERAL PROVISIONS), SUBPART A (BASIC PROVISIONS), *ORDINANCE CODE*, TO RECOGNIZE AND REQUIRE CONSTRUCTION OF ZONING CODE CONSISTENT WITH CIVIL RIGHTS LAWS AND SUBPART B (ADMINISTRATION) TO CREATE A PROCEDURE FOR DISABLED PERSONS TO REQUEST REASONABLE ACCOMMODATIONS FROM PROVISIONS OF THE ZONING CODE; AMENDING CHAPTER 656 (ZONING CODE), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART F (PLANNED UNIT DEVELOPMENT), *ORDINANCE CODE*, TO PROHIBIT USE OF PLANNED UNIT DEVELOPMENTS TO DISCRIMINATE OR VIOLATE CIVIL RIGHTS; CHAPTER 656 (ZONING CODE), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART I (SPRINGFIELD ZONING OVERLAY AND HISTORIC DISTRICT REGULATIONS), *ORDINANCE CODE*, TO REMOVE PROHIBITIONS ON NEW COMMUNITY RESIDENTIAL HOMES, HOUSING FOR THE ELDERLY, NURSING HOMES, HOSPICE FACILITIES, AND GROUP CARE HOMES, ALLOW GROUP CARE HOMES BY EXCEPTION IN THE RMD-S DISTRICT, AND TO ALLOW RESIDENTIAL TREATMENT FACILITIES AND EMERGENCY SHELTERS BY EXCEPTION IN THE CCG-S DISTRICT; AMENDING CHAPTER 656 (ZONING CODE), PART 16 (DEFINITIONS), *ORDINANCE CODE*, TO AMEND DEFINITIONS OF COMMUNITY RESIDENTIAL HOME, DWELLING, MULTIPLE-DWELLING USE, DWELLING UNIT, GROUP CARE HOME, RESIDENTIAL TREATMENT FACILITY, AND ROOMING HOUSES, ADDING DEFINITIONS FOR SUPPORTIVE SERVICES AND REASONABLE ACCOMMODATION; PROVIDING AN EFFECTIVE DATE.

## **I. GENERAL INFORMATION**

In 2014, Ability Housing of Northeast Florida proposed to renovate an apartment building on Cottage Avenue near Main Street in the Springfield Historic District into 12 units of permanent supportive housing for the chronically homeless and the disabled. Citing the Springfield zoning overlay regulations, the Planning Director issued a written interpretation finding the proposed project to be a "Special Use". New Special Uses are prohibited in the historic district by the overlay regulations which were enacted in 2000. Ability Housing, Disability Rights Florida and the U.S. Department of Justice all sued the City alleging the Springfield Zoning Overlay violated the federal Fair Housing Act (FHA) and the Americans With Disabilities Act (ADA) by its prevention of the development of permanent supportive housing for person with disabilities. The three lawsuits were consolidated and the City and U.S. Department of Justice have reached a proposed settlement agreement to end the DOJ federal lawsuit.

The settlement has several parts. As it pertains to the City Zoning Code, language will be revised to provide, among other things, for such reasonable accommodation requests to be considered as a request for an administrative deviation, identify a permanent supportive housing use and define the term "supportive services", and to authorize group care homes and residential treatment facilities by exception in Springfield. The amendments are:

Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), to prohibit use of Planned Unit Developments (PUD) to discriminate or violate Civil Rights;

Part 3 (Schedule Of District Regulations), Subpart I (Springfield Zoning Overlay And Historic District Regulations), to remove prohibitions on new community residential homes, housing for the elderly, nursing homes, hospice facilities, and group care homes, allow group care homes by exception in the RMD-S District, and to allow residential treatment facilities and emergency shelters by exception in the CCG-S District; and

Part 16 (Definitions), to amend definitions of community residential home, dwelling, multiple-dwelling use, dwelling unit, group care home, residential treatment facility, and rooming houses, adding definitions for supportive services and reasonable accommodation.

## **II. EVALUATION**

### **A. The need and justification for the change**

The change is needed as part of a proposed settlement agreement between the City and the Plaintiffs to end the aforementioned federal lawsuits.

**B. Summary of Bill**

This bill amends Chapter 656 (Zoning Code), *Ordinance Code*, to amend the definition of administrative deviation; recognizes and requires construction of such code consistent with Civil Rights Laws; eliminates the prohibition on Special Uses which provide housing for persons with disabilities; and provides a process by which disabled persons may seek and the City may grant reasonable accommodations from the Zoning Code.

**C. Consistency with the Comprehensive Plan.**

Ordinance 2017-36 is consistent with the following Goals, Objectives, and Policies of the 2030 Comprehensive Plan:

Housing Element Objective 1.7: The City shall continue to assist the private sector and non-profit providers of housing and related services for individuals with special needs such as frail elderly, victims of domestic violence, and physically or mentally disabled, to assure provisions of adequate supply to meet population increase and/or fluctuations in the number of special needs individuals.

Housing Element Objective 1.10: Sites for group homes and foster care facilities shall be provided through with the assistance of State agencies, religious groups, non-profit, joint ventures for profit or any other group.

Housing Element Policy 1.10.2: The City's Planning and Development Department shall ensure group homes, foster care facilities, adult congregate living facilities, halfway houses, and similar special needs housing facilities are treated fairly in their distribution throughout the City.

Future Land Use Element Policy 3.1.6: The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

**III. RECOMMENDATIONS**

Based upon examination of the proposed ordinance with respect to the goals, objectives and policies of the 2030 Comprehensive Plan, and the intent of the Zoning Code, the Planning and Development Department finds that Ordinance 2017-36 is consistent with the Comprehensive Plan and furthers the spirit and intent of the Zoning Code. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2017-36 be **APPROVED**.

1 Introduced by the Council President at the request of the Office of  
2 General Counsel:

3  
4  
5 **ORDINANCE 2017-36**

6 AN ORDINANCE AMENDING CHAPTER 656, (ZONING  
7 CODE), PART 1 (GENERAL PROVISIONS), SUBPART A  
8 (BASIC PROVISIONS), ORDINANCE CODE, TO  
9 RECOGNIZE AND REQUIRE CONSTRUCTION OF ZONING  
10 CODE CONSISTENT WITH CIVIL RIGHTS LAWS AND  
11 SUBPART B (ADMINISTRATION) TO CREATE A  
12 PROCEDURE FOR DISABLED PERSONS TO REQUEST  
13 REASONABLE ACCOMMODATIONS FROM PROVISIONS OF  
14 THE ZONING CODE; AMENDING CHAPTER 656 (ZONING  
15 CODE), PART 3 (SCHEDULE OF DISTRICT  
16 REGULATIONS), SUBPART F (PLANNED UNIT  
17 DEVELOPMENT), ORDINANCE CODE, TO PROHIBIT USE  
18 OF PLANNED UNIT DEVELOPMENTS TO DISCRIMINATE  
19 OR VIOLATE CIVIL RIGHTS; CHAPTER 656 (ZONING  
20 CODE), PART 3 (SCHEDULE OF DISTRICT  
21 REGULATIONS), SUBPART I (SPRINGFIELD ZONING  
22 OVERLAY AND HISTORIC DISTRICT REGULATIONS),  
23 ORDINANCE CODE, TO REMOVE PROHIBITIONS ON NEW  
24 COMMUNITY RESIDENTIAL HOMES, HOUSING FOR THE  
25 ELDERLY, NURSING HOMES, HOSPICE FACILITIES,  
26 AND GROUP CARE HOMES, ALLOW GROUP CARE HOMES  
27 BY EXCEPTION IN THE RMD-S DISTRICT, AND TO  
28 ALLOW RESIDENTIAL TREATMENT FACILITIES AND  
29 EMERGENCY SHELTERS BY EXCEPTION IN THE CCG-S  
30 DISTRICT; AMENDING CHAPTER 656 (ZONING CODE),

1 PART 16 (DEFINITIONS), ORDINANCE CODE, TO  
2 AMEND DEFINITIONS OF COMMUNITY RESIDENTIAL  
3 HOME, DWELLING, MULTIPLE-DWELLING USE,  
4 DWELLING UNIT, GROUP CARE HOME, RESIDENTIAL  
5 TREATMENT FACILITY, AND ROOMING HOUSES, ADDING  
6 DEFINITIONS FOR SUPPORTIVE SERVICES AND  
7 REASONABLE ACCOMMODATION; PROVIDING AN  
8 EFFECTIVE DATE.

9  
10 BE IT ORDAINED by the Council of the City of Jacksonville:

11 Section 1. Amending Chapter 656, (Zoning Code), Part 1  
12 (General Provisions), Subpart A (Basic Provisions), Subpart B  
13 (Administration), Ordinance Code. Chapter 656, (Zoning Code), Part  
14 1 (General Provisions), Ordinance Code, is hereby amended to amend  
15 the definition of *administrative deviation*; to recognize and  
16 require construction of such code consistent with civil rights  
17 laws, and to provide a process by which the City may grant and  
18 disabled persons may seek reasonable accommodations from the Zoning  
19 Code, and shall read as follows:

20  
21 CHAPTER 656. ZONING CODE

22 PART 1. SUPPLEMENTARY REGULATIONS

23 SUBPART A. BASIC PROVISIONS

24 Sec. 656.101 - Definitions.

25 For purposes of Part 1, certain terms and words are defined as  
26 follows:

- 27 (a) *Administrative deviation* means a relaxation of the following  
28 Zoning Code requirements: minimum lot area, required yards,  
29 minimum number of required off-street parking spaces, minimum  
30 landscaping requirements, maximum lot coverage and maximum

1 height of structures, including fences, and a relaxation of any  
2 other Zoning Code requirement in order to provide persons with  
3 disabilities reasonable accommodations to the Zoning Code as  
4 may be necessary for a person with a disability to have an  
5 equal opportunity to use and enjoy a "dwelling" as defined in  
6 the Fair Housing Act or as otherwise required in order for the  
7 City's application of the Zoning Code to comply with the  
8 Americans with Disabilities Act, that the Zoning Administrator  
9 is authorized to grant pursuant to the procedures set forth in  
10 Section 656.109(e) through (jk). Requests to modify lot  
11 requirements so as to increase the permitted density of  
12 multiple-family dwellings are specifically prohibited.

13 \* \* \*

14 Sec. 656.107. - Conflicting provisions; protection of civil  
15 rights.

16 (a) It is not the intent of the provisions of the Zoning Code to  
17 interfere with or abrogate or annul any easement, covenant or  
18 other agreement between parties; provided, however, that when  
19 the regulations of the Zoning Code impose a greater restriction  
20 upon the use of buildings or land, or upon the height of  
21 buildings, or require larger open spaces than are imposed or  
22 required by other ordinances, rules, regulations or by  
23 easements, covenants or agreements, the provisions of this  
24 Chapter shall control.

25 (b) It is the intent of the City that all regulations of the Zoning  
26 Code be applied and interpreted so as to protect and be  
27 consistent with civil rights recognized by the U.S. and Florida  
28 Constitutions, ordinances and laws, including the Jacksonville  
29 Fair Housing Ordinance, the Rehabilitation Act of 1973, the  
30 U.S. Fair Housing Act, the U.S. Civil Rights Acts of 1964 and

1 1968, the Religious Land Use and Institutionalized Persons Act  
2 of 2000, and the Americans with Disabilities Act as such laws  
3 may be amended from time to time. Employees of the Planning  
4 and Development Department, including the Planning Director,  
5 employees of the Office of the General Counsel and the Planning  
6 Commission are directed to avoid any and all interpretations or  
7 applications of the Zoning Code which would unlawfully infringe  
8 upon the civil rights of any person.

9 \* \* \*

10 **SUBPART B. ADMINISTRATION**

11 **Sec. 656.109 - Administration and enforcement; interpretation**  
12 **of Zoning Code; administrative deviations.**

13 \* \* \*

14 (d) Except as specified herein, ~~The~~the Zoning Administrator is  
15 authorized to grant administrative deviations to reduce minimum  
16 lot area and required yards, minimum number of required off-  
17 street parking spaces, minimum landscaping requirements,  
18 maximum lot coverage, areas of situational compatibility buffer  
19 requirements, set forth in Section 656.399.19, required  
20 driveway aisle widths, to increase the allowable maximum height  
21 of structures, including fences, ~~and~~ to increase the maximum  
22 number of off-street parking spaces, and to provide persons  
23 with disabilities reasonable accommodations from the Zoning  
24 Code as may be necessary for a person with a disability to have  
25 an equal opportunity to use and enjoy a dwelling, or as  
26 otherwise required under applicable civil rights laws,  
27 including the Americans with Disabilities Act and the Fair  
28 Housing Act as such laws may be amended from time to time. For  
29 purposes of this Chapter, a "person with a disability" includes  
30 providers of housing to persons with disabilities and others

1 who have the right to be free from discrimination under  
2 applicable civil rights laws, including the Americans with  
3 Disabilities Act and the Fair Housing Act.

4 (e) Applications for an administrative deviation shall be in  
5 writing on the forms prescribed by the Department, and filed  
6 with the Department together with the required number of copies  
7 and all required attachments. Administrative deviation  
8 applications for reasonable accommodations may be made orally  
9 to the Planning and Development Department, which will assist  
10 the applicant with filling out the written application. Upon  
11 receipt of the administrative deviation application, the Zoning  
12 Administrator shall determine whether the application is  
13 complete within five working days. If it is determined that the  
14 application is not complete, written notice shall be provided  
15 to the applicant specifying the deficiencies. The Zoning  
16 Administrator shall take no further action on the application  
17 until the deficiencies are remedied. Written notice shall be  
18 provided acknowledging all administrative deviation  
19 applications for reasonable accommodations within 10 days. When  
20 the application is determined to be complete, all fees must be  
21 paid. No fees or costs, however, may be imposed for  
22 administrative deviation applications for reasonable  
23 accommodations.

24 (f) The Zoning Administrator shall schedule the application for a  
25 hearing within 30 days after the completed application has been  
26 filed. However, applicants seeking administrative deviations  
27 for reasonable accommodations may elect to receive a decision  
28 without a hearing being held by the Zoning Administrator. The  
29 Zoning Administrator shall inform the applicant of this option  
30 at the time of his or her application. For requests for



1 reasonable accommodations, The Zoning Administrator shall  
2 provide the applicant a written order including its decision  
3 within 30 days of the receipt of the request. Upon  
4 establishment of a hearing date, notice of hearing shall be  
5 given pursuant to the written notice and posting of sign  
6 requirements of Section 656.137(a) and (c). No published  
7 advertisement shall be required.

8 \* \* \*

9 (h) Except as detailed in subsection (k) below, in order to  
10 authorize an administrative deviation, the Zoning Administrator  
11 shall first determine whether the need for the proposed  
12 deviation arises out of the physical surroundings, shape,  
13 topographic condition or other physical or environmental  
14 conditions that are limited to the specific property involved.  
15 If so, the Zoning Administrator shall make the required  
16 findings based on the granting of the administrative deviation  
17 for that property alone. If, however, the condition is common  
18 to numerous sites, so that requests for similar deviations are  
19 likely to be received, the Zoning Administrator shall make the  
20 required findings based on the cumulative effect of granting  
21 the deviation to all who may apply. The Zoning Administrator  
22 shall not grant an administrative deviation unless he makes a  
23 positive finding, based on substantial competent evidence, on  
24 each of the following criteria:

25 (1) There are practical or economic difficulties in carrying  
26 out the strict letter of the regulation.

27 (2) The request is not based exclusively upon a desire to  
28 reduce the cost of developing the site, but would  
29 accomplish some result that is in the public interest,

1 such as, for example, furthering the preservation of  
2 natural resources by saving a tree or trees.

3 (3) The proposed deviation will not substantially diminish  
4 property values in, nor alter the essential character of,  
5 the area surrounding the site and will not substantially  
6 interfere with or injure the rights of others whose  
7 property would be affected by the deviation;

8 (4) The proposed deviation will not be detrimental to the  
9 public health, safety or welfare, result in additional  
10 public expense, the creation of nuisances, or conflict  
11 with any other applicable law;

12 (5) The proposed deviation has been recommended by a City  
13 landscape architect, if the deviation is to reduce  
14 required landscaping; and

15 (6) The effect of the proposed deviation is in harmony with  
16 the spirit and intent of the Zoning Code.

17 If the deviation is proposed to correct an existing violation,  
18 the Zoning Administrator shall also consider the following  
19 factors:

20 (i) Whether the violation was created by the applicant  
21 with intent to violate the provisions of this  
22 Zoning Code;

23 (ii) The length of time the violation has existed without  
24 receiving a citation; and

25 (iii) Whether the violation occurred as a result of  
26 construction which occurred prior to the  
27 acquisition of the property by the applicant.

28 (i) If the proposed deviation is for a parcel located in the  
29 Riverside/Avondale Zoning Overlay district, the Zoning  
30 Administrator must also make a positive finding that the

1 request has 1) received a certificate of appropriateness, if  
2 required by Chapter 307 (Historic Preservation and Protection),  
3 2) is necessary due to a requirement of Chapter 307 (Historic  
4 Preservation and Protection), if applicable, 3) required by  
5 federal or state law, if applicable, or 4) necessary to  
6 preserve and protect an exceptional specimen tree, protected  
7 tree or wetlands, if applicable. However, the Zoning  
8 Administrator may authorize an Administrative Deviation prior  
9 to the issuance of a Certificate of Appropriateness, even if a  
10 Certificate of Appropriateness is required, if, for good cause  
11 described in writing and filed in the Administrative Deviation  
12 application file and the Certificate of Appropriateness  
13 application file, it is determined by the Director that the  
14 Administrative Deviation application may be heard prior to the  
15 issuance of a Certificate of Appropriateness.

16 (±j) After the hearing, the Zoning Administrator shall prepare a  
17 written order approving or denying the application for an  
18 administrative deviation, which order shall include: a summary  
19 of the evidence presented, findings of fact, conclusions of  
20 law, a finding of compliance or a finding on all points of  
21 noncompliance with the Comprehensive Plan and the reasons for  
22 the decision, including conditions, if any. Prior to issuance  
23 of any order denying an administrative deviation where the  
24 application requested a reasonable accommodation due to a  
25 disability (including alternative offers for making a  
26 reasonable accommodation), the Zoning Administrator shall first  
27 consult with and receive direction from the Planning Director,  
28 who shall apply the criteria for making reasonable  
29 accommodations as set forth in subsection (k) below. Any order  
30 denying a reasonable accommodation due to a disability shall

1 include an explanation of the basis for such denial. The  
2 written order shall be executed by the Zoning Administrator and  
3 the Director within 21 days of the hearing, or in the case of  
4 administrative deviation applications for reasonable  
5 accommodations, within 30 days of the receipt of the request. A  
6 copy shall be transmitted to all persons who appeared before  
7 the Zoning Administrator or filed a written response to the  
8 application. The written order granting or denying the  
9 administrative deviation, executed by both the Zoning  
10 Administrator and the Director, shall be effective 15 days  
11 after the execution thereof, unless appealed pursuant to the  
12 provisions of Section 656.109(j) below.

13 (k) If the proposed deviation is for a requested reasonable  
14 accommodation as may be necessary to afford a person with a  
15 disability (or class of persons with disabilities) an equal  
16 opportunity to use a dwelling, the Zoning Administrator shall  
17 only consider whether there is an identifiable relationship, or  
18 nexus, between the requested accommodation and the individual's  
19 (or class of individuals') disability, and whether granting  
20 this request would fundamentally alter the essential nature of  
21 the Zoning Code as would otherwise be applied to the  
22 circumstances of the request or impose undue financial and  
23 administrative burdens on the City. It is the City's intent  
24 that "reasonable accommodations" be granted where required by  
25 federal law. If the Zoning Administrator determines that the  
26 request is not reasonable, the Zoning Administrator shall  
27 offer, where possible, some other accommodation which would  
28 meet the requester's disability-related needs. No additional  
29 standards of review for reasonable accommodation requests are  
30 required in zoning overlay districts. In making this

1 determination, it shall not be a factor whether there exist  
2 other neighborhoods or dwellings which could accommodate the  
3 disabled person.

4 (#1)The Commission's review of the appeal shall be limited to a  
5 consideration of whether the administrative deviation criteria  
6 were properly considered and applied by the Zoning  
7 Administrator to the facts presented, taking all laws,  
8 ordinances and other judicial or legal guidance into account  
9 under section 656.107.

10 Section 2. Amending Chapter 656, (Zoning Code), Part 3  
11 (Schedule of District Regulations), Subpart F (Planned Unit  
12 Development), and Subpart I (Springfield Zoning Overlay and  
13 Historic District Regulations), Ordinance Code. Chapter 656,  
14 (Zoning Code), Part 3 (Schedule of District Regulations), Ordinance  
15 Code, is hereby amended to prohibit the use of Planned Unit  
16 Developments to discriminate in housing; to amend the Springfield  
17 Zoning Overlay to remove restrictions on new community residential  
18 homes, group care homes, nursing homes, homes for the aged or  
19 orphans, housing for the elderly, day care centers and hospice  
20 facilities located within the Springfield Zoning Overlay; to allow  
21 group care homes by exception in the RMD-S zoning district; and to  
22 allow residential treatment facilities and emergency shelters by  
23 exception in the CCG-S zoning district, and shall read as follows:

24 CHAPTER 656. ZONING CODE

25 \* \* \*

26 PART 3. SCHEDULE OF DISTRICT REGULATIONS

27 \* \* \*

28 SUBPART F. PLANNED UNIT DEVELOPMENT

29 Sec. 656.340. Planned Unit Development - PUD.

1           It is the intent and purpose of this district that Planned  
2 Unit Developments, both large scale, which consists of five acres  
3 or more, and small scale, which consists of less than five acres,  
4 be utilized to create living environments that are responsive to  
5 the needs of their inhabitants; to provide flexibility in planning,  
6 design and development; to encourage innovative approaches to the  
7 design of community environments; to encourage the fulfillment of  
8 housing needs appropriate to various lifestyles and income levels;  
9 to encourage the integration of different housing types within a  
10 development; provide an opportunity for new approaches to  
11 ownership; to provide for an efficient use of land; to provide an  
12 environment compatible with surrounding land use; to adapt the  
13 zoning process to changes in construction and development  
14 technology; to encourage the preservation of the natural site  
15 features; to provide community environments that are so designed  
16 and located as to be an integral part of the total ecosystem; to  
17 encourage the design of communities and structures adapted to the  
18 local climate; thereby promoting the public health, safety, morals,  
19 order, comfort, convenience, appearance, prosperity, and general  
20 welfare of the City of Jacksonville. It is further intended that  
21 the Planned Unit Development district may be utilized to implement  
22 the Comprehensive Plan. It is not the intent to utilize the Planned  
23 Unit Development district solely to diminish the usual application  
24 of the provisions of the Zoning Code. The Planned Unit Development  
25 district process shall not be used to discriminate against or  
26 otherwise violate civil rights of the existing or future residents,  
27 users or occupants of the PUD. The rights of people with  
28 disabilities to access and use housing in the form of dwelling  
29 units, community residential homes or group homes shall not be more

1 restrictive in a PUD than in equivalent conventional zoning  
2 districts.

3 \* \* \*

4 **SUBPART I. SPRINGFIELD ZONING OVERLAY AND HISTORIC DISTRICT**  
5 **REGULATIONS**

6 **Sec. 656.365. Legislative findings and intent.**

7 The Council hereby finds and determines as follows:

8 \* \* \*

9 (e) Within the one square mile area of the Springfield Historic  
10 District, the Council finds there is a disproportionately large  
11 number of rooming houses, ~~rooming houses (thirteen), group care~~  
12 ~~homes, community residential homes of seven or more residents and~~  
13 automotive uses ~~(twenty)~~, including automotive sales and repairs  
14 and related automotive uses.

15 \* \* \*

16 **Sec. 656.368. Springfield Historic Zoning Districts.**

17 Springfield Historic Districts include the following:

18 **I. Residential Medium Density-Springfield (RMD-S) District.**

19 **(a) Permitted uses and structures.**

- 20 (1) Single-family dwellings.
- 21 (2) New two-family dwellings meeting the performance  
22 standards and development criteria set forth in this  
23 Section.
- 24 (3) Original use two-family dwellings.
- 25 (4) Original use multiple-family dwellings. Such  
26 dwellings cannot include more units than were within  
27 the structure at the time of construction.
- 28 (5) Community residential homes of six or fewer  
29 residents meeting the performance standards and  
30 development criteria set forth in Part 4 of the

1                   Zoning Code ~~and the special use criteria set forth~~  
2                   ~~in Section 656.369.~~

3           (6)   Housing for the elderly ~~meeting the criteria for~~  
4           ~~special uses set forth in Section 656.369.~~

5           (7)   Family day care homes meeting the performance  
6           standards and development criteria set forth in Part  
7           4 of the Zoning Code.

8           (8)   Foster care homes.

9           (9)   Essential services, including water, sewer, gas,  
10          telephone, radio, television and electric, meeting  
11          the performance standards and development criteria  
12          set forth in Part 4 of the Zoning Code.

13          (10) Churches, including a rectory or similar use,  
14          meeting the performance standards and development  
15          criteria set forth in Part 4.

16          (11) Neighborhood parks, pocket parks, playgrounds or  
17          recreational structures which serve or support a  
18          neighborhood or several adjacent neighborhoods,  
19          meeting the performance standards and development  
20          criteria set forth in Part 4 of the Zoning Code.

21          (12) Bed and breakfast establishments meeting the  
22          performance standards and development criteria set  
23          forth in Part 4 of the Zoning Code.

24   (b) *Permitted accessory uses and structures.*

25          (1)   Interior apartments in connection with single-  
26          family, owner-occupied properties, meeting the  
27          Springfield performance standards and development  
28          criteria set forth in Section 656.369.

29          (2)   Free-standing garages.



- 1 (3) One free-standing garage apartment in connection  
2 with single-family, owner-occupied properties,  
3 meeting the Springfield performance standards and  
4 development criteria set forth in Section 656.369.
- 5 (4) Original use garage apartments contributing  
6 structures only.
- 7 (5) Home occupations meeting the Springfield performance  
8 standards and development criteria set forth in  
9 Section 656.369.
- 10 (6) Pay phones meeting the Springfield supplemental  
11 standards and development criteria set forth in  
12 Section 656.369.1.
- 13 (7) Satellite dishes meeting the Springfield  
14 supplemental standards and development criteria set  
15 forth in 656.369.1.
- 16 (8) Vending machines meeting the Springfield  
17 supplemental standards and development criteria set  
18 forth in Section 656.369.1.

19 (c) *Permissible uses by exception.*

- 20 (1) Historic use two-family dwellings, with a COA also  
21 required after granting of exception.
- 22 (2) Historic use multiple-family dwellings, with a COA  
23 also required after granting of exception.
- 24 (3) Elementary and secondary schools meeting the  
25 performance standards and development criteria set  
26 forth in Part 4 of the Zoning Code.
- 27 (4) Essential services, including water, sewer, gas,  
28 telephone, radio, television and electric, meeting  
29 the performance standards and development criteria  
30 set forth in Part 4 of the Zoning Code.

1 (5) ~~Nursing homes meeting the criteria for special uses~~  
2 ~~set forth in Section 656.369.~~

3 (6) Private clubs.

4 (7) Day care centers meeting the performance standards  
5 and development criteria set forth in Part 4 of the  
6 Zoning Code.

7 (8) Churches, including a rectory or similar use,  
8 meeting the performance standards and development  
9 criteria set forth in Part 4.

10 (9) Home occupations meeting the Springfield performance  
11 standards and development criteria set forth in  
12 Section 656.369.

13 (10) Group care homes, meeting the performance standards  
14 and development criteria set forth in Part 4.

15 (d) Rooming houses. ~~Special uses. Special uses include~~  
16 ~~residential treatment facilities, rooming houses,~~  
17 ~~emergency shelter homes, group care homes, and community~~  
18 ~~residential homes of over six residents. New special uses~~  
19 rooming houses are not allowed in the district and  
20 existing rooming houses ~~special uses~~ must conform to the  
21 standards set forth in Section 656.369.

22 (e) Those uses that were considered legally nonconforming  
23 special uses pursuant to Ord. 2000-302-E, § 1 and Ord.  
24 2007-1046-E, §§ 1, 2, that existed prior to December 21,  
25 2000, the effective date of Ord. 2000-302-E, § 1, are  
26 permitted. Except where otherwise permitted as of right  
27 or by exception, such properties shall not expand their  
28 square footage, relocate, or increase the number of non-  
29 staff residents.

1 (ef) *Minimum lot requirements (lot width and area).* For  
2 single-family dwellings and multiple-family dwellings the  
3 minimum lot requirements (width and area), except as  
4 otherwise required for certain other uses, are as  
5 follows:

6 (1) Single-family dwellings

7 (A) Lot width: 25 feet.

8 (B) Lot area: 2,500 square feet.

9 (2) Two-family dwellings:

10 (A) Lot width: 75 feet.

11 (B) Lot area: 9,000 square feet.

12 (3) All other uses:

13 (A) Lot width: 75 feet.

14 (B) Lot area: 9,000 square feet.

15 (fg) *Minimum building size for (new) two-family dwellings.*  
16 2,250 square feet.

17 (gh) *Maximum lot coverage by all buildings and structures.* 50  
18 percent.

19 (hi) *Minimum yard requirements.*

20 (1) Front setback: Ten-foot minimum and 15-foot maximum  
21 or generally compatible with surrounding  
22 contributing structures (within 25 percent of  
23 average required front yard of adjacent contributing  
24 structures).

25 (2) Side setback: 14 percent of lot width, rounded off  
26 to the nearest whole number divided equally per  
27 side.

28 (3) Rear setback: Ten feet.

1 (4) Garages and garage apartments shall be located  
2 within 50 feet of the rear property line, subject  
3 further to the following:

4 (A) In the case of a through-lot abutting an  
5 alleyway, the alleyway shall be deemed to be  
6 the rear property line of the parcel.

7 (B) In any other instance, the garage or garage  
8 apartment shall not be located forward of the  
9 front plane of the primary structure on the  
10 property.

11 (i) *Maximum height of structures.*

12 (1) Principal structures: 45 feet.

13 (2) Accessory structures shall be no higher than  
14 principal structures.

15 (j) *Number of off-street parking spaces required.* No minimum  
16 parking is required, except for churches with more than  
17 50 sanctuary seats, which must provide at least 50  
18 percent of the minimum number of off-street parking  
19 spaces required pursuant to Part 6 of the Zoning Code.

20 II. *Commercial, Residential and Office-Springfield (CRO-S)*  
21 *District.*

22 (a) *Permitted uses and structures.*

23 (1) Medical and dental or chiropractor offices (but not  
24 hospitals).

25 (2) Medical and dental or chiropractor clinics (but not  
26 hospitals).

27 (3) Professional offices.

28 (4) Business offices.

29 (5) Facilities for the production of eyeglasses, hearing  
30 aids, dentures, prosthetic appliances and similar

1 products in conjunction with a professional service  
2 being rendered at the time provided.

3 (6) Single-family dwellings.

4 (7) New two-family dwellings meeting the performance  
5 standards and development criteria set forth in this  
6 Section.

7 (8) Original use two-family dwellings.

8 (9) Original use multiple-family dwellings. Such  
9 dwellings cannot include more units than were within  
10 the structure at the time of construction.

11 (10) Private clubs.

12 (11) Schools meeting the performance standards and  
13 development criteria set forth in Part 4 of the  
14 Zoning Code.

15 (12) Churches, including a rectory or similar uses,  
16 meeting the performance standards and development  
17 criteria set forth in Part 4 of the Zoning Code.

18 (13) Parks, playgrounds and playfields or recreational or  
19 community structures meeting the performance  
20 standards and development criteria set forth in Part  
21 4 of the Zoning Code.

22 (14) Homes for the aged or orphans and similar uses  
23 ~~meeting the criteria for special uses set forth in~~  
24 ~~Section 656.369.~~

25 (15) Libraries, museums and community centers.

26 (16) Radio and television broadcasting studios and  
27 offices without antenna or transmitting facilities.

28 (17) Banks, savings and loan institutions, and similar  
29 uses (but not drive-thru tellers).

- 1 (18) Art galleries, music, photography, dance, art,  
2 gymnastics, karate and martial arts studios,  
3 theaters for stage performances (but not motion  
4 picture theaters), and similar uses.
- 5 (19) Vocational, trade or business schools.
- 6 (20) Cosmetology and similar uses.
- 7 (21) Bed and breakfast establishments meeting the  
8 performance standards and development criteria set  
9 forth in Part 4 of the Zoning Code.
- 10 (22) Essential services, including water, sewer, gas,  
11 telephone, radio, television and electric, meeting  
12 the performance standards and development criteria  
13 set forth in Part 4 of the Zoning Code.
- 14 (23) Community residential homes of up to six residents  
15 meeting the performance standards and development  
16 criteria set forth in Part 4 of the Zoning Code, ~~and~~  
17 ~~criteria for special uses set forth in Section~~  
18 ~~656.369.~~
- 19 (24) ~~Hospice facilities meeting the criteria for special~~  
20 ~~uses set forth in Section 656.369.~~

21 (b) *Limitations on permitted uses.* All of the permitted uses  
22 in the CRO District are limited by the following conditions, unless  
23 otherwise provided:

- 24 (1) Retail sales shall be subject to the criteria set  
25 forth in Section 656.369.
- 26 (2) No manufacture, repair, assembly or work of a  
27 mechanical nature of any kind shall be permitted and  
28 no machinery shall be used other than normal office  
29 equipment such as typewriters, calculators,  
30 computers and bookkeeping machines.

1 (c) *Permitted accessory uses and structures.* In addition to  
2 the requirements of Section 656.403, the following are  
3 also permitted accessory uses and structures:

4 (1) Interior and accessory apartments in conjunction  
5 with any other permitted use except new two-family  
6 and original use multiple-family dwellings, meeting  
7 the Springfield performance standards and  
8 development criteria set forth in Section 656.369.

9 (2) Free-standing garages.

10 (3) One free-standing garage apartment in connection  
11 with single-family, owner-occupied properties,  
12 meeting the Springfield performance standards and  
13 development criteria set forth in Section 656.369.

14 (4) Original use garage apartments in conjunction with  
15 contributing structures only.

16 (5) Pay phones meeting the Springfield supplemental  
17 standards and development criteria set forth in  
18 Section 656.369.1.

19 (6) Satellite dishes meeting the Springfield  
20 supplemental standards and development criteria set  
21 forth in 656.369.1.

22 (7) Vending machines meeting the Springfield  
23 supplemental standards and development criteria set  
24 forth in Section 656.369.1.

25 (d) *Permissible uses by exception.*

26 (1) Historic use two-family dwellings, with a COA also  
27 required after granting of exception.

28 (2) Historic use multiple-family dwellings, with a COA  
29 also required after granting of exception.

- 1 (3) Live-work lofts meeting the Springfield performance  
2 standards and development criteria set forth in  
3 Section 656.369.
- 4 (4) Off-street parking lots for premises requiring off-  
5 street parking meeting the performance standards and  
6 development criteria set forth in Part 4 of the  
7 Zoning Code, and the Springfield performance  
8 standards and development criteria set forth in  
9 Section 656.369.
- 10 (5) ~~Nursing homes meeting the special uses criteria set~~  
11 ~~forth in Section 656.369.~~
- 12 (6) Group care homes meeting the performance standards  
13 and development criteria set forth in Part 4 of the  
14 Zoning Code, ~~and the special use criteria set forth~~  
15 ~~in Section 656.369.~~
- 16 (7) ~~Housing for the elderly meeting the special use~~  
17 ~~criteria set forth in Section 656.369(g).~~
- 18 (8) Essential services, including water, sewer, gas,  
19 telephone, radio, television and electric, meeting  
20 the performance standards and development criteria  
21 set forth in Part 4 of the Zoning Code.
- 22 (9) Day care centers meeting the performance standards  
23 and development criteria set forth in Part 4 of the  
24 Zoning Code, ~~and the Springfield performance~~  
25 ~~standards and development criteria set forth in~~  
26 ~~Section 656.369.~~
- 27 (10) Home occupations meeting the Springfield performance  
28 standards and development criteria set forth in  
29 Section 656.369.
- 30 (11) Private clubs.



1 (12) Churches, including a rectory or similar use,  
2 meeting the performance standards and development  
3 criteria set forth in Part 4 of the Zoning Code.

4 (13) Commercial production and service activities such  
5 as:

6 (A) Retail outlets for the sale of food and drugs,  
7 leather goods and luggage, jewelry (including  
8 watch repair but not pawn shops), art, cameras  
9 or photographic supplies (including camera  
10 repair), sporting goods, hobby shops and pet  
11 shops (but not animal kennels), musical  
12 instruments, television and radio (including  
13 repair incidental to sales), florist or gift  
14 shops, delicatessens, bake shops (but not  
15 wholesale bakeries), drugs and similar  
16 products, and dry cleaning pickup stations.

17 (B) Facilities for the production of eyeglasses,  
18 hearing aids, dentures, prosthetic appliances  
19 and similar products in conjunction with a  
20 professional service being rendered at the  
21 time.

22 (C) The uses in subparagraphs (A) and (B) are  
23 subject to the following limitations:

24 (i) Sale, display, preparation and storage  
25 shall be conducted within a completely  
26 enclosed building.

27 (ii) Products shall be sold only at retail.

28 (14) Restaurants, including facilities for the sale and  
29 service of alcoholic beverages for on-premises  
30 consumption only, subject to the following

1 conditions:

2 (A) Seating shall not exceed a capacity of 40.

3 (B) Food is ordered from a menu, prepared and  
4 served for pay for consumption on premises  
5 only.

6 (e) Rooming houses. ~~Special uses. Special uses include~~  
7 ~~residential treatment facilities, rooming houses,~~  
8 ~~emergency shelter homes, group care homes, and community~~  
9 ~~residential homes of over six residents.~~ New special  
10 uses rooming houses are not allowed in the districts and  
11 existing uses must conform to the standards for special  
12 uses rooming houses in Section 656.369(g).

13 (f) Those uses that were considered legally nonconforming  
14 special uses pursuant to Ord. 2000-302-E, § 1 and Ord.  
15 2007-1046-E, §§ 1, 2, that existed prior to December 21,  
16 2000, the effective date of Ord. 2000-302-E, § 1, are  
17 permitted. Except where otherwise permitted as of right or  
18 by exception, such properties shall not expand their  
19 square footage, relocate, or increase the number of non-  
20 staff residents.

21 (~~f~~g) Minimum lot requirements.

22 (1) Lot width:

23 (A) Single-family dwellings: 25 feet.

24 (B) Two-family dwellings: 75 feet.

25 (C) All other uses: 35 feet (except as otherwise  
26 required for certain uses).

27 (2) Lot area:

28 (A) Single-family dwellings: 2,500 square feet.

29 (B) Two-family dwellings: 9,000 square feet.

1 (C) All other uses: 4,500 square feet (except as  
2 otherwise required for certain uses).

3 (gh) *Maximum lot coverage by all buildings and structures.* 50  
4 percent.

5 (hi) *Minimum yard requirements.*

6 (1) Front setback: Ten-foot minimum and 15-foot maximum  
7 or generally compatible with surrounding  
8 contributing structures (within 25 percent of  
9 average required front yard of adjacent contributing  
10 structure).

11 (2) Side setback: 14 percent of lot width, rounded off  
12 to the nearest whole number divided equally per  
13 side.

14 (3) Rear setback: Ten feet.

15 (4) Garages and garage apartments shall be located  
16 within 50 feet of the rear property line, subject  
17 further to the following:

18 (A) In the case of a through-lot abutting an  
19 alleyway, the alleyway shall be deemed to be  
20 the rear property line of the parcel.

21 (B) In any other instance, the garage or garage  
22 apartment shall not be located forward of the  
23 front plane of the primary structure on the  
24 property.

25 (±j) *Maximum height of structures.*

26 (1) Principal structures: 45 feet.

27 (2) Accessory structures shall be no higher than  
28 principal structures.

29 (±k) *Number of off-street parking spaces required.* No minimum  
30 parking is required, except for churches with more than

1 50 sanctuary seats, which must provide at least 50  
2 percent of the minimum number of off-street parking  
3 spaces required pursuant to Part 6 of the Zoning Code,  
4 and live-work loft units, which must provide at least 80  
5 percent of the minimum number of off-street parking  
6 spaces required for multiple-family units pursuant to  
7 Part 6 of the Zoning Code.

8 (kl) Special parking standards. The number of parking spaces  
9 provided shall not exceed the minimum number of parking  
10 spaces required under Part 6 of the Zoning Code.

11 III. *Commercial Neighborhood Springfield (CN-S) District.* This  
12 zoning district is designed to accommodate existing historic  
13 neighborhood original use commercial properties and new  
14 neighborhood commercial uses that are compatible with the  
15 residential character of the neighborhood. Properties with original  
16 use and historic use neighborhood commercial structures do not have  
17 to meet lot, yard, and lot coverage requirements.

18 (a) *Permitted uses and structures.*

19 (1) Professional offices.

20 (2) Business offices.

21 (3) Retail outlets for sale of food and drugs, wearing  
22 apparel, sundries and notions, books and stationery,  
23 jewelry (including watch repair but not pawnshops),  
24 delicatessens, bakeshops (but not wholesale  
25 bakeries), drugs and similar products, subject to  
26 the other limitations specified in this Section.

27 (4) Service establishments such as barber or beauty  
28 shops, shoe repair shops, restaurants (limited to 40  
29 seats, without drive-in or drive-thru facilities),  
30 with the outside sale and service of food meeting

1 the performance standards and development criteria  
2 set forth in Part 4 of the Zoning Code), interior  
3 decorators, tailors or dressmakers, subject to the  
4 other limitations specified in this Section.

5 (5) Essential services, including water, sewer, gas,  
6 telephone, radio, television and electric, meeting  
7 the performance standards and development criteria  
8 set forth in Part 4 of the Zoning Code.

9 (6) Churches, including a rectory or similar use,  
10 meeting the performance standards and development  
11 criteria set forth in Part 4 of the Zoning Code.

12 (7) Art galleries, dance, art, gymnastics, karate and  
13 martial arts, music and photography studios, and  
14 theatres for stage performances (but not motion  
15 picture theatres).

16 (b) *Permitted accessory uses and structures.* In addition to  
17 the requirements of Section 656.403, the following are  
18 also permitted accessory uses and structures:

19 (1) Accessory apartments in conjunction with any other  
20 permitted use if such apartments are limited to the  
21 second story of the building or to under 50 percent  
22 of the building ground floor space.

23 (2) Pay phones meeting the Springfield supplemental  
24 standards and development criteria set forth in  
25 Section 656.369.1.

26 (3) Satellite dishes meeting the Springfield  
27 supplemental standards and development criteria set  
28 forth in Section 656.369.1.

1 (4) Vending machines meeting the Springfield  
2 supplemental standards and development criteria set  
3 forth in Section 656.369.1.

4 (c) *Permissible uses by exception.*

5 (1) An establishment or facility which includes the  
6 retail sale of beer or wine for on-premises  
7 consumption, in conjunction with the service of food  
8 which is ordered from a menu and prepared or served  
9 for pay for consumption on-premises.

10 (2) Essential services, including water, sewer, gas,  
11 telephone, radio, television and electric, meeting  
12 the performance standards and development criteria  
13 set forth in Part 4 of the Zoning Code.

14 (3) Day care centers meeting the performance standards  
15 and development criteria set forth in Part 4 of the  
16 Zoning Code.

17 (d) Rooming houses. ~~Special uses. Special uses include~~  
18 ~~residential treatment facilities, rooming houses,~~  
19 ~~emergency shelter homes, group care homes, and community~~  
20 ~~residential homes of over six residents.~~ New rooming  
21 houses ~~special uses~~ are not allowed in the districts and  
22 existing rooming houses ~~special uses~~ must conform to  
23 standards for rooming houses ~~special uses~~ in Section  
24 656.369(g).

25 (e) Those uses that were considered legally nonconforming  
26 special uses pursuant to Ord. 2000-302-E, § 1 and Ord.  
27 2007-1046-E, §§ 1, 2, that existed prior to December 21,  
28 2000, the effective date of Ord. 2000-302-E, § 1, are  
29 permitted. Except where otherwise permitted as of right or  
30 by exception, such properties shall not expand their

1           square footage, relocate, or increase the number of non-  
2           staff residents.

3           (ef) *Minimum lot requirements (width and area) for all uses.*

4                 (1) Minimum lot width: 40 feet, except as otherwise  
5                         required for certain uses.

6                 (2) Minimum lot area: 3,000 square feet, except as  
7                         otherwise required for certain uses.

8           (fg) *Maximum lot coverage by all buildings and structures. 80*  
9                         *percent.*

10          (gh) *Minimum yard requirements.*

11                 (1) All uses:

12                         (i) Front setback: No minimum, ten-foot maximum.

13                         (ii) Side setback: When adjacent to residentially  
14                                 zoned property, a minimum side yard of 15 feet  
15                                 shall be provided.

16                         (iii) Rear setback—when adjacent to residentially  
17                                 zoned property, a minimum rear yard of 15 feet  
18                                 shall be provided.

19          (hi) *Maximum height of structures.*

20                 (1) Principal structures: 45 feet.

21                 (2) Accessory structures shall be no higher than  
22                         principal structures.

23          (ij) *Building width.* Building width must exceed 70 percent of  
24                         lot width.

25          (jk) *Locational criteria.* This zoning district is limited to  
26                         properties with continuous frontage on two streets (excluding  
27                         alleys).

28          (kl) *Limitations on permitted uses or permissible uses by*  
29                         *exception.* All of the permitted or permissible uses by exception  
30                         are subject to the following provisions:

- 1 (1) Sale, display, preparation and storage shall be
- 2 conducted within a completely enclosed building.
- 3 (2) Products shall be sold only at retail.
- 4 (3) Building footprint limited to 3,000 square feet.
- 5 (4) Gross floor area for nonresidential uses limited to
- 6 4,000 square feet.
- 7 (5) Restaurants are limited to 40 seats.
- 8 (6) Only fascia or wall signs are allowed, with a size
- 9 limitation of 20 square feet.
- 10 (7) Rear and side yards that are adjacent to
- 11 residentially zoned property must contain a wall,
- 12 fence, or hedge at least six feet in height. This
- 13 visual screen must be at least 85 opaque.

14 (lm) *Number of off-street parking spaces required.* No minimum  
15 parking is required, except for churches with more than 50  
16 sanctuary seats, which must provide at least 50 percent of the  
17 minimum number of off-street parking spaces required pursuant to  
18 Part 6 of the Zoning Code.

19 (mn) *Special parking standards.* The number of parking spaces  
20 provided shall not exceed the minimum number of parking spaces  
21 required under Part 6 of the Zoning Code.

#### 22 IV. *Commercial Community/General-Springfield (CCG-S) District.*

##### 23 (a) Permitted uses and structures.

- 24 (1) Retail outlets for sale of food and drugs, wearing
- 25 apparel, toys, sundries and notions, books and
- 26 stationery, leather goods and luggage, jewelry
- 27 (including watch repair) art, cameras or
- 28 photographic supplies (including camera repair),
- 29 sporting goods, hobby shops and pet shops (but not
- 30 animal boarding kennels), musical instruments,



1 florist or shops, delicatessens, bakeries (but not  
2 wholesale bakeries), home furnishings and appliances  
3 (including repair incidental to sales), office  
4 equipment or furniture, antiques, hardware, new  
5 automobile parts (including rebuilt parts not  
6 installation, repair or rebuilding of parts) and  
7 accessories and similar uses.

8 (2) Service establishments such as barber or beauty  
9 shops, shoe repair shops, restaurants, interior  
10 decorators, reducing salons or gymnasiums, self-  
11 service laundries or dry cleaners, tailors or  
12 dressmakers, laundries or dry cleaning pickup  
13 stations, dry cleaning and laundry package plants in  
14 completely enclosed buildings using nonflammable  
15 liquids such as perchloroethylene and with no odor,  
16 fumes or steam detectable to normal senses from off  
17 the premises, radio and television broadcasting  
18 offices and studios, communication antennas, funeral  
19 homes, marinas, blueprinting, job printing (but not  
20 newspaper), radio and television repair shops,  
21 travel agencies, employment offices, (but not day  
22 labor pools), home equipment rental and similar  
23 uses.

24 (3) Banks (including drive-thru tellers), loan  
25 companies, mortgage brokers, stockbrokers and  
26 similar financial institutions.

27 (4) All types of professional and business offices,  
28 newspaper offices (but not printing), employment  
29 offices, union halls, buildings trades contractors  
30 (not requiring outside storage or the use of a

1 vehicle in excess of one-ton capacity or equipment,  
2 machinery, ditching machines, tractors, bulldozers  
3 or other heavy construction equipment) and similar  
4 uses.

5 (5) Original use single-family dwellings.

6 (6) Original use two-family dwellings.

7 (7) Original use multiple-family dwellings.

8 (8) Commercial indoor recreational or entertainment  
9 facilities such as bowling alleys, swimming pools,  
10 indoor skating rinks, theaters (including motion  
11 picture theaters but not open-air theaters), and  
12 similar uses (but not dance halls).

13 (9) Art galleries, museums, community centers, music,  
14 photography, gymnastics, karate and martial arts  
15 studios, theaters for stage performances (but not  
16 motion picture theaters) dance, art, vocational,  
17 trade or business schools and similar uses.

18 (10) Homes for aged and orphans.

19 (11) Nursing homes.

20 (12) Day care centers or care centers meeting the  
21 performance standards and development criteria set  
22 forth in Part 4 of the Zoning Code.

23 (13) Off-street commercial parking lots meeting the  
24 performance standards and criteria set forth in Part  
25 4 of the Zoning Code and the Springfield performance  
26 standards and development criteria set forth in  
27 Section 656.369.

28 (14) Hospitals, sanitariums and similar uses.

29 (15) An establishment or facility which includes the  
30 retail sale and service of beer or wine for off-

1 premises consumption or for on-premises conjunction  
2 with the service of food which is ordered from a  
3 menu and prepared or served for pay for consumption  
4 on-premises.

5 (16) Retail plant nurseries (including outside display  
6 but not landscape contractors requiring heavy  
7 equipment or vehicles in excess of one-ton  
8 capacity).

9 (17) Veterinarians meeting the performance standards and  
10 development criteria set forth in Part 4 of the  
11 Zoning Code.

12 (18) Retail outlets for the sale of used wearing apparel,  
13 toys, books, luggage, jewelry, cameras, sporting  
14 goods, home furnishings and appliances, furniture  
15 and similar uses.

16 (19) Essential services, including water, sewer, gas,  
17 telephone, radio, television and electric, meeting  
18 the performance standards and development criteria  
19 set forth in Part 4 of the Zoning Code.

20 (20) Churches, including a rectory or similar use.

21 (21) Schools meeting the performance standards and  
22 development criteria set forth in Part 4 of the  
23 Zoning Code.

24 (b) *Permitted accessory uses and structures.* In addition to  
25 the requirements of Section 656.403, the following are also  
26 permitted accessory uses and structures:

27 (1) Interior apartments in conjunction with any other  
28 permitted use if such apartments are limited to the  
29 second story of the building or to under 50 percent  
30 of the building ground floor area.

- 1 (2) Pay phones meeting the Springfield supplemental  
2 standards and development criteria set forth in  
3 Section 656.369.1.
- 4 (3) Satellite dishes meeting the Springfield  
5 supplemental standards and development criteria set  
6 forth in Section 656.369.1.
- 7 (4) Vending machines meeting the Springfield  
8 supplemental standards and development criteria set  
9 forth in Section 656.369.1.

10 (c) *Permissible uses by exception.*

- 11 (1) An establishment or facility which includes the  
12 retail sale and service of all alcoholic beverages  
13 including liquor, beer or wine for on-premises  
14 consumption or off-premises consumption or both,  
15 including permanent or restricted outside sale and  
16 service, meeting the performance standards and  
17 development criteria set forth in Part 4 of the  
18 Zoning Code.
- 19 (2) New multiple-family structures.
- 20 (3) Live-work lofts meeting the criteria set forth in  
21 Section 656.369.
- 22 (4) Crematories.
- 23 (5) Service stations, service garages for minor repairs  
24 and car washer.
- 25 (6) Recycling collection points meeting the performance  
26 standards and development criteria set forth in Part  
27 4 of the Zoning Code.
- 28 (7) Essential services, including water, sewer, gas,  
29 telephone, radio, television and electric, meeting  
30 the performance standards and development criteria

1 et forth in Part 4 of the Zoning Code.

2 (8) Private clubs.

3 (9) Restaurants with the outside sale and service of  
4 food meeting the performance standards and  
5 development criteria set forth in Part 4 of the  
6 Zoning Code.

7 (10) Billiard parlors.

8 (11) Residential treatment facilities or emergency  
9 shelter homes.

10 (d) *Intensive uses.*

11 (1) Rooming Houses~~Special uses. Special uses include~~  
12 ~~residential treatment facilities, rooming houses,~~  
13 ~~emergency shelter homes, group care homes, community~~  
14 ~~residential homes of seven or more residents. New~~  
15 rooming houses~~special uses~~ are not allowed in the  
16 districts and existing uses must conform to  
17 standards for rooming houses~~special uses~~ in Section  
18 656.369.

19 (2) Automotive uses. Existing automotive-related uses,  
20 including auto repair, auto sales, tire stores, and  
21 similar uses, must conform to the following  
22 standards within three years from the effective date  
23 of this ordinance:

24 (A) No outdoor storage or car display is allowed  
25 unless it is screened from adjacent residences  
26 by a wall, fence or hedge. This visual screen  
27 must be at least six (6) feet in height and at  
28 least 85 percent opaque.

29 (B) Any new outdoor car display or temporary  
30 storage of properly licensed automobiles and

1 pick-up trucks must be screened from a public  
2 street by wrought iron style fencing of iron,  
3 steel, or aluminum construction with vertical  
4 pickets, or by a combination of a masonry  
5 retaining wall with wrought iron style  
6 fencing, which fencing shall be located within  
7 ten (10) feet of the public right-of-way.

8 (C) Hours of operation are limited to 7:00 a.m. to  
9 7:00 p.m.; and

10 (D) Parking of cars and storage of material is not  
11 allowed on public right-of-ways, sidewalks,  
12 and adjacent properties.

13 (E) Facilities that are adjacent to residentially  
14 zoned property or that are located across a  
15 public right-of-way or alley from  
16 residentially zoned property must perform  
17 activities that produce sustained and  
18 objectionable noise solely within soundproofed  
19 buildings or within buildings with bays that  
20 do not face residentially-zoned properties.

21 (e) Those uses that were considered legally nonconforming  
22 special uses pursuant to Ord. 2000-302-E, § 1 and Ord. 2007-1046-E,  
23 §§ 1, 2, that existed prior to December 21, 2000, the effective  
24 date of Ord. 2000-302-E, § 1, are permitted. Except where otherwise  
25 permitted as of right or by exception, such properties shall not  
26 expand their square footage, relocate, or increase the number of  
27 non-staff residents.

28 (ef) Minimum lot requirements (width and area). None, except  
29 as otherwise required for certain uses.

30 (fg) Maximum lot coverage by all buildings. None, except as

1 otherwise required for certain uses.

2 (gh) *Minimum yard requirements.*

3 (1) Front setback: None, maximum ten feet.

4 (2) Side setback: None, if the building on the adjacent  
5 lot is built to the property line or if the adjacent  
6 lot is vacant. Unless no space is left between  
7 buildings on adjacent lots, a space of not less than  
8 six feet shall be provided between buildings. Where  
9 the lot is adjacent to a residential district, a  
10 minimum setback of 15 feet shall be provided.

11 (3) Rear setback: 15 feet.

12 (hi) *Maximum height of structures.*

13 (1) Principal structures: 45 feet.

14 (2) Accessory structures shall be no higher than  
15 principal structures.

16 (ij) *Building width.* Building width must exceed 70 percent of  
17 lot width.

18 (jk) *Limitations on permitted uses or permissible uses by*  
19 *exception.* All of the permitted and permissible uses by  
20 exception in the CCG-S District are subject to the  
21 following provisions:

22 (1) Sales, service and display, preparation and storage  
23 shall be conducted within a completely enclosed  
24 building, unless otherwise provided for.

25 (kl) *Number of off-street parking spaces required:* No minimum  
26 parking is required, except for churches with more than 50  
27 sanctuary seats, which must provide at least 50 percent of the  
28 minimum number of off-street parking spaces required pursuant to  
29 Part 6 of the Zoning Code, and multiple-family and live-work loft  
30 uses, which must provide at least 80 percent of the minimum number

1 of off-street parking spaces required pursuant to Part 6 of the  
2 Zoning Code.

3 (1m) Special parking standards:

4 (1) The number of parking spaces provided shall not  
5 exceed the minimum number of parking spaces required  
6 under Part 6 of the Zoning Code.

7 (2) On-site or off-site parking areas are allowed within  
8 30 feet of a street right-of-way if a wall is  
9 provided parallel to the right-of-way. This wall  
10 shall be located within ten feet of the right-of-way  
11 or shall generally follow the front wall of  
12 surrounding buildings. The wall shall be a three-  
13 foot high solid wall with a three-foot high metal  
14 picket fence on top of the wall.

15 Sec. 656.369. - Springfield performance standards and  
16 development criteria.

17 The following permitted uses or permissible uses by exception  
18 shall meet the performance standards and criteria listed under each  
19 use. These uses are in addition to, rather than in lieu of, the  
20 supplementary regulations of Section 656.401, as applicable.

21 \* \* \*

22 ~~(c) Community residential homes. Community residential homes~~  
23 ~~of six or fewer residents shall be allowed, subject to the~~  
24 ~~following criteria:~~

25 ~~(1) New community residential homes must be at least~~  
26 ~~1,000 feet from existing community residential~~  
27 ~~homes.~~

28 ~~(2) Principal and accessory residential structures must~~  
29 ~~comprise at least 1,500 heated square feet.~~

30 ~~(A) Chain link fences shall not be allowed in~~



1 front yards or in side yards along public  
2 streets.

3 ~~(B) The use shall comply with all applicable City~~  
4 ~~property maintenance and unsafe building~~  
5 ~~codes.~~

6 Reletter subparagraphs (d), (e), and (f) accordingly

7 \* \* \*

8 ~~(g)~~ Special uses. ~~Special uses are residential/institutional~~  
9 ~~uses that~~ Rooming houses are no longer permitted in the  
10 districts. ~~Such uses~~ Rooming houses may continue if they  
11 comply with the standards and criteria of this subsection  
12 within one year from the effective date of this  
13 legislation. ~~The following uses are identified as special~~  
14 ~~uses: residential treatment facilities, rooming houses,~~  
15 ~~emergency shelter homes, group care homes, and community~~  
16 ~~residential homes of seven or more residents. Beginning~~  
17 ~~November 1, 2008 and thereafter, all special use~~  
18 ~~facilities~~ rooming houses shall provide the following  
19 information to the Director:

20 (1) Information showing or depicting the accurate square  
21 footage of the facility's livable interior space and  
22 number of habitable rooms, as it existed on December  
23 21, 2000; and

24 ~~(2) Licensure or permit information from the relevant~~  
25 ~~State agency showing continuous operation of the~~  
26 ~~facility from prior to December 21, 2000; and~~

27 ~~(3) License or permit information or a~~ Affidavit ~~if such~~  
28 ~~information is not available as to number of~~  
29 ~~residents authorized to legally occupy the licensed~~  
30 ~~or permitted facility~~ rooming house on or before

1 December 21, 2000; and

2 (43) Number of persons considered by the facility rooming  
3 house to be occupying the facility ~~as full-time~~  
4 ~~staff and/or their immediate family members.~~

5 Those ~~special use facilities~~ rooming houses which provide the above  
6 information in a timely manner are considered legally non-  
7 conforming and shall be allowed to continue operation until such  
8 time as the legally non-conforming status ceases, as provided in  
9 this Chapter. As relating to the information submitted as required  
10 in this subsection, ~~special use facilities~~ rooming houses shall not  
11 expand their square footage of the facility, relocate the facility  
12 or increase the number of ~~licensed~~ residents in the facility.  
13 ~~Additionally, if a facility increases the number of staff,~~  
14 ~~including immediate family members, the facility shall notify the~~  
15 ~~Director within 90 days of such increase.~~

16 The city shall through annual inspections also ensure that such  
17 rooming house uses comply with the following standards, and if the  
18 property is not in compliance with the standards after a reasonable  
19 time allowed for correction of the violation, if the facility fails  
20 to timely submit the information required herein, or if the rooming  
21 house ~~special~~ use intensifies, expands, or ~~relocates~~ ~~er fails to~~  
22 ~~report increases in staff in a timely manner, the special~~ rooming  
23 house use shall not be allowed to continue.

24 Notwithstanding anything to the contrary in the zoning code, the  
25 occupancy of a ~~special use facility~~ rooming house shall not exceed  
26 any applicable occupancy limitation otherwise required by any  
27 federal, state or local law, rule or regulation.

28 (1) Chain link fences shall not be allowed in any yards along  
29 public streets (not including alleys), and must be  
30 located at least six feet behind the closest vertical

1 plane of the primary structure.

2 (2) The use shall comply with all applicable City property  
3 maintenance and unsafe building codes.

4 (3) Twenty-four-hour, on-site management shall be required.

5 (4) New rooming houses are not permitted. ~~Existing rooming~~  
6 ~~houses shall be identified by one or more of the~~  
7 ~~following existing conditions, each of which shall create~~  
8 ~~a rebuttable presumption that a building is a rooming~~  
9 ~~house.~~

10 ~~(A) Signs that indicate rooms, beds, or living~~  
11 ~~spaces for rent;~~

12 ~~(B) Interior locks, partitions, hasps, appliances~~  
13 ~~such as electric fry pans, toaster ovens,~~  
14 ~~refrigerators, etc.;~~

15 ~~(C) Individual storage of food;~~

16 ~~(D) Alphabetical, numeric, or other labeling of~~  
17 ~~bedrooms or living areas;~~

18 ~~(E) Alterations to structures which enhance or~~  
19 ~~facilitate its use as a rooming house.~~

20 Section 3. Amending Chapter 656, (Zoning Code), Part 16  
21 (Definitions), Ordinance Code. Chapter 656, (Zoning Code), Part 16  
22 (Definitions), Ordinance Code, is hereby amended to amend  
23 definitions of community residential home, multiple dwelling use,  
24 dwelling unit, group care home, residential treatment facility, and  
25 rooming house; and to add definitions for reasonable accommodation  
26 and supportive services, and shall read as follows:

27 CHAPTER 656. ZONING CODE

28 \* \* \*

29 PART 16. DEFINITIONS

30 Sec. 656.1601. Definitions.

1 \* \* \*

2 *Community residential home* is a dwelling unit licensed to  
3 serve clients of CFS, which provides a living environment for up to  
4 14 residents who operate as the functional equivalent of a family,  
5 including such supervision and care by supportive staff as may be  
6 necessary to meet the physical, emotional and social needs of the  
7 residents. The residents of the community residential home are not  
8 to be related to the owner/operator by law, blood, marriage or  
9 adoption and shall be limited to those persons defined as  
10 "residents" in F.S. § 419.001(1)(d). A community residential home  
11 is not also a rooming house.

12 \* \* \*

13 *Dwelling, multiple-dwelling use* means, for purposes of  
14 determining whether a lot is in multiple-dwelling use, the  
15 following:

- 16 (1) Multiple-dwelling uses in which individual dwelling units  
17 are intended to be rented and maintained under central  
18 ownership and management; those which are under  
19 collective ownership and management, including  
20 cooperative apartments, condominiums and the like; row  
21 houses or townhouses in individual ownership; and all  
22 other forms of multiple dwellings regardless of ownership  
23 management, taxation or other consideration, where the  
24 form does not meet the requirements of this Zoning Code  
25 for a single-family dwelling. A multiple-dwelling use may  
26 contain residents who receive supportive services,  
27 whether provided by the owner, management or third  
28 parties. Owners and managers may provide or coordinate  
29 supportive services for tenants. Ancillary services  
30 whose primary purpose is to support tenants may be

1 located onsite, including but not limited to laundry  
2 facilities, day care and after-school programs for  
3 children, gymnasiums, swimming pools, concierge services,  
4 and coordination of care for disabled persons which are  
5 within the scope of supportive services.

6 \* \* \*

7 Dwelling unit means a room or rooms connected together  
8 constituting a separate, independent housekeeping establishment for  
9 a family, for owner occupancy or for rental or lease on a weekly,  
10 monthly or longer basis, physically separated from other rooms or  
11 dwelling units which may be in the same structure and containing  
12 sleeping facilities and one kitchen. A dwelling unit's residents  
13 may receive supportive services provided by or coordinated by a  
14 landlord, government agencies, third party providers, or others,  
15 whether or not as part of a government-funded program, including  
16 visits to the dwelling unit relating to such services. A dwelling  
17 unit is not considered a rooming house, substance abuse treatment  
18 facility, group care home or community residential home by virtue  
19 of the residents receiving supportive services on a less than 24  
20 hour per day basis.

21 \* \* \*

22 Group care home means a facility occupied by seven or more  
23 persons whether operated for profit or not, which provides, for a  
24 period exceeding 24 hours, one or more personal services for  
25 persons who required these personal services and are not related to  
26 the owner or administrator by law, blood, marriage or adoption and  
27 not in foster care. The personal services, in addition to housing  
28 and food services, may include personal assistance with bathing,  
29 dressing, housekeeping, adult supervision, emotional security and  
30 other related services but may not include inpatient medical

1 services. Permissible services in a group care home include  
2 supportive services. A group care home is not also a rooming  
3 house.

4 \* \* \*

5 Reasonable accommodation as to the Zoning Code means a change,  
6 exception, or adjustment to the Zoning Code that may be necessary  
7 for a person with a disability to have an equal opportunity to use  
8 and enjoy a dwelling, including public and common use spaces. An  
9 accommodation is necessary if there is a disability-related need  
10 for the accommodation. An accommodation is reasonable if it (a)  
11 would not impose an undue financial and administrative burden on  
12 the City and (b) would not fundamentally alter the nature of the  
13 Zoning Code. In construing what is and is not a reasonable  
14 accommodation, it is the City's intent that this term and the  
15 persons to which it applies be construed in a manner which is  
16 consistent with the use of this term under federal law.

17 \* \* \*

18 Residential treatment facility means a facility other than a  
19 hospital or nursing home, having one or more supervisors residing  
20 on the premises and providing board, lodging, medication and other  
21 treatment and counseling for persons progressing from relatively  
22 intensive treatment for criminal conduct, delinquency, mental or  
23 emotional illness, alcoholism, drug addiction or similar  
24 conditions, as well as providing relatively intensive diagnostic or  
25 therapeutic services for alcoholism, drug abuse, mental illness,  
26 emotional problems, developmental disabilities or similar  
27 conditions for its residents. A residential treatment facility  
28 shall not be deemed to include a nursing home, hospital, group care  
29 home, or emergency shelter home, nor shall a dwelling unit or  
30 multiple-family use be considered a residential treatment facility

1 by virtue of the residents receiving supportive services  
2 coordinated by a landlord or a third party. Nothing shall prevent  
3 a residential treatment facility from having out patients. The  
4 residents of the residential treatment facility are generally  
5 intending to return to full normal participation in community life.

6 \* \* \*

7 Rooming houses means a building in which sleeping  
8 accommodations are offered to the public where rentals are for a  
9 period of a week or longer, and occupancy is generally by resident  
10 rather than transient, rentals are for use of a bedroom with shared  
11 access to the primary kitchen and/or bathroom(s) shared with  
12 occupants of other rented bedrooms, and where residents do not  
13 operate as a family.

14 \* \* \*

15 Supportive services include, but are not limited to,  
16 counseling, improving knowledge and educational skills such as  
17 substance abuse prevention, English as a Second Language, literacy,  
18 health education, consumer education, learning skills that can be  
19 used to secure and retain a job, food and groceries, credit  
20 counseling, life skills training, outpatient mental health  
21 services, outreach services, substance abuse treatment (but not  
22 inpatient detoxification or inpatient treatment), transportation,  
23 and health service. It is the intent of the Zoning Code that this  
24 definition include those supportive services as are provided in  
25 grant programs for permanent supportive housing under the U.S.  
26 Housing and Urban Development Department's Continuum of Care  
27 Program.

28 **Section 4. Effective Date.** This ordinance shall become  
29 effective upon signature by the Mayor or upon becoming effective  
30 without the Mayor's signature.

1  
2  
3  
4  
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7  
8

Form Approved:

/s/ Jason R. Teal

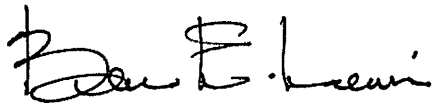
Office of General Counsel

Legislation Prepared By: Thomas Ingram

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Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis, City Planner Supervisor  
Current Planning Division