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PREFACE

This Zoning Ordinance constitutes a republication of the general and permanent ordinances of the City of Rockford, Michigan.

Source materials used in the preparation of the Zoning Ordinance were the Rockford Zoning Ordinance, as updated through March 12, 2018, and ordinances subsequently adopted by the City Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the Rockford Zoning Ordinance. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Zoning Ordinance, as updated.

The chapters of the Zoning Ordinance have been conveniently arranged, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Zoning Ordinance together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Zoning Ordinance is included at the back of this republication.

Chapter and Section Numbering System

The chapter and section numbering system used in this Zoning Ordinance is the same system used in many state and local government codes. Each section number consists of two parts separated by a period. The figure before the period refers to the chapter number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1.2, and the first section of chapter 6 is 6.1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6.1 and 6.2 is desired to be added, such new section would be numbered 6.1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Page Numbering System

The page numbering system used in this Zoning Ordinance is a prefix system. The number to the left of the dash represents a certain portion of the volume. The number to the right of the dash represents the number of the page in that portion. The following are typical parts of codes of ordinances, which may or may not appear in this Zoning Ordinance at this time, and their corresponding prefixes:

ZONING ORDINANCE COMPARATIVE TABLES	ZOCT:1
STATE LAW REFERENCE TABLE	SLT:1
ZONING ORDINANCE INDEX	ZOi:1

Index or Indexes

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this republication is the looseleaf system of binding and supplemental servicing of the republication. With this system, the republication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the republication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this republication up to date at all times will depend largely upon the holder of the republication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This republication was under the direct supervision of Tassy Spinks, Vice President of Supplements, and Marilyn Sanabria, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Chris Bedford for her cooperation and assistance during the progress of the work on this republication. It is hoped that her efforts and those of the publisher have resulted in a republication of this Zoning Ordinance which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Zoning Ordinance to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Zoning Ordinance and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Zoning Ordinance and are considered "Omitted."

By adding to this table with each supplement, users of this Zoning Ordinance will be able to gain a more complete picture of the Zoning Ordinance's historical evolution.

Ord. No.	Date Adopted	Included/ Omitted	Supp. No.
19-5	12- 9-19	Included	<u>1</u>

20-1	2-10-20	Included	<u>1</u>
Ord. of	4-23-20	Included	<u>1</u>
20-2	9-14-20	Included	<u>1</u>

Chapter 1 - TITLE, PURPOSE AND DEFINITIONS

Sec. 1.1. - Title.

This Ordinance shall be known, and may be cited as, the City of Rockford Zoning Ordinance.

Sec. 1.2. - Intent.

This Ordinance, enacted under the authority of the City or Village Zoning Act, is intended to ensure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

Sec. 1.3. - Scope.

- (A) *Interpretation and Application.* In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.
- (B) *Vested Rights.* Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 1.4. - Severability.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Sec. 1.5. - Effective Date.

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect on the 25th day of April, 1999.

Sec. 1.6. - Construction of Language.

The following rules apply to the text of this Ordinance:

- (A) The particular shall control the general.
- (B) In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- (E) A "building" or "structure" includes any part thereof.
- (F) The word "person" includes an individual, a corporation, a partnership, an incorporated association, government or any other similar entity.
- (G) Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
- (H) "And" indicates that all connected items, conditions, provisions, or events shall apply.
- (I) "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
- (J) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (K) Terms not herein defined shall have the meaning customarily assigned to them.
- (L) When computing a period of days, the first day is not counted and the last day is counted.

Sec. 1.7. - Definitions—A.

Accessory Building means a subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage or storage shed.

Accessory Use, or Accessory means a use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

Adult Bookstore means a building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

Adult Foster Care Facility means a facility defined as an "adult foster care facility" by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis, but who do not require continuous nursing care.

Adult Foster Care Family Home means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Live Entertainment Theater means a building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

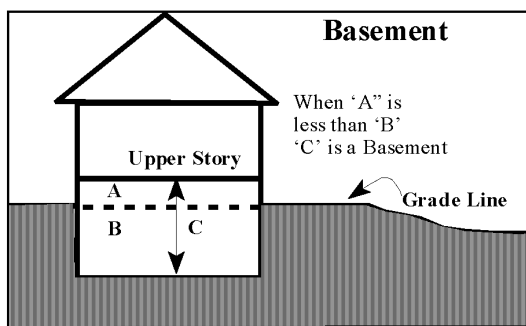
Adult Motion Picture Theater means a building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

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

Alterations means any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

Sec. 1.8. - Definitions—B.

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



Bed and Breakfast Establishment means a use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

Berm means a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

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

Board of Zoning Appeals, Board, or Board of Appeals means the Board of Zoning Appeals of the City of Rockford.

Buffer Strip means a strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

Building means an independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support.

Building Code means the code or codes governing the erection and maintenance of buildings as currently adopted by the City of Rockford.

Building Official, or Building Inspector means the person designated by the City Council to administer the provisions of the adopted Building Codes for the City of Rockford.

Building Site means this term shall be used in connection with site condominiums and shall mean either:

- (A) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- (B) The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Sec. 1.9. - Definitions—C.

Canopy Tree means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Certificate of Occupancy means a document signed by an authorized city official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

Child Care Center or Day Care Center means a facility, other than a private residence, licensed by the Family Independence Agency, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

City Council, or Council means the City Council of the City of Rockford.

City or Village Zoning Act means Act 207 of the Michigan Public Acts of 1921, as amended.

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

Commercial Storage Warehouse means a building or buildings used primarily as a commercial business for the storage of goods and materials.

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

Sec. 1.10. - Definitions—D.

Day Care Center. See "child care center."

Drive-Through Business means a business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

Dwelling, Multiple-Family means a building containing three or more separate dwelling units.

Dwelling, Single Family Detached means a building containing only one dwelling unit.

Dwelling, Two-Family means a building on a single lot containing two separate dwelling units.

Dwelling Unit means a room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this Ordinance for dwellings.

Sec. 1.11. - Definitions—E.

Erected means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

Essential Public Services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings, substations, and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "essential services" shall not include wireless communications towers, unless located on public property and used as part of a municipal communications network.

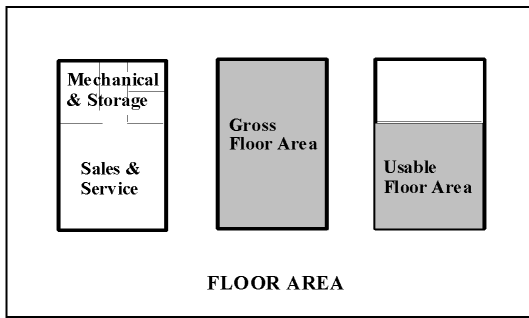
Excavation means any breaking of ground, except common household gardening and ground care.

Sec. 1.12. - Definitions—F.

Family means a person living alone in a single dwelling unit or two or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. "Family" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature, or whose occupancy is for the purpose of rehabilitation or special care.

Family Day Care Home means a private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Floor Area, Gross means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.



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

Frontage means the continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Sec. 1.13. - Definitions—G.

General Development Plan means the long-range master plan currently adopted by the City of Rockford, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan.

Grade means the gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent.

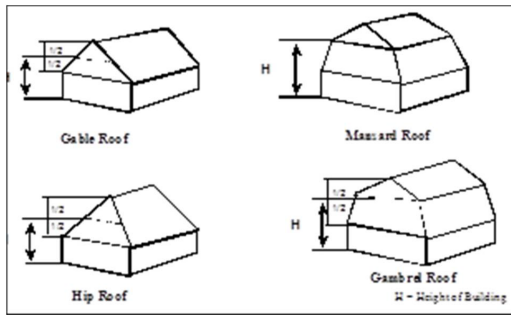
Grade, Average means the average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

Greenbelt means a strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also "Berm" and "Buffer Strip").

Group Day Care Home means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

Sec. 1.14. - Definitions—H.

Height means the vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



Hotel/Motel means a facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Housing for the Elderly means a residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facility shall be licensed as a "home for the aged" by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Sec. 1.15. - Definitions—I.

Inoperable Vehicle means a motor vehicle which is unlicensed or can no longer propel itself.

Sec. 1.16. - Definitions—J.

Junk means any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

Junk Yard means an open area where waste, discarded, surplus, or salvaged materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Sec. 1.17. - Definitions—K.

Kennel, Commercial means any lot or premises on which four (4) or more dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

Sec. 1.18. - Definitions—L.

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

Lot means a parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use (s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a right-of-way public or easement for roadway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this ordinance:

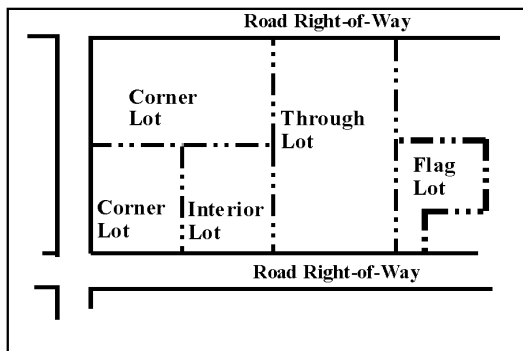
A platted lot, or a portion of a platted lot;

A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or

A building site as defined in this ordinance in connection with a site condominium project.

Lot Area means the total horizontal area within the lot lines.

Lot, Corner means any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.



Lot Coverage means the part of the lot occupied by any building, including accessory buildings.

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

Lot, Flag means a lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

Lot, Interior means a lot other than a corner lot, flag lot, or through lot.

Lot Lines means the lines bounding a lot as defined herein:

- (A) *Front Lot Line* means in the case of an interior lot, it is the line separating the lot from the street right-of-way or easement. In the case of a through lot, it is that line separating said lot from either street right-of-way or easement.
- (B) *Rear Lot Line* means that lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- (C) *Side Lot Line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of Record means a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, Through means any interior lot having frontage on two parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

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

Sec. 1.19. - Definitions—M.

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

Manufactured Home means a transportable, factory-built home, designed to be used as a year-round residential dwelling.

Manufactured Home Park means a parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Massage Parlor means any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

Proof of graduation from a school of massage licensed by the State of Michigan;

Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;

Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,

A current occupational license from another state.

Sec. 1.20. - Definitions—N.

Nonconforming Building or Structure means a building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

Nonconforming Lot means a lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

Nonconforming Use means a use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

Nursing Home means a nursing care facility licensed as a "nursing home" by the State Department of Public Health under [Article 17](#) of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), as amended. A "nursing home" as defined by this section shall include extended care facility and convalescent home.

Sec. 1.21. - Definitions—O.

Off-Street Parking Lot means a facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

Open Air Business means retail sales establishments operated substantially in the open air, including:

Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.

Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.

Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

Sec. 1.22. - Definitions—P.

Parking Space means a marked area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Personal Service Establishment means a commercial business conducting services that are performed primarily on the premises.

Planned Industrial Park means a development of land, used primarily for industrial and related uses, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planned Unit Development (PUD) means a development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planning Commission, or Commission means the City of Rockford Planning Commission.

Principal Use means the main use to which the premises are devoted.

Public Utility means a person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication (excluding wireless communications), transportation, or water; provided this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

Sec. 1.23. - Definitions—R.

Recreational Vehicle or Equipment means vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

- (A) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- (B) Boats and trailers designed to transport boats;
- (C) Snowmobiles and trailers designed to transport snowmobiles;
- (D) Off-road vehicles and trailers designed to transport off-road vehicles;
- (E) Pop-up tent and camper trailers;
- (F) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

Recycling Center means a building or premises where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Sec. 1.24. - Definitions—S.

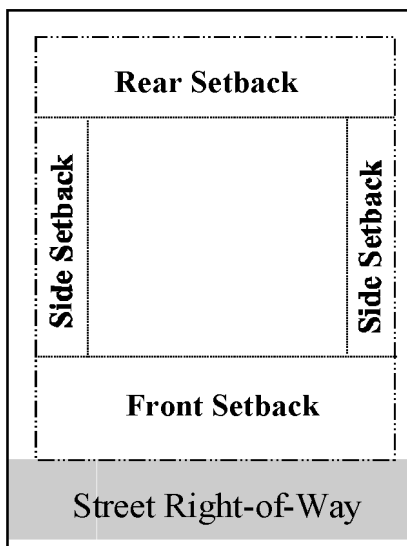
Salvage Yard means an open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

Satellite Dish Antenna means an apparatus capable of transmitting to or receiving communications from an orbiting satellite.

Secondary Street means the secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

Senior Housing means a multiple-family structure designed specifically for and occupied primarily by residents 55 years of age or older and which may offer some services or programs to residents, but services are less comprehensive than assisted living or convalescent homes.

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



Sign means a device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also Section 15.4(B).)

Significant Natural Feature means a natural area as designated by the Planning Commission, City Council, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

Specified Anatomical Areas.

- (A) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

State Licensed Residential Facility (6 or Fewer Persons) means a structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)" as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

Story means that part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, Half means an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street, Arterial means an arterial roadway as designated in the City of Rockford General Development Plan.

Street, Collector means a collector as designated in the City of Rockford General Development plan. A street that conducts and distributes traffic between other residential streets of lower order in the street hierarchy.

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

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground; provided play structures, light fixtures, and flag poles shall not be considered structures for setback purposes.

Substantial Improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building

commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

(Ord. No. 19-3, § 1, 10-14-19)

Sec. 1.25. - Definitions—T.

Truck Terminal means a building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Sec. 1.26. - Definitions—V.

Vehicle Repair means any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

Vehicle Service Station means building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

Vehicle Wash means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.

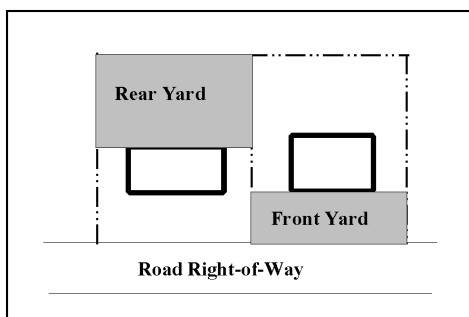
Sec. 1.27. - Definitions—W.

Waste Dumpster means a container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

Wireless Communications Tower, Commercial means a structure designed and constructed to support one (1) or more antennas used for licensed telecommunications services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services marketed to the general public.

Sec. 1.28. - Definitions—Y.

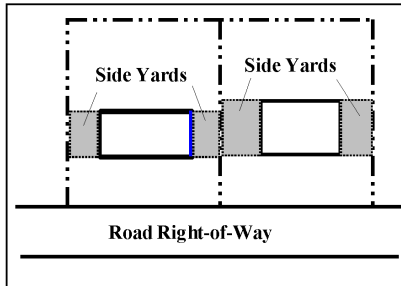
Yards means the open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.



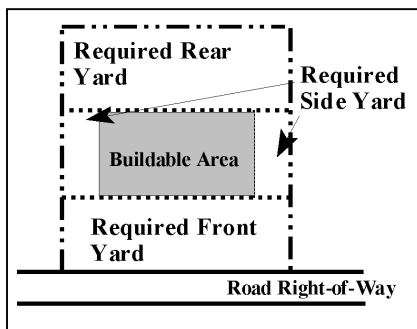
(A) *Front Yard* means an open space extending the full width of the lot, the depth of which is the minimum

horizontal distance between the front lot line and the building line of the main building.

- (B) *Rear Yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (C) *Side Yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



Yard, Required means the required yard shall be that set forth as the minimum yard setback requirement for each district measured from the respective lot line.



Sec. 1.29. - Definitions—Z.

Zoning Administrator means the person designated by the City Council to administer the provisions of this Zoning Ordinance.

Chapter 2 - GENERAL PROVISIONS

Sec. 2.1. - Non-Conforming Lots, Buildings and Structures, and Uses.

(A) *Intent.*

- (1) It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
- (2) Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.

- (3) Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance which actual building construction has been diligently conducted.
- (4) Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulation in effect at the time of the adoption of this Ordinance.

(B) *Non-Conforming Lots of Record.*

- (1) Where a residential lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure constructed on the lot complies with all other yard setback requirements.
- (2) If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance. If such a lot is used, it shall lose its legal nonconforming status.

(C) *Non-Conforming Uses.*

- (1) No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
- (2) No part of any non-conforming use shall be moved unless such movement eliminates the non-conformity.
- (3) If a non-conforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A non-conforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 - (a) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (b) The property, buildings, and grounds, have fallen into disrepair;
 - (c) Signs or other indications of the existence of the non-conforming use have been removed;
 - (d) Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
 - (e) Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.
- (4) A non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Board of Zoning Appeals:
 - (a) The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous non-conforming use.
 - (b) The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
 - (c) That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

(D) *Non-Conforming Buildings and Structures.*

- (1) Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage,

width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is non-conforming by fifty (50) percent or less of the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.
- (b) Should a non-conforming building or structure be destroyed to an extent of more than sixty (60) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance; provided that the Board of Zoning Appeals may, upon application, permit the reconstruction of such nonconforming building or structure if all of the following conditions are met:
 - (i) The prior nonconforming condition(s) shall not be increased.
 - (ii) All building materials and architectural details shall be substantially the same as those of the prior building or structure.
 - (iii) The new building or structure shall be placed on the original foundation.
 - (iv) The application to reconstruct the nonconforming building or structure shall be filed with the Zoning Administrator within six (6) months of the event in which the building or structure was damaged or destroyed.
 - (v) The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.
- (c) Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
- (2) None of the provisions of this section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- (E) The city may acquire, through purchase or condemnation, private non-conforming, buildings, structures, or land. The City Council may make this purchase of private property in the manner provided for by law.

Sec. 2.2. - Accessory Buildings, Structures, and Uses.

For purposes of this section, an accessory building is considered to be detached from the main building unless it is an integral part of the main building or is attached by a fully enclosed breezeway of not more than ten (10) feet in length. All accessory buildings shall be subject to the following regulations, as applicable:

- (A) Accessory buildings shall not be erected in any front yard, or required side yard unless otherwise provided in this section. In the case of corner lots, both sides abutting the street right-of-way shall be considered front yards. This subsection, however, shall not apply to carports or rows of garages located within multiple family housing developments.
- (B) No detached accessory building shall be located closer than ten (10) feet to any main building.
- (C) The eave line of a detached accessory building shall not be located closer than five (5) feet to any side or rear lot line, unless otherwise provided in this section.
- (D) In the R-2 and R-3 zone districts, the eave line of a detached accessory building shall not be located closer than three (3) feet to any side or rear lot line, unless otherwise provided in this section.

- (E) No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- (F) Any accessory building with an area greater than one hundred twenty (120) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for such a structure. The architectural character of all such accessory buildings shall be compatible with, and similar to, the main building with respect to materials, scale, design, and aesthetic quality as determined by the Zoning Administrator.
- (G) No accessory building shall be permitted on any lot which does not contain a main building.
- (H) No accessory building shall occupy any portion of a required green belt or buffer.
- (I) The maximum height of a detached accessory building shall be determined as follows:
 - (1) The maximum height of the exterior side walls, measured from the finished floor to the top of the wall plate shall not exceed nine (9) feet.
 - (2) The height of the exterior side walls may be increased to a maximum of twelve (12) feet, if the accessory building is set back an additional two (2) feet from the side and rear lot lines for each additional one (1) foot in height of the exterior side walls.
 - (3) The roof shall have a pitch no steeper than the pitch of the existing main building.
 - (4) For the purpose of this section, "exterior side wall" shall mean an exterior wall not having a gable end.
- (J) No more than two (2) detached accessory buildings shall be permitted on any lot less than two (2) acres in area. If, however, the main building has an attached garage, then not more than one (1) detached accessory building shall be permitted. The total floor area permitted for all detached accessory buildings on a lot shall not exceed that amount outlined in Section 2.2(K), below.
- (K) The total floor area of all detached accessory buildings shall be limited as follows:
 - (1) On lots less than two (2) acres, the maximum allowable size is eight hundred sixty-four (864) square feet
 - (2) Lots of two (2) acres or greater in area, the maximum allowable size is twelve hundred ninety-six (1296) square feet.
 - (3) On any size lot: the maximum floor area for detached accessory buildings shall not exceed twenty-five (25) percent of the rear yard, regardless of the permitted sizes in Section 2.2(K)(1) and Section 2.2(K)(2).
- (L) Any accessory building larger than six hundred twenty-five (625) square feet shall meet the minimum side yard setback, and one-half (½) the rear yard setback requirements for a main building in the zoning district in which the lot is located.
- (M) Any accessory building larger than eight hundred sixty-four (864) square feet shall meet the minimum setback requirements for a main building in the zoning district in which the lot is located.
- (N) All accessory buildings located in non-residential zone districts, if located on a lot abutting a residential zone district shall meet the setback requirements applicable to the main building located in such non-residential zone district.

Sec. 2.3. - Fences.

- (A) Fences in Residential Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
- (B) Fences erected within the front yard in any district shall not exceed four (4) feet in height.
- (C) Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.
- (D) In Residential Districts, the finished side of the fence shall face the abutting property.

- (E) Fences shall not be erected within any public right-of-way in any district.
- (F) Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- (G) Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.

Sec. 2.4. - Required Access.

Any lot created shall have frontage upon a public street equal to that required by the zone district in which it is located.

Sec. 2.5. - Storage of Recreation Equipment.

Recreational equipment may be parked outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:

- (A) If located on an interior lot recreational equipment shall not be located within the front yard. If located on a corner lot, recreational equipment shall not be located in the yard of the secondary front lot line facing the street. If located on a through lot, recreational equipment shall not be located in the front yard, or required rear yard.
- (B) Notwithstanding the provisions of this section, recreational equipment may be parked within any yard, but not within the required setback area, for cleaning, loading, or unloading purposes for not more than forty-eight (48) hours within any seven (7) day period.
- (C) Recreational equipment may not be used for living or housekeeping purposes.
- (D) Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four (4) inches or greater, prohibit a recreational vehicle from being parked in compliance with this section, the owner may apply to the Zoning Administrator for permission to park the recreational vehicle on the lot. This permission shall be granted, provided that the following requirements are met:
 - (1) An application for permission shall be accompanied by a plan, drawn to scale, showing the features that prevent the recreational vehicle from being parked in compliance with this section. A filing fee, which shall be set by City Council resolution, shall also be required.
 - (2) A twenty (20) foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; or, if a sidewalk exists, the twenty (20) foot setback shall be measured from the inside edge of the sidewalk.

Sec. 2.6. - Main Building or Use.

No more than one main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, or multiple family dwellings contained within a single, integrated complex, sharing parking and access.

Sec. 2.7. - Projections into Yards.

- (A) Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front, rear, or side yard.
- (B) An open, unenclosed porch, deck, balcony or window awning may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot

line, with the exception of the C-2 Central Business District where the porch, deck, balcony or awning may extend to the lot line.

- (C) Any porch, terrace, deck or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Sec. 2.8. - Essential Public Services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Sec. 2.9. - Building Height Exceptions.

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, flag poles, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances, subject to Section 2.19.

Sec. 2.10. - Required Area or Space.

- (A) No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- (B) Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Sec. 2.11. - Storage and Repair of Vehicles.

- (A) The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district shall be conducted entirely within the interior of a building.
- (B) Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- (C) It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction being conducted on such lot.

Sec. 2.12. - Swimming Pools.

- (A) Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall ensure that such device is made inaccessible to small children by means of a fence or enclosure surrounding the device or due to the height of the side walls, which means shall be approved by the Zoning Administrator. Such side walls, fence or

enclosure, including the gates, shall not be less than four (4) feet or greater than six (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.

- (B) Swimming pools, spas, hot tubs and similar devices shall not be located less than ten (10) feet from any lot line.
- (C) Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- (D) No pool, spa, hot tub, or similar device regulated by this section shall be constructed, installed, enlarged, or altered until a permit has been obtained from the zoning administrator.

Sec. 2.13. - Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks.

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- (A) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- (B) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the city, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by city codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- (C) The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.
- (D) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- (E) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- (F) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- (G) The dwelling unit shall have a minimum core living area of at least twenty (20) feet by thirty (30) feet.
- (H) Storage area shall be provided within a building, with an area of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 2.2.
- (I) Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the

adjacent grade.

- (J) The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- (K) The dwelling unit shall have no less than two (2) exterior doors, with one being in either the rear or the side of the dwelling unit.

Sec. 2.14. - Illegal Dwellings.

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the City building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

Sec. 2.15. - Temporary Buildings and Structures.

- (A) Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:
 - (1) Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot. An enclosed structure for temporary sanitation facilities shall be required on all construction sites.
 - (2) No construction building or structure shall be used as a dwelling unit.
 - (3) A permit shall be issued by the Zoning Administrator prior to installation of a construction building or structure.
 - (4) Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Zoning Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
- (B) Sales offices or model homes may be placed on a lot subject to the following conditions:
 - (1) A permit shall be issued by the Zoning Administrator prior to installation or construction. Such permit shall specify the location of the office and shall be valid for a period of up to one (1) year. A temporary permit may be renewed by the Zoning Administrator for up to two (2) successive one (1) year periods or less, at the same location if such office is still incidental and necessary.
 - (2) Only transactions related to the development in which the structure is located shall be conducted within the structure. General offices for real estate, construction, development or other related businesses associated with the project shall not be permitted.

Sec. 2.16. - Timely Completion of Construction Required.

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building, fence or other structure authorized under the provisions of this Ordinance, completion of such work shall be diligently pursued and completed as follows:

- (A) For residential, commercial, industrial or other structures, the exterior features shall be completed within twelve (12) months from the initial commencement of the project.
- (B) For any residential, commercial, industrial or other construction/building project that was initiated twelve (12) months prior to the adoption of this ordinance amendment, all exterior features shall be completed within one

hundred eighty (180) days of the effective date of this section.

- (C) The time for completion of all exterior features of a structure may be extended for up to sixty (60) days by the Zoning Administrator if extenuating circumstances are demonstrated.
- (D) Exterior features shall include all elements of the exterior of the structure and property including but not limited to siding, roofing, doors, windows, painting/staining, fences, garage floors, sidewalks, driveways and approaches, parking lots, appurtenants or auxiliary/accessory structures, lighting and any other element needed to complete the exterior of the structure.

Sec. 2.17. - Permitted Front Setback Reductions.

- (A) Where the established front yards for existing main buildings within two hundred (200) feet of the side lot line of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to Section 2.17(B) and Section 2.17(C), below.
- (B) The front yard reduction permitted in 2.17(A), above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- (C) In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

Sec. 2.18. - Keeping of Animals.

- (A) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination thereof, shall be kept or housed in or at one (1) dwelling unit.
- (B) The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts.
- (C) Any area where such permitted animals are kept shall be maintained in a safe and sanitary condition.

Sec. 2.19. - Mechanical Appurtenances.

- (A) Except in the C-3 General Commercial District, mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than twelve (12) feet to any lot line.
- (B) Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:
 - (1) Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the main building to which it is attached.
 - (2) The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than fifteen (15) percent of the total area of the roof of the building on which it is placed.

Sec. 2.20. - Water and Sanitary Sewer Service.

No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both adequate public water and sewer facilities.

Sec. 2.21. - Corner Lots.

- (A) A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- (B) *General Provisions.*
- (1) The required front setback shall be met on both the principal and secondary streets; provided that where the lot contains an existing main building, the front setback from the secondary street may be reduced by ten (10) feet.
 - (2) The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 - (3) The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.

Sec. 2.22. - Irregularly Shaped Parcels.

An irregularly shaped parcel is a parcel connected to another parcel, by a narrow piece of property, so as to create a barbell-like shaped parcel. No parcel shall be split so as to create an irregularly shaped parcel which would permit the area requirements for a lot to be met by adding a parcel to the rear or the side of such parcel.

Sec. 2.23. - Withholding or Conditioning of Approval.

The Planning Commission or City Council may withhold granting of approval of any use, site plan, or other approval required by this Ordinance pending approvals which may be required by county, state or federal agencies or departments, or may approve subject to obtaining such approvals.

Sec. 2.24. - Home Occupations.

- (A) Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of an application.
- (B) No persons other than members of the immediate family residing on the premises shall be engaged in such occupation.
- (C) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (20) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (D) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- (E) The home occupation shall be operated entirely within the principal dwelling and not within any detached accessory building or structure, and shall not involve any retail sales.
- (F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- (G) No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundaries of the property on which the home occupation is conducted. In case of electrical interference, no equipment or process shall be used which

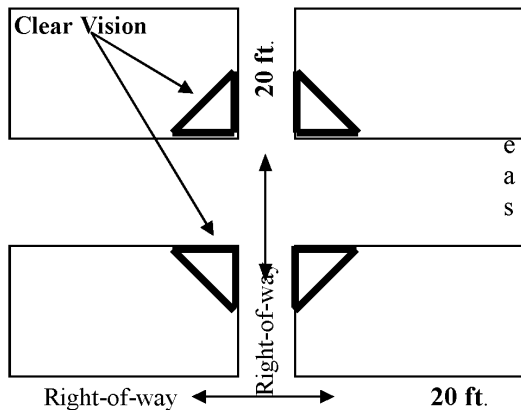
creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

Sec. 2.25. - River and Creek Setbacks.

No building or structure shall be erected or placed within any designated floodplain or flood hazard area (as those terms are defined in connection with the enforcement of the National Flood Insurance Act of 1968 as amended from time to time) of the Rogue River, Shaw Creek or Rum Creek. Where no floodplain or flood hazard area has been designated, no building or structure shall be erected or placed within one hundred fifty (150) feet of the Rogue River, Shaw Creek or Rum Creek; the one hundred fifty (150) feet setback to be measured from the water's edge. The above one hundred and fifty (150) feet setback will not apply where at least fifty percent (50%) of existing structures within the same zone district maintain the same or greater setback.

Sec. 2.26. - Clear Vision.

In any zone district on any corner lot, no fence, structure or planting over thirty (30) inches in height shall be erected or maintained within an area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines.



Sec. 2.27. - Satellite Dish Antennas.

No satellite dish antenna shall be constructed, installed, maintained, or operated in the City of Rockford except in conformance with these regulations. It is the intent of these regulations to protect the community from a potentially unsightly proliferation of such antennas in open view; to protect public safety by regulating the placement of such dishes in front yards and thereby avoiding visual obstructions to traffic; and ensuring conformance to applicable building codes to avoid injury or destruction of property.

- (A) No satellite dish with a diameter of 24 inches or greater shall be placed in any front yard.
- (B) No satellite dish shall exceed the maximum height limitations for the district in which it is located.
- (C) All satellite dishes shall conform to the required setbacks for accessory buildings and structures for the applicable zoning district in which they are located.
- (D) No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer of the dish antenna or federal regulations for safety purposes.
- (E) A satellite dish shall only be permitted in connection with, incidental to, and on the same lot as a principal use or main building.

(F) A satellite dish antenna with a diameter of 24 inches or greater shall not be erected, constructed, or installed until a permit therefore has been obtained from the Building Inspector to ensure that the dish is properly anchored and secured against high winds.

Sec. 2.28. - Governmental Improvements.

The provisions of this Ordinance shall be applicable to the City itself and all other governmental agencies and units, federal, state or local.

Sec. 2.29. - Wireless Communication Towers.

- (A) Wireless communication towers may be considered either a principal or accessory use, as a Special Land Use in the I-1 Industrial District meeting applicable standards outlined in Section 16.6(KK).
- (B) No such tower shall be permitted within an area bounded by the Rockford City limits on the South and West, East Main Street (extended) on the North, and Wolverine Blvd. on the East.
- (C) A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot where approved pursuant to the provisions of this ordinance.
- (D) A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed seventy (70) feet in height, and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (E) A commercial wireless communication antenna may be permitted within any zoning district, including the area described in Section 2.29(A), above, if mounted on an existing commercial wireless communication tower or publicly-owned tower or elevated storage tank.

Chapter 3 - ZONING DISTRICTS—GENERAL

Sec. 3.1. - Districts Established.

For the purposes of this Ordinance, the City of Rockford is hereby divided into the following zoning Districts:

CURRENT DISTRICT DESIGNATION		PREVIOUS ORDINANCE DESIGNATION	
R-1	Low Density Residential District	A-1	Single Family Residential District
R-2	Medium Density Residential District	A-2	Single Family Residential District
R-3	High Density Residential District	A-3	Residential—Multiple Family District
R-4	Manufactured Home Park District	PRD	Planned Residential Development
C-1	Office Commercial District	C-1	Planned Shopping Center
C-2	Central Business District	C-2	Central Business District
C-3	General Commercial District	C-3	Heavy Commercial

C-4	Highway Commercial District	C-4	Office Commercial
I-1	Industrial District	C-PUI-1	Heavy Commercial and Retail Business District
PUD	Planned Unit Development District	I-1	Light Industrial District
		D-2	Planned Industrial District

Sec. 3.2. - District Boundaries.

- (A) *Boundaries.* The boundaries of the districts listed in Section 3.1 are hereby established as shown on the City of Rockford Zoning Ordinance Map, which is part of this Ordinance.
- (B) *Interpretation of District Boundaries.* Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
 - (2) Boundaries indicated as approximately following platted lot lines or city limits shall be construed as following such lot lines or city limits.
 - (3) Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 - (4) Boundaries indicated as parallel to or extensions of features indicated in Section 3.2(B)(1) through Section 3.2(B)(3) shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 - (5) Boundaries following the shoreline of streams, lakes, or other bodies of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
 - (6) Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this section, the Zoning Administrator shall interpret the district boundaries.

Sec. 3.3. - Zoning of Annexed Areas.

- (A) Whenever any area is annexed to the City of Rockford, one of the following rules shall apply:
- (1) Land zoned previous to annexation shall be a district of the class to which it most nearly conforms under this Ordinance. The Planning Commission shall recommend the classification to the City Council, who shall determine by resolution the zoning classification into which the property will be placed.
 - (2) Land not zoned prior to annexation shall be automatically classified as a PUD District until a Zoning Map for the area has been adopted by the City Council. The Planning Commission shall recommend appropriate zoning districts for such area within three (3) months after City Council has referred the matter to the Commission.

Sec. 3.4. - Zoning of Vacated Areas.

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line halfway between them according to the adjacent zone, unless the City Council shall otherwise designate.

Chapter 4 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 4.1. - Intent.

This District is intended to provide a low-density, single family residential living environment and to foster stable, high quality neighborhoods consistent with Rockford's small town character. This District will apply mainly to newly developing residential areas, permitting single family homes on relatively large lots. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

Sec. 4.2. - Permitted Uses.

No land and/or buildings in the R-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Single-family detached dwellings.
- (B) Family day care homes.
- (C) State licensed residential family care facilities.
- (D) Accessory buildings, structures, and uses.
- (E) Public recreation areas.

Sec. 4.3. - Special Land Uses.

Land and/or buildings in the R-1 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16:

- (A) Community recreation centers.
- (B) Churches (including schools and day care centers).
- (C) Golf courses or country clubs (including uses such as restaurants without drive-through windows, lounges, pro shops, lodging facilities, and similar uses when accessory to and operated as an integral part of the golf course or country club).
- (D) K-12 schools, provided such schools are not operated as commercial enterprises.
- (E) Cemeteries.
- (F) Site condominiums for single-family homes.
- (G) Bed and Breakfast establishments when abutting a designated major street as defined by the City's Act 51 Street Inventory Map.

Sec. 4.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Special Land Uses in accordance with Section 15.1.

- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14:
- (F) No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 5 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 5.1. - Intent.

This District is intended to provide a medium density residential living environment comprised mainly of single family dwellings, and to foster stable, high quality neighborhoods in older areas of the City. At the same time, the regulations for this District recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Rockford. Non-residential uses are only allowed to the extent that they serve to further the preservation of stable residential neighborhoods.

Sec. 5.2. - Permitted Uses.

No land and/or buildings in the R-2 District may be used, erected, altered or converted, in whole or in part for the following purposes by right:

- (A) Any permitted use in the R-1 District.
- (B) Two family dwellings when converted from an existing structure.

Sec. 5.3. - Special Land Uses.

Land and/or buildings in the R-2 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16:

- (A) Any Special Land Use permitted in the R-1 District.
- (B) Bed and breakfast establishments.

Sec. 5.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

- (F) No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 6 - R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 6.1. - Intent.

This District is intended to provide a moderate to high density residential living environment and to foster stable, high quality, livable neighborhoods while providing for additional variety in housing opportunities and choices. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

Sec. 6.2. - Permitted Uses.

No land and/or buildings in the R-3 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Any permitted use in the R-2 District.
- (B) Two-family dwellings.
- (C) Multiple family dwellings.

Sec. 6.3. - Special Land Uses.

Land and/or buildings in the R-3 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16:

- (A) Any Special Land Use permitted in the R-2 District.
- (B) Boarding houses.
- (C) Convalescent or nursing homes.
- (D) Senior housing.

(Ord. No. 19-3, § 2, 10-14-19)

Sec. 6.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Multiple Family dwellings and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in Chapter 14, District Regulations.
- (F) No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

standards.

Chapter 7 - R-4 MANUFACTURED HOME PARK DISTRICT

Sec. 7.1. - Intent.

Consistent with the City's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices consistent with the level of quality available in all other residential zoning districts.

Sec. 7.2. - Permitted Uses.

No land and/or buildings in the R-4 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Manufactured homes located in a state-licensed manufactured home park.
- (B) Manufactured home parks in accordance with the requirements of Section 7.5.
- (C) Family day care homes.
- (D) State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- (E) Accessory buildings, structures, and uses.

Sec. 7.3. - Special Land Uses.

Land and/or buildings in the R-4 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- (B) State licensed residential group home care facilities.

Sec. 7.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for Manufactured Home Parks and all Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.

Sec. 7.5. - Licensed Manufactured Home Parks.

- (A) All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

- (B) The parking of more than one (>1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in the City of Rockford, irrespective of the requirements of any other ordinance of the City of Rockford, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- (C) No manufactured home shall be occupied within the park area until such time as a "Manufactured Home Occupancy Permit" shall be issued by the Building Inspector. Said permit shall be for a one year duration. Such permit shall be issued by the Building Inspector on payment by the owner of the manufactured home park of a fee which shall be established from time to time by the City Council for each manufactured home park lot.
- (D) The Manufactured Home Park Occupancy Permit shall be issued by the Building Inspector only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A Permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six months from the date of the request for the Permit.
- (E) All applications for manufactured home parks must be approved by the City Council, upon the recommendation of the Planning Commission, in accordance with the provisions of this section.
- (F) The Planning Commission and City Council shall consider the following standards when considering an application for a manufactured home park:
 - (1) Whether the proposal is in accordance with the City of Rockford Master plan.
 - (2) Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
 - (3) Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 - (4) Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 - (5) Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 - (6) Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- (G) *Manufactured Home Park Requirements.* All manufactured home parks shall be designed and developed in accordance with the following requirements:
 - (1) Minimum site size for a manufactured home park shall be ten (10) acres.
 - (2) A minimum of fifty (50) manufactured home sites shall be provided in the manufactured home park.
 - (3) Each manufactured home park site shall have direct access to an Arterial or Collector street as defined on the City of Rockford Master Plan.
 - (4) No access to the site shall be located closer than two hundred (200) feet from the centerline of the intersection of any arterial street.
 - (5) Minimum street widths within the manufactured home park shall be in accordance with the following schedule:

Parking	Direction	Minimum Street Width
No on-street parking	one way	14 feet

	two way	20 feet
Parallel parking on one side of street	one way	20 feet
	two way	30 feet
Parallel parking on both sides of street	one way	26 feet
	two way	36 feet

- (6) All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting City of Rockford construction specifications. Curbing shall also be provided. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park.
- (7) Maximum height for any permanent building shall not exceed one (1) story or twenty-five (25) feet, whichever is greater.
- (8) Each manufactured home lot, exclusive of streets shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet. No more than one manufactured home shall be parked on any one lot, and no manufactured home shall be occupied by more than one family.
- (9) The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches shall be twenty (20) feet from the inside of the sidewalk; and the minimum spacing from any rear lot line shall be ten (10) feet, and from the side lot line on the entry side ten (10) feet, and from the side lot line on the non-entry side, five (5) feet.
- (10) The nearest building of the manufactured home park shall be set back a minimum of one hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.
- (11) Each lot shall front on sidewalks at least four feet in width, located directly next to and parallel to the street.
- (12) Each lot shall provide a minimum of two (2) off-street, paved parking spaces.
- (13) The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree shall be provided for every two (2) lots. Trees shall be located to provide shade for manufactured home park sites.
- (14) The manufactured home park shall provide a minimum of a fifty (50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space. The strip shall be maintained by the owner and/or operator of the manufactured home park.
- (H) *Utility Standards.* The following utility standards shall apply to all manufactured home parks:
- (1) All utilities shall be underground.
 - (2) All lots shall be provided with a municipal public water and sanitary sewer service, and all manufactured homes shall be connected thereto. These shall be connected with an approved public water and sanitary sewer service

system. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park in accordance with procedures established by the City Council.

- (3) The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by the City Engineer. All storm drainage and surface drainage facilities shall be approved by the Kent County Drain Commission.
- (I) *Manufactured Home Standards.*
- (1) All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Mobile Home Commission rules and regulations applicable to manufactured home pad design and set up.
- (2) All manufactured homes shall have a minimum width of twenty (20) feet across any horizontal surface, exclusive of carports or overhangs.
- (J) *Recreation Facilities.* The manufactured home park shall contain one or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park. A minimum of two hundred fifty (250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.
- (K) *Manufactured Home Sales.*
- (1) No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
- (2) Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent, or those home occupants as permitted in this Ordinance, provided that a manufactured home commercial sales lot shall not be permitted in conjunction with any manufactured home park.

Chapter 8 - C-1 OFFICE COMMERCIAL SERVICE DISTRICT

Sec. 8.1. - Intent.

This District is intended to accommodate uses which can provide office and personal services to the residents of Rockford. The uses established in this District are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential uses. Among other purposes, this District may serve as a transitional area between residential and commercial or industrial districts and between major thoroughfares and residential districts.

Sec. 8.2. - Permitted Uses.

No land and/or buildings in the C-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

(A) Office buildings for any of the following occupations:

- (1) Executive, administrative, professional, real estate, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.

- (2) Medical and dental offices, including clinics, but not veterinary offices.
- (B) Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, exclusive of drive-through facilities.
- (C) Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses, as determined by the Zoning Administrator.
- (D) Child care centers.
- (E) Municipal buildings, and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
- (F) Public parks.
- (G) Health and physical fitness clubs.
- (H) Accessory buildings, structures, and uses.

Sec. 8.3. - Special Land Uses.

Land and/or buildings in the C-1 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Funeral homes and mortuary establishments.
- (B) Restaurants, exclusive of drive-through facilities.
- (C) Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, having drive-through facilities.
- (D) Churches.
- (E) Limited scope retail uses meeting the Requirements of Chapter 16.

Sec. 8.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Permitted and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, Chapter 14.
- (F) The outdoor storage of goods or materials is prohibited.
- (G) Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
- (H) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 9 - C-2 CENTRAL BUSINESS DISTRICT

Sec. 9.1. - Intent.

This District is intended to accommodate offices, personal services, civic and cultural functions, and convenience (day-to-day) retail for the residents of Rockford and visitors to the community within a central activity area. The uses established in this District are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential.

Sec. 9.2. - Permitted Uses.

No land and/or buildings in the C-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Any permitted use in the C-1 District.
- (B) General retail businesses catering to the needs of the community such as, but not limited to, grocery stores, pharmacies, furniture stores, clothing, dry goods, notions, or hardware.
- (C) Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the Zoning Administrator.
- (D) Commercial schools including, but not limited to, dance, music, trade, martial arts.
- (E) Newspaper offices and printing plants.
- (F) Restaurants, excluding drive-ins.
- (G) Establishments serving alcoholic beverage and which may provide live entertainment.
- (H) Art galleries, libraries, museums, and similar cultural facilities.
- (I) Outdoor sales and storage only when expressly permitted by an approved Special Events Permit Application. No other outdoor sales or storage shall be permitted.
- (J) Motels and hotels not exceeding a height of forty (40) feet.

(Ord. No. 19-4, § 1, 10-14-19; Ord. No. 19-5, § 1, 12-9-19)

Sec. 9.3. - Special Land Uses.

Land and/or buildings in the C-2 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Any Special Land Use permitted in the C-1 District.
- (B) Vehicle service stations, excluding vehicle repair.
- (C) Open air businesses.
- (D) Dwelling units on the upper floors of buildings with non-residential uses on the main level.
- (E) Outdoor patio/seating area in conjunction with a permitted restaurant.
- (F) Outdoor merchandise display.
- (G) Outdoor vending machines.

Sec. 9.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Permitted and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.

- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, Chapter 14.
- (F) The outdoor storage of goods or materials is prohibited.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 10 - C-3 GENERAL BUSINESS DISTRICT

Sec. 10.1. - Intent.

The District is intended to accommodate uses which can provide office, personal services, and general commercial goods to the residents of Rockford and surrounding area in an integrated and cohesive arrangement. Permitted uses in this District are intended to be of an appropriate scale, appearance, and arrangement to maximize compatibility with adjoining uses and minimize conflicts with traffic on adjacent streets. District boundaries are intended to encompass properties of such size and depth as to promote clustered development, rather than so-called strip or linear commercial development.

Sec. 10.2. - Permitted Uses.

No land and/or buildings in the C-3 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Any permitted use in the C-1 District.
- (B) General retail businesses catering to the needs of the community such as, but not limited to, grocery stores, pharmacies, furniture stores, clothing, dry goods, notions, or hardware.
- (C) Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the Zoning Administrator.
- (D) Commercial schools including, but not limited to, dance, music, trade, martial arts.
- (E) Restaurants, excluding drive-ins.
- (F) Health and physical fitness salons.

Sec. 10.3. - Special Land Uses.

Land and/or buildings in the C-3 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Any Special Land Use permitted in the C-1 District.
- (B) Offices and showrooms of plumbers, electricians, decorators, or similar trades.
- (C) Vehicle service stations, excluding vehicle repair.
- (D) Vehicle wash establishments.
- (E) Drive-in businesses (including banks, restaurants, pharmacies, and similar uses).

Sec. 10.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Permitted and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.3.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, Chapter 14.
- (F) The outdoor storage of goods or materials is prohibited.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 11 - C-4 HIGHWAY COMMERCIAL DISTRICT

Sec. 11.1. - Intent.

This District is intended to provide appropriate locations for commercial and business enterprises which primarily serve the motoring public. This district will be established primarily in high traffic, arterial locations where the traffic and other characteristics of the permitted uses will not prove detrimental to or incompatible with the surroundings.

Sec. 11.2. - Permitted Uses.

No land and/or buildings in the C-4 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) Motels and hotels.
- (B) Office buildings for any of the following occupations:
 - (1) Executive, administrative, professional, real estate, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
 - (2) Medical and dental offices, including clinics.
- (C) Restaurants, but not including drive-through.
- (D) Commercial storage warehouse.
- (E) Household equipment and tool rental.
- (F) Construction-related services (including plumbing, heating, electrical, hardware, and general contractor businesses) including offices, sales showrooms, service areas, and equipment sales and rental, but not including outdoor storage.
- (G) Vehicle parts sales, but not including installation or repair.
- (H) Veterinary clinics and kennels.
- (I) Printing, publishing, and reprographics businesses.
- (J) Utility and public service buildings, without outdoor storage yards.
- (K) Accessory buildings, structures, and uses.
- (L) Health and physical fitness clubs.

(Ord. No. 20-1, § 1, 2-10-20)

Sec. 11.3. - Special Land Uses.

Land and/or buildings in the C-4 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Vehicles service stations.
- (B) Vehicle repair.
- (C) Vehicle wash establishments.
- (D) Restaurants with drive-through facilities.
- (E) Open air businesses.
- (F) Plant nurseries and greenhouses.
- (G) Building supply and equipment establishments, including lumber yards.
- (H) Outdoor storage yards.
- (I) Billboards.

Sec. 11.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Permitted and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, Chapter 14.
- (F) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 12 - I-1 INDUSTRIAL DISTRICT

Sec. 12.1. - Intent.

This District permits most industrial uses such as wholesale, warehousing, manufacturing, and storage. The intent of the District is to provide a specific location for these uses and prevent their potentially negative impacts such as heavy traffic, continuous operation, noise, odor, or visual obtrusiveness from encroaching into areas or Districts where they would be incompatible.

Sec. 12.2. - Permitted Uses.

No land and/or buildings in the I-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- (A) The manufacture, compounding, processing, assembly, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- (B) The manufacture, compounding, processing, assembly, packaging, warehousing, or treatment of products from

the following previously prepared materials: aluminum, bone, brass, cellophane, canvas, cloth, copper, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stone, shell, rubber, tin, iron, steel, tobacco, wood, or yarn.

- (C) Corporate offices.
- (D) Research and development facilities, including production activities.
- (E) Warehousing and wholesale establishments.
- (F) Laboratories (experimental, film, or testing).
- (G) Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- (H) Trade or industrial schools.
- (I) Utility and public service buildings, including storage yards.
- (J) Contractor's showrooms and storage yards.
- (K) Accessory buildings, structures, and uses.

Sec. 12.3. - Special Land Uses.

Land and/or buildings in the I-1 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- (A) Vehicle repair.
- (B) Lumber and planing mills.
- (C) Metal plating, buffing, and polishing.
- (D) Commercial storage warehouses.
- (E) The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- (F) Recycling centers.
- (G) Adult bookstores, adult live entertainment theaters, adult motion picture theaters, and massage parlors.
- (H) Junk yards.
- (I) Truck terminals.
- (J) Outdoor storage, display area, and sale of farm implements and commercial construction equipment.
- (K) Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.
- (L) Production, refining, or storage of petroleum or other flammable liquids.
- (M) Municipal water and wastewater treatment facilities.
- (N) Veterinary clinics and kennels.
- (O) Outdoor storage yards.
- (P) Manufacture and processing of leather goods, including tanneries.
- (Q) Wireless communication towers.
- (R) Child care centers.

Sec. 12.4. - Site Development Requirements.

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- (A) Site Plan Review is required for all Permitted and Special Land Uses in accordance with Section 15.1.
- (B) Landscaping and screening are required in accordance with Section 15.2.
- (C) Parking is required in accordance with Section 15.3.
- (D) Signs are permitted in accordance with the requirements of Section 15.4.
- (E) Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, Chapter 14.
- (F) All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and on-site parking of vehicles.
- (G) Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.

Chapter 13 - PUD—PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 13.1. - Intent.

Planned Unit Developments in the City of Rockford may be established as distinct zoning districts when approved by the City Council in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other Zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Chapter.

Sec. 13.2. - Qualifying Conditions.

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- (A) A two (2) acre minimum lot size shall be required for a PUD located on property currently zoned C1, C3, or C4.
- (B) All PUD's shall be served by public water and sanitary sewer facilities.
- (C) The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
- (D) The proposed uses of the PUD must be consistent with the City of Rockford General Development Plan for the subject property.
- (E) The PUD development shall contain open space in an amount equal to at least fifteen (15) percent of the total PUD site. Such open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the City; or, if agreed to by the City Council, the open space may be conveyed to the City for the use of the general public.

Sec. 13.3. - Permitted Uses.

Any use permitted by right or special approval in any District may be permitted within a PUD.

Sec. 13.4. - Optional Pre-Application Conference.

- (A) A pre-application conference may be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD.
- (B) A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. As part of the pre-application conference, the applicant shall submit ten (10) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- (C) The Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of PUD in the City of Rockford, whether it qualifies under the minimum requirements of Section 13.2, and whether the general concept is consistent with the City's General Development Plan. In no case, shall any representations made by the Planning Commission be construed as an endorsement of the PUD or an approval of the concept.

Sec. 13.5. - PUD Application and Preliminary Development Plan.

Applicants seeking approval of a PUD District shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. Such application shall include the following:

- (A) A completed application form, supplied by the Zoning Administrator.
- (B) Payment of a fee, as established by the City Council.
- (C) A narrative statement describing:
 - (1) the objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 13.1.
 - (2) the relationship of the PUD to the City of Rockford General Development Plan.
 - (3) phases of development and approximate time frame for each phase.
 - (4) proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - (5) anticipated start and completion of construction.
 - (6) location, type, and size of areas to be dedicated for common open space.
- (D) Ten (10) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
 - (1) name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow.
 - (2) property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres.
 - (3) existing zoning and land use of all abutting properties.
 - (4) existing natural features on the site including water, stands of trees, drainage ways, flood plains, wetlands, steep slopes, and similar features.
 - (5) existing buildings on the site.
 - (6) proposed uses and their approximate locations.
 - (7) right-of-way and pavement edges of existing streets abutting the PUD.
 - (8) approximate locations of proposed access drives and streets within the PUD.
 - (9) proposed method of providing water, sanitary sewer, and stormwater drainage facilities.

- (10) layout and typical dimensions of proposed lots.
- (11) approximate phases of development.
- (12) proposed residential density by area or phase.

Sec. 13.6. - Notice and Public Hearing for PUD.

- (A) Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the Zoning Act. The notice shall:
 - (1) Describe the nature of the proposed PUD.
 - (2) Describe the property which is the subject of the PUD application, by both legal description and street address.
 - (3) State the time, date, and place of the public hearing.
 - (4) State when and where written comments will be received concerning the application.
- (B) Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

Sec. 13.7. - Planning Commission Recommendation.

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the standards of Section 13.11; and shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD zoning. In its recommendation to the Council, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identifying those specific conditions, if any, it considers necessary.

Sec. 13.8. - City Council Action.

After receiving the recommendation of the Planning Commission, the City Council shall review the application package, preliminary development plan, the record of the Planning Commission proceedings, and the recommendation. The Council shall then make its findings based on the standards of Section 13.11 as to approval, approval with conditions, or denial. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the City Council. Upon receipt by the City Council of the applicant's written acceptance of conditions and a revised preliminary development plan incorporating all required changes and conditions, the rezoning shall become effective.

Sec. 13.9. - Final Development Plan Application.

Within twelve (12) months of the City Council's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- (A) A completed application form, supplied by the Zoning Administrator.
- (B) Payment of a fee, as established by the City Council.
- (C) A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
- (D) A site plan containing all of the information required in Section 15.1(D)(2). For developments consisting of three (3) or more phases, a plan meeting the requirements of 13.5 D may be submitted for the overall PUD and a detailed plan as required for final development plan may be submitted for the first phase. Each subsequent

phase shall be reviewed in the same manner.

Sec. 13.10. - Planning Commission Review of Final Develop Plan.

- (A) The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Section 13.6 through Section 13.8 of this ordinance.
- (B) If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Section 13.11.
- (C) The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- (D) The decision of the Planning Commission may be appealed to the City Council which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of Section 13.11.
- (E) The Board of Zoning Appeals shall not have authority to hear any variance request or waive any requirement related to Planned Unit Developments.

Sec. 13.11. - Standards for Approval.

A PUD shall be approved only if it complies with each of the following standards:

- (A) The proposed PUD complies with all qualifying conditions of Section 13.2.
- (B) The uses to be conducted within the proposed PUD are consistent with the City's Master Plan.
- (C) The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- (D) The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- (E) The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 13.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- (F) The proposed PUD meets all the review standards of Section 15.1(G)(4).

Sec. 13.12. - PUD Agreement.

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the City in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the City Council. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase. The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Kent County Register of Deeds.

Sec. 13.13. - Changes to an Approved PUD.

Changes to an approved PUD shall be permitted only under the following circumstances:

- (A) The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- (B) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (1) Reduction of the size of any building and/or sign.
 - (2) Movement of buildings and/or signs by no more than ten (10) feet.
 - (3) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - (4) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (5) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (6) Changes required or requested by the City, Kent County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- (C) A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

Sec. 13.14. - Time Limit for Approved PUD District.

Each development shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this section.

- (A) The City Council may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
 - (1) the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) the PUD requirements and standards, including those of the Zoning Ordinance and General Development Plan, that are reasonably related to said development have not changed.
- (B) Should neither of the provisions of Section 13.14(A) be fulfilled, or an extension has expired without construction underway, the PUD approval shall be null and void.

Chapter 13A - TMO, TEN MILE OVERLAY DISTRICT

Sec. 13A.1. - Intent.

Ten Mile Road serves as the boundary line between Algoma and Plainfield Township. It also serves as a major road connecting the City of Rockford with US 131 and as such, 10 Mile Road is a gateway to all three communities. The City of Rockford, Algoma and Plainfield Townships therefore share a common interest in the future development of 10 Mile Road.

The future use of the land abutting this roadway particularly at the US 131 interchange, and the amount of traffic carried by 10 Mile Road will affect all three communities. In order to create a positive future, cooperation among all three communities is essential.

The three communities of Algoma Township, Plainfield Charter Township and the City of Rockford have jointly adopted the 10 Mile Road Corridor Plan which sets forth transportation and land use objectives for the corridor as well as recommendations for future land use.

The intent of the 10 Mile Road Overlay Zone is to provide for a set of zoning regulations to carry out the 10 Mile Road Corridor Plan. These regulations are compatible with a similar zone in Algoma and Plainfield Townships.

The specific purposes of this district are to:

- (A) Maximize the capacity of the road by limiting, and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from side streets.
- (B) Ensure sufficient right-of-way for future widening of 10 Mile Road as properties develop and re-develop.
- (C) Provide non-motorized pathways along 10 Mile Road.
- (D) Facilitate high-quality development and redevelopment of commercial and office districts through quality architecture, efficient site design and landscaping.
- (E) Require low level signs to minimize motorist distraction, avoid blight, and clutter, promote aesthetics and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.
- (F) Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.
- (G) Preserve important existing natural features which provide a rural atmosphere for the communities along the corridor.

Sec. 13A.2. - Applicability.

The standards of this Section shall apply to all lands with frontage along 10 Mile Road to a depth of 500 feet from the existing or future right-of-way line of 10 Mile Road which is illustrated as the 10 Mile Road Corridor Overlay Zone on the City of Rockford Zoning Map. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the City of Rockford Zoning Ordinance. Permitted and special land uses within the 10 Mile Road Corridor Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district except that the regulations of this Section shall supersede any conflicting regulation of the underlying Zoning Districts. In addition, the following regulations shall apply.

Sec. 13A.3. - Right-of-Way Preservation and Setbacks.

- (A) For site plans submitted after the effective date of this Ordinance, a right-of-way of 60 feet shall be provided as measured from the centerline of 10 Mile Road. All setbacks as required by this Section or by the underlying zoning district shall be measured from this required right-of-way.
- (B) *Front Setback Requirements and Modifications.*
 - (1) The required front setback for buildings, dwellings and structures shall be a minimum of 100 feet.
 - (2) The Planning Commission shall have the authority to reduce the required building front setback to not less than 50 feet during review of a site plan. In doing so, the Planning Commission must determine that modification of

the required setback would result in preservation of or less alteration to natural site features such as vegetation, wetlands or steep slopes.

- (3) The required front setback for off street parking lots for uses other than one and two family dwellings shall be a minimum of 25 feet. For multi-family off street parking lots, the minimum required setback shall be 50 feet.
- (4) For existing buildings which have a front setback of less than 100 feet, the Planning Commission may approve an expansion of the building provided the expansion does not increase the extent of the non-conformity.

Sec. 13A.4. - Access Standards/Requirements.

(A) *General Requirements.*

- (1) Each parcel may be permitted to have one driveway provided the spacing requirements of this section can be achieved. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
- (2) The Planning Commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function for the drives can be demonstrated.
- (3) The applicant shall submit evidence indicating that the sight distance requirements of the Kent County Road Commission are met.
- (4) Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- (5) For the driveway accessing 10 Mile Road, there must be enough on-site storage to accommodate at least five queued vehicles waiting to park or exit in order to minimize the possibility of waiting vehicles creating a conflict with street traffic movement.
- (6) Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
- (7) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (8) Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
- (9) For high traffic generators, or for commercial driveways along 10 Mile Road, the Planning Commission may require two egress lanes.
- (10) A boulevard entrance must comply with the design requirements of the Kent County Road Commission.

(B) *Driveway Spacing Standards for Uses Other than Single or Two Family Dwellings.*

- (1) Minimum spacing between two driveways along 10 Mile Road shall be 230 feet measured from centerline to centerline.
- (2) Minimum spacing requirements between a proposed driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced to 125 feet where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
- (3) To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 230 feet along 10 Mile Road, measured centerline to centerline. Greater offsets may be required depending on the expected inbound left-turn volumes

of the driveways.

- (4) For sites with insufficient street frontage to maintain the above spacing requirements, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided such driveway does not create an unsafe traffic condition.

(C) *Shared Driveways, Frontage Roads and Service Drives.*

- (1) A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance.
- (2) Service roads shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site and the 10 Mile Road Corridor Plan.
- (3) The service road shall be within an access easement permitting traffic circulation between properties: This easement shall be a minimum of 40 feet wide.
- (4) The service road easement shall be setback a minimum of 25 feet from the required right-of-way to allow for snow storage and landscaping.
- (5) Where a service road intersects 10 Mile Road, the edge of the service road parallel to 10 Mile Road shall be setback a minimum of 60 feet from the edge of the 10 Mile Road pavement to allow for vehicle stacking.
- (6) Service roads shall have a base, pavement and curb with gutter in accordance with Kent County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.
- (7) The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road.
- (8) The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed.
- (9) Each property owner shall be responsible for maintenance of the easement and service drive.

Sec. 13A.5. - Non-Motorized Pathway (Applies to South Side of 10 Mile).

- (A) A non-motorized pathway shall be required along the 10 Mile Road frontage for any activity requiring site plan, condominium or subdivision plat approval.
- (B) All pathways shall be 10 feet wide asphalt and constructed in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO).
- (C) Pathways shall be installed by the applicant within the road right-of-way, or within an easement acceptable to the Planning Commission.
- (D) An inclined approach shall be required where pathways intersect curbs for barrier free access.

Sec. 13A.6. - Sidewalks (Applies to north side of 10 Mile Road).

- (A) A sidewalk shall be provided along the 10 Mile Road frontage for any development requiring site plan, condominium or subdivision plat approval.
- (B) The sidewalk shall conform to the sidewalk requirements of the Kent County Road Commission and shall be installed concurrent with construction of the project.
- (C) *Pedestrian Circulation.*
 - (1) Paved walkways shall be provided on site for access to adjacent parks, shopping areas, anticipated walkways or trails and institutional uses such as schools or churches. Pedestrian movement shall be safely accommodated across parking lots. Walkways shall be separated from motor vehicle travel lanes and parking spaces.

Sec. 13A.7. - Lighting.

- (A) *General Requirements.*
 - (1) The requirements of this section shall apply to a depth of 500 feet from the 10 Mile Road right-of-way.
 - (2) When the installation of outdoor lighting is part of a development proposal for which site plan approval is required, the Planning Commission shall review and approve the lighting installation as part of its site plan approval process.
 - (3) A lighting plan shall be submitted with the site plan showing light fixture locations and additional lighting specifications as may be required by this Ordinance or by the Planning Commission to demonstrate compliance with Ordinance requirements.
 - (4) Proposed lighting installations not covered by this ordinance may be approved if they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive illumination levels.
 - (5) The maximum light level within the interior of the site for a non-residential use shall not exceed 10 foot-candles, except gasoline service stations with a canopy shall be permitted to have a maximum light level of 20 foot-candles as measured under the canopy.
 - (6) The maximum light level for the parking area serving a multi-family or institutional use shall not exceed four foot candles.
 - (7) The Planning Commission may modify the requirements of this section of the ordinance if it determines that in so doing, it will not jeopardize the intent of the ordinance.
- (B) *Exemptions.* The following outdoor light fixtures are exempt from the provisions of this ordinance:
 - (1) Outdoor light fixtures installed prior to the effective date of this ordinance are exempt from its provisions; provided, however, that when there is any change or any replacement, structural alteration or restoration of such outdoor fixtures, then the fixture shall thereafter conform to all provisions of this ordinance.
 - (2) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility type fuels.
 - (3) Street lights located within a public right-of-way.
 - (4) Outdoor light fixtures which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from glare or spill light.
 - (5) Lighting necessary for road or utility construction or emergencies.
- (C) *Outdoor Light Fixtures.* All outdoor fixtures including building mounted fixtures, shall be cut-off fixtures as defined by IESNA (Illumination Engineering Society of North America) except those exempted under Section D. The intensity of the light emitted from the fixture at any angle above a cut-off angle of 80 degrees from the vertical must be less

than 10% of the total lamp lumens of the outdoor light fixture. No more than 2.5% of the lamp lumens shall be emitted above a horizontal plane running through the lowest point on the fixture where light is emitted.

(D) *Parking Lot and Access Drive Lighting.*

- (1) Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination on to adjacent properties or streets.
- (2) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by IESNA's Lighting Handbook.
- (3) Mounting heights of standard cut-off fixtures shall not exceed 35 feet. Mounting heights of fixtures that are located within 200 feet of a residential use or district shall not exceed 20 feet.
- (4) Alternative Lighting: The use of fixtures from a particular period or architectural style may be utilized as either alternatives or supplements to the lighting described above. If such fixtures are not "cut-off" fixtures as defined by IESNA, the maximum initial lumens by each fixture shall not exceed 2000 (equivalent to a 150 watt incandescent bulb). Mounting heights of such alternative fixtures shall not exceed 15 feet.
- (5) The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles. This shall be measured as specified in Section 13A.7(A)(3).

(E) *Canopy Lighting.*

- (1) Light fixtures mounted in canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- (2) As an alternative (or supplement) to recessed ceiling lights in a canopy, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (3) Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides of the canopy shall not be illuminated.
- (4) The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles. This shall be measured as specified in Section 13A.7(A)(3).

(F) *Security Lighting.* All security lighting fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited.

(G) *Illumination of Building Facades.* When buildings and structures including flags mounted on poles or on buildings are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:

- (1) Maximum illumination on any surface shall not exceed 4.0 foot-candles.
- (2) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the item being illuminated and not directed skyward. Lighting fixtures shall not be directed toward adjacent streets, roads or properties.
- (3) Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.
- (4) The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
- (5) The level of light trespass onto surrounding properties or roads shall not exceed 0.01 foot-candles. This shall be measured as specified in Section 13A.7(A)(3).

(H) *Night Lighting.* Outdoor fixtures for off-street parking lots or building facades which face or abut a residential zone or

an area planned for residential use shall be turned off between 11:00 p.m. to 6:00 a.m. except for lights which are necessary for security purposes or if the business is in operation during these hours.

- (I) *Definition of Terms.* Lighting terms used in this section shall have the same meaning as set forth in the IESNA's *Lighting Handbook*.

Sec. 13A.8. - Landscaping/Preservation of Existing Vegetation.

- (A) *Landscape Plan.* A landscape plan shall be submitted as part of site plan for property regulated by this Chapter. The landscape plan shall be drawn to minimum scale of one inch equals fifty feet and shall include, but not necessarily be limited to, the following:
- (1) Location, general type and quality of existing vegetation, including specimen trees.
 - (2) Existing vegetation to be saved.
 - (3) Methods and details for protecting existing vegetation during construction.
 - (4) Location, size, and labels for all proposed plants.
 - (5) Typical straight cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
 - (6) Plant list(s) showing the required and proposed quantities.
 - (7) Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this ordinance.
- (B) *Front Yard Landscaping.*
- (1) Landscaping as required by this section shall be provided within the area adjacent to 10 Mile Road as follows:
 - (a) For non-residential uses the width of the landscape area shall be a minimum of 25 feet measured from the required right-of-way.
 - (b) For residential uses including multi-family the width of the landscape area shall be a minimum of 50 feet measured from the required right-of-way.
- (C) *Planting Requirements.*
- (1) The required front yard landscape area shall be planted with native plants native to Michigan, maintained in its existing state or a combination of these methods in order to preserve or enhance the rural view along 10 Mile Road. A balance of evergreen trees, deciduous trees and shrubs shall be planted within the required landscaped area.
 - (2) The Planning Commission may give a credit toward the required landscaping amount for existing trees or other vegetation preserved as part of site development.
 - (3) Earthen berms are encouraged to be provided.
 - (4) The following trees shall not be planted as part of the front yard landscaping: box elders, poplars, elms, willows, red and silver maples, Russian olive, mulberry, catalpa, Honey locust (with thorns), Horse Chestnut (nut bearing), black locust, tree of heaven.
- (D) *Planting Guidelines.*
- (1) Plants may be clustered in groups or planted in rows.
 - (2) Evergreen trees should be spaced at least 20 feet on center.
 - (3) Shade/canopy trees should be spaced at least 25 feet on center.
 - (4) Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.

(E) *Parking Area Landscaping.* For all parking areas that accommodate 10 cars or more, the following standards apply.

- (1) Landscaped islands and shade trees shall be located throughout the parking lot to shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of nine feet wide. Each island must have at least one canopy tree planted within it. Trees shall be planted at least three feet from the edge of the island.
- (2) One landscape island per every 10 parking spaces will be provided and planted with a canopy tree. As an alternative required islands may be combined so there are fewer but larger islands provided that the Planning Commission determines that this alternative will provide an equivalent amount of landscape area and will meet the intent of this section. Landscape islands may be covered with stone, wood chips or other similar material to prevent weed growth.

(F) *Minimum Standards for Plants and Other Landscape Features.*

(1)	Canopy/shade trees	2.5 inches in caliper
(2)	Evergreen trees	5 feet in height
(3)	Shrubs	24 inches in height
(4)	Walls	Masonry walls shall be of clay, brick, stone or other decorative masonry material and shall be placed on footings which meet the requirements of the local building code.

(G) *Maintenance of Plants.*

- (1) All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one growing season.
- (2) Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.

Sec. 13A.9. - Protection of Natural Features.

(A) Wetlands and the required buffers for wetlands and streams shall be delineated on final plats and site plans with a clear notation of use restrictions.

(B) *Steep Slopes.* The following regulations shall apply to slopes of 20% or greater which are within 500 feet of the 10 Mile Road right-of-way.

- (1) Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:
 - (a) The contiguous area of steep slopes is less than 20,000 square feet; and
 - (b) There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.
- (2) Areas containing existing steep slopes should preferably be included in open space lots.

(C) *Necessary Disturbance of Wetlands, Streams, and Steep Slopes.* Grading or removal of vegetative cover on wetlands,

streams, wetland buffers or steep slopes is not permitted unless the Planning Commission determines, based on justification provided by the developer that it is necessary for road or utility construction, trails, pathways, or storm water management facilities, and there is no other reasonable alternative. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.

(D) *Grading Plan.*

- (1) In order to permit the Planning Commission to assess the grade changes proposed for a site, the applicant shall submit a grading plan illustrating existing and proposed contours at two feet intervals.
- (2) In preparing a grading plan, the applicant shall be guided by the following standards:
 - (a) Cut and fill slopes shall be minimized.
 - (b) Proper grading and elevation relationships to adjacent properties shall be maintained.
 - (c) The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - (d) Mass grading of large pads and excessive terracing shall be minimized.
 - (e) Unstable slopes or slopes subject to erosion shall be protected. Storm water alteration of drainage patterns that could result from major changes in topography shall be minimized.
 - (f) Steep slopes shall be re-vegetated.
 - (g) Essential grading will be shaped so that it complements natural landforms.
 - (h) Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.

Sec. 13A.10. - Commercial and Office Architectural Facades and Building Design.

All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

- (A) *Height and Scale.* The scale and mass of a building shall be reasonably compatible with adjacent and nearby buildings.
- (B) *Structure Facade.* At least eighty percent of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Sec. 13A.11. - Signs.

The purpose of this section is to control signs intended to be visible from the public right-of-way.

(A) *Definitions.*

Abandoned Sign means a sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

Commercial Establishment means a business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Community Special Event Sign means a sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

Construction Sign means a sign which identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.

Directional Sign means a sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Essential Services means the erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

Foot-Candle means a measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

Governmental Sign means a sign erected or required to be erected by a local government, county, or the state or the federal government.

Ground Sign means a freestanding sign the bottom of which is no more than 24 inches above finished grade.

Off-Premise Sign means a sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).

On-Premise Sign means a sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

Portable Sign means a sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as "A" frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.

Pylon Sign means a freestanding sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.

Residential Community Sign means a sign identifying a platted subdivision, site condominium project, multi-family development, or other residential development.

Roof Sign means a sign erected above (or which extends above) the roofline of a building.

Sign means a device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

Wall Sign means a sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roofline of the building to which it is attached.

(B) *General Provisions.*

- (1) *Signs Prohibited.* Moving, flashing or blinking signs; off-premise signs; portable signs; roof signs; banners, pennants, streamers and flag signs; inflatable signs.
- (2) *Exempt Signs.* Governmental signs and signs for essential services.
- (3) Permits for signs as regulated by Section 15.4(K) of this Ordinance.
- (4) *Directional Signage.* No more than three feet in height and three square feet in size, except that such dimensions may be exceeded if approved during site plan review. A directional sign may contain a logo of an on-premises establishment but no advertising copy.
- (5) *Illumination.* It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. The following provisions shall apply:
 - (a) *Externally Illuminated Signs.*
 - (i) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.
 - (ii) Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.
 - (iii) To the extent possible, fixtures shall be mounted and directed downward (i.e., below the horizontal).
- (6) *Measurement Methods.*
 - (a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
 - (b) The area of the freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back to back and are of equal size, and are no more than two feet apart at any point the area of the two back to back faces shall be counted as the one face.
 - (c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

(C) *Signs in Residential Zoning Districts.*

- (1) One ground sign identifying a residential community is allowed at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. Such sign shall be a maximum of 32 square feet.

- (2) For non-residential uses, one ground sign not to exceed 48 square feet and one wall sign not to exceed five percent of the wall to which it is attached or a maximum of 100 square feet, whichever is less.
- (3) Ground signs which are less than 20 feet from the 10 Mile Road right-of-way shall not be more than four feet in height including the mounting structure. A sign which is 20 feet or more from the 10 Mile Road right-of-way shall not be more than six feet in height including the mounting structure.

(D) *Signs in Office Zoning Districts.*

- (1) One ground sign per parcel not to exceed 32 square feet. Such sign shall not exceed six feet in height including the mounting structure.
- (2) One ground sign identifying a multiple office building development or office park is permitted at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 60 square feet.
- (3) For individual office buildings which are part of a multiple office building development, one ground sign for each building is permitted but must be placed at the entrance to a public or private road right-of-way or other access easement. Such sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 32 square feet in size.
- (4) Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.
- (5) One wall sign is permitted per building. The size of a wall sign shall not exceed 10% of the area of the wall to which it is attached but shall be no more than 100 square feet in size whichever is less.

(E) *Signs in Commercial Zoning Districts.*

- (1) One ground sign or pole sign per parcel not to exceed 64 square feet. For a ground sign, the sign and any mounting structure shall not exceed six feet in height. Pole signs shall not exceed 25 feet in height.
- (2) For a lot or parcel with more than one commercial establishment, one ground sign or pole sign is allowed at each entrance, except that not more than two such identification signs shall be allowed per lot or parcel and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height for a ground sign or 25 feet in height for a pole sign. The sign shall not exceed 100 square feet.
- (3) Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.
- (4) Each commercial establishment is permitted to have one wall sign per street frontage. For purposes of this section, street frontage is defined as a public street, including a state or federal highway, or a private road as defined by this Ordinance. An access drive is not a street. The size of a wall sign shall not exceed 10% of the area of the wall to which it is attached, but shall be no more than 250 square feet in size whichever is less.

Chapter 14 - DISTRICT REGULATIONS

Sec. 14.1. - Schedule of District Regulations.

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

SCHEDULE OF REGULATIONS*

DISTRICTS	AREA (a) (SQ. FT.)	WIDTH (FT.)	YARD SETBACKS (FT.)				HEIGHT		COVERAGE (%)	
			Front	One Side	Total	Rear	Feet	Stories		
R-1 Low Density Residential	10,800 (b)	90	30	<u>7</u> (i)	<u>18</u>	25	35	<u>2</u> ½	35	
R-2 Medium Density Residential	7,200 (b)(c)	60(c)	30	7(i)	<u>16</u>	25	35	<u>2</u> ½	40	
R-3 High Density Residential	Single & Two Family	5,000 (b)(c)	(c)	25	7(i)	14	25	35	<u>2</u> ½	40
	Multiple Family	40,000 (d)	100	25(e)	7(e)	20(e)	20(e)	35	<u>2</u> ½	40
	Senior Housing	40,000 (k)	100	25(e)	7(e)	20(e)	20(e)	35	<u>2</u> ½	40
R-4 Manufactured Home Park	See <u>Chapter 7</u>									
C-1 Office—Commercial	None	None	25(g)	(f)	None	25(h)	28	<u>2</u>	40	
C-2 Central Business	None	None	None	(f)	None	(f)	35	<u>2</u> ½	None	
C-3 General Commercial	10 acres (j)	330(j)	50(g)	(f)	None	50(h)	28	<u>2</u>	50	
C-4 Highway Commercial	20,000	100	40(g)	10(g)	20(h)	25(h)	28	<u>2</u>	50	
PUD Planned Unit Development	See <u>Chapter 14</u>									

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

(Ord. No. 19-3, § 3, 10-14-19)

Sec. 14.2. - Footnotes to District Regulations.

(A) All dwellings shall contain a minimum floor area in accordance with the following:

single family 1,000 sq. ft., with at least 600 sq. ft. on the ground floor

two-family 1,000 sq. ft. with at least 600 sq. ft. on the ground floor

multi-family

1 bedroom 500 sq. ft.

2 bedroom 600 sq. ft.

3 bedroom 750 sq. ft.

4 bedroom 900 sq. ft.

(B) The required lot area shall be measured within one hundred twenty (120) feet of the front lot line.

- (C) All two-family dwellings shall meet the following requirements:
- (1) a minimum lot area of 12,600 square feet and a minimum width of 80 feet;
 - (2) a minimum finished living area of one thousand (1,000) square feet, excluding basements, provided that any basement room which contains a full egress window no higher than forty-two (42) inches from the floor may be counted toward the living area requirement;
 - (3) the structure shall retain the outward appearance of a single family dwelling to the extent possible;
 - (4) any exterior stairway providing access to or from a dwelling units shall be enclosed in a manner consistent with the exterior appearance and materials of the dwelling structure; and
 - (5) a minimum of four (4) off-street parking spaces shall be provided. Each such space shall be paved and shall be located so as to be accessible at all times, but shall not be located within the front yard and shall not exceed a maximum area of eight hundred (800) square feet, exclusive of aisles and drives.
- (D) A maximum of ten (10) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) feet. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) feet, whichever is greater.
- (E) In no case shall the minimum required setback be less than the height of the building.
- (F) No setback shall be required, unless a side or rear yard abuts a Residential District, in which case a buffer shall be provided in accordance with Section 15.2.
- (G) The first twenty (20) feet of the required front yard shall not be used for parking or aisles and shall be landscaped in accordance with Section 15.2.
- (H) If the side of rear yard abuts a Residential District, the minimum required setback distance shall be increased as necessary to meet the requirements of Section 15.2.
- (I) For all non-residential principal buildings, a minimum side yard of twenty (20) feet is required on each side in the R-1 and R-3 Districts and eighteen (18) feet in the R-2 District.
- (J) The minimum area and width requirement for any individual establishment may be reduced to 15,000 square feet and 80 feet respectively, if developed as part of a commercial Planned Unit Development in accordance with the requirements of Chapter 13, otherwise meets the intent of the C-3 District, and contains shared access and parking with other uses within the PUD.
- (K) A maximum of twenty (20) dwelling units per net acre shall be permitted. Net acre shall be the total site area exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building wall shall exceed an overall length of one hundred eighty (180) feet along a continuous unbroken plane. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) feet, whichever is greater.

(Ord. No. 19-3, § 4, 10-14-19)

Chapter 15 - SITE DEVELOPMENT REQUIREMENTS

Sec. 15.1. - Site Plan Review.

- (A) *Purpose.* The purpose of site plan review is to ensure that uses and structures permitted by right or special exception shall be constructed and arranged so that they comply with all applicable ordinances and regulations, are

compatible with existing and probable future uses, and promote the welfare of the community to the maximum extent possible.

- (B) *Review Required.* Site plan review shall be required, as applicable, under the following conditions:
- (1) *Level "A" review.* The Zoning Administrator shall review required site plans in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 - (a) Additions to existing buildings in any zoning district when the use of the building will not change and the addition does not exceed ten (10) percent of the total floor area of the existing building, not to exceed one thousand (1,000) square feet; provided that fewer than six (6) parking spaces may be added, but no other change in the location of existing driveway entrances or exits will occur.
 - (b) Changes in the use of any existing building in any zoning district, provided such use is a Permitted Use in that district or has been granted a use variance and no building or parking expansion will exceed the limits established in the previous sections.
 - (c) When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for level "A" site plan review may have an impact on surrounding properties, he may, in his sole discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure of Section 15.1(F)(2) and may require such additional information that may be needed to make an informative decision.
 - (2) *Level "B" review.* The Planning Commission shall review all site plans, other than those provided in Section 15.1(B)(1), in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 - (a) Any Permitted Use within the Industrial, Commercial, R-3 Multiple Family Residential, or PUD Planned Residential Development Districts.
 - (b) Any Special Exception use in any district.
 - (c) Site condominiums in any district.
 - (d) As otherwise required by this Ordinance.
- (C) *Exemptions.* Site plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use or for any home occupation or accessory building in a Residential District.
- (D) *Site Plan Requirements.* Each site plan submitted shall contain the following information, as applicable:
- (1) Level "A" site plans must include, at a minimum:
 - (a) Date, north arrow, and scale.
 - (b) The name and firm address of the professional individual responsible for preparation of the site plan.
 - (c) Name and address of the property owner or petitioner.
 - (d) Location sketch.
 - (e) Legal description of the subject property.
 - (f) Property lines and required setbacks.
 - (g) Location and dimension of all existing and proposed structures on the subject property.
 - (h) Location of all existing driveways, existing and proposed parking areas (including dimensions of a typical parking space), and the total number of parking spaces (existing and proposed).
 - (i) Abutting street right-of-way.

- (j) Existing and proposed landscaping and vegetation on the subject property.
 - (k) Location of all existing and proposed surface water drainage facilities.
 - (l) A brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.
 - (m) Elevation views of building additions.
 - (n) Any other information required by the Zoning Administrator deemed necessary to evaluate compliance with other applicable provisions of the Rockford City Code.
- (2) Level "B" site plans must include, at a minimum:
- (a) All items required in Section 15.1(D)(1) for Level "A" site plans.
 - (b) The size (in acres) of the subject property.
 - (c) Location of all existing structures, driveways, and parking areas within three hundred (300) feet of the subject property's boundary.
 - (d) Location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided), and unloading areas.
 - (e) Size and location of existing and proposed utilities, including proposed connections to public sewer and water supply systems.
 - (f) Existing and proposed topographic contours at a maximum of two (2) foot intervals.
 - (g) Recreation areas, common use areas, and areas to be conveyed for public use.
 - (h) Flood plain areas and basement and finished floor elevations of all buildings.
 - (i) Any deed restrictions or covenants.
 - (j) Typical elevation views of all sides of each building type.
 - (k) Summary schedules and views should be affixed, as applicable, in residential developments, providing the following:
 - (i) Number of proposed dwelling units (by type), including typical floor plans for each type of unit.
 - (ii) Number and location (by code, if necessary) of efficiency and one or more bedroom units.
 - (l) A brief narrative description of the proposed project including size, parking spaces, relationship to the surrounding area, traffic movement, and conformance to applicable review standards of the zoning ordinance.
 - (m) Any other information required by the Planning Commission to demonstrate compliance with other applicable provisions of the Rockford City Code.
- (E) *Waiver of Requirements.* Specific requirements of either a Level "A" or "B" site plan may be waived by the respective reviewer, Zoning Administrator or Planning Commission, where it is determined that such information is not applicable to the subject request.
- (F) *Review Procedure.* The process of reviewing a site plan shall be as follows:
- (1) Level "A" reviews shall be performed by the Zoning Administrator as follows:
 - (a) Three (3) copies of a complete site plan shall be submitted to the Zoning Administrator along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
 - (b) The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as he considers necessary, from the Department of Public Works, Water Department, Police Department, Fire

Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. If the subject property is located within the Downtown Development District, the notice shall also be sent individually to each member of the City of Rockford Downtown Development Authority. No action on the site plan shall be taken within seven (7) days of mailing such notice.

- (c) The Zoning Administrator shall consider the site plan, any comments received, and the applicable standards of this Ordinance and shall: (1) approve the site plan, as submitted, if all applicable requirements and standards have been met; (2) approve the site plan with conditions; or (3) deny approval of the site plan if applicable requirements and standards have not been met.
 - (d) The reasons for the Zoning Administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
 - (e) If approved, two (2) copies of the final site plan shall be signed and dated by the Zoning Administrator and the applicant. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or his designated representative.
- (2) Level "B" reviews shall be performed by the Planning Commission as follows:
- (a) Ten (10) copies of a complete site plan shall be submitted to the Zoning Administrator along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
 - (b) The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as he considers necessary, from the Department of Public Works, Water Department, Police Department, Fire Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. If the subject property is located within the Downtown Development District, the notice shall also be sent individually to each member of the City of Rockford Downtown Development Authority (DDA). All such notices shall be mailed at least seven (7) days prior to the meeting at which the Planning Commission will consider the site plan. Any failure to give notice to the owners of abutting property and DDA members pursuant to this Section shall not affect the legality or validity of any action taken by the Planning Commission pursuant to this Chapter.
 - (c) Once the Zoning Administrator determines that the site plan is complete, he shall transmit the site plan, along with comments from City departments and consultants to the Planning Commission for consideration at its next meeting. The Zoning Administrator shall not be required to submit any site plan for review which was submitted less than twenty (20) days prior to the next regularly scheduled Planning Commission meeting.
 - (d) The Planning Commission shall consider the site plan and shall: (1) approve the site plan, as submitted, if all applicable requirements and standards have been met; (2) approve the site plan with conditions; or (3) deny approval of the site plan if applicable requirements and standards have not been met.
 - (e) The reasons for the Planning Commission's action, along with any conditions that may be attached, shall be stated in the meeting minutes and a copy provided to the applicant.
 - (f) If approved, two (2) copies of the final site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or his designated representative.
- (G) *Review Standards.* A site plan shall be approved only upon a finding of compliance with the following standards:

- (1) The site plan must comply with all standards of this Section and all applicable requirements of this Ordinance and all applicable laws and regulations.
- (2) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- (3) The site must be designed so as to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.
- (4) Unless a more specific design standard is provided for in the Rockford City Code, all uses and structures subject to site plan review shall comply with the following design standards:
 - (a) *Traffic Circulation.* The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.
 - (b) *Storm Water.* Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by underground surface drainage system.
 - (c) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers, or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.
 - (d) *Screening.* Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing or equivalent landscaping shall be provided so as to shield residential properties from noise, headlights and glare.
 - (e) *Lighting.* Lighting shall be designed so as to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.
 - (f) *Utility Service.* All utility service shall be underground, unless impractical.
 - (g) *Exterior Uses.* Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have a minimum negative effect on adjacent properties, and shall be screened if reasonably necessary to ensure compatibility with surrounding properties.
 - (h) *Emergency Access.* All buildings and structures shall be readily accessible to emergency vehicles.
 - (i) *Water and Sewer.* Water and sewer installations shall comply with all City specifications and requirements.
 - (j) *Signs.* Permitted signs shall be so located to avoid the creation of distraction and visual clutter.
 - (k) *Building Design.* New or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity.
- (H) *Conditions.* Conditions may be imposed on site plan approval which are designed to ensure compliance with the intent of this Chapter and the Rockford City Code.
- (I) *Conformance.* Failure to construct in accordance with the approved site plan or conditions of site plan approval shall be a violation of the Rockford City Code, subject to penalties provided for such violation in this ordinance.

- (J) *Changes to an Approved Site Plan.* Changes to an approved site plan shall be permitted only under the following circumstances:
- (1) The holder of an approved site plan shall notify the Zoning Administration of any proposed change to an approved site plan.
 - (2) Changes to a Level "A" site plan may be approved by the Zoning Administrator.
 - (3) Minor changes to a Level "B" site plan may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction in building size or increase in building size up to five (5) percent of total approved floor area.
 - (b) Movement of buildings or other structures by no more than ten (10) feet.
 - (c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - (d) Changes in building materials to a comparable or higher quality.
 - (e) Changes in floor plans which do not alter the character of the use.
 - (f) Changes required or requested by the City or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
 - (g) A proposed change to a Level "B" site plan not determined by the Zoning Administrator to be a minor change shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.
- (K) *Expiration.* Site plan approval shall expire one (1) year after the date of approval, unless substantial construction has been commenced and is continuing. The Zoning Administrator, in the case of a Level "A" site plan, or the Planning Commission, in the case of Level "B" site plan, may grant one (1) extension of up to one (1) additional year; provided the applicant requests, in writing, an extension prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

Sec. 15.2. - Landscaping and Screening.

(A) *Intent.* It is the intent of this Section to require landscaping and screening to buffer the negative impacts between incompatible land uses; to minimize the adverse effects of certain outdoor activities upon their surroundings; and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the City of Rockford.

(B) *Definitions.* For the purposes of this Section the following definitions will apply:

Buffer means a strip of land between potentially incompatible uses which provides visual separation and aesthetic relief through some combination of screen and greenbelt.

Greenbelt means a landscaped area which provides aesthetic relief.

Screen means a visual barrier which surrounds a potentially offensive activity.

(C) *Buffer Zones Required.*

- (1) A buffer zone shall be required on the subject parcel between abutting zoning districts, as indicated on the Required table.
- (2) A buffer zone shall be required on the subject parcel even if the adjacent parcel is unimproved land.
- (3) When any developed parcel changes to a more intense land use or a special land use approval or a site plan review is required, a buffer zone shall be provided in compliance with this Ordinance.
- (4) If existing conditions on the subject parcel are such that a parcel cannot comply with the buffer zone requirements, the Zoning Administrator shall determine the character of the buffer based on the following criteria:
 - (a) Traffic impacts,
 - (b) Building and parking lot coverage,
 - (c) Outdoor sales, display, or manufacturing area,
 - (d) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - (e) Views and noise levels,
 - (f) Health, safety, and welfare of the City of Rockford,
 - (g) Proximity or potential proximity of adjacent residential uses.

(D) *Buffer Zone Development Standards.*

DISTRICTS	REQUIRED BUFFERS				
	C-1	C-2	C-3	C-4	I-1
R-1	B	B	A	A	A
R-2	B	B	A	A	A
R-3	C	B	B	B	A
R-4	C	B	B	B	A
C-1					B
C-2					C
C-3					C
C-4					
I-1					

- (1) Buffer Zone Level A shall meet the following requirements:
 - (a) Fifty (50) foot minimum width.

- (b) Equivalent of one (1) canopy tree per thirty (30) linear feet or fraction of buffer zone length.
 - (c) Six (6) foot high continuous sight-obscuring screen composed of evergreen plant material, berming, walls or fences, or any combination approved by the Planning Commission.
 - (d) If berming is used for any part of the buffer, all required plant material shall be placed on the top and side slope facing the exterior property line.
 - (e) If a wall or fence is used for any part of the buffer, a minimum of 4 (four) shrubs are required per twenty (20) linear feet of wall or fence, with at least fifty (50) percent of all such plant material being at least twenty-four (24) inches high at time of planting.
 - (f) All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - (g) All other applicable standards of this Section shall be met.
 - (h) All plant material shall meet the minimum requirements of Section 15.2(l)(1).
- (2) Buffer Zone Level B shall meet the following requirements:
- (a) Twenty (20) foot minimum width.
 - (b) Equivalent of one (1) tree per forty (40) linear feet or fraction of buffer zone length. Two-thirds ($\frac{2}{3}$) of all required trees shall be evergreen and the balance shall be deciduous.
 - (c) Three (3) foot high continuous sight-obscuring screen composed of plant material, berming, walls or fences, or any combination approved by the Planning Commission.
 - (d) If berming is used for any part of the buffer, it shall contain one (1) shrub for each ten (10) feet of berm length. All required plant material shall be placed on the top and side slope facing the exterior property line.
 - (e) If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub per ten (10) feet of fence or wall shall be placed along the exterior side. At least fifty (50) percent of all such plant material shall be at least twenty-four (24) inches high at time of planting.
 - (f) All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - (g) All other applicable standards of this Section shall be met.
 - (h) All plant material shall meet the minimum requirements of Section 15.2(l)(1).
- (3) Buffer Zone Level C shall meet the following requirements:
- (a) Ten (10) foot minimum width;
 - (b) Equivalent of one (1) tree per fifty (50) linear feet or fraction of buffer zone length. At least fifty (50) percent of the total number of required trees shall be canopy trees.
 - (c) Three (3) foot high continuous sight-obscuring screen composed of plant material, berming, walls or fences, or any combination approved by the Planning Commission.
 - (d) If berming is used for any part of the buffer, it shall contain one (1) shrub for each ten (10) feet of berm length. All required plant material shall be placed on the top and side slope facing the exterior property line.
 - (e) If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub per ten (10) feet of fence or wall shall be placed along the exterior side. At least fifty (50) percent of all such plant material shall be at least twenty-four (24) inches high at time of planting.
 - (f) All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.

- (g) All other applicable standards of this Section shall be met.
- (h) All plant material shall meet the minimum requirements of Section 15.2(l)(1).

(E) *Screening Required.*

- (1) Screening shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this Section.
 - (a) Around all trash dumpsters in all districts,
 - (b) Around designated outdoor storage areas in the C-4, Highway Commercial District, or I-1, Industrial District,
 - (c) Around any loading/unloading area or hospital emergency area.
- (2) Screening shall be required on the subject parcel even if the surrounding area or adjacent parcels are unimproved.
- (3) When any developed parcel changes to a more intense land use or a special land use approval or site plan review is required, screening shall be provided in compliance with this Ordinance.
- (4) If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the Zoning Administrator shall determine the character of the screen based on the following criteria:
 - (a) Traffic access and circulation,
 - (b) Building and parking lot coverage,
 - (c) Outdoor sales, display, or manufacturing area,
 - (d) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - (e) Views and noise levels, and
 - (f) Public health, safety, and welfare.

(F) *Screening Standards.*

- (1) All required screens shall meet the following standards:
 - (a) A solid, sight-obscuring fence or wall six (6) feet high.
 - (b) Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use.
 - (c) The fence or wall shall be constructed of masonry, treated wood, or other material approved by the Planning Commission if determined to be durable, weather resistant, rust proof, and easily maintained. Chain link and barb wire fences are not permitted.
 - (d) The required screen may be comprised of berms, plant material, walls, fences, or any combination, if approved by the Planning Commission upon determining that such alternate materials will provide the same degree of screening or better than required by these screening standards.
 - (e) All other applicable standards of this Section shall be met.

(G) *Greenbelts Required.*

- (1) Greenbelts, as indicated in the following Section shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this Section.
 - (a) Within the front setback area for parking lots in the C-1, C-3, C-4, and I-1 Districts.
 - (b) Around any nonresidential parking lot abutting or within one hundred (100) feet of a Residential District.
 - (c) Within any parking lot which contains ten (10) spaces or more.

- (d) Along the entire shared boundary where the subject parcel is zoned C-4 (Highway Commercial) or I-1 (Industrial) State, County or City owned park.

(H) *Greenbelt Standards.*

(1) Greenbelts shall meet the following requirements:

- (a) Minimum width shall correspond to the setback requirements for parking areas as prescribed in the Schedule of Regulations, but shall not be less than ten (10) feet. Where a greenbelt is required adjacent to a State, County, or City park, the minimum width shall not be less than fifteen (15) feet.
- (b) Equivalent of one (1) tree per twenty (20) linear feet or fraction of street frontage.
- (c) At least one-half (½) of the total number of required trees shall be evergreen trees.
- (d) A minimum of one (1) shrub at least twenty-four (24) inches high per each ten (10) linear feet or fraction of street frontage.
- (e) All areas within the greenbelt which do not contain trees or planting beds shall be covered with grass or other living ground cover.
- (f) Clustering of trees and shrubs within the greenbelt is permitted.
- (g) Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.
- (h) All other applicable standards of this Section shall be met.

(2) Greenbelts within parking lots shall meet the following requirements:

- (a) An amount equal to 15 sq. ft. of area per parking space.
- (b) The minimum size of any internal landscaped area shall be one hundred eighty (180) sq. ft.
- (c) Internal landscaped areas shall be protected by the installation of a raised curb, anchored timbers, or similar edge around the border.
- (d) For each one hundred eighty (180) sq. ft. of required greenbelt a minimum of one (1) deciduous tree shall be planted.

(I) *General Development Standards.* All required buffers, screens and greenbelts shall comply with the following standards:

(1) *Minimum Plant Material Standards.*

- (a) All plant materials shall be hardy to Kent County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- (b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- (c) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- (d) Minimum plant sizes and spacing at time of installation shall conform to the following requirements:

TREE TYPE	MINIMUM SIZE
Deciduous Canopy Tree	2-½ inch caliper
Deciduous Ornamental Tree	2 inch caliper

Evergreen Tree	5 feet in height
Deciduous Shrub	2 feet in height
Upright Evergreen Shrub	2 feet in height
Spreading Evergreen Shrub	24 inches spread

- (e) Existing plant material which complies with the standards and intent of this Ordinance, as determined by the Planning Commission, shall be credited toward meeting the landscape requirements.
- (f) The installed plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- (g) The overall landscape plan shall not contain more than thirty-three (33) percent of any one plant species.
- (h) The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (w/thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Horse Chestnut, Tree of Heaven	Catalpa

Soft Maples (Red, Silver)

Acer Rubram, Acer Saccharinum

- (i) Plant materials shall not be placed closer than four (4) feet to any fence or property line.
 - (j) Where plant materials are placed in two (2) or more rows, planting shall be staggered in rows.
- (2) *Minimum Standards for Berms.*
- (a) Where possible, berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio. When topography or other site condition prevents construction of berms at this ratio, retaining walls or terracing may be permitted. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
 - (b) Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
 - (c) Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- (3) *Minimum Standards for Screen Walls and Fences.*
- (a) All walls and fences required for screening shall be constructed with new, durable, weather resistant, and easily maintainable materials. Chain link and barbed wire fences are not permitted to serve as screen fencing.
 - (b) Unless otherwise prohibited, the wall or fence may be constructed with openings that do not exceed twenty (20) percent of the wall or fence surface. The fence openings shall not reduce the intended obscuring effect of the wall or fence.
 - (c) Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties, or obstruct vision for safety or ingress or egress.
- (4) *Installation and Maintenance Provisions.*
- (a) The Planning Commission or Zoning Administrator may require a financial guarantee, in accordance with the provisions of Section 18.4(B), of a sufficient amount to ensure the installation of all required landscaping.
 - (b) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced.
 - (c) All required landscaping shall be completed within six (6) months from the date of occupancy of the buildings, unless a performance bond is submitted in accordance with the provisions of Section 18.4(B).
 - (d) All existing dwelling units are required to establish and maintain appropriate landscaping (turf or other commonly used landscaping materials such as shrubs or trees) to ensure adequate protection of the ground and/or soil erosion, the environment, and public health and welfare. New dwelling units shall, within 180 days after their construction, have an established and maintained lawn area. The City will consider a written request to extend the time limits based upon seasonal limitations only.
- (5) *Waiver from Landscaping and Screening Requirements.* The Planning Commission during site plan review may determine, upon inspection, that conditions unique to the parcel exist which would prevent development of required off-street parking landscaped areas, or greenbelts. In such cases, these requirements may be waived in whole or in part. Criteria to be used when considering a waiver shall include, but not be limited to:
- (a) Existence of natural vegetation or screening.

- (b) Topography.
- (c) Existence of areas of poor soils.
- (d) Existing and proposed building placement.
- (e) Building height.
- (f) Adjacent land uses.
- (g) Distance between land uses.
- (h) Dimensional conditions unique to the parcel.
- (i) Traffic, sight distances and traffic operational characteristics on and off site.
- (j) Visual, noise and air pollution levels.
- (k) Public health, safety, and welfare.

Sec. 15.3. - Off-Street Parking and Loading.

(A) *General Requirements.*

- (1) Except for the C-2 District, off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot. In the C-2 District parking shall be provided on the same lot as the use, unless the property adjoins or has access to a community parking lot, or common parking area maintained by participating property owners.
- (2) The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- (3) Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be paved with an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service and shall occupy no greater than thirty-three (33) percent of the required front yard.
- (4) Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
- (5) Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- (6) Two (2) or more buildings or uses may collectively provide the required off-street parking.
- (7) The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - (a) Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - (b) Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
 - (c) The applicant has demonstrated to the Planning Commission's satisfaction that sufficient parking is or will be available to meet the regular demands of the use.

(B) *Parking Lot Design Standards.*

- (1) Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Width	Length
Parallel Parking	18 ft.	12 ft.	9 ft.	25 ft.
30-75 degree angle	24 ft.	12 ft.	9 ft.	21 ft.
76-90 degree angle	24 ft.	15 ft.	9 ft.	20 ft.

- (2) Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator or Planning Commission, depending on which is approving the site plan if consistent with generally recognized design standards for off-street parking facilities.
- (3) All parking lots shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. Each designated parking space shall be delineated with durable striping on the pavement surface.
- (4) All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of the City of Rockford and the Kent County Drain Commission.
- (5) All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded to prevent light from spilling onto adjacent residential districts or uses.
- (6) No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
- Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
 - Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

(C) *Off-Street Parking Requirements.*

- (1) Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- (2) When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- (3) The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit
Convalescent or nursing homes	One 1 space for each two 2 dwelling units
Institutional	
Churches	1 space for each <u>4</u> seats i n the main unit of worship, or 1 space per each 8 feet of pew length, whichever is less.
Group day care homes and group foster care homes	1 space for each four <u>4</u> clients, plus 1 space for each employee
Schools, elementary and middle	<u>1.5</u> spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each eight (8) students, plus <u>1.5</u> spaces for each classroom, plus amount required for auditorium or gymnasium seating
Theaters, assembly areas, auditoriums, gymnasiums	2 spaces for each five 5 seats or each eight 8 feet of bench or pew length or 1 space for each <u>3</u> persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Commercial	
Barber shop	2 spaces per barber chair
Beauty shop	<u>3</u> spaces per stylist chair
Bowling alleys	<u>4</u> spaces for each bowling lane plus required spaces for each accessory use

Convenience stores	1 space per 200 square feet of usable floor area
Funeral homes and mortuary establishments	1 space for each 50 square feet of gross floor area
Furniture stores	1 space for each 500 square feet of usable floor area
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Open air business	1 space for each 200 square feet of indoor usable area plus 1 space for each 1000 square feet of outdoor display area
Personal service establishments	1 space for each 50 square feet of usable floor area
Restaurants—without drive-through facilities	1 space for each 100 square feet of usable floor area or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 square feet of usable floor area or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	1 space for each 200 square feet of gross floor area
Vehicle repair establishments	1 space per 800 square feet of gross floor area plus <u>3</u> spaces per stall or service bay
Vehicle service stations	1 space for each employee on the maximum shift plus amount required for convenience stores, vehicle wash, or other applicable accessory uses.
Vehicle wash (automatic)	1 space per each employee on the maximum shift plus vehicle stacking space as required in the special use standards of <u>Sec. 16.6(EE)</u> .
Vehicle wash (self service)	1 space plus vehicle stacking space as required in the special use standards of <u>Sec. 16.6(EE)</u> .

Video rental stores	1 space for each 100 square feet of usable floor area plus 1 space for the maximum number of employees on the premises at any one time
Wholesale stores	1 space per 250 square feet of gross floor area
Offices	
Banks, credit unions, savings and loan associations, post offices, and other similar uses	1 space for each 200 square feet of usable floor area plus <u>3</u> spaces for each ATM machine or drive-through teller window.
Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area
Offices not otherwise specified	1 space for each 300 square feet of gross floor area
Industrial	
Manufacturing, processing, and research establishments	1 space for each 1000 square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale	1 space for each 2000 square feet of gross floor area plus those spaces required for offices located on the premises

(D) *Off-Street Loading Requirements.*

- (1) On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- (2) To the extent possible, loading in the C-2 District shall be provided in the rear yard.
- (3) In the C-3 and C-4 Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- (4) In the C-1 District and for non-residential uses in residential districts all loading spaces shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- (5) I-1 District.

- (a) In the I-1 District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
- (b) Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- (6) Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
- (7) All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

Sec. 15.4. - Signs.

(A) *Purpose and Findings.*

- (1) *Purpose.* The purpose of this Section is to coordinate the type, placement and physical dimensions of signs within the various zoning districts, to recognize the communication requirements of all sectors of the community, to promote both renovation and proper maintenance of signs, and to guarantee equal treatment under the law. In all respects, it is the intent of this Section to comply with Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). The general objectives of these standards are to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:
 - (a) *Safety.* To promote the safety of persons and property by providing that signs:
 - (i) Do not create hazards due to collapse, fire, decay, collision or abandonment;
 - (ii) Do not obstruct fire-fighting or security surveillance; and
 - (iii) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
 - (b) *Communications Efficiency.* To promote the efficient transfer of information in sign messages by providing that:
 - (i) Businesses and services may identify themselves;
 - (ii) Customers and other persons may effectively locate a business or service;
 - (iii) No person or group is arbitrarily denied the use of the sight lines from the public streets for communication purposes; and
 - (iv) Persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages.
 - (c) *Landscape Quality and Preservation.* To protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs:
 - (i) Do not interfere with scenic views;
 - (ii) Do not create a nuisance to persons using the public streets;
 - (iii) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
 - (iv) Are not detrimental to land or property values; and
 - (v) Contribute to the special residential character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.
- (2) *Message Substitution.* Notwithstanding any other provision of this Section, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this Section.

(3) *Findings.* The City finds that:

- (a) Content neutrality, viewpoint neutrality and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this Section and the constitutionally protected right to free expression.
- (b) The provisions in this Section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to particular viewpoints.
- (c) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Section is narrowly tailored, the least restrictive means and no greater than is essential to the furtherance of the important, substantial and compelling public purposes that are set out in this Section.
- (d) The regulation of the location, number, materials, height, size, form and duration of display of temporary signs is essential to prevent sign clutter.
- (e) Temporary signs may be degraded, damaged, moved or destroyed by wind, rain, flooding and sun, and after such degradation, damage, movement or destruction, such signs harm the safety and aesthetics of the public on the City's streets or sidewalks if they are not removed.

(B) *Definitions.*

Awning means a retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

Awning Sign means a sign affixed flat against the surface of an awning.

Balloon Sign means a sign composed of a non-porous bag of material filled with air.

Banner Sign means a fabric, plastic or other sign made of non-rigid material without an enclosing structural framework.

Billboard means any structure, including the wall of any building, on which lettered, figured or pictorial matter is displayed for a business, service or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

Business Center means any two (2) or more businesses which:

- (1) Are located on a single parcel of property;
- (2) Are connected by common walls, partitions, canopies or other structural members to form a continuous building or group of buildings;
- (3) Share a common parking area; or
- (4) Otherwise present the appearance of a single, contiguous business area.

Business Center Sign means a freestanding sign typically identifying the name of a business center and/or one (1) or more individual businesses within the center.

Changeable Message Sign means a portion of a sign on which copy may be changed, either manually or electronically, including a sign with a fixed or changing-display message composed of a series of lights that may be changed through electronic means.

Digital Sign or Billboard means a changeable message sign comprised of a computer or playback device connected to a sign face which utilizes digital, LCD, LED, plasma or similar technology or moving or rotating elements to display or change images on the sign face. Such signs can be controlled remotely and display electronic images that have the potential to change without the necessity of physically or mechanically removing and replacing the sign face or its components.

Directional Sign means a sign which gives traffic or wayfinding directions, instructions, or facility information for the use on the lot on which the sign is located.

Feather Sign means a temporary freestanding sign typically consisting of a single pole or shaft of plastic, metal or other rigid material, imbedded or otherwise fastened in the ground at the base with a vertically elongated pennant made of fabric, vinyl or other flexible material in the shape of a feather, teardrop or similar configuration attached along the pole.

Government Sign means a temporary or permanent sign erected by the City or other governmental entity.

Ground Sign means a sign, the bottom of which is no more than twenty-four (24) inches from the ground which rests directly on the ground or is supported by short poles or a base and is not attached to a building or wall.

Historical Marker means a sign, marker, or tablet located on a building or site that has been designated as a historic landmark by City, state or federal agencies.

Marquee means a permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee Sign means a sign affixed flat against the surface of a marquee.

Mural means a design or representation painted or drawn on a wall which does not identify an establishment, product, service, or activity.

Off-Premises Sign means a sign which relates to, identifies with or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located, including, but not limited to, billboards.

Placard means a sign not exceeding two (2) square feet which provides notices of a public nature.

Pole Sign means a sign, not attached to a building or wall, supported on poles or supports with a minimum ground clearance of eight (8) feet.

Projecting Sign means a double-faced sign attached to a building or wall that extends at least twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.

Residential Subdivision Sign means a permanent ground sign approved by the City located at the entrance to a recorded platted subdivision, site condominium project, multi-family development or other residential development on common open space or property owned by an association, developer, or similar entity responsible for the maintenance and care of the development.

Roof Line means the top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

Roof Sign means a sign projecting above the roofline of a building.

Sandwich Board means a freestanding temporary sign consisting of two (2) sign faces of equal size hinged at the top and placed on the ground.

Sign means any display, figure, painting, drawing, placard, poster or other device visible from the public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.

Temporary Sign means a sign, with or without a structural frame, intended for a limited period of display.

Wall Sign means a sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.

Window Sign means a sign installed inside a window and intended to be viewed from the outside.

Yard Sign means a freestanding sign placed on private property within a yard visible from a street.

- (1) *Rigid Frame Yard Sign* means a yard sign, consisting of a frame or skeleton made of steel, wood or similar sturdy material placed into the ground, that resists bending or movement and is capable of withstanding wind turbulence while supporting a sign of permitted size.
- (2) *Wire Frame Yard Sign* means yard sign, typically consisting of a fairly pliable "H"-shaped metal frame, one (1) end of which is typically inserted into a plastic sign and the other end is inserted into the ground.

(C) *General Requirements.*

- (1) No sign shall be placed in, upon or over any public right-of-way, alley or other public place except for permitted government signs and those signs permitted in the C-2 District which may project from a building wall over a public way.
- (2) No light pole, utility pole or other supporting member shall be used for the placement of any sign unless specifically designed and approved by the Zoning Administrator for such use.
- (3) No sign shall be erected in any place where it may, by reason of its position, shape, color or other characteristic interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or constitute a nuisance per se.
- (4) No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street or other public right-of-way, unless no other parking area is available.
- (5) No sign shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
- (6) Permanent ground, pole, and wall signs may contain changeable message signs in accordance with the applicable City requirements.
- (7) No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- (8) All permanent signs shall pertain only to the business or activity conducted on the property, with the exception of billboards.
- (9) Yards signs are permitted within any zoning district, subject to the following requirements:

Yard Sign Specifications		
Rigid Frame Yard Signs		
	Residential Uses	Non-Residential Uses
Maximum size	Eight (8) square feet	Thirty-two (32) square feet
Location	Three (3) feet from all property lines	Ten (10) feet from all property lines

Maximum height	Five (5) feet	Eight (8) feet
Other	<ul style="list-style-type: none"> • No illumination • Permission must be obtained from the property owner • The sign shall be subject to all applicable provisions of this Section 	<ul style="list-style-type: none"> • No illumination • Permission must be obtained from the property owner • The sign shall be subject to all applicable provisions of this Section
Wire Frame Yard Signs		
Maximum size	Six (6) square feet	Six (6) square feet
Location	Three (3) feet from all property lines	Ten (10) feet from all property lines
Maximum height	Four (4) feet	Four (4) feet
Other	<ul style="list-style-type: none"> • No illumination • Permission must be obtained from the property owner • The sign shall be subject to all applicable provisions of this Section 	<ul style="list-style-type: none"> • No illumination • Permission must be obtained from the property owner • The sign shall be subject to all applicable provisions of this Section
Permitted Yard Signs		
Number	Two (2) per lot or parcel plus, additionally, one wire frame yard sign for each fifteen (15) feet of street frontage	Two (2) per lot or parcel plus, additionally, one wire frame yard sign for each fifteen (15) feet of street frontage
Type	Rigid frame or wire frame	Rigid frame or wire frame
Duration	No time limit on two (2) per lot or parcel and any additional wire frame yard signs (permitted for each fifteen (15) feet of street frontage) shall have a time limit beginning sixty (60) days before a local, state or national election day and ending five (5) days after such election day	No time limit on two (2) per lot or parcel and any additional wire frame yard signs (permitted for each fifteen (15) feet of street frontage) shall have a time limit beginning sixty (60) days before a local, state or national election day and ending five (5) days after such election day
Location	Three (3) feet from all property lines	Ten (10) feet from all property lines

- (10) Directional signs are intended to minimize driver confusion and direct traffic entering and exiting non-residential property and protect the safety of pedestrians, drivers, and passengers by preventing hazard. Therefore, they are permitted in addition to other allowed signs to convey simple directions. To this end, they are permitted in any zoning district subject to the following restrictions:
- (a) Such sign shall not exceed two (2) square feet in area and three (3) feet in height and shall be set back at least five (5) feet from any lot line and edge of any driving lane.
 - (b) The directional sign may contain a graphic arrow and directions such as "enter," "exit," "one-way" or "do not enter." A commercial logo or trademark, not exceeding one-third ($\frac{1}{3}$) of the sign size, may also be included but not a business name or commercial message.
- (11) Pole signs shall have a clear space of at least eight (8) feet between the grade and the bottom of the sign to permit an unobstructed view for motorists and pedestrians.
- (12) Temporary signs, in addition to yard signs, are permitted in any district subject to the following restrictions:
- (a) Such temporary sign shall only be displayed upon receipt of a permit issued by the Zoning Administrator unless otherwise exempted by this Section.
 - (b) No such temporary sign shall be displayed on any one (1) lot or parcel for more than thirty (30) consecutive days for any one (1) permit period and no more than two (2) permits shall be issued for any lot or parcel during any calendar year.
 - (c) Upon expiration of the permit, the such temporary sign shall be removed by the permit holder.
 - (d) No such temporary sign shall exceed thirty-two (32) square feet.
 - (e) Only one (1) such temporary sign shall be permitted on a lot or parcel.
 - (f) No such temporary sign shall be closer than five (5) feet from any property line fronting on a street or other public right-of-way.
 - (g) All such temporary signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area.
- (13) All lighted signs shall be inspected by the Zoning Administrator for proper and adequate electrical connections. If deemed necessary by the Zoning Administrator, an electrical code permit will be required.
- (D) *Exempt Signs.* The following signs shall not require a permit, but shall be subject to all other applicable general requirements of this Section:
- (1) Government sign.
 - (2) Placard.
 - (3) Window sign, provided the total area of all signs within one (1) foot of the window shall not obscure more than fifty (50) percent of the window area.
 - (4) Yard sign.
 - (5) Historical marker.
 - (6) Mural.
 - (7) Sign not visible from any street.
 - (8) Sign for essential services.
 - (9) Sign with address, owner, or occupant name, of up to one (1) square foot in area attached to a mailbox, light fixture or exterior wall.
 - (10) Flag or insignia of any nation, state, local government, community organization, or educational institution.

- (E) *Prohibited Signs.* All signs not specifically permitted under this Section (unless exempted pursuant to (D) above) are prohibited, but not limited to, the following prohibited signs:
- (1) Balloon, balloon sign, string of light bulbs, pennant, streamer, banner or flag, except flag of a nation, state, local government, community organization or educational institutional.
 - (2) Any sign, including window sign, which has flashing, moving, or oscillating lights, provided, an electronic changeable message sign meeting the requirements of this Section are permitted.
 - (3) Roof sign.
 - (4) Off-premises sign (except a billboard and other expressly permitted by this Section).
- (F) *Measurement.*
- (1) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed excluding only the structure necessary to support the sign.
 - (2) The area of a pole, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back, are of equal size, and are no more than two (2) feet apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
 - (3) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.
 - (4) For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.
- (G) *Illumination.*
- (1) Unless otherwise provided in this Section, signs may be illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.
 - (2) No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light.
- (H) *Maintenance.*
- (1) Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
 - (2) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- (I) *Signs Permitted by Zoning District.* The following signs are permitted (unless otherwise indicated) in each indicated zoning district, subject to the requirements described in the tables, issuance of a sign permit, and all other applicable requirements of this Section.

R-1, R-2, R-3, R-4 & Residential PUD Districts
Residential Subdivision Sign

Number	One (1) per entrance road to the development, not exceeding two (2) such signs per development
Size	No greater than twenty-four (24) square feet
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade
Ground Sign for Non-Residential Usage	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum fifteen (15) feet from the street right-of-way line
Height	Not more than six (6) feet above grade
Wall Sign for Home Occupation	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet
Location	Mounted flat against the wall and non-illuminated
Wall Sign for Non-Residential Uses	
Number	One (1) per street frontage of property
Size	For public and quasi-public facilities (such as schools, churches, and similar institutional uses) no sign shall be greater than five (5) percent of the wall area to which it is affixed, not to exceed fifty (50) square feet. For private offices no such sign shall be greater than six (6) square feet
Location	Mounted flat against the wall facing the street
C-2 District	
Wall Sign	

Number	One (1) per business; provided that any business which has frontage on more than one (1) street shall be permitted to have one (1) wall sign per street frontage, subject to the size restrictions
Size	No greater than fifteen (15) percent of the ground floor wall area to which it is affixed on the front and no greater than ten (10) percent of the ground floor wall area on any side or rear face which abuts a street, not to exceed thirty (30) square feet per sign and where two (2) or more businesses occupy a single building, the ground floor wall area shall be limited to that portion of the building occupied by the respective business
Location	Mounted flat against the wall facing the street
Secondary Wall Sign	
Number	Where any wall of a business abuts the White Pine Trail or a public parking lot not more than one (1) secondary wall sign may be permitted per business
Location/Illumination	The signage shall be mounted flat against the wall facing the White Pine Trail or public parking lot and shall not be illuminated
Size/Location	Signage shall be no greater than ten (10) square feet along the White Pine Trail or public parking lot and to the top of the sign shall not be higher than ten (10) feet above grade
Ground Sign	
Number	One (1) per lot or parcel
Size	No greater than twenty-four (24) square feet
Location	Minimum of four (4) feet from the street right-of-way line
Height	Not more than four (4) feet above grade
Illumination	Shall not be illuminated if located on property that is adjacent to a residential zoning district
Sandwich Board	
Number	One (1) per business space

Size	Six (6) square feet and no more than two (2) feet wide
Location	The nearest edge of the sign shall be located no more than twelve (12) inches from the face of the building, provided, in no case shall the furthest edge of the sign be located closer than four (4) feet from the street curb or any street fixtures such as benches, trash receptacles, decorative flower pots or tree grates and the sign shall be placed within four (4) feet of the entrance to the business space but shall not interfere with pedestrian ingress or egress
Height	Three (3) feet, measured from grade to the top of the sign structure
Other	<ul style="list-style-type: none"> • The sign shall not be illuminated • The sign may only be displayed during the business hours of the use to which it relates and shall be stored inside the building during non-business hours • The sign shall be weighted or removed to prevent its movement in high winds • The sign shall be constructed of materials that present a finished appearance (rough-cut plywood is not acceptable) • The sign frame shall be painted or stained wood or anodized aluminum or metal (plastic framed signs are prohibited) • Within the specified maximum dimensions, creative shapes that reflect the theme of the business are encouraged (i.e., ice cream shops may display a sign in the shape of an ice cream cone) • No device, object or material such as, but not limited to, lights, balloons, streamers, or flags, shall be attached to the sign
Projecting Sign, Awning Sign or Marquee Sign	
Number	One (1) per street frontage of property
Size	Not greater than ten (10) square feet
Location	Projecting out from the building wall not more than four (4) feet and having a clearance of at least eight (8) feet between the sidewalk and the bottom of the sign
C-1, C-3, C-4 and Commercial PUD Districts	
Ground Sign or Pole Sign	

Number	One (1) per street frontage but not more than two (2) signs, provided that lots with two (2) street frontages shall have a minimum width at each right-of-way line of at least fifty (50) feet in order to have a second sign and no ground or pole sign shall be permitted for individual businesses within any business center
Size	No greater than forty-eight (48) square feet for ground signs or sixty (60) square feet for pole signs, provided, that in the C-3 District the area of a pole sign may be increased to eighty (80) square feet
Location	Minimum often (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade for ground signs or twenty-five (25) feet above grade for pole signs
Wall Sign	
Number	One (1) per business, provided, that any business which has frontage on more than one (1) street shall be permitted to have one (1) wall sign per street frontage
Size	No greater than ten (10) percent of the wall area to which it is affixed and which is occupied by the business, not to exceed one hundred (100) square feet
Location	Mounted flat against wall facing the street
Changeable Message Sign—Electronic	
Number	One per lot or parcel integrated within a permitted wall, pole or ground sign
Size	Maximum size no greater than fifty (50) percent of the area of the sign on which it is integrated and shall be counted as part of the total permitted sign area of that sign
Location	Shall only be integrated into a permitted ground, pole or wall sign, however, no electronic changeable message sign shall be located within one hundred (100) feet of a residential dwelling adjacent or across the street from a residential dwelling

Other	<ul style="list-style-type: none"> • Message changes, except for time and temperature, may occur no more frequently than once per minute and the method of change between messages shall be instantaneous • Roll, splice, unveil, venetian, zoom, fade, exploding, scroll and other methods of transition between messages shall not be permitted • The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the message or display is changed to another message or display • In no case shall white be used as the background color on any part of the electronic display portion of the sign • To reduce the potential negative effects of light and glare on nearby residential dwellings, the background of the electronic display portion of any sign located within two hundred (200) feet of a dwelling unit shall be a dark color and all lettering, graphics and symbols shall be a muted color approved as part of the sign permit • All electronic changeable message signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs
	<ul style="list-style-type: none"> • The electronic changeable message sign must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in the outdoor light levels • The electronic changeable message sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM
Business Center Sign	
Number	One (1) per street frontage of property but not more than two (2) signs, provided that lots with two (2) street frontages shall have a minimum width at each right-of-way line of at least fifty (50) feet in order to have a second sign and no ground or pole signs shall be permitted for individual businesses within any business center
Size	No greater than eighty (80) square feet
Location	Minimum ten (10) feet from the street right-of-way line
Height	Not more than twenty-five (25) feet

Billboard (within the C-4 District only, as a special exception use)	
Number	One (1) per lot or parcel
Size	No greater than two hundred fifty (250) square feet
Location	Shall be located on property with frontage on Wolverine Boulevard or Northland Drive, north of Main Street, set back a minimum of one hundred (100) feet from the street right-of-way line, no closer than fifty (50) feet to any other property line, and no closer than one thousand (1,000) feet to any other billboard on the same or opposite side of the street
Height	Not more than thirty (30) feet
Lighting	Not permitted
I-1 and Industrial PUD Districts	
Ground Sign (no pole signs are permitted)	
Number	One (1) per lot or parcel
Size	No greater than forty-eight (48) square feet
Location	Minimum often (10) feet from the street right-of-way line
Height	Not more than four (4) feet above grade
Wall Sign	
Number	One (1) per street frontage of property
Size	No greater than five (5) percent of the wall area to which the sign is affixed and not exceeding one hundred (100) square feet
Location	Mounted flat on wall facing street.
Billboard if approved as a special exception use	
Number	One (1) per lot or parcel
Size	Not greater than two hundred (200) square feet

Location	Shall be located on property with frontage on Wolverine Boulevard or Northland Drive, north of Main Street, set back a minimum of one hundred (100) feet from the street right-of-way line, and no closer than fifty (50) feet to any other property line
Height	Not more than thirty (30) feet
Lighting	Not permitted

(J) *Nonconforming Sign.*

- (1) Every permanent sign which was erected legally and which lawfully exists at the time of the original enactment of this Section, i.e., July 10, 2017, but which does not conform to the height, size, area or location requirements of this Section, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, or other non-permanent sign.
- (2) Nonconforming signs may not be altered, expanded, enlarged, or extended, provided, however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- (3) For the purposes of this Section, a nonconforming sign may be diminished in size or dimension without jeopardizing its permitted nonconforming use. The copy of the sign may not be amended or changed, unless specifically designed to be changed periodically, without bringing such sign into compliance with the requirements of this Section.
- (4) Any nonconforming sign destroyed by fire or other casualty loss or damage to the point that the sign face must be replaced shall not be restored or rebuilt.
- (5) Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice from the Zoning Administrator.
- (6) A sign accessory to a nonconforming use may be erected in accordance with the sign requirements for the zoning district in which the property is located.

(K) *Sign permits.* No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a permit, unless such sign is specifically exempted as provided in this Chapter.

(Ord. of 4-23-20; Ord. No. 20-2, § 1, 9-14-20)

Sec. 15.5. - Regulations Applicable to All New Construction.

- (A) All new construction shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- (B) All new construction which includes a foundation of poured walls below the average lot grade shall be surveyed and a copy of the survey shall be filed with and approved by the Zoning Administrator before the foundation wall is inspected and before any construction is commenced upon the foundation.

- (C) Each survey submitted pursuant to this Section shall contain the following:
- (1) Date, north arrow, and scale.
 - (2) The name and firm address of the professional individual responsible for preparation of the survey.
 - (3) Name and address of the property owner or petitioner.
 - (4) Legal description of the subject property.
 - (5) Location and dimension of all existing and proposed structures on the subject property.
 - (6) Measured dimensions of the foundation.
 - (7) Measured dimension of setback distances from the foundation wall to all property lines.
 - (8) Abutting street right-of-way.
 - (9) Location of all existing and proposed surface water drainage facilities.
 - (10) Measured elevation information to show that no building opening shall be constructed below the required minimum building opening elevation established at the time of plat or development approval as stated in the restrictive covenants and on record with the Kent County Drain Commissioner and on file in the City.
 - (11) Any other information required by the Zoning Administrator deemed necessary to evaluate compliance with other applicable provisions of the Rockford City Code.

(Ord. No. 17-4, § 1, 7-10-17)

Chapter 16 - SPECIAL LAND USES

Sec. 16.1. - Application Procedures.

- (A) Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:
- (1) Ten (10) copies of a site plan containing the information required by Section 15.1(D)(2).
 - (2) A completed application form.
 - (3) Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the City Council.

Sec. 16.2. - Notification, Hearing, and Review Procedures.

- (A) Upon receipt of an application for a special land use permit, the Zoning Administrator shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the City or Village Zoning Act, as follows:
- (1) The notice of public hearing shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not less than five (5), and not more than fifteen (15) days before the application will be considered.
 - (2) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, business or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas or organization, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- (3) The notice shall:
 - (a) Describe the nature of the special use request.
 - (b) Indicate the property which is the subject of the request.
 - (c) State when and where the request will be considered.
 - (d) Indicate when and where written comments will be received concerning the request.
- (B) Following notice, the Planning Commission shall hold a public hearing on the special land use permit application.
- (C) The Planning Commission may approve, approve with conditions, or deny the special land use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.

Sec. 16.3. - General Standards for Approval.

- (A) The Planning Commission shall approve, or approve with conditions, a special land use permit request only upon a finding that all of the following general standards for approval are complied with:
 - (1) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 - (2) The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
 - (3) The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 - (4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 - (5) The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in and all other applicable requirements of this Ordinance.
 - (6) If proposed in a residential district, the use will be compatible with the surrounding residential neighborhood, and the scale, density, or bulk of the use will be consistent with neighborhood character. Demolition of existing residential buildings is presumed to be inconsistent with maintaining the residential character of the city.
- (B) The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the minutes of the Planning Commission.

Sec. 16.4. - Conditions of Approval.

- (A) The Planning Commission may impose reasonable conditions in conjunction with approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 16.3 and the Specific Design Standards of Section 16.6.
- (B) Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act.

Sec. 16.5. - Approval Term and Expiration.

A special land use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

- (A) A special land use approval granted by the Planning Commission shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction has occurred and is progressing meaningfully toward completion.
- (B) The Planning Commission may grant up to an additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
- (C) If the above provisions are not fulfilled or the extension has expired prior to construction, the special use approval shall become null and void.

Sec. 16.6. - Special Land Use Specific Design Standards.

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this section. The following uses have such conditions, standards, or regulations:

- (A) *Adult Bookstores, Adult Live Entertainment, Adult Motion Picture Theater, and Massage Parlors.*
 - (1) The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.
 - (2) The use is not located within a one thousand (1,000) foot radius of two other such uses, measured from lot line to lot line.
- (B) *Banks, Credit Unions, Savings and Loan Associations, and other Similar Uses, as Determined by the Zoning Administrator, Having Drive-Through Facilities.*
 - (1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
 - (2) Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 - (3) Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or fifty (50) feet from the centerline of any other driveway.
- (C) *Bed and Breakfast Establishments.*
 - (1) The establishment shall be located on property abutting a designated major street as defined by the City's Act 51 Street Inventory Map.
 - (2) No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
 - (3) Such uses shall only be established in a single family detached dwelling.
 - (4) Parking shall be located to minimize negative impacts on adjacent properties.
 - (5) The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each three thousand (3,000) square feet or fraction thereof by which the lot area of the use exceeds twelve thousand six hundred (12,600) square feet, not to exceed six (6) guest rooms in any case.

- (6) Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling prohibited.
 - (7) Signs for a bed and breakfast establishment shall comply with the requirements of the zone district in which the use is located.
 - (8) The establishment shall contain the principal residence of the operator.
 - (9) Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
 - (10) Meals shall be served only to the operator's family, employees, and overnight guests.
 - (11) The maximum stay for any occupant, excluding the owner, shall be ten (10) consecutive days, not to exceed thirty (30) days in any twelve (12) month period. A guest register shall be maintained by the proprietors and shall be made available to the City for inspection upon request.
 - (12) No exterior evidence that the facility is a bed and breakfast shall be permitted, other than one (1) non-illuminated sign attached flat against the building, not to exceed six (6) square feet.
 - (13) Off-street parking shall be provided at a minimum ratio of two (2) spaces, plus one (1) for each permitted guest room. No parking shall be permitted in the front yard and no parking area shall be lighted, except for a residential porch light.
- (D) *Bus Passenger Waiting Stations.*
- (1) A vehicle waiting/drop off area of not less than ten (10) spaces shall be provided on-site.
 - (2) Passenger loading areas must be lighted. Lighting shall be shielded to prevent light from spilling onto any residential district or use.
- (E) *Churches.*
- (1) The Purpose of these requirements is to integrate churches into the fabric of the City's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the church, parking lots, and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.
 - (2) The minimum lot area shall be one (1) acre.
 - (3) The minimum lot width shall be one hundred fifty (150) feet.
 - (4) At least one (1) property line shall abut and have access to an arterial or collector street.
 - (5) To the extent possible, shared parking arrangements should be employed with other uses in the vicinity, consistent with Section 15.3(A)(1), to minimize the number of spaces provided on the church property.
- (F) *Commercial Storage Warehouses.*
- (1) Minimum lot area shall be two (2) acres.
 - (2) A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-3 District.
 - (3) Parking and circulation:
 - (a) One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site. One (1) additional parking space per twenty (20) storage cubicles, up to a maximum of ten (10) spaces, shall be located adjacent to the rental office for the use of customers.
 - (b) Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.

(c) All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

(G) *Funeral Homes and Mortuary Establishments.*

- (1) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
- (2) Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
- (3) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- (4) No waiting lines of vehicles shall extend off-site or onto any public street.
- (5) Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.

(H) *Group Day Care Homes.*

- (1) The dwelling exterior and property shall be maintained in a manner that is compatible with the surrounding area and does not change the residential character of the neighborhood. No sign shall be permitted and no evidence of the day care facility shall be visible from any street or adjoining property.
- (2) The lot shall contain the minimum area required for the district, plus one thousand eight hundred (1,800) square feet.
- (3) An outdoor play area of at least one thousand eight hundred (1,800) square feet shall be provided in the rear yard. Such play area and any other outdoor areas accessible to children shall be completely enclosed with a fence at least four (4) but not more than six (6) feet high.
- (4) The day care operation shall be restricted to Monday through Friday only and between the hours of 7:00 a.m. and 6:00 p.m.
- (5) No group day care facility shall be established within one thousand five hundred (1,500) feet of any existing group day care home.
- (6) The facility shall comply with all other applicable State licensing regulations.

(I) *Hotels and Motels.*

- (1) Minimum lot area shall be two (2) acres and minimum lot width shall be two hundred (200) feet.
- (2) Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
- (3) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

(J) *Housing for the Elderly.*

- (1) All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
- (2) Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
- (3) The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the State of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
- (4) All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
- (5) Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public

street.

- (6) The maximum height may be increased by one story for each additional forty (40) feet the building is set back from all required yards.

(K) *Kennels.*

- (1) For kennels, the minimum lot size shall be one (1) acre.
- (2) Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

(L) *Lumber and Planing Mills.*

- (1) The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

(M) *Lumberyards.*

- (1) The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
- (2) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- (3) Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
- (4) Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

(N) *Manufacture, Compounding, Processing, Packaging, or Treatment of Products Requiring Stamping or Punch Press Operations.*

- (1) The principal and accessory buildings and structures shall be located at least three hundred (300) feet of any residential use or district property line.

(O) *Manufacture of Corrosive Acid or Alkali, Cement, Lime, Gypsum, or Plaster of Paris.*

- (1) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (2) The principal and accessory buildings and structures, shall not be located within one thousand (1,000) feet of any residential use or district.

(P) *Metal Plating, Buffing, and Polishing.*

- (1) The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

(Q) *Open Air Businesses.*

- (1) The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
- (2) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (3) Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
- (4) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into

any required yard or occupy any required parking or maneuvering areas for vehicles.

(R) *Outdoor Merchandise Display.*

- (1) No merchandise, displays, or fixtures shall be located closer than twenty (20) feet to any public right-of-way line.
- (2) No fixtures or merchandise shall be located so as to obstruct the movement of pedestrians along the sidewalk or obstruct the visibility of vehicles on the street.
- (3) All merchandise, displays, and fixtures shall be removed and stored indoors during nonbusiness hours.
- (4) No lighting, motors, or electrical apparatus shall be employed in any outdoor display.
- (5) The area devoted to such outdoor display shall be maintained in a safe, clean, and sanitary manner.

(S) *Outdoor Patio/Seating Area in Conjunction with a Permitted Restaurant.*

- (1) The area devoted to outdoor service must be ancillary to the main use of an indoor restaurant, bakery, delicatessen, specialty food store, or similar establishment.
- (2) The area devoted to outdoor service shall not encroach upon or extend over any public walkway, street, alley or right-of-way.
- (3) The outdoor service area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
- (4) The type and style of furniture to be used shall be shown in conjunction with the site plan submittal for the special use request.
- (5) The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission.
- (6) Furniture utilized for outdoor dining shall be removed and stored indoors or secured outdoors during nonbusiness hours. All such furnishings shall be completely removed from December 1 through March 1 of each year.
- (7) The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.

(T) *Outdoor Storage, Display, and Sale of Farm Implements and Commercial Construction Equipment.*

- (1) The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
- (2) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (3) Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
- (4) Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

(U) *Outdoor Storage Yards.*

- (1) All outdoor storage in the C-4 District shall be located in the rear yard only and shall be fenced with a six (6) foot high chain link fence or screen wall.
- (2) All outdoor storage in the I-1 District shall be located in the rear or side yard.
- (3) All outdoor storage yards shall be paved.
- (4) Screening of outdoor storage yards shall be provided along all property lines in accordance with the requirements of Section 15.2(D).
- (5) Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.

(6) No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

(V) *Outdoor Vending Machines.*

- (1) No vending machine, dispensing a product or merchandise, shall be located outside of a building unless all standards of this subsection are met.
- (2) No vending machine shall exceed a height of five (5) feet measured from the ground surface to the top of the machine, nor a width of thirty (30) inches, nor a depth of twenty-four (24) inches.
- (3) Not be electrically powered.
- (4) Not be internally illuminated.
- (5) Not display any signs for advertising or publicity purposes, except the name of the product or merchandise sold therein which shall not exceed an area of two (2) square feet.
- (6) No more than four (4) vending machines, not exceeding a combined length of eight (8) feet, shall be permitted outside any building.
- (7) All vending machines shall be maintained in a clean, neat, and attractive condition and in good repair at all times.

(W) *Private Noncommercial Recreation Areas or Community Recreation Centers.*

- (1) The use shall be located on property with direct access to a public street.
- (2) Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
- (3) Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
- (4) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

(X) *Production, Refining, or Storage of Petroleum or Other Flammable Liquids.*

- (1) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (2) The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.

(Y) *Recycling Centers.*

- (1) A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
- (2) The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.

(Z) *Residential Dwelling Units, in the Same Building with Commercial Uses.*

- (1) No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
- (2) Evidence shall be provided to the Planning Commission that off-street parking equal to two (2) spaces per dwelling unit is available to the residents within a reasonable distance of each dwelling.
- (3) Access to dwelling units shall be from outside of the building.
- (4) No dwelling unit shall be located on the ground floor of the building.
- (5) The minimum floor area of each unit shall be identical to the requirements for multi-family dwelling units.

(AA) *Restaurants, Exclusive of Drive-Through Facilities.*

- (1) Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10)

feet.

- (2) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

(BB) *Restaurants with Drive-Through Facilities.*

- (1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
- (2) In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- (3) Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- (4) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

(CC) *Salvage Yards, Junk Yards.*

- (1) Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- (2) The site shall abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
- (3) No portion of the storage area shall be located within one thousand (1,000) feet of any residential use or district.
- (4) Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
- (5) Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
- (6) The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
- (7) A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
- (8) Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- (9) All portions of the storage area shall be accessible to emergency vehicles.

- (10) Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drive each row of vehicles.
- (11) All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
- (12) Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- (13) The property shall be a minimum size of at least six (6) acres.
- (14) All fences shall be set back a minimum of three hundred (300) feet from any residential use or district.
- (15) In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
- (16) The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the City of Rockford. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

(DD) *Site Condominiums.*

- (1) The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
- (2) The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
- (3) All developed sites shall be required to use City utilities.
- (4) Sidewalks shall be constructed on all sides of site condominium lots abutting a public street or a common use private drive, in accordance with City standards. The Planning Commission may waive the requirement for a sidewalk when, in the opinion of the Commission, no good purpose would be served by the sidewalk for site plan condominium projects of four or more sites.
- (5) All site condominium lots shall have access to and frontage on a public street or an approved private street, in accordance with Section 2.26.
- (6) The site condominium development shall contain open space in an amount equal to at least fifteen (15) percent of the total site condominium site. Such open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the site condominium development through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the City; or, if agreed to by the City Council, the open space may be conveyed to the City for the use of the general public.

(EE) *Truck Terminals.*

- (1) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (2) Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
- (3) The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.

- (4) The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose water.
 - (5) Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
 - (6) Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
 - (7) No trailer containing a refrigeration unit shall be parked in, stored, or otherwise occupy any yard within three hundred (300) feet of a residential district.
- (FF) *Utility and Public Service Buildings (Including Substations), Without Storage Yards, but not Including Essential Public Services such as Poles, Wires, and Underground Utility Systems.*
- (1) Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 - (2) Any such building shall comply with the yard setback requirements of the district in which it is located.
 - (3) Minimum lot area requirements for the district on which the use is located shall be met.
- (GG) *Vehicle Repair.*
- (1) The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district property line.
 - (2) Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred and fifty (250) feet.
 - (3) All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
 - (4) Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be constructed in accordance with the requirements of Section 15.2(C)(3), and continuously maintained in good condition.
 - (5) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
 - (6) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
 - (7) Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be constructed in accordance with the requirements of Section 15.2(D)(3), and continuously maintained in good condition.
- (HH) *Vehicle Service Stations.*
- (1) Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred fifty (250) feet.
 - (2) Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
 - (3) All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
 - (4) Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
 - (5) If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
 - (6) Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above

the average grade.

- (7) Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (8) Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be constructed in accordance with the requirements of Section 15.2(C)(3), and continuously maintained in good condition.

(II) *Vehicle Wash Establishment, either Self-Serve or Automatic.*

- (1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Such vehicle stacking space shall be equivalent to 5 times the wash capacity. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by 25 feet. No less than fifteen (15) stacking spaces shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
- (2) Vacuuming activities, if outdoors, shall be at least three hundred (300) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred fifty (150) feet from any residential use or district property line.
- (3) Should self-service wash bays be located with openings facing an adjacent street, they shall be screened as required by Section 15.2(C)(3), and continuously maintained in good condition.
- (4) Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
- (5) Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be constructed in accordance with the requirements of Section 15.2(C)(3), and continuously maintained in good condition.

(JJ) *Veterinary Hospitals and Veterinary Clinics.*

- (1) Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

(KK) *Wireless Communication Towers.*

- (1) The lot size shall be a minimum of twenty thousand (20,000) square feet.
- (2) The tower shall be of a monopole design.
- (3) The tower shall be set back from all lot lines a minimum distance equal to one-half (½) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the Zoning District.
- (4) A security fence at least six (6) feet in height shall be constructed around the tower and supports.
- (5) Where possible, joint use of tower facilities, including City elevated storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the City. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands or co-locate on an existing tower.
- (6) Unless located on the same site or tower with another user, no new tower shall be erected within a one-half (½) mile radius of an existing radio, television, cellular, or wireless communications tower.

- (7) No signs, except warning or other cautionary signs, shall be permitted on the site.
- (8) No such tower shall be permitted within an area bounded by the Rockford City limits on the South and West, East Main Street (extended) on the North, and Wolverine Blvd. on the East.

(LL) *Limited Scope Retail Uses in the C-1 District.*

- (1) It is the intent of this special land use provision to permit small-scale retail uses in the C-1 District which would be compatible with adjacent residential uses and other office uses, and which would be consistent with the stated purpose of the District to serve as a transitional area.
- (2) The floor area of a retail business shall be limited to 2,000 square feet, and shall have not more than 10 customer parking spaces. These rules shall be applied to each tenant space in a multiple tenant building.
- (3) Hours of retail operation shall not exceed 8:00 a.m. to 9:00 p.m.
- (4) Outdoor sale or storage of goods is prohibited.
- (5) The use shall not emit noise or odors.
- (6) No customer parking shall be permitted in the rear of the building adjacent to residential uses.
- (7) Additional restrictions on number, type, height and hours of outdoor lighting, additional screening, and other restrictions and conditions may be required to ensure compatibility with neighboring properties.

(MM) *Senior Housing.*

- (1) At least one member of the household in each dwelling unit shall be fifty-five (55) years of age or older at the time of leasing or purchase.
- (2) No fewer than seventy-five (75) percent of all dwelling units shall be efficiency or one-bedroom units.
- (3) The maximum floor area of any dwelling unit shall not exceed nine hundred (900) square feet.
- (4) Off-street parking shall be provided at a ratio of one and one-half (1½) spaces per dwelling unit.

(Ord. No. 19-3, § 5, 10-14-19)

Chapter 17 - BOARD OF ZONING APPEALS

Sec. 17.1. - Membership.

- (A) *Continuation of Present Board of Zoning Appeals.* The Board of Zoning Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 5 of the City or Village Zoning Act.
- (B) *Composition and Terms.*
 - (1) The Board of Zoning Appeals shall consist of five (5) regular members and two (2) alternate members appointed by the City Council. One (1) member may also be a member of the Planning Commission. No elected officer of the City nor any employee of the City shall serve simultaneously as a regular member or alternate member. Of the regular members initially appointed, one (1) shall serve a term expiring one (1) year after appointment, two shall serve a term expiring two (2) years after appointment, and two (2) shall serve a term expiring three (3) years after appointment. Thereafter, all regular members shall be appointed for a term of three (3) years.
 - (2) Of the alternate members initially appointed, one (1) shall serve a one (1) year term, and one (1) shall serve a two (2) year term. Thereafter, all alternate members shall be appointed for a term of three (3) years.
 - (3) Each regular and alternate member may receive such compensation as the City Council may establish by

resolution.

(4) The Board of Zoning Appeals shall annually elect from its membership a Chairperson, Vice-Chairperson, and such other officers it deems necessary. The Board of Zoning Appeals is also authorized to appoint an Executive Secretary for the Board.

(C) *Alternate Members.* If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Board of Zoning Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.

(D) *Vacancies.* Any vacancies in the Board of Zoning Appeals shall be filled by appointment by the Council.

Sec. 17.2. - Meetings.

(A) *Meetings.* All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as such Board of Zoning Appeals may determine. All hearings conducted by the Board of Zoning Appeals shall be open to the public. The City Zoning Administrator or his representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Board of Zoning Appeals shall constitute a quorum for the conduct of its business, except that four (4) members shall be required to hear any request for a use variance. The Board of Zoning Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(B) *Hearings.* The Board of Zoning Appeals shall make no decision regarding a variance except after a public hearing is conducted by the Board of Zoning Appeals. Notification of hearings shall be in accordance with the following requirements:

- (1) Public notice of the appeal shall be sent by regular mail or personally delivered to the persons whom own real property within three hundred (300) feet of the premises in question, and to the occupants of single and two-family dwellings within three hundred (300) feet.
- (2) The public notice shall be addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.
- (3) An affidavit of mailing shall be maintained.

Sec. 17.3. - Jurisdiction.

The Board of Zoning Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this section and the laws of the state of Michigan. The Board of Zoning Appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. The powers of the Board of Zoning Appeals include:

- (A) *Hearing of Appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative

official in carrying out or enforcing any provisions of this Ordinance.

- (B) *Granting of Variances.* A variance from the specific requirements of this Ordinance may be granted by the Board of Zoning Appeals in accordance with the requirements and procedures of this Chapter.
- (C) *Zoning Ordinance Interpretation.* The Board of Zoning Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.
- (D) *Granting of Temporary Uses and Buildings.*
- (1) The Board of Zoning Appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
 - (2) The Board of Zoning Appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:
 - (a) The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 - (b) The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - (c) All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Board of Zoning Appeals.
 - (d) The use or building shall be in harmony with the general character of the district.
 - (e) No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - (f) Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

Sec. 17.4. - Decisions.

- (A) *Procedure.* An appeal may be taken by a person aggrieved, or by an officer, department, or board of the city. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Board of Zoning Appeals, by the filing with the officer or body from whom the appeal is taken and with the Board of Zoning Appeals of a notice of appeal specifying the grounds for the appeal.
- (B) *Filing.* The party from whom the appeal is taken shall immediately transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan. Said site plan shall include the following information:
- (1) Project Information, including:
 - (a) The applicant's name;
 - (b) North arrow;
 - (c) Complete and current legal description and size of property in acres;
 - (d) Size of property in acres or square feet;
 - (e) A survey shall be required for dimensional variance.
 - (2) *Existing Features.*
 - (a) Property lines and dimensions;

- (b) Zoning and current land use of applicant's property and all abutting properties and of properties across any put street from the site;
 - (c) Lot lines and all structures on the property;
 - (d) The Board of Zoning Appeals may require buildings and structures within one hundred (100) feet of the site's property lines to also be shown.
- (3) *Proposed Construction.*
- (a) Building footprints, setbacks, and building height; and
 - (b) Location and dimensions of parking spaces (if applicable);
- (4) Additional information may be required by the Board of Zoning Appeals, including, but not limited to:
- (a) Existing and proposed topography;
 - (b) Location and method of screening waste dumpsters;
 - (c) A landscaping plan;
 - (d) Details of exterior lighting;
 - (e) Details of site circulation and access design.
- (5) A completed application form, supplied by the Zoning Administrator, and an application fee.
- (C) *Stay of Proceedings.* An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Board of Zoning Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- (D) *Decisions.*
- (1) The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to affect a variation in the ordinance; except that a concurring vote of two-thirds (⅔) of the membership shall be necessary to grant a use variance.
 - (2) The Board of Zoning Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon.
 - (3) All decisions of the Board of Zoning Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
 - (4) Any variance granted by the Board shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction, as determined by the Board, has occurred and is progressing meaningfully toward completion. The Board may grant up to an additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the expiration of the variance will cause an undue hardship on the owner.
- (E) *Record of Actions.* For each decision of the Board of Zoning Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
- (1) Description of the applicant's request.
 - (2) The Board of Zoning Appeal's motion including an explanation of how the request meets each standard outlined in Section 17.6(B) for Non-Use Variances, or Section 17.6(C) for Use Variances, or conversely, an explanation of

how the request does not meet each said applicable standard.

- (3) The Board's vote on the motion.
 - (4) A summary or transcription of all relevant material and evidence presented at hearing.
 - (5) Any conditions attached to an affirmative decision.
- (F) *Appeals to Circuit Court.* The decision of the Board of Zoning Appeals shall be final. However, a person having an interest affected by the decision of the Board of Zoning Appeals may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the City or Village Zoning Act. The court may affirm, reverse, or modify the decision of the Board of Zoning Appeals, or may remand the decision to the Board of Zoning Appeals for further hearings or action.
- (G) *Resubmission.* No variance request which has been decided by the Board of Zoning Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
- (1) That the conditions involving all of the reasons for the original denial have been significantly altered.
 - (2) That new conditions or circumstances exist which change the nature of the original request.

Sec. 17.5. - Conditions of Approval.

- (A) The Board of Zoning Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- (B) Conditions shall be imposed in a manner in accordance with the City or Village Zoning Act and related to the standards by which the decision is reached.

Sec. 17.6. - Variance Procedures.

- (A) *Authority for Variances.* The Board of Zoning Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
- (B) *Granting of Non-Use Variances.* A non-use variance may be allowed by the Board of Zoning Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
 - (2) That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
 - (3) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

- (4) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
- (5) The variance will not impair the intent and purpose of this Ordinance.
- (6) That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

(C) *Granting of Use Variances.*

- (1) A use variance may be allowed by the Board of Zoning Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
 - (a) That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.
 - (b) That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship;
 - (c) That the proposed use will not alter the essential character of the neighborhood.
- (2) Prior to Board of Zoning Appeals hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the Board of Zoning Appeals. For this report the Planning Commission shall consider the General Development Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors as the Planning Commission may deem relevant.

Sec. 17.7. - Fees.

The City Council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals. The fee shall be paid to the City Treasurer at the time the application for the appeal or variance is filed.

Chapter 18 - ADMINISTRATION

Sec. 18.1. - Zoning Administrator.

- (A) *Authority.* Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the City Charter. The Zoning Administrator shall have the power to:
 - (1) Grant Certificates of Occupancy;
 - (2) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
 - (3) Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
 - (4) Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Sec. 18.2. - Permits.

(A) *Zoning Permits.*

- (1) No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued for such work.
- (2) No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance and any conditions of approval imposed on the particular use.
- (3) A record of all Zoning Permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
- (4) No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.

(B) *Building Permits and Certificates of Occupancy.*

- (1) No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit, or Zoning approval for such work has been issued by the Zoning Administrator.
- (2) No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.
- (3) Certificates of Occupancy, as required by the currently adopted Building Code for the City of Rockford, shall also constitute certification of compliance with the Zoning Ordinance.
- (4) A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.

- (C) Fees for the inspection and issuance of Permits or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the city in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Sec. 18.3. - Enforcement.

(A) *Violations.*

- (1) Any building erected, altered, razed, or converted, or any use carried on in violation of any provision of this Chapter is hereby declared to be a nuisance per se. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine of not more than five hundred dollars (\$500.00), and costs of prosecution, or imprisonment in the County jail for a period not exceeding ninety (90) days, or both fine and imprisonment, in the discretion of the court.
- (2) Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se.
- (3) Each day that the violation occurs or continues shall be deemed a separate offense.
- (4) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Sec. 18.4. - Performance Guarantees.

- (A) As a condition of approval of a site plan review, special land use, or planned unit development, the Planning Commission, City Council, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements" may include, but shall not be limited to, roadways, curbing, land fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- (B) Performance guarantees shall be processed in the following manner:
- (1) Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - (2) The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city.
 - (3) Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the city.
 - (4) The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - (5) When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - (6) A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Sec. 18.5. - Changes and Amendments.

- (A) *Amendments.* The City Council may, from time to time by Ordinance, amend, supplement or change the boundaries of districts, designation of districts, or regulations herein established, in accordance with the State law.
- (B) *Initiation of Amendments.* Amendment to this Ordinance will be directed to the Planning Commission for review and may be initiated by the City Council by resolution, by the Planning Commission, by motion, or by any interested person or persons by petition to the Zoning Administrator.
- (C) *Amendment Petition.* All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Zoning Administrator for presentation to the Planning Commission. Such petitions shall include the following:
- (1) The petitioner's name, address and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
 - (2) The nature and effect of the proposed amendment;

- (3) If the proposed amendment would require a change in the Zoning Map:
 - (a) A fully dimensioned map showing the land which would be affected by the proposed amendment;
 - (b) A legal description of such land;
 - (c) The present zoning district of the land;
 - (d) The zoning district of all abutting lands, and
 - (e) All public and private right-of-way easements bounding and intersecting the land to be rezoned.
 - (4) The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 - (5) The changed or changing conditions in the area or in the City that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
 - (6) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- (D) *Procedure.* The Planning Commission shall hold at least one (1) public hearing on all Zoning Ordinance amendments, supplements, changes to the boundaries of districts, designation of districts, or regulations. At least fifteen (15) days' notice of the public hearing shall be given as follows:
- (1) To the general public, by publication in an official newspaper or newspaper of general circulation.
 - (2) To each public utility company or railroad owning or operating any public utility or railroad within the districts or zones affected, provided they are registered by name and address with the City Clerk for the purposes of receiving such notice.
 - (3) To each property owner within three hundred (300) feet of the subject property, provided the proposed change involves a change of district boundaries or district designation of specific land.
 - (4) To each occupant within three hundred (300) feet of the subject property, provided the proposed change involves a change of district boundaries or district designation of specific land.
 - (5) The Planning Commission may adjourn the public hearing or may call upon the assistance of the City departments or experts in the performance. It shall be the duty of such departments to render assistance to the Planning Commission as may be reasonably required.
 - (6) The Planning Commission shall take action by concurring vote of a majority of the Planning Commission. The Planning Commission shall reduce its action on each to a written summary recommendation to the City Council. This written summary recommendation shall:
 - (a) Indicate the vote of each member upon this question;
 - (b) Summarize the pertinent facts particular to the issue; and
 - (c) List any recommended changes to the proposed change or amendment as presented.
 - (7) The Planning Commission shall expeditiously transmit its recommendation to the City Council.
 - (8) The City Council, upon receipt of the Planning Commission's recommendation, shall act upon the proposed changed or amendment by Ordinance, in accordance with State law and City Charter.
- (E) *Protect Petition.* Upon presentation of a protect petition meeting the requirements of this section, an amendment to the Zoning Ordinance, which is the subject of the petition, may only be passed by at least a two thirds ($\frac{2}{3}$) vote of the City Council. The protect petition presented to the City Council shall be signed by at least one (1) of the following:
- (1) The owners of at least twenty percent (20%) of the area included in the proposed change; and/or
 - (2) The owners of at least twenty percent (20%) of the area of land within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.

- (3) For purposes of this subsection, publicly owned land shall not be included in the calculation of the twenty percent (20%) area requirement.
- (F) *Publication.* Following adoption by the City Council of a Zoning Ordinance and subsequent amendments, one (1) notice of adoption shall be published in a newspaper of general circulation within the City within fifteen (15) days after adoption. The notice shall include the following information:
- (1) In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the City Council of the City of Rockford."
 - (2) In the case of an amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - (3) The effective date of the Ordinance.
 - (4) The place and time where a copy of the Ordinance may be purchased or inspected.
- (G) *Conditional Rezoning.* It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a rezoning request. It is the intent of this Section to provide a process consistent with the provisions of the City and Village Zoning Act (MCL 125.584g) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (1) *Application and Offer of Conditions.*
- (a) The required application and process for considering a rezoning request with conditions shall be the same as that for considering a rezoning request made without any offer of conditions, except as modified by the requirements of this Section.
 - (b) An applicant for a rezoning may voluntarily offer zoning conditions, in writing, along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit conditions shall be pursuant to the City and Village Zoning Act, specifically Michigan Public Act 207 of 1921, as amended, and this Article.
 - (c) The zoning conditions may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
 - (d) The zoning conditions may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may the conditions permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district.
 - (e) The conditions offered by the owner shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
 - (f) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted, in accordance with the provisions of this Ordinance.
 - (g) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Board of Zoning Appeals, in accordance with the provisions of this Ordinance.
 - (h) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development

is ultimately granted, in accordance with the provisions of this Ordinance. The Commission, at their discretion may require site plan approval at the time rezoning is considered.

- (i) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- (2) *Planning Commission Review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 18.5(H) of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- (3) *City Council Review.* After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 18.5(H) of this Ordinance. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
- (4) *Approval.*
 - (a) If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Zoning Agreement acceptable to the owner and conforming in form to the provisions of this Section. The Zoning Agreement shall be incorporated as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
 - (b) The Zoning Agreement shall:
 - (i) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Zoning Agreement in a manner acceptable to the City Council. A statement by the owner acknowledging that the Zoning Agreement or Affidavit or Memorandum may be recorded by the City with the Register of Deeds shall also be included.
 - (ii) Contain a legal description of the land to which it pertains.
 - (iii) Contain a statement acknowledging that the Conditions run with the land and are binding upon successor owners of the land.
 - (iv) Incorporate by attachment or reference any diagram, plans or other documents submitted by the owner and approved by the Planning Commission or City Council that are necessary to illustrate the implementation of the Zoning Agreement. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - (v) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Zoning Agreement.
 - (c) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification

along with a designation that the land was rezoned with a Zoning Agreement. The City Clerk shall maintain a listing of all lands rezoned with a Zoning Agreement.

- (d) The approved Zoning Agreement or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the County in which the land is located. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
 - (e) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Zoning Agreement.
- (5) *Compliance with Conditions.*
- (a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Zoning Agreement. Any failure to comply with a condition contained within the Zoning Agreement shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance, per se, and subject to judicial abatement as provided by law.
 - (b) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Zoning Agreement.
- (6) *Time Period for Establishing Development or Use.* Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Council if:
- (a) it is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (b) the City Council finds that there has not been a change in circumstances that would render the current zoning with Zoning Agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (7) *Reversion of Zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.584g. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- (8) *Subsequent Rezoning of Land.* When land that is rezoned with a Zoning Agreement is subsequently rezoned to a different zoning classification or to the same zoning classification but with a different or no Zoning Agreement, whether as a result of a reversion of zoning pursuant to Subsection (7) above or otherwise, the Zoning Agreement imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Zoning Agreement is no longer in effect.

(9) *Amendment of Conditions.*

- (a) During the time period for commencement of an approved development or use specified pursuant to Subsection (6) above or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the Zoning Agreement.
- (b) The Zoning Agreement may be amended thereafter in the same manner as was prescribed for the original rezoning and Zoning Agreement.

(10) *City Right to Rezone.* Nothing in the Zoning Agreement nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Zoning Agreement to another zoning classification or from amending the zoning provisions of the district in which the applicant's land is located. Any rezoning or other amendment shall be conducted in compliance with this Ordinance and the City Zoning Act (MCL 125.581 et seq.)

(11) *Failure to Offer Conditions.* The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

(H) *Amendment Criteria.* In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the City Council include, but are not limited to, the following:

- (1) Whether the rezoning is consistent with the policies and uses proposed for that area in the City's Master Land Use Plan;
- (2) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area in relation to impacts on the environment, density, traffic, or potential influence on property values;
- (3) Whether the capacity of the available public services and facilities is sufficient to accommodate the uses allowed under the requested rezoning without compromising the public health, safety, and welfare;
- (4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;
- (5) Whether the applicant has presented evidence that the current zoning does not permit a reasonable use of the subject property, by even one (1) of the permitted uses in the district;
- (6) Whether there is evidence of a need for the types of uses permitted in the proposed zoning district or for additional land zoned for such uses beyond what is already zoned and available to accommodate the need;
- (7) Whether the requested zone will create an isolated and unplanned spot zoning.

ZONING ORDINANCE COMPARATIVE TABLE

This table gives the location within this Zoning Ordinance of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Adoption Date	Section	Section this Zoning Ordinance
17-4	7-10-17	1	<u>15.5</u>

19-3	10-14-19	1	<u>1.24</u>
		2	<u>6.3</u>
		<u>3</u>	<u>14.1</u>
		4 Added	<u>14.2(K)</u>
		5 Added	<u>16.6(MM)</u>
19-4	10-14-19	1 Added	<u>9.2(J)</u>
19-5	12- 9-19	1	<u>9.2(J)</u>
20-1	2-10-20	1 Added	<u>11.2(L)</u>
Ord. of	4-23-20		<u>15.4</u>
20-2	9-14-20	1	<u>15.4</u>

STATE LAW REFERENCE TABLE

This table shows the location within this Zoning Ordinance, either in the text or notes following the text, of references to the Michigan Compiled Laws (MCL).

MCL Section	Section this Zoning Ordinance
125.581 et seq.	<u>18.5</u>
125.584g	<u>18.5</u>
333.20101 et seq.	<u>1.14</u>
—	<u>1.20</u>
400.701 et seq.	<u>1.7</u>

—	<u>1.24</u>
722.111 et seq.	<u>1.24</u>