



Zoning Ordinance

Adopted February 10, 2025

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CHAPTER 1

TITLE, PURPOSE, AND ENACTMENT

Section 1.1 Title

This ordinance shall be known, and may be cited as, the City of Rockford Zoning Ordinance. The map referred to shall be known as the "The Official Zoning Map of the City of Rockford, Michigan" and shall be maintained by the zoning administrator.

Section 1.2 Intent

This ordinance, enacted under the authority of the Michigan Zoning Enabling 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.

Section 1.3 Scope

- A. **Applicability.** This ordinance:
1. regulates the location, height, bulk, number of stories, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; and the density and distribution of population;
 2. regulates the uses of buildings, structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, and public activities;
 3. provides for the preservation of scenic areas and protection against floods, rising waters, and erosion;
 4. creates districts for these purposes and establishes the boundaries for those districts;
 5. defines certain terms used in the ordinance; and
 6. provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.
- B. **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.
- C. **Compliance with Provisions.** Except as otherwise specified in this ordinance, no building, structure, or premises shall be used or occupied, and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this ordinance.

- D. **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.

Section 1.4 Severability

Sections of this ordinance shall be considered to be severable and should any section, paragraph, or provision of the ordinance 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 declared to be unconstitutional or invalid.

Section 1.5 Repeal of Ordinances

- A. The adoption of this zoning ordinance shall have the effect of repealing the prior Zoning Ordinance of the City of Rockford and replacing all ordinances and parts of ordinances in conflict with this ordinance.
- B. The repeal of any language within the ordinance, or any expiration by virtue of any provision contained within the ordinance, shall not affect any right accrued, any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the regulation expired.
- C. When any language which repealed another shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this ordinance, as detailed in Chapter 18.

Section 1.6 Effective Date

The provisions of this ordinance are hereby adopted, and this ordinance shall take effect on the 10th day of February 2025.

CHAPTER 2

ZONING DISTRICTS AND MAP

Section 2.1 Established Zoning Districts

For the purposes of this ordinance, the City of Rockford is divided into the following zoning districts:

Table 2-1 Zoning Districts		
Abbreviation	District Name	Chapter
R-1	Low Density Residential District	3
R-2	Medium Density Residential District	3
R-3	High Density Residential District	3
R-4	Mobile Home Park District	3
C-2	Central Business District	4
C-3	General Commercial District	4
C-4	Highway Commercial District	4
I-1	Industrial District	4
MU	Mixed-Use Overlay District	5
TMO	10 Mile Overlay District	5
WO	Waterfront Overlay District	5
PUD	Planned Unit Development District	6

Section 2.2 Interpretation of Zoning District Boundaries

- A. **Boundaries.** The boundaries of the districts listed in Table 2-1 are hereby established as shown on the City of Rockford Zoning Ordinance Map, which is part of this ordinance.
- B. **Interpretation.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:
- Boundaries indicated as approximately following the center lines of streets, highways, alleys, or established recreational trails shall be construed to follow such center lines.
 - Boundaries indicated as approximately following platted lot lines or city limits shall be construed as following such lot lines or city limits.
 - Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 - Boundaries indicated as parallel to or extensions of features indicated in Section 2.2 B.1. through B.3. shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
 - 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.
 - 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.

Section 2.3 Zoning of Vacated and Annexed Land

- A. **Vacated Land.** 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 different districts, the area shall be divided along a line halfway between them and attached to the abutting zone, unless the City Council shall otherwise designate.
- B. **Annexed Land.** Whenever any area is annexed to the City of Rockford, the subject property shall be zoned R-1, Low Density Residential, until such time as a rezoning to another district is initiated in accordance with the procedures of Chapter 17.

Section 2.4 Principal Buildings and Uses

A lot or parcel shall not contain more than one *principal use* or more than one principal building. There shall not be more than one dwelling per lot, unless expressly permitted by this ordinance for duplexes, multiple-family dwellings, or otherwise. Groups of multiple-family buildings, commercial establishments, or industrial buildings which are determined by the zoning administrator to be a principal use collectively may be permitted, based on one or more of the following considerations:

- A. individual buildings share common parking areas;
- B. access to the buildings/uses is provided via shared access drives or streets;
- C. buildings are under single ownership; or
- D. individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

Section 2.5 Similar Land Uses

- A. **Intent.** Every potential use cannot be addressed in this ordinance. Therefore, each district provides for "similar uses" referencing this section.
- B. **Request for Determination.** Requests for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review based on the following standards:
 - 1. A finding has been made by the zoning administrator that the proposed use is not listed as a permitted or special use in any zoning district.
 - 2. If the use is not addressed in this ordinance, the zoning administrator shall select the use which most closely approximates the proposed use, using criteria such as: the nature of the use; conformance with the purpose of the zoning district in which the similar use is permitted; aesthetic and traffic characteristics; and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation, etc.).
 - 3. Once a similar use is determined, the proposed use shall comply with any conditions and review procedures applicable to that use, including rezoning (if applicable) and compliance with the specific use requirements of this ordinance, as applicable.
 - 4. If the zoning administrator determines a proposed use is not similar to any use listed in the ordinance, the applicant may petition for an amendment, as governed by this ordinance, to permit the use.

5. The determination as to whether a proposed use is similar in nature and class to another permitted or special use within a district shall be considered an interpretation of the use regulations, not a variance applying to a particular situation. The Planning Commission shall be notified of such interpretation for future reference and may initiate an amendment of the ordinance to include the use as an allowed use in the district.

CHAPTER 3

RESIDENTIAL DISTRICTS

Section 3.1 Purpose

- A. **R-1, Low Density Residential.** 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. The district will apply mainly to newly developing residential areas, permitting single-family homes on moderately sized lots. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.
- B. **R-2, Medium Density Residential.** This district is intended to provide a medium density living environment comprised mainly of single family dwellings, and to retain stable, high quality traditional neighborhoods in the city. At the same time, the regulations for this district recognize the need to preserve existing housing stock, allow infill development within mature subdivisions, and provide housing that is attainable to the present and future residents of Rockford. As such, other forms of housing are permitted within the district; provided the established character of the neighborhood is retained. Non-residential uses are only allowed to the extent that they serve to further the preservation of stable residential neighborhoods.
- C. **R-3, High Density Residential.** This district provides a higher density residential living environment and fosters stable, high quality, livable neighborhoods while allowing a variety of housing opportunities and choices. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.
- D. **R-4, Mobile Home Park.** 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 Mobile Home Park District is intended to regulate mobile home developments, consistent with Michigan law, to provide for additional variety in housing opportunities and choices consistent with the level of quality available in all other residential zoning districts. Like other residential districts, this district allows non-residential uses to serve stable residential neighborhoods.

Section 3.2 Allowed Uses

- A. Uses allowed in the *residential districts* are listed in *Table 3-2*. Additional requirements, if any, related to a specific use are cited in the "Additional Requirements" column. Any use not specifically listed shall be prohibited unless the use is determined to be a similar use in accordance with Section 2.5. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.
- B. The following abbreviations apply to the Table of Uses:
 - 1. "P": Permitted Use, this use is authorized by-right, subject to all other applicable provisions of this ordinance and may be subject to additional requirements where indicated.
 - 2. "S": Special Land Use, this use is subject to review and approval in accordance with all applicable requirements of Chapter 8.
 - 3. "P/S": Permitted or Special Land Use, this designation will depend on whether the principal use or similar land use is a permitted or special land use within the applicable district.

Table 3-2 : Table of Allowed Uses					
Uses	Districts				Additional Requirements
	R-1	R-2	R-3	R-4	
Accessory Uses					
Accessory Buildings/Structures	P	P	P	P	Sec. 7.2
Accessory Dwelling Unit	P	P	P	P	Sec. 9.3 A.
Charity Collection Boxes	P	P	P	P	Sec. 9.3 D.
Home Occupations	P	P	P	P	
Family Day Care Homes	P	P	P	P	
Solar Energy System, Accessory	P	P	P	P	Sec. 9.3 X.
Civic and Institutional					
Cemeteries	P	P	P	P	
K-12 Schools	P	P	P	P	
Places of Public Worship	S	S	S	S	Sec. 9.3 U.
Hospitality and Recreation					
Bed and Breakfasts (one room)	P	P	P		
Bed and Breakfasts (more than one room)	S	S	S		Sec. 9.3 C.
Golf Courses and Country Clubs	P	P	P	P	
Public Parks and recreational facilities	P	P	P	P	
Residential – Group Living					
State Licensed Residential Facilities	P	P	P	P	
Convalescent or Nursing Home			P		Sec. 9.3 G.
State Licensed Family Child Care Home	P	P	P	P	
State Licensed Group Child Care Home	S	S	S	S	Sec. 9.3 Z.
Residential – Household Living					
Mobile Home Park				P	
Multiple-Family Dwelling			P		
Multiple-family dwelling, not exceeding six units		P			Sec. 9.3 BB.
Single-Family Attached Dwelling		P	P		Sec. 9.3 BB.
Single-Family Detached Dwelling	P	P	P		
Senior Housing		P	P		
Two-Family Dwelling (New)		P	P		Sec. 9.3 BB.
Two-Family Dwelling (Conversion from Existing Structure)		P	P		Sec. 9.3 BB.
Other					
Similar Use	P/S	P/S	P/S	P/S	Sec. 2.5
Solar Energy System-Small Principal Use	P	P	P	P	Sec. 9.3 Y.
Utility and Public Service Buildings w/out Storage Yards and Not Including Essential Public Services such as Poles, Wires, and Underground Utility Systems				S	Sec. 9.3 CC.

Section 3.3 Spatial Requirements

Unless specified elsewhere in this ordinance, all uses, structures, and buildings on all lots or parcels shall conform to the requirements specified in Table 3-3 and accompanying footnotes.

Table 3-3: Spatial Requirements									
Districts ¹	Min. Area (Sq. Ft.)	Min. Width (Ft.)	Min. Yard Setbacks (Ft.)			Max. Height		Max. Coverage (%)	
			Front	Side	Rear	Feet	Stories	Bldg.	Total ²
R-1 Low Density Residential	9,600 ³	80	30	7 ⁴	25	35	2½	35	45
R-2 Medium Density Residential	7,200 ^{4 5}	60 ⁵	25	7 ⁴	25	35	2½	40	50
R-3 High Density Residential	Single & Two Family	5,000	25	7 ⁴	25	35	2½	40	50
	Multiple Family & Attached Single-Family	40,000 ⁶	25	15 ⁴	20	40	3	50	65
	Senior Housing	40,000 ⁷	25	15 ⁴	20	40	3	40	60
R-4 Mobile Home Park	All mobile home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended.								

¹ All dwelling units shall contain a minimum livable floor area in accordance with the following:

Single-family: 800 sq. ft., minimum 600 sq. ft. on the ground floor

Two-family: 500 sq. ft.,

Multi-family:

1 bedroom 500 sq. ft.

2 bedroom 600 sq. ft.

3 bedroom 750 sq. ft.

4 bedroom 900 sq. ft.

² Total lot coverage for non-residential uses shall not exceed 65 percent.

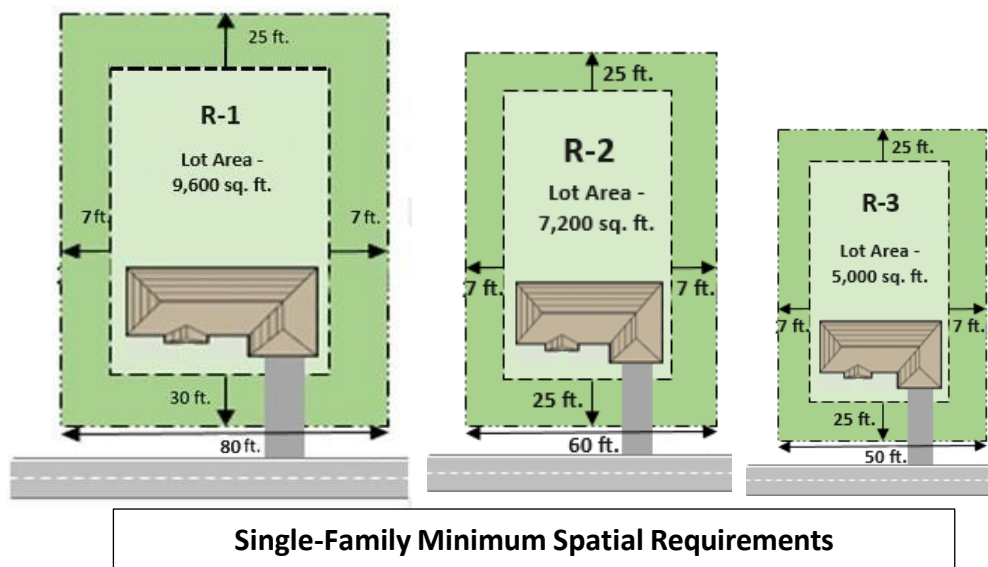
³ Required lot area shall be measured within 120 feet or less from the front lot line.

⁴ For all non-residential principal buildings, a minimum side yard of 20 feet is required on each side.

⁵ A minimum lot area of 8,000 square feet and a minimum width of 80 feet shall be required for two-family dwellings, except as may otherwise be permitted in accordance with Section 9.3 BB.

⁶ A maximum of 14 dwelling units per *net acre* shall be permitted for multiple-family and 12 units per net acre for single-family attached units. No building shall exceed an overall length of 180 feet. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or 25 feet, whichever is greater.

⁷ A maximum density of 20 dwelling units per *net acre* shall be permitted. No building wall shall exceed an overall length of 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 25 feet, whichever is greater.



Section 3.4 Site Development Requirements

All permitted and special land uses are subject to the following Site Development Requirements:

- A. General provisions of this ordinance as specified in Chapter 7 shall apply.
- B. All special land uses shall comply with the procedures of Chapter 8.
- C. Additional requirements applicable to specific uses are found in Chapter 9.
- D. Parking is required in accordance with Chapter 10.
- E. Signs are permitted in accordance with the requirements of Chapter 11.
- F. Landscaping and screening are required in accordance with Chapter 12.
- G. Lighting shall conform to the requirements of Chapter 13.
- H. Site Plan Review is required in accordance with Chapter 14.

CHAPTER 4

BUSINESS DISTRICTS

Section 4.1 Purpose

- A. **C-2, Central Business District.** This district accommodates offices, personal services, civic and cultural functions, and convenience (day-to-day) retail for the residents of Rockford and visitors to the community within the city's 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.
- B. **C-3, General Commercial District.** The district is intended to accommodate uses which can provide office, personal services, and general commercial goods to residents of Rockford and surrounding areas 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.
- C. **C-4, Highway Commercial District.** This district provides appropriate locations for commercial and business enterprises which primarily serve the motoring public. The 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.
- D. **I-1, Industrial District.** 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 truck traffic, continuous operation, noise, odor, or visual obtrusiveness from encroaching into areas or districts where they would be incompatible.

Section 4.2 Allowed Uses

- A. Uses allowed in the business districts are listed in *Table 4-2*. Additional requirements, if any, related to a specific use are cited in the "Additional Requirements" column. Any use not specifically listed shall be prohibited unless the use is determined to be a similar use in accordance with Section 2.5. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.
- B. The following abbreviations apply to the Table of Uses:
 - 1. "P": Permitted Use, this use is authorized by-right, subject to all other applicable provisions of this ordinance and may be subject to additional requirements where indicated.
 - 2. "S": Special Land Use, this use is subject to review and approval in accordance with all applicable requirements of Chapter 8.
 - 3. "P/S": Permitted or Special Use, this designation will depend on whether the principal use or similar land use is a permitted or special land use within the applicable district.

Table 4-2 : Table of Allowed Uses					
Uses	Districts				
	C-2	C-3	C-4	I-1	Additional Requirements
Accessory Uses					
Accessory buildings and uses	P	P	P	P	
Charity collection boxes	P	P	P	P	Sec. 9.3 D.
Outdoor merchandise display	P	P	P		Sec. 9.3 P.
Outdoor patio/seating w/permitted restaurant	P	P			Sec. 9.3 Q.
Outdoor vending machines	P	P			Sec. 9.3 T.
Solar energy system, accessory	P	P	P	P	Sec. 9.3 X.
Civic and Institutional					
Places of public worship		S	S		Sec. 9.3 U.
Municipal buildings and public utility offices, not including storage yards, transformer stations, exchanges, or substations	P	P	P		
Municipal buildings and public utility offices, including storage yards				P	
Trade and industrial schools (Consolidate w/commercial & define)				P	
Hospitality and Recreational					
Art galleries, libraries, museums, and similar cultural facilities	P	P			
Commercial schools	P	P			
Establishments serving alcoholic beverages, including live entertainment	P	P			
Health and physical fitness clubs	P	P	P	P	
Hotels	P	P	P		
Indoor commercial recreation facilities	P	P			
Outdoor commercial recreation facilities	S	S			Sec. 9.3 O.
Public parks and recreational facilities	P	P	P	P	
Restaurants, not including drive-thru facilities	P	P	P		
Restaurants, including drive-thru facilities		S	S		Sec. 9.3 W.
Industrial, Infrastructure, and Transportation					
Commercial storage warehouse			P	P	Sec. 9.3 F.
Dry-cleaning and laundry establishments performing cleaning on-site, not including retail/service operations				P	
Junk yards				S	Sec. 9.3 K.
Laboratories (experimental, film, or testing)				P	
Manufacture, compounding, processing, assembly, packaging, warehousing, or treatment of products from previously prepared materials.				P	
Manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations, metal plating, or buffering; manufacture or use of corrosive alkali, cement, lime, gypsum, or plaster of Paris; or processing, or treatment of leather products.				S	Sec. 9.3 M.

Table 4-2 : Table of Allowed Uses					
Uses	Districts				
	C-2	C-3	C-4	I-1	Additional Requirements
Municipal water and wastewater treatment facilities				P	
Outdoor storage yards			S	S	Sec. 9.3 S.
Recycling centers				S	Sec. 9.3 V.
Research and development facilities, including production activities				P	
Truck terminals				S	Sec. 9.3 AA.
Warehousing and wholesale establishments				P	
Wireless communication towers				S	Sec. 9.3 HH.
Office and Service					
Banks, credits unions and similar financial institutions, not including drive-thru facilities	P	P			
Banks, credits unions and similar financial institutions, including drive-thru facilities	P	P	P		Sec. 9.3 H.
Contractor offices and showrooms, not including outdoor Storage		P	P	P	
Contractor offices and showrooms, including outdoor Storage			P	P	
Day care centers	P	P		P	
Funeral homes and mortuaries, not including crematoria	S	S			Sec. 9.3 J.
Medical and dental offices, including clinics but not veterinary offices	P ¹	P			
Offices for administrative, executive, and professional occupations	P ¹	P	P	P	
Personal service establishments	P	P			
Vehicle repair, major			S	S	Sec. 9.3 DD.
Vehicle repair, minor		S	S	S	Sec. 9.3 EE.
Vehicle service station		S	S		Sec. 9.3 FF.
Vehicle wash facility		S	S		Sec. 9.3 GG.
Veterinary clinics and kennels			P	S	Sec. 9.3 L.
Residential – Household Living					
Dwellings on upper floors w/non-residential uses on street level	P	P			Sec. 9.3 I.
Retail					
Building supply and equipment establishments, including lumber yards			S		Sec. 9.3 S.
General retail business	P	P			
Household tool and equipment rental	P	P	P		
Open air businesses		S	S		Sec. 9.3 N.
Outdoor sales and storage, only when approved as a <i>special event</i>	P	P			

¹ Offices are not permitted on the first floor of any building space facing Main Street between Courtland and Maple; Courtland Street from Main Street west to the City parking lot; Squires Street; and Bridge Street between Squires Street and Main.

Table 4-2 : Table of Allowed Uses					
Uses	Districts				
	C-2	C-3	C-4	I-1	Additional Requirements
Outdoor sale, storage, and display of farm implements and commercial construction equipment			S	S	Sec. 9.3 R.
Plant nurseries and greenhouses			P		
Vehicle parts sales, not including installation or repair		P	P		
Other					
Adult uses				S	Sec. 9.3 B.
Similar use	P/S	P/S	P/S	P/S	Sec. 2.5
Solar energy system-small principal use	P	P	P	P	Sec. 9.3 Y.

Section 4.3 Spatial Requirements

Unless specified elsewhere in this ordinance, all uses, structures, and buildings on all lots or parcels shall conform to the requirements specified in Table 4-3 and accompanying footnotes.

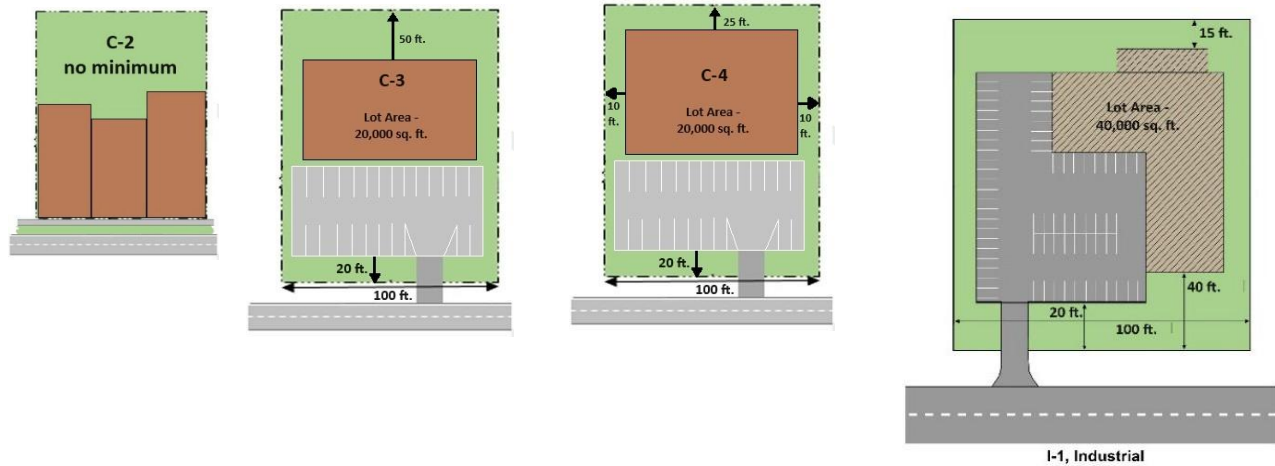
Table 4-3: Spatial Requirements									
Districts	Min. Area (Sq. Ft.)	Min. Width (Ft.)	Min. Yard Setbacks (Ft.)			Max. Height		Max. Coverage (%)	
			Front	Side	Rear	Feet	Stories	Bldg.	Total
C-2 Central Business	None	None	None	None ²	None ²	45	4 ³	-	-
C-3 General Commercial	20,000	100	50 ⁴	2, 5	50 ⁵	45	4	50	80
C-4 Highway Commercial	20,000	100	40 ⁴	10 ⁵	25 ⁵	45	4	50	80
I-1 Industrial	40,000	100	40 ⁴	25 ⁵	15 ⁵	45	3	60	80
PUD Planned Unit Development	See Chapter 6								

² 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 12.5.

³ The front façade of the fourth story shall be set back 10 feet from the front façade of the lower floors.

⁴ The first 20 feet of the required front yard shall not be used for parking or aisles and shall be landscaped in accordance with Section 12.6 B.1.

⁵ If the side of rear yard abuts a Residential District, the minimum required setback distance shall be increased if necessary to meet the requirements of Section 12.5.



See footnote 1 on page 4-7

Section 4.4 Site Development Requirements

All permitted and special land uses are subject to the following Site Development Requirements:

- A. General provisions of this ordinance as specified in Chapter 7 shall apply.
- B. All special land uses shall comply with the procedures of Chapter 8.
- C. Additional requirements applicable to specific uses are found in Chapter 9.
- D. Parking is required in accordance with Chapter 10.
- E. Signs are permitted in accordance with the requirements of Chapter 11.
- F. Landscaping and screening are required in accordance with Chapter 12.
- G. Lighting shall conform to the requirements of Chapter 13.
- H. Site Plan Review is required in accordance with Chapter 14.

CHAPTER 5

OVERLAY DISTRICTS

Section 5.1 Purpose

- A. **Mixed-Use Overlay District.** The purpose of the Mixed-Use District is to encourage a combination of uses within a single compact development that promotes walkability, reduces reliance on vehicular travel, and creates a more vibrant and interactive urban environment than traditional single-purpose developments. This district should be relatively small scale and compatible with surrounding residential neighborhoods. A variety of housing types is required at varying densities, along with nonresidential uses (office, retail, and/or personal services) that are in harmony with the predominantly residential character of the district. Size limits are imposed to ensure that nonresidential uses remain appropriate to the district intent.
- B. **Ten-Mile Overlay District.** Ten-Mile Road serves as a major road connecting the City of Rockford with US 131 and is the boundary between Algoma and Plainfield Townships. As such, 10-Mile Road is a gateway to all three communities. The City of Rockford and Algoma and Plainfield Townships, therefore, share a common interest in the future development of the corridor. The future use of the land abutting this roadway, particularly at the US 131 interchange, and the volume of traffic carried by 10-Mile Road affect all three communities. In order to create a positive future, cooperation among all three communities is essential. The intent of the 10-Mile Road Overlay District is to provide a set of zoning regulations to support the following purposes:
1. 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.
 2. Ensure sufficient right-of-way for future widening of 10-Mile Road as properties develop and re-develop.
 3. Provide non-motorized pathways along 10-Mile Road.
 4. Facilitate high-quality development and redevelopment of commercial and office uses through quality architecture, efficient site design, and landscaping.
 5. 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 with which to identify their location and business.
 6. 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.
 7. Preserve important existing natural features which contribute to the character of the corridor.
- C. **Waterfront Overlay District.** This overlay district is enacted to protect the water quality of the Rogue River, Rum Creek, and Shaw Creek; prevent soil erosion and sedimentation into those waters; to preserve their natural attributes and recreational values; to promote their scenic character; to preserve wildlife habitat; and to protect the property values of the parcels bordering those waters.

Section 5.2 Applicability

- A. **Mixed Use District.** This district is established as an overlay district within specific locations in the city. Specifically, the Mixed-Use Overlay is attached to those areas designated as “Potential Development Areas” on the Master Plan’s future land use map. Unlike other overlay districts, the Mixed-Use District is offered as an optional district rather than a set of added requirements superimposed on the underlying zoning district. If the Mixed-Use option is utilized, the provisions of this district supersede those of the underlying district(s).
- B. **Ten-Mile Overlay District.** The regulations of this overlay district apply to all lands with frontage along 10-Mile Road between the west city limits and Childsdales Avenue to a depth of 500 feet from the existing or future right-of-way line of 10-Mile Road. Permitted and special land uses within the overlay zone shall be as regulated in the underlying zoning district and shall meet all the applicable requirements for that district except that the regulations of 10-Mile Overlay District shall supersede any conflicting regulation of the underlying zoning districts.
- C. **Waterfront Overlay District.** This district encompasses all land within the floodplain or flood hazard area (as defined in the National Flood Insurance Act of 1968 as amended) of the Rogue River, Shaw Creek, and Rum Creek or within 300 feet of the ordinary high water mark (OHWM), whichever is greater.

Section 5.3 District Regulations

A. Mixed-Use District.

1. Allowed uses.

- a. Uses allowed in the Mixed-Use District, listed in *Table 5-3*, are subject to Planning Commission approval during the project review process. Requirements, if any, related to a specific use are cited in the “Additional Requirements” column. Any use not specifically listed shall be prohibited unless the use is determined to be a similar use in accordance with Section 2.5. The requirements in footnotes are an integral part of these requirements and shall apply in all instances.
- b. The following abbreviations apply to the Table of Uses:
 - i. “P”: Permitted Use, this use is authorized by-right, subject to all other applicable provisions of this ordinance and may be subject to additional requirements where indicated.
 - ii. “S”: Special Land Use, this use is subject to review and approval in accordance with all applicable requirements of Chapter 8.
 - iii. “P/S”: Permitted or Special Land Use, this designation will depend on whether the principal use or similar land use is a permitted or special use.

Table 5-3 : Table of Allowed Uses		
Uses	District and Requirements	
	MU	Additional Requirements
Accessory Uses		
Accessory buildings/structures	P	
Accessory dwelling unit	P	Sec. 9.3 A.

Table 5-3 : Table of Allowed Uses		
Uses	District and Requirements	
	MU	Additional Requirements
Drive-thru facilities for ATMs, banks, dry cleaners, and pharmacies, not including restaurants	S	Sec. 9.3 H.
Home occupations	P	
Family day care homes	P	
Outdoor patio/seating w/permitted restaurant	P	Sec. 9.3 Q
Solar energy system, accessory	P	Sec. 9.3 X.
Civic and Institutional		
Libraries, museums, and similar cultural facilities	P	
Municipal buildings, not including storage yards, transformer stations, exchanges, or substations	P	
Places of public worship	S	Sec. 9.3 U.
Hospitality and Recreational		
Art galleries	P	
Establishments serving alcoholic beverages, including live entertainment	P	
Health and physical fitness clubs	P	
Hotels	P	
Indoor recreation facilities	P	
Public parks	P	
Restaurants, not including drive-thru facilities	P	
Office and Service		
Banks, credit unions, and similar financial institutions	P	
Childcare centers	P	
Medical and dental offices, including clinics	P	
Offices for administrative, executive, and professional occupations	P	
Personal service establishments	P	
Veterinary offices, including outdoor kennels	S	Sec. 9.3 L.
Residential – Group Living		
Convalescent or nursing home	S	Sec. 9.3 G.
Senior housing	P	
State licensed residential family care home	P	
State licensed residential group care home	S	Sec. 9.3 Z.
Residential – Household Living		
Multiple-family dwelling	P	
Single-family attached dwelling	P	
Single-family detached dwelling	P	
Two-family dwelling	P	
Retail		
Retail establishments not exceeding GFA of 5,000 sq. ft.	P	
Other		
Similar use	P	Sec. 2.5
Solar energy system, small principal use	P	Sec. 9.3 Y

2. **Spatial Requirements.** Unless specified elsewhere in this ordinance, all uses, structures, and buildings on all lots or parcels shall conform to the requirements specified in Table 5-3a and accompanying footnotes.

Table 5-3a: Spatial Requirements							
Project Requirements							
Minimum site area		5 acres					
Use ratios	Minimum nonresidential	10 percent of site area					
	Maximum nonresidential	30 percent of site area					
	Minimum residential mix	At least 2 residential types, no type exceeding 60 percent of total residential units					
	Minimum open space	10 percent ¹					
Dimensional Requirements		Nonresidential	Residential Type				
			Group Living	Multi-family	Single-family attached	Single-family detached	Two-family
Minimum lot area/unit (sq. ft.)		-	-	-	2,000	4,000	3,000
Minimum lot width/unit (ft.)		-	-	-	40	40	50
Minimum setbacks (feet)	Front	10	25	20	5	10	10
	Side (interior)	-	10	10	10	5	5
	Side (street)	10	20	20	10	10	10
	Rear	10	30	30	20	20	25
Maximum front setback (feet)		20	-	30	10	20	20
Floor area/unit (square feet)	Minimum	-	²	²	800	800	800
	Maximum	5,000 ³	-	-	-	-	-
Height	Stories	3	3	3	3	2 ½	2 ½
	Feet	40	40	40	40	35	35
Coverage (percent)	Buildings	-	60	60	60	50	60
	Total	80	80	80	80	65	70
Maximum density (units/acre)		-	24	18	14	10	12
Bonus density		-	Maximum allowed density shall be increased by 10 percent, up to a maximum of 30 percent, for each 10 percent of the respective dwelling units whose annual mortgage or rental cost is no greater than 30 percent of Kent County's median household income according to the annual estimates of the US Census Bureau				

¹ Open space shall be provided in accordance with the provisions of Section 6.4 D. and may also include public plazas, fountains, and similar amenities designed for the use and enjoyment of the public.

² Minimum livable floor area is based on number of bedrooms. An efficiency or one bedroom unit shall have a minimum livable floor area of 350 sq. ft. An additional 120 sq. ft. shall be required for each additional bedroom.

³ Applies to retail uses only.

3. Parking requirements.

- a. Parking lots shall not be located within the front yard.
- b. Parking lots exceeding 100 spaces shall be landscaped and screened in accordance with the requirements of Subsection 5.b. of this section.

4. Building requirements.

a. Materials.

- i. All exterior walls shall be clad in durable and maintainable materials. Any side of a building facing a public or private street, alleys, and waterways shall be comprised of at least 30 percent of one or more of the following materials:
 - (a) Brick;
 - (b) Decorative concrete block;
 - (c) Cut stone;
 - (d) Horizontal clapboard siding; or
 - (e) Commercial grade horizontal vinyl siding (at least 0.44 gauge)
- ii. The Planning Commission may, in its sole discretion, deviate from the minimum percentages in the above material standards where the building design incorporates patterns and materials that provide visual interest through changes in color, material, or relief, such as the inclusion of beltlines, pilasters, recesses, and pop-outs.

b. Transparency.

- i. For all nonresidential buildings, at least 40 percent of the building façade facing a public or private street must consist of windows and doors on the ground floor and at least 25 percent on all other floors.
- ii. All buildings must have at least one useable door facing the front lot line. For corner lots, the door shall be on the street providing access to the site.

c. Articulation.

- i. Blank walls longer than 20 feet without windows shall not face a street.
- ii. Building facades shall have massing changes such as recesses, columns, or varied color or material to provide visual interest and texture to avoid monotonous one-dimensional facades.
- iii. Architectural design elements shall be incorporated into the building to add variety and interest. They may include, but are not limited to strong cornice lines, material texture, prominent corner features, strong and simplified building entries, window sills, lintels, overhangs, canopies or porticos, arcades, recesses and projections, arches, outdoor patios, and integral planters.

- d. Projections. Except for eaves, awnings, balconies, bay windows, stoops, and ADA compliant ramps, as specified in Table 7-16, no part of a building may encroach into the required setback.

5. Landscaping/screening.

- a. Generally. Native vegetation, (indigenous trees, shrubs, wildflowers, grasses, and other

-
- plants) and low maintenance turf grasses shall be used.
 - b. Parking lots.
 - i. One canopy tree (minimum three inch caliper) and three understory shrubs shall be provided for every 10 parking spaces, or portion thereof. Parking lot landscaping shall be located within islands or within 20 feet of the edge of the parking lot.
 - ii. An opaque hedge or solid masonry wall at least 36 inches high shall be installed along the length of that side of any parking lot abutting a public or private street.
 - c. Streetscape.
 - i. A landscaped greenbelt at least 15 feet wide shall be provided along any perimeter street bordering the mixed-use development and shall, at a minimum, contain:
 - (a) One deciduous tree for every 30 feet of frontage along the street.
 - (b) One ornamental tree for every 50 feet of frontage along the street.
 - (c) One evergreen tree for every 50 feet of frontage along the street.
 - ii. Required streetscape plantings may be clustered for effect to create a more natural appearance and stronger visual impact.
 - d. Screening.
 - i. Dumpsters, utilities, and service areas shall be located within a side or rear yard and shall be screened from view from any street or residential uses.
 - ii. Mechanical and electrical equipment, whether on a roof or next to a building, shall be screened from view.
6. Lighting.
- a. Light fixtures shall be no taller than 25 feet and must be provided with full cut-off fixtures that direct light downward and prevent light spill beyond the property.
 - b. Additional lighting requirements of Chapter 13 shall be met.
7. Pedestrian connectivity. A sidewalk or pathway meeting city standards shall be constructed along both sides of all interior streets and any perimeter street bordering the mixed-use development. Additional connections may be required by the Planning Commission to facilitate convenient access to parks, schools, public activity areas, and similar frequented destinations or attractions.
- B. Ten-Mile Road Overlay District.**
- 1. Right-of-way preservation and setbacks. All front setbacks required by this overlay district or by the underlying zoning district shall be measured from a point 60 feet from the centerline of 10-Mile Road.
 - a. The required front setback for buildings and structures shall be a minimum of 100 feet, except single-family detached dwellings shall be set back a minimum of 50 feet. The Planning Commission shall have the authority to reduce the required front setback to not less than 50 feet; provided, such modification would result in preservation of or less alteration to natural site features such as vegetation, wetlands, or steep slopes.
 - b. Existing buildings which have a front setback of less than 100 feet may be expanded along the front of the building; provided, the expansion does not encroach further into the
-

- established front setback.
- c. The required front setback for off-street parking lots for uses other than single- and two-family dwellings shall be a minimum of 25 feet. Off-street parking lots for multiple-family dwellings shall be set back a minimum of 50 feet.
2. Vehicular access standards.
 - a. General requirements.
 - i. 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.
 - ii. The Planning Commission may permit two one-way driveways rather than a single dual movement driveway where safer, more efficient circulation and function for the drives can be demonstrated.
 - iii. The applicant shall submit evidence indicating that the sight distance requirements of the Kent County Road Commission are met.
 - iv. 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.
 - v. For any driveway directly accessing 10-Mile-Road, there shall be enough on-site vehicle 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.
 - vi. Provisions for circulation between adjacent parcels should be provided through connected and/or joint parking systems or other methods.
 - vii. Driveway entrances must be designed to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
 - viii. Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
 - ix. For high traffic generators or for commercial driveways along 10-Mile Road, the Planning Commission may require two driveway egress lanes.
 - x. A boulevard entrance must comply with the design requirements of the Kent County Road Commission.
 - b. Driveway spacing (not including single- and two-family dwellings).
 - i. Minimum spacing between two driveways along 10-Mile Road shall be 230 feet measured from centerline to centerline.
 - ii. 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. Spacing shall be measured from the near edge of the proposed driveway to the nearest lane edge of the intersecting street or pavement edge for uncurbed sections.
 - iii. 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.

- iv. 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 a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards to allow reasonable access provided such driveway does not create an unsafe traffic condition.
- c. Shared driveways, frontage roads, and service roads.
- i. 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.
 - ii. 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 road, the Planning Commission may permit a front service road. 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.
 - iii. The service road shall be within an access easement at least 40 feet wide permitting traffic circulation between properties.
 - iv. The service road easement shall be set back a minimum of 25 feet from the required right-of-way to allow for snow storage and landscaping.
 - v. Where a service road driveway 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.
 - vi. 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 22 feet.
 - vii. 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.
 - viii. 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 required 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 be connected to the service road or shared driveway and the temporary drive shall be closed.



- ix. Each property owner shall be responsible for maintenance of the easement and service road.
3. Non-motorized accessibility.
- a. South side of 10-Mile Road.
 - i. A non-motorized pathway shall be required along the 10-Mile Road frontage for any activity requiring site plan, site condominium, or subdivision plat approval.
 - ii. 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).
 - iii. Pathways shall be installed by the applicant within the road right-of-way, or within an easement acceptable to the Planning Commission.
 - iv. An inclined approach shall be required where pathways intersect curbs for barrier free access.
 - b. North side of 10-Mile Road.
 - i. A sidewalk shall be provided along the 10-Mile Road frontage for any development requiring site plan, site condominium, or subdivision plat approval.
 - ii. The sidewalk shall conform to the sidewalk requirements of the Kent County Road Commission and shall be installed concurrent with construction of the project.
 - iii. 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.
4. Lighting.
- a. 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.
 - b. All lighting shall conform to the requirements of Chapter 13 of this ordinance.
 - c. The Planning Commission may modify the requirements of this section if it determines that such modification will not impair the intent of the ordinance.
5. Landscaping and preservation of natural features.
- a. Landscape plan. A landscape plan shall be submitted as part of the site plan for property regulated by this chapter. The landscape plan shall be drawn to minimum scale of one inch equals 50 feet and shall include, but not necessarily be limited to, the following:
 - i. Location, general type, and quality of existing vegetation, including specimen trees.
 - ii. Existing vegetation to be saved.
 - iii. Methods and details for protecting existing vegetation during construction.
 - iv. Location, size, and labels for all proposed plants.
 - v. Typical cross-section including slope, height, and width of berms and the type of ground cover to be placed on them.
 - vi. Plant list(s) showing the required and proposed quantities.
 - vii. 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. Landscaping as required by this section shall be provided adjacent to the 10-Mile Road right-of-way in accordance with the following:
 - i. For non-residential uses the width of the landscape area shall be a minimum of 25 feet measured from the required right-of-way.
 - ii. 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.
 - iii. The required front yard landscape area shall be planted with plants native to Michigan. A balance of evergreen trees, deciduous trees, and shrubs shall be planted within the required landscaped area. At a minimum, the following shall be required:
 - (a) One deciduous tree for every 30 feet of frontage along the street.
 - (b) One ornamental tree for every 50 feet of frontage along the street.
 - (c) One evergreen tree for every 50 feet of frontage along the street.
 - iv. The Planning Commission may give credit toward the required landscaping for existing trees or other vegetation preserved as part of site development.
 - v. The following trees shall not be planted or credited 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, and Bradford pear.
 - vi. Trees may be clustered in groups or planted in rows.
 - vii. Evergreen trees shall be spaced at least 20 feet on-center.
 - viii. Deciduous trees shall be spaced at least 25 feet on-center.
 - ix. Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.
 - x. Earthen berms are encouraged to be provided.
- c. Parking area landscaping. For all parking areas containing 10 or more spaces, the following standards apply.
 - i. 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 contain at least one deciduous tree. Trees shall be planted at least three feet from the edge of the island.
 - ii. One landscape island per every 10 parking spaces will be provided and planted with a deciduous tree. As an alternative required islands may be combined so there are fewer but larger islands; provided, 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.
- d. Minimum requirements.

Table 5-3b: Minimum Landscape and Screening Requirements	
Type	Minimum Required
Deciduous trees	2.5 inches in caliper
Evergreen trees	5 feet in height
Shrubs	24 inches in height
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 city building code.

- e. Maintenance of plants.
 - i. 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.
 - ii. 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.
- f. Protection of natural features. 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.
- g. Necessary disturbance of wetlands, streams, and steep slopes. Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes (20 percent slope or greater) is not permitted unless the Planning Commission determines 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 in areas where grading or removal of vegetative cover has taken place.
- h. Grading plan. The applicant shall submit a grading plan illustrating existing and proposed contours at two foot intervals. In preparing a grading plan, the applicant shall be guided by the following standards:
 - i. Cut and fill slopes shall be minimized.
 - ii. Proper grading and elevation relationships to adjacent properties shall be maintained.
 - iii. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - iv. Mass grading of large pads and excessive terracing shall be minimized.
 - v. 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.
 - vi. Slopes of 20 percent or greater shall be re-vegetated.
 - vii. Essential grading will be shaped to complement natural landforms.
 - viii. 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.

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6. Nonresidential building design. All new buildings and structures for commercial, office, and institutional uses shall be designed to incorporate the following architectural 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 80 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 approve other materials provided 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 code.
7. Signs.
- a. General provisions. Unless otherwise stated in this section, the provisions of Chapter 11 of this ordinance shall govern.
 - i. Prohibited signs. Moving, flashing or blinking signs; off-premise signs; portable signs; roof signs; banners, pennants, streamers and flag signs; and inflatable signs are prohibited.
 - ii. Exempt signs. Governmental signs and signs for essential services shall be exempt.
 - iii. Permits. No signs shall be erected prior to approval of a permit, as required by Section 11.8 of this Ordinance.
 - iv. Directional signage. Directional signs shall not exceed three feet in height and three square feet in size, except that such dimensions may be exceeded if approved during site plan review.
 - b. Signs in residential districts.
 - i. 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 shall be at least 300 feet apart. Such sign shall be a maximum of 32 square feet.
 - ii. Non-residential uses may have one ground sign not to exceed 48 square feet and one wall sign not to exceed five percent of the area of the wall to which it is attached or a maximum of 100 square feet, whichever is less.
 - iii. 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.
 - c. Signs for office uses.
 - i. One ground sign not to exceed 32 square feet is permitted per parcel. Such sign shall not exceed six feet in height including the mounting structure.
 - ii. 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 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.
- iii. For individual office buildings which are part of a multiple office building development, one ground sign for each building is permitted at the entrance to a public or private road right-of-way or other access easement serving that building. Such sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 32 square feet in size.
 - iv. 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.
 - v. 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.
- d. Signs for commercial uses other than offices.
- i. One ground sign or pole sign not-to-exceed 64 square feet is permitted per parcel. 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.
 - ii. 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 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 75 square feet.
 - iii. 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.
 - iv. 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 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 percent 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.

C. Waterfront Overlay District.

1. Setbacks. No building or structure shall be erected or placed within any designated floodplain or flood hazard area 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 150 feet of the Rogue River or 40 feet from Shaw Creek or Rum Creek, measured from the ordinary high water mark (OHWM); provided, if more than 50 percent of the lots abutting the water and within 400 feet on each side of the subject property are developed, the average setback of the principal building on those lots from the OHWM shall apply. Steps meeting the side yard setback for the underlying district are not subject to this regulation.
2. Hard surfaces. The use of asphalt, concrete, stone, aggregate, or pavement of any sort including pervious paving blocks or materials, wood, or other similar surfaces within the required setback area shall be limited to a single walkway no more than six feet in width or stairs necessary for water access. Handrails along stairs are permitted.
3. Natural vegetation strip. A natural vegetation strip not less than 25 feet in width, measured perpendicular to the OHWM, shall be maintained along and parallel to the river or creek.

- a. This vegetation strip shall be left in its natural state and shall consist of native trees, shrubs, and vegetation which shall not be killed, destroyed, removed, or moved; provided, however, that dead, diseased, unsafe, or fallen trees, and poisonous plants may be removed. Additional trees, shrubs, and vegetation may be planted within the vegetation strip.
- b. The limitations imposed by Subparagraph 3.a. shall not preclude the selective trimming or pruning of vegetation for the purpose of providing a filtered view of the river. However, clear-cutting in any area shall not be permitted and a root system must remain intact to provide for stream bank stabilization, erosion control, and to serve as an aid to filtration of surface runoff. In all cases, sufficient natural vegetation shall be retained to provide cover to shade the water and maintain the vegetation strip essentially in its natural condition.
- c. Mowing is prohibited in the natural vegetation strip.
- d. The use of pesticides, herbicides and fertilizers is prohibited in the natural vegetation strip, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac, and poison oak or if the herbicide is specifically approved for riparian use. Fertilizer used within 50 feet of the OHWM shall be zero phosphorus fertilizer.
- e. Neither septic tanks nor septic system filtration fields may be located within the required vegetation strip.
- f. The natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage lot.

Section 5.4 Site Development Requirements

All permitted and special land uses are subject to the following Site Development Requirements:

- A. General provisions of this ordinance as specified in Chapter 7 shall apply.
- B. All special land uses shall comply with the procedures of Chapter 8.
- C. Additional requirements applicable to specific uses are found in Chapter 9.
- D. Parking is required in accordance with Chapter 10.
- E. Signs are permitted in accordance with the requirements of Chapter 11.
- F. Landscaping and screening are required in accordance with Chapter 12.
- G. Lighting shall conform to the requirements of Chapter 13.
- H. Site Plan Review is required in accordance with Chapter 14.

CHAPTER 6

PLANNED UNIT DEVELOPMENT

Section 6.1 Purpose

Traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the city's objectives relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Rockford Master Plan, Planned Unit Development (PUD) may be permitted as a zoning district to achieve the following purposes:

- A. provide for flexibility in development that will result in a better project for the developer, residents, and users, as well as for the city, in general;
- B. preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, rivers, and the like;
- C. accomplish a more desirable and sustainable residential environment than would be feasible through the strict application of minimum requirements of this ordinance;
- D. encourage the utilization of open space and the development of recreational amenities within reasonable walking distance for all residents;
- E. encourage the use of lands in ways which are most in accord with their character and adaptability; and
- F. encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities, and other land use features.

Section 6.2 Qualifying Conditions

All PUD developments shall meet the following qualifying conditions, at a minimum:

- A. **Size.** A two acre minimum site shall be required for a PUD, unless otherwise permitted by the Planning Commission upon determining that all other qualifying conditions of this section will be met.
- B. **Utilities.** All PUD's shall be served by public water and sanitary sewer facilities.
- C. **Ownership and Control.** 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. **Recognizable Public Benefit.** The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least three of the following benefits shall be accrued to the community resulting from the proposed PUD:
 - 1. preservation of significant natural features;
 - 2. preservation of common open space beyond the minimum required;
 - 3. connectivity of preserved open space with adjacent open space, greenways, or public trails;
 - 4. implementation of specific goals or recommendations of the city's Master Plan;
 - 5. coordinated redevelopment of multiple lots or parcels; or
 - 6. removal or renovation of deteriorating buildings, sites, or contamination clean-up.

Section 6.3 Permitted Uses

- A. Any use permitted by right or by special land use allowed in any district may be permitted in a PUD; provided, all objectives and standards of this chapter are determined to be met and there is compliance with the procedures of this chapter.
- B. Residential and non-residential uses may be permitted in combination to create an integrated, mixed-use development based upon the recommendations of the City of Rockford Master Plan.
- C. Approval of a PUD shall include identification of the specific uses proposed within the PUD, and only those uses shall be permitted.

Section 6.4 Development Requirements

- A. **Minimum Lot Size and Zoning Requirements.** Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting, and other requirements applicable to the zoning district corresponding to the proposed use, as specified in Table 6-4, shall apply to all such uses within a PUD, unless modified in accordance with the provisions of Section 6-4B. Within a PUD, the minimum buffer requirements between dissimilar uses, as specified in Section 12-5, shall not apply; provided, the Planning Commission or City Council may require separation or buffering of uses as a condition of concept plan approval.

Table 6-4: Zoning Requirements by Use Type	
Land Use Type	Applicable Zoning district
Detached single family residential	R-2
Two family residential	R-3
Attached single family residential	
Multiple family	
Commercial	C-3
Industry	I-1
Public/Quasi-public	R-1

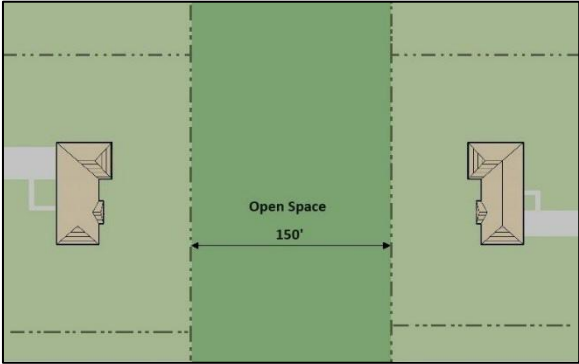
- B. **Modification of Minimum Requirements.** Regulations applicable to a land use in the PUD district may be altered from the requirements specified in the above table, including modification of the lot area and width, lot depth, building setbacks, height, lot coverage, signs, and parking. Such modification shall be subject to the following:
 - 1. A reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district as determined by submission of a parallel plan, unless a density bonus is also granted in accordance with Section 6.4C. below. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the required open space within the PUD.
 - 2. The PUD applicant shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary plan review stage, after Planning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the PUD district, as expressed in Section 6.1.
- C. **Residential Density Bonus.** In addition to the modification of minimum requirements permitted in Section 6.4 B., the City Council, after Planning Commission recommendation, may permit an increase

in the total number of residential units otherwise allowed within a PUD up to an additional 20 percent. If requesting a density bonus, the applicant shall submit a parallel plan, drawn to scale, as part of the preliminary PUD plan. The parallel plan shall show a feasible layout, meeting all applicable zoning requirements of the corresponding zoning district to establish the base density that would otherwise be permitted. Consideration of a density bonus shall be based on demonstrating that at least four of the following will be achieved:

1. The appearance and construction will result in a development of high quality, as evidenced by innovative design and primary use of building materials such as stone, masonry, wood, or Hardie-plank on the front of the building;
2. Amenities, beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment;
3. At least two different housing types (single-family detached, two-family, multiple-family, or single-family attached) will be incorporated into the development.
4. No less than 10 percent of residential units of each type will be priced at an annual mortgage or rental cost no greater than 30 percent of Kent County's median household income according to the US Census Bureau.
5. The development will employ a traditional layout and design pattern reflecting the core city including grid street pattern, narrow streets, wide parkways, curbs, front porches, and garages in the rear yard.
6. Dedicated common open space will be provided in excess of the minimum required, per Section 6.4D.
7. One or more parking structures will be constructed within a mixed-use or residential PUD to meet the minimum parking requirements of this ordinance.
8. Energy Star certified appliances and systems will be used throughout all buildings.
9. Significant natural features, in addition to stands of mature indigenous trees, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
10. Decorative pavers or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
11. A commercial and/or office component will be included within the PUD.
12. Facilities for electric vehicles will be provided throughout the development.
13. The dwelling units are all electric or solar powered and do not contain any natural gas or propane service.

D. Open Space. All PUDs shall, at a minimum, meet the following requirements:

1. Common open space. All land within a development that is not devoted to a principal or accessory use, street right-of-way, or is otherwise excluded by Subsection D.2. shall be set aside as common land for visual amenities, recreation, or conservation. At a minimum, common open space shall be provided as follows:
 - a. PUDs containing only attached single-family residential: 10 percent of the PUD site.
 - b. PUDs containing any other type of residential: 20 percent of the PUD site.
2. Areas not considered open space. The following land areas shall not be considered open space for the purposes of meeting minimum open space requirements:

- a. Any platted lot, site condominium unit, or described parcel intended to be occupied by a building, structure, or parking lot not accessory to a designated open space area or use;
 - b. The area of any street right-of-way or private street easement;
 - c. Any submerged land area of a pond, lake, or river; provided, up to 50 percent of protected wetlands and stormwater basins aesthetically and functionally integrated into the open space via landscaping, pathways, observation platforms, or similar features may be counted toward the minimum required open space;
 - d. Golf courses;
 - e. Parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
 - f. Any other undeveloped areas not meeting the intent and standards for open space stated in this section, as determined by the City Council during preliminary plan review.
 3. Open space location. Common open space shall be planned in locations that are visible and accessible throughout the development. The common open space shall be visually significant, designed to preserve natural features, provide buffers between adjacent uses, and/or connect open spaces throughout the development; provided, at a minimum, the following shall be applicable to the required open space:
 - a. Open space shall be situated to maximize the preservation of any existing woodlands;
 - b. A minimum 25-foot wide undisturbed open space setback shall be maintained from the edge of any river or wetland; provided, trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities may be permitted within the setback;
 - c. Where adjacent land includes open space, public land, parks, recreation facilities, or existing or planned bike paths, sidewalk or paved pathway connections shall be provided between the PUD and such adjacent features; and
 - d. Where a linear dedicated open space abuts the rear yards of any lots, the open space shall have a minimum width of 150 feet measured from such rear lot lines; provided, a lesser dimension may be allowed specifically to accommodate trail or pathway connections.
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4. Open space protection. The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or other legal instrument approved by the city attorney. The conservation easement or other legal instrument shall assure that the open space will be protected from all forms of development, except as shown on an approved final site plan, and shall not be changed to another use.
 5. Allowable uses. Allowable uses of the dedicated open space shall be specified in the conservation easement or other legal instrument but shall prohibit the following:
 - a. dumping or storing of any material or refuse;
 - b. activity that may cause risk of soil erosion or threaten any living plant material;
 - c. cutting or removal of live plant material, except for removal of dying, diseased, or invasive vegetation;

- d. use of motorized off-road vehicles;
 - e. cutting, filling, or removal of vegetation from wetland areas; and
 - f. use of pesticides, herbicides, or fertilizers on or within 50 feet of wetlands, rivers, streams, or other water bodies.
6. Recreation or conservation use. Nothing in this section shall prevent the conveyance of open space to a public agency or other nonprofit entity for recreation or conservation use, if accepted by such agency or entity.
 7. Maintenance requirements. Provisions for maintenance of the open space shall be provided in the PUD agreement. In the event the open space is not adequately maintained or otherwise determined by the zoning administrator to be a public nuisance, the city may, at its sole discretion, cause such maintenance to be performed and shall assess the maintenance costs upon the owners of the open space.

Section 6.5 Application and Review

A. Pre-Application Conference.

1. A pre-application conference shall be held with the zoning administrator and such staff and consultants as appropriate for the purpose of determining the eligibility of the request for consideration as a PUD.
2. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the meeting. As part of the pre-application conference, the applicant shall submit two copies of a conceptual plan and one electronic version which shows the property location, boundaries, significant natural features, generalized vehicular and pedestrian circulation, and land use for the entire site.
3. The reviewers shall advise the applicant of the conformance of the PUD concept with the intent and objectives of the PUD District, whether it qualifies under the qualifying conditions of Section 6.2, and whether the general concept is consistent with the City's Master Plan. In no case, shall any representations made at the pre-application meeting be construed as an endorsement of the PUD or an approval of the concept.

B. PUD Application and Preliminary Development Plan. Following the pre-application conference, a complete application shall be submitted to the zoning administrator. Incomplete applications will be returned to the applicant without further processing. Upon determining that the application is complete, the zoning administrator shall schedule a date and time for Planning Commission review. The application shall include the following:

1. a completed application form;
2. payment of a fee, as established by the City Council;
3. a narrative statement describing:
 - a. the objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 6.1.;
 - b. compliance with the qualifying conditions of Section 6.2;
 - c. requested modification of minimum requirements, per Section 6.4 C. and/or requested density bonus, per Section 6.4 D.;
 - d. the relationship of the PUD to the City of Rockford Master Plan;
 - e. phases of development and approximate time frame for each phase;

- f. projected start and completion of construction; and
 - g. type, and size of areas to be dedicated for common open space.
- 4. two copies of a preliminary development plan and one electronic version. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain, in addition to the information required in Table 14-3 for administrative plans, the following:
 - a. existing zoning and land use of all abutting properties;
 - b. proposed uses and their approximate locations;
 - c. layout and typical dimensions of proposed lots;
 - d. approximate phases of development;
 - e. proposed residential density by dwelling type; and
 - f. a parallel plan if modification of lot sizes and/or density bonuses are requested.

C. Notice and Public Hearing.

- 1. Following Planning Commission receipt of the preliminary PUD plan and upon the Commission's direction, the zoning administrator shall cause notice to be given for a public hearing, in accordance with the Zoning Act.
- 2. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

D. Planning Commission Recommendation. Following the public hearing, the Planning Commission shall consider the PUD request, preliminary development plan, and public comment based on the conformance with the standards of Section 6.6; 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 specific conditions, if any, it considers necessary.

E. City Council Action. After receiving the Planning Commission recommendation, the City Council shall conduct a public hearing. Following the hearing, the Council shall consider the application, preliminary development plan, public comments, and the Planning Commission recommendation. The Council shall make its findings based on the standards of Section 6.6 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 of 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.

F. Final Development Plan Application. Within 12 months of the City Council's approval of the PUD rezoning and preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following:

- 1. a completed application form;
- 2. payment of a fee, as established by the City Council;
- 3. a written response to the findings, review comments, and conditions, if any, from the City Council's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items; and
- 4. three copies of a detailed site plan and one electronic version containing all the information required in Table 14-3 for Planning Commission plans; provided, for developments consisting of

three or more phases, a plan meeting the requirements of Table 14-3 for administrative plans may be submitted for the overall PUD and the detailed plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

G. Planning Commission Review of Final Development Plan.

1. 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 the final development plan is consistent with the approved preliminary plan and meets all other relevant requirements of this ordinance, the Planning Commission shall approve the final plan or approve with conditions .
2. If it is determined that the final plan is not in substantial conformance with the preliminary plan, the review process shall be conducted as a preliminary plan review, in accordance with the procedures of Section 6.5B. through Section 6.5E. of this ordinance.
3. 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 based upon such record.

H. 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 and approved by the City Council, setting forth the applicant's obligations with respect to the approved final PUD plan. All documents shall be executed and recorded in the office of the Kent County Register of Deeds and shall, at a minimum, include:

1. A certified boundary survey of the acreage comprising the proposed development.
2. The manner of ownership of the developed land and of dedicated open space and common areas, including the mechanism to protect and maintain all areas designated as common areas or open space.
3. Assurance that those open space and common areas shown on the plan for use by the public, users, or residents of the development will be or have been irrevocably committed for that purpose. The city may require conveyances or other instruments for this purpose.
4. Satisfactory provisions shall be specified for the future financing of any general improvements shown on the plan including, but not limited to: streets, utilities, stormwater management systems, landscaping, lighting, sidewalks, pathways, open space areas, and common areas which are to be included within the development. Mechanisms for on-going maintenance of such improvements shall be specified. The City Council may require a performance guarantee, in accordance with the provisions of Section 15.4, to ensure installation of such improvements.
5. Provisions to ensure adequate protection of natural features.
6. A copy of the approved final PUD site plan signed by the applicant and the zoning administrator.
7. All conditions attached to the final plan approval.
8. Remedies available to the city in the event of default by the applicant and all successors in interest in carrying out the PUD as approved.

Section 6.6 Standards for Approval

In considering a PUD request, the Planning Commission and/or City Council, as applicable, shall find that the proposed development meets all applicable requirements of this ordinance and other city regulations, as well as the following general standards:

- A. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 6.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- B. The proposed PUD complies with all qualifying conditions of Section 6.2.
- C. The uses to be conducted within the proposed PUD are generally consistent with the City's Master Plan.
- D. 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.
- E. 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.
- F. The proposed PUD meets all the review standards of Section 14.5.
- G. Approval of the PUD will result in recognizable and substantial benefits to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts.

Section 6.7 Timing

- A. **Final PUD plan.** A final PUD plan, including all required information and details, shall be submitted to the zoning administrator within 12 months of the date of the City Council's action approving the preliminary PUD plan and rezoning. One extension of up to 12 months may be granted by the Planning Commission; provided the request for an extension is submitted in writing by the applicant prior to the expiration of the initial 12 month period. If a final plan for at least the first phase of the project is not submitted within the specified time period or approved extension, the approved preliminary PUD plan shall become null and void and a new PUD application shall be filed and processed in accordance with the requirements of Section 6.5. Upon expiration of the preliminary plan, the Planning Commission or City Council, at its sole discretion, may initiate rezoning of the property from PUD to its former or other zoning classification.
- B. **Construction.** Approval of the final PUD plan by the Planning Commission shall expire 24 months after the date of that approval unless substantial construction has been commenced and is continuing. One extension of up to 12 additional months may be granted by the Planning Commission, if requested in writing by the applicant prior to the expiration of the initial 24 month period. If meaningful construction has not commenced and been diligently carried on within the specified time period or approved extension, the approved PUD final plan shall become null and void and a new PUD application shall be required in accordance with the requirements of Section 6.5. In such case, the PUD zoning district would remain unless the city initiates rezoning of the subject property to another zoning classification.

Section 6.8 Changes to Approved PUD

- A. **Approval.** Approval of the final PUD plan confers upon the zoning administrator the authority to approve certain minor changes when an applicant or landowner notifies the zoning administrator, in writing, of the proposed amendment to the approved plan, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiating any construction in conflict with the approved final plan.

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- B. **Procedure.** The zoning administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval.
- C. **Minor changes.** The zoning administrator may approve a proposed change upon finding the change would not substantively alter the approved design or provisions of the PUD agreement, would not reduce the area devoted to open space, and all applicable regulations of this ordinance will be met. At their discretion, however, the zoning administrator may submit a minor change to the Planning Commission for consideration. Minor changes shall include the following:
1. For residential buildings, the gross square footage of structures may be reduced or increased by 10 percent of the originally approved area; provided, the overall density of units does not increase, the minimum square footage and parking requirements are met, and the buildings do not extend into any required open space or required setback;
 2. Gross floor area of nonresidential buildings may be reduced or increased by up to 20 percent or 4,000 square feet, whichever is less, of the originally approved area; provided, parking requirements are met, and the building does not extend into any required open space or required setback;
 3. Change in floor plans or exterior design, if consistent with the approved character of the use;
 4. Relocation of a building by up to 20 feet, if compliant with required setbacks, open space, and other requirements;
 5. Height of buildings may be lowered;
 6. Designated woodlands or areas not to be disturbed may be increased;
 7. Replacement or substitution of plantings on the approved landscape plan with comparable materials of equal or better quality;
 8. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, or pedestrian/bicycle paths;
 9. Change in location, but not number, of access points to perimeter streets by no more than 50 feet and any change to interior street pattern or intersections;
 10. Changes of building materials to another of equal or higher quality, as determined by the building official;
 11. Grade change of up to two feet, after review by the city engineer;
 12. Modification of entry design, sign placement, or reduction in size of signs consistent with the intent of the approved PUD plan;
 13. Internal rearrangement of parking lots which does not affect the number of parking spaces or significantly alter access locations or design;
 14. Changes to the location of accessory buildings or structures, if compliant with the applicable ordinance requirements; and
 15. Changes required or requested by the city, county, or state for safety reasons.
- D. **Major changes.** Where the zoning administrator determines that a requested amendment to the approved final PUD plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are substantially inconsistent with the approved preliminary PUD plan, a revised preliminary plan shall be submitted according to the procedures outlined in this chapter, including public hearings and City Council approval.
- E. **Record of Changes.** All approved changes shall be shown on a revised final plan drawing. Two copies of the revised plan and one electronic version shall be submitted to the zoning administrator and signed by the zoning administrator and applicant. One copy shall be retained for the city files and the other returned to the applicant.
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Section 6.9 Existing PUDs

PUDs in existence prior to the date of adoption of this ordinance shall conform to the prior approved final PUD plans. However, any expansion, alteration, or amendment of the approved plans or the terms of the PUD agreement that constitute a major change, as defined in Section 6-8, or any subsequent phase for which a final PUD plan was not approved shall be subject to the applicable requirements of Section 6-5.

Section 6.10 Appeals and Variances

The Board of Zoning Appeals shall have no jurisdiction or authority to consider an appeal from any PUD determination or decision or any part thereof; nor shall the Board have authority to grant variances for or with respect to a PUD. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD; provided, the variance does not involve alterations to open space areas as shown on the approved final PUD plan or land outside the boundary of the lot and otherwise meets the review standards applicable to consideration of variance requests.

CHAPTER 7

GENERAL PROVISIONS

Section 7.1 Access and Frontage

Any lot created after the effective date of this ordinance shall have frontage upon and be accessed from a public street or private street meeting city requirements. Frontage shall not be less than required for the zone district in which it is located.

Section 7.2 Accessory Buildings, Structures, and Uses

For purposes of this section, an accessory building is a building detached from the main building. If it is an integral part of the main building, sharing at least one wall with a climate-controlled room in the main building which serves a purpose other than as a connection to the accessory area, it shall be considered part of the main building and subject to all setback, height, and other dimensional requirements applicable to the main building. Otherwise, all accessory buildings shall be subject to the following regulations, as applicable:

- B. 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.
- C. No accessory building shall be permitted on any lot which does not contain a principal building.
- D. No accessory building shall occupy any portion of a required green belt or buffer.
- E. No portion of an accessory building shall be used for residential dwelling or sleeping purposes, except as may be specifically permitted as an *accessory dwelling unit*.
- F. No detached accessory building shall be located closer than 10 feet to any main building.
- G. The eave line of a detached accessory building shall not be located closer than five feet to any side or rear lot line; provided, in the R-2 and R-3 zone districts, the eave line shall not be located closer than three feet to any side or rear lot line.
- H. Any accessory building with an area greater than 120 square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other 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.
- 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 feet.
 - 2. For the purpose of this section, "exterior side wall" shall mean an exterior wall not having a gable end.
 - 3. The height of the exterior side walls may be increased to a maximum of 12 feet, if the accessory building is set back an additional two feet from the side and rear lot lines for each additional one foot in height of the exterior side walls.
- J. The permitted number and size of detached accessory buildings on any lot containing a single- or two-family dwelling shall be in accordance with the requirements specified in Table 7-2, based on whether an existing garage is attached to the dwelling(s) and the number of vehicle stalls provided

within such attached garage. Accessory buildings for multiple-family dwellings shall not occupy more than 30 percent of the rear yard; provided, the maximum coverage limits of the zoning district shall not be exceeded.

Table 7-2 Number and Total Size of Accessory Buildings Permitted					
Lot Size (sq. ft.)	Number of Allowed Accessory Bldgs.	Maximum Total Size (sq. ft.) for All Accessory Buildings *			
		If No Attached Garage	One Stall Attached	Two Stalls Attached	Three or More Stalls Attached
< 5,000	1	576	336	120	0
5,000 – 7,199	2	864	576	336	120
7,200 – 10,799	2	864	576	336	280
10,800 – 21,779	2	1,008	720	432	336
21,780 – 43,560	2	1,296	1,008	720	432
> 43,560 (1 ac.)	3	1,296			
* Regardless of the sizes specified, no more than 25 percent of the rear yard shall be occupied by accessory buildings.					

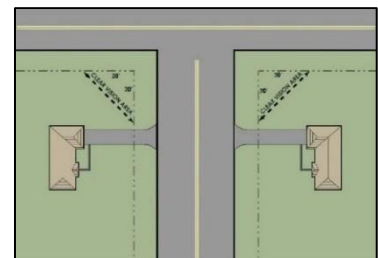
- K. Any accessory building larger than 625 square feet and less than 865 square feet shall meet the minimum side yard setback, and one-half the rear yard setback requirements for a main building in the zoning district in which the lot is located.
- L. Any accessory building larger than 864 square feet shall meet all minimum setback requirements for a main building in the zoning district in which the lot is located.
- M. 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.

Section 7.3 Area or Space

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, 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.

Section 7.4 Clear Vision Corners

In any zone district on any corner lot, no fence, structure, or planting over 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 20 feet from the intersection of the street lines.



Section 7.5 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. 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 10 feet.
- C. The remaining yards shall be side yards.

Section 7.6 Essential Public Services

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

Section 7.7 Fences and Walls

- A. Fences and walls in any *side or rear yard in residential districts* shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences and walls erected within the *front yard* in any district shall not exceed four feet in height and shall be of a type which is not more than 50 percent solid.
- 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 or wall shall face the abutting property.
- E. Fences and walls shall not be erected within any public right-of-way in any district.
- F. Fences and walls shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision corner described in Section 7.4.
- G. Fences and walls may be located on the property line but shall not be erected within two feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. Fences and walls shall be constructed of traditional materials customarily used for fence and wall construction such as, but not limited to, pressure-treated wood, high quality vinyl, wrought iron, vinyl coated chain link, split rail, brick, or masonry. Scrap or "recycled" material shall not be used. Recycled garage doors, sheet metal, corrugated metal, wood pallets, siding, file cabinets, tires, plywood, and similar materials are expressly prohibited.
- I. No fence shall be erected on any lot prior to issuance of a permit from the zoning administrator.

Section 7.8 Governmental Improvements

The provisions of this ordinance shall be applicable to the city itself and all other federal, state, or county governmental agencies and units; provided, city-owned buildings housing public safety services such as police and fire shall be exempt.

Section 7.9 Height Exceptions

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator or stair 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 7.14.

Section 7.10 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 home 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 20 percent of the *livable 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 sign, not exceeding two 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 main building and not within any detached accessory building or structure and shall not involve any retail sales.
- F. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of the 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 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 causes fluctuation in line voltage off the premises.
- H. No one not living on the premises shall come to the home to pick up equipment or park a vehicle while working off-site.

Section 7.11 Illegal Dwellings

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited, except as a permitted accessory dwelling unit conforming to the requirements of this ordinance. 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 livable floor area requirement for the district in which it is located.

Section 7.12 Keeping Animals

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted in any Residential District. However, no more than three dogs or cats, six months of age or older, in any combination thereof, shall be kept or housed in or at one 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.

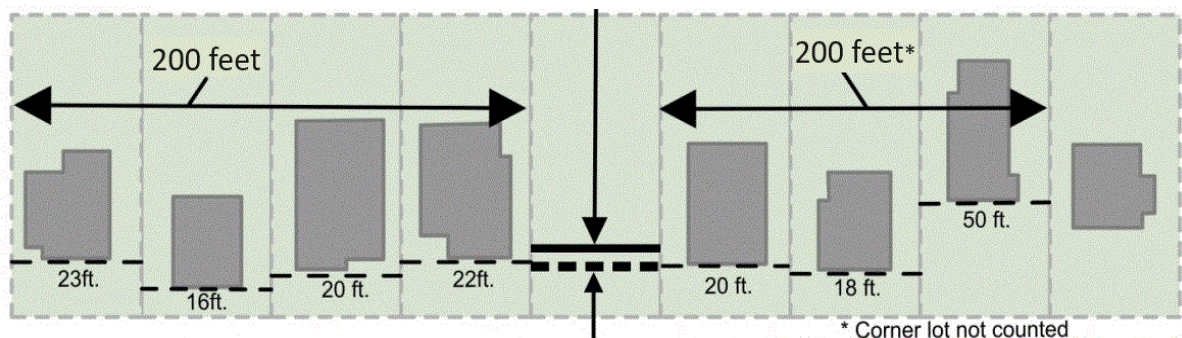
Section 7.13 Mechanical Appurtenances

- 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 12 feet to any lot line.
- B. Any mechanical appurtenances, including elevator housings, stairways, tanks, HVAC equipment, and other similar apparatus, not including solar energy systems, 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 10 feet above the surrounding roof surface and shall not occupy more than 15 percent of the total area of the roof of the building on which it is placed.

Section 7.14 Permitted Front Setback Reductions

- A. Where the established front yards for existing main buildings within 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 200 feet of the side lot lines of the subject lot, subject to Subsections 7.14 B. and C., below.

Average setback of structures within 200 feet = 24.7 ft.



- B. The front yard reduction permitted in Subsection 7.14 A., shall only be permitted if there are two 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 15 feet.

Section 7.15 Projections Into Yards

The following architectural elements and appurtenances may encroach into or over a required yard setback as provided in Table 7-15.

Table 7-15 : Permitted Encroachments			
Type	Allowed Encroachment into Setback		
	Front Yard	Side Yard	Rear Yard
Accessory structures, residential, detached	See Section 7.1		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet State or Federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback		
Air conditioning units, generators, and other mechanical equipment	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises, and pergolas (attached to main building)	5 ft.	3 ft.	10 ft.
Awnings and canopies	4 ft.	4 ft.	4 ft.
Balconies	5 ft.	None	10 ft.
Bay windows	4 ft.	4 ft.	4 ft.
Chimneys	4 ft.	4 ft.	4 ft.
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See Section 7.7 G		
Flagpoles	Permitted up to 6 ft. from all lot lines		
Light poles (not including ground-mounted lights)	Permitted up to 6 ft. from all lot lines		
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	10 ft.	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Porches, decks, and stoops, uncovered and unenclosed ¹	10 ft.	None	15 ft.
Signs	See Chapter 11		
Stairways (not including steps to main floor entry) and below-grade stairwells	None	4 ft.	10 ft.
Swing sets and similar play structures	None	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Window wells and egress windows, below grade	4 ft.	4 ft.	4 ft.

Section 7.16 Regulations Applicable to Single-Family Dwellings

Any single-family dwelling on a lot shall be permitted only if it complies with all the following requirements:

- A. If the dwelling unit is a mobile or manufactured home, the 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

¹ Any covered or roofed porch, deck, patio, stoop, or similar structure attached to the main building shall be considered part of the main building and shall comply with the required setbacks for the main building.

and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the building official or his designee, to be in excellent condition and safe and fit for residential occupancy.

- B. All dwelling units shall comply with applicable building, electrical, plumbing, fire, energy, and other similar codes which are or may be adopted by the city; provided, 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, the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building official.
- C. The dwelling unit shall comply with all applicable restrictions and requirements of this ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum livable floor area, required yards, lot coverage, and maximum building height.
- D. If the dwelling unit is a mobile or manufactured home, the 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 shall have a wall of the same perimeter dimensions as the dwelling unit and 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 mobile or manufactured home, its foundation shall fully enclose the chassis, undercarriage, and towing mechanism and an affidavit of affixture shall be provided to the zoning administrator to certify its permanence on the site.
- F. If the dwelling unit is a mobile or 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 mobile home parks.
- G. The dwelling unit shall have a minimum core living area of at least 20 feet by 30 feet.
- H. Storage area of no less than 120 square feet shall be provided. This storage area may consist of a basement, closet areas, attic, within a garage attached to the main building, or in a detached accessory building which complies with all other applicable provisions of Section 7.2.
- I. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight 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 greater than that from siding coated with clean, white, gloss exterior enamel.
- K. The dwelling unit shall have no fewer than two exterior doors, with one being in either the rear or the side of the dwelling unit.

Section 7.17 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 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 other means as permitted by the International Pool and Spa Code and approved by the zoning administrator. Side walls, fence, or enclosure, including gates, shall not be less than four feet or greater than six feet above grade. All gates shall be self-latching with latches placed no less than four feet above grade or otherwise made inaccessible from the outside to small children. Swimming pools, spas, hot tubs, and similar devices shall not be located less than 10 feet from any lot line measured from the edge of the wall encompassing the water. The outer edge of

adjacent patios, walkways, and other at-grade paved surfaces shall not be closer than three feet to any side or rear lot line. Adjacent decks and other raised structures shall not be permitted in the required side yard and shall not encroach more than 15 feet into the required rear yard.

- B. Swimming pools, spas, hot tubs, and similar devices shall not be located in any *front yard*.
- C. 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*.

Section 7.18 Temporary Uses

- A. **Construction buildings.** 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 shall only be used for the storage of construction materials, tools, supplies and equipment, and for construction management and supervision offices related to construction activity on the same lot.
 - 2. An enclosed structure for temporary sanitation facilities shall be required on all construction sites, unless otherwise available on the site.
 - 3. No construction building or structure shall be used as a dwelling unit.
 - 4. A permit shall be issued from the zoning administrator prior to installation of a construction building or structure.
 - 5. Construction buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued for the permanent structure on such lot or within 15 days after the expiration of a building permit issued for construction on such lot.
- B. **Sales offices and model homes.** 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. The permit shall specify the location of the office and shall be valid for a period of up to one year. A temporary permit may be renewed by the zoning administrator for up to two successive one-year periods or less, at the same location if such office or model home 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 not exclusively related to the project shall not be permitted.

Section 7.19 Timely Completion of Construction

Following commencement 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 12 months from the initial commencement of the project.
- B. The time for completion of all exterior features of a structure may be extended by the zoning administrator if extenuating circumstances are demonstrated such as the size of the building, unforeseen weather conditions, or delays in obtaining materials.
- C. 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, appurtenant or auxiliary/accessory structures, lighting, and any other element needed to complete the exterior of the structure.

Section 7.20 Voting Place

The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, city, or other public election.

Section 7.21 Water and Sanitary Sewer Service

Any building or structure which is to have drinking water and/or sanitary facilities located within the building or structure shall comply with the City of Rockford utility ordinance.

Section 7.22 Withholding or Conditioning of Approval

The Planning Commission or City Council may withhold approval of any use, site plan, or other approval required by this ordinance pending approvals required by County, State or Federal agencies or departments, or may approve subject to obtaining such approvals.

CHAPTER 8

SPECIAL LAND USE PROCEDURES AND GENERAL STANDARDS

Section 8.1 Purpose

Special land uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to specific operational characteristics, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor, or similar potential effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis. Therefore, special uses may be permitted within a zoning district, with Planning Commission approval, following a review of the use and its potential impact on its surroundings. This chapter establishes the review procedures for special land uses and the general standards that must be met for all special uses. Specific requirements that may be necessary to mitigate potential negative impacts for individual special land uses are found in Chapter 9.

Section 8.2 Procedures

- A. **Application.** Application for special land use approval shall be made to the zoning administrator on a form for that purpose, along with a site plan as required by Chapter 14, and payment of the application fee. Incomplete applications will be returned to the applicant and not processed further.
- B. **Review.**
1. Upon determining that the special land use application is complete, the zoning administrator shall cause notice to be given for a public hearing, in accordance with the requirements of the Michigan Zoning Enabling Act.
 2. Following notice, the Planning Commission shall conduct a public hearing regarding the special land use application.
 3. The Planning Commission may approve, approve with conditions, or deny the special land use request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, conformance with the general criteria of Section 8.3A., and compliance with the applicable special use requirements for the requested use.

Section 8.3 Approval and Conditions

- A. **General Criteria.** The Planning Commission shall approve, or approve with conditions, a special land use request only upon a finding that all of the following general criteria for approval are satisfied:
1. The use is designed and constructed, and will be operated and maintained, 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 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 for the proposed use demonstrates compliance with specific design standards contained in Section 9.3 applicable to that use and with all other 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 to allow nonresidential uses is presumed to be inconsistent with maintaining the residential character of the city.
- B. **Conditional Approval.** The Planning Commission may impose reasonable conditions in conjunction with approval of a special land use which are deemed necessary to ensure compliance with the general criteria for approval in Section 8.3A. and the specific requirements applicable to the proposed special land use.
- C. **Approval Term and Expiration.** Approval of a special land use, including conditions imposed, is attached to, shall run with the land, and shall be binding upon subsequent owners and all occupants of the subject property, except under the following circumstances:
1. Special land use approval shall only be valid for a period of 12 months from the date of approval unless *substantial construction* has occurred and is progressing meaningfully toward completion.
 2. The Planning Commission may grant up to one additional 12 month extension, if requested by the property owner in writing prior to the expiration of the original 12 month period, upon showing that there has been no significant change in conditions affecting the property or surrounding area that might have altered that original approval.
 3. If the above provisions are not fulfilled or the extension has expired prior to construction, the special use approval shall become null and void.

CHAPTER 9

SPECIFIC USE REQUIREMENTS

Section 9.1 Purpose

This chapter establishes requirements for certain land uses that differ from the requirements of the zoning district in which they are allowed. Due to the nature of the use, its intensity, certain characteristics of its operation, the land area required for it to function, or other factors specific to an individual use, additional requirements are necessary to accommodate the use and ensure its compatibility with its surroundings. In some cases, the uses are “permitted” but with the added requirements of this chapter, while others are “special land uses” subject to more scrutiny, as specified in Chapter 8 and the additional requirements of this chapter.

Section 9.2 Procedures

- A. **Permitted Uses.** These uses are allowed by right as indicated by “P” in the respective “Table of Allowed Uses” in Chapters 3, 4, or 5 but are subject to “Additional Requirements” as noted in those tables. They are subject to site plan review, per Chapter 14, and must comply with the applicable specific use requirements of this chapter.
- B. **Special Land Uses.** Those allowed uses indicated by “S” in the respective “Table of Allowed Uses” in Chapters 3, 4, or 5 are subject to the requirements of Chapter 8 in addition to the specific use requirements of this chapter.

Section 9.3 Specific Requirements

A. Accessory Dwelling Unit (ADU).

1. Location. ADUs are permitted in any residential, mixed-use, or PUD zoning district on a lot on which a single-family dwelling is located, subject to the requirements of this section.
2. General requirements.
 - a. Only one ADU shall be permitted on a lot or parcel.
 - b. The ADU shall be designed as an independent housekeeping unit that can be isolated from the principal dwelling space.
 - c. The ADU shall be connected to the same public water and sanitary sewer system as that serving the principal dwelling.
 - d. The owner of the property shall occupy either the principal dwelling or the ADU and that dwelling shall serve as the owner’s principal place of residence.
 - e. An ADU may be created through new construction, the conversion of an existing building, or as an addition to an existing building, as follows:
 - i. Interior ADUs are created when a portion of a detached single-family dwelling is partitioned off to become a separate dwelling unit. It is fully within and under the same roof as the principal dwelling unit, though it may have an external entrance into the unit.
 - ii. Attached ADUs are connected to the principal dwelling unit, by a roof and at least one common wall or by a breezeway or similar covered and enclosed structure.

- iii. Detached ADUs stand-alone from the principal dwelling unit and include detached garage apartments and free-standing backyard cottages.
 - f. The ADU shall be at least 350 square feet in floor area; but no larger than 35 percent of the livable floor area (not including basement) of the principal dwelling or 850 square feet, whichever is less.
 - g. The ADU shall not contain more than one bedroom.
 - h. Trailers, tents, recreational vehicles, mobile homes, shipping containers, and similar structures shall not be used as an ADU.
 - i. As a condition of approval, the owner shall prepare a deed restriction or other legal instrument to be reviewed and approved by the city attorney. Following approval by the city attorney, the instrument shall be recorded with the Kent County Register of Deeds, prior to issuance of a building permit for the ADU. The instrument shall substantially include the following:
 - i. A statement that the principal dwelling and the accessory dwelling shall remain in the same ownership, unless the dwellings can be separated onto individual building lots, each of which complies with all relevant lot area, setback, access, and other requirements of the zoning ordinance, subject to city approval.
 - ii. A statement that the accessory dwelling shall not be used as a short-term rental or bed and breakfast and is authorized by the city subject to ownership and occupancy restrictions of this ordinance.
 - iii. A statement of other restrictions which are appropriate or reflect conditions placed upon the approval by the Planning Commission.
3. Interior ADU requirements. An interior ADU may have an exterior entrance located on the side or rear of the principal dwelling. In all other respects, the ADU shall be fully internal to the principal dwelling unit.
4. Attached ADU requirements.
- a. If attached to the principal dwelling, the accessory dwelling unit shall meet all height and setback requirements of the principal dwelling.
 - b. The lot must meet the minimum required lot area for the zoning district and construction of the ADU shall not cause the maximum lot coverage requirements for the zoning district to be exceeded.
5. Detached ADU requirements.
- a. The lot must meet the minimum required lot area for the zoning district and construction of the ADU shall not cause the maximum lot coverage requirements to be exceeded.
 - b. An ADU may be constructed above or on the side of a detached garage, subject to the following standards:
 - i. The detached garage must be in compliance with the accessory building setback requirements of this ordinance and shall be maintained after construction of the ADU.
 - ii. No portion of the ADU shall be closer than 10 feet to the principal dwelling and 10 feet from any side or rear property line.
 - iii. If located above a detached garage, the maximum height of the structure shall not exceed 25 feet. If attached to the side of the detached garage, the ADU height shall not exceed 14 feet.

- c. A free-standing detached ADU (not attached to another building) shall meet the following dimensional requirements:
 - i. Maximum height: 25 feet
 - ii. Separation from all buildings on the lot: 10 feet
 - iii. Rear yard setback: 25 feet
 - iv. Side yard setback: 10 feet

B. Adult Uses.

1. It is the intent of this subsection to regulate those uses recognized as objectionable and having a potentially detrimental impact on adjacent uses and areas. Special regulation of these uses is necessary to ensure that the potential adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood. Uses subject to these controls include *adult bookstores, adult theaters, nude artist and photography studios, and adult cabarets*.
2. Establishments where *adult uses* are located shall not be expanded in any manner without first applying for and receiving approval as required by this ordinance.
3. The *adult use* shall have frontage on and direct access to Wolverine Blvd/Northland Drive.
4. The sale of alcoholic beverages within any *adult use* establishment is prohibited.
5. An adult use shall not be located within 500 feet of another existing adult use or within 1,000 feet of any residential district, place of public worship, school, park, or playground. Distance shall be measured between the closest property lines.
6. Signs for the adult use shall comply with the requirements of the city sign ordinance and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animation or flashing illumination.
7. Signs shall be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, using lettering which is at least two inches in height, that state:
 - d. "Persons under the age of 18 years are not permitted to enter the premises."
 - e. "No alcoholic beverage of any type is permitted within the premises."
8. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible to a person of normal visual acuity from the nearest adjoining street or adjoining property.
9. No adult use shall be open to patrons prior to 10:00 a.m. nor after 10:00 p.m. However, employees, other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleaning, preparation, recordkeeping, and similar purposes not involving the general public.

C. Bed and Breakfast.

1. No such use shall be permitted on any property within 750 feet of an existing bed and breakfast, measured between the closest property lines.
2. Such use shall be established entirely within a single-family detached dwelling.
3. The number of guest rooms shall not exceed three.
4. Room occupancy shall not exceed two adults, plus minor children.
5. Exterior refuse storage facilities beyond what might normally be expected for a single-family detached dwelling shall be prohibited.

6. The establishment shall be the principal residence of the homeowner or operator; provided, in the temporary absence of the owner/operator, a designated manager shall reside in the home at all times when guests occupy the bed and breakfast.
7. Accessory retail or service uses such as gift shops, antique shops, restaurants, and bakeries shall be prohibited.
8. If served, meals shall be served only to the owner/operator's family, employees, and overnight guests.
9. The maximum stay for any guest shall not exceed 10 consecutive days. A guest register shall be maintained and shall be made available to the city for inspection upon request.
10. No exterior evidence that the facility is a bed and breakfast shall be permitted, other than one non-illuminated sign, not exceeding six square feet, attached flat against the building wall.
11. Off-street parking shall be provided at a minimum ratio of two spaces, plus one for each permitted guest room. Parking shall be hard surfaced with concrete, asphalt, or pervious pavers approved by the zoning administrator. No parking shall be permitted in the front yard and no parking area shall be lighted, except for a residential porch light.

D. Charity Collection Boxes.

1. Permit required. No charity collection box may be placed or located within the city unless the operator of the box is issued a permit by the city clerk. A permit for a charity collection box shall only be issued if all of the requirements of this section are met.
2. Charitable status. The operator of the collection box shall be a not-for-profit organization that has qualified for tax-exempt status under Section 501(C)(3). The operator shall submit proof of 501(C)(3) status to the city as part of the permit application. This proof shall consist of copies of the following forms and information required to qualify for 501(C)(3) status:
 - a. Michigan Articles of Incorporation.
 - b. IRS Form 1023.
 - c. Proof of directors and officers (D & O) insurance.
 - d. Proof of license to solicit donations issued by the Michigan Attorney General's office.
 - e. Copies of the organization's three most recent Michigan Annual Reports filed each October 1 with the Michigan Corporation, Securities and Land Development Bureau. This requirement may be waived or modified if the organization has not existed long enough to have filed three Michigan Annual Reports.
3. Property owner consent required. The operator of the collection box shall submit evidence that the owner of the property where the collection box is proposed to be located agrees to allow the collection box on their property.
4. Where permitted. Collection boxes are permitted as an accessory use to a nonresidential principal use of the property.
5. Location.
 - a. Front yard or side yard. Collection boxes in the front or side yard shall be located adjacent to a building in a location that does not impede vehicular or pedestrian circulation. For the purposes of this requirement, "adjacent" shall mean within five feet of an exterior building wall. Collection boxes may not be located in any parking space.
 - b. Rear yard. Collection boxes shall not be located within a required rear yard setback.
6. Number. No more than two collection boxes may be located on any one property.

7. Size, mass, and placement. Collection boxes shall not exceed a maximum size of six feet in depth or width and a maximum height of eight feet. The collection boxes shall be placed on a concrete or asphalt surface.
8. Operation standards. All donation items shall be fully contained within the collection box. Donations not fully contained in the collection box shall be considered a public nuisance and subject to removal by the city at the property owner or collection box operator's expense.
9. Maintenance.
 - a. Collection boxes shall be serviced and emptied as needed, or within 24 hours of a request by the zoning administrator or designee.
 - b. Collection boxes shall be maintained in good condition and appearance with no structural damage or defects, holes, or visible rust, and shall be free of graffiti.
 - c. The area surrounding the collection boxes shall be free of any junk, garbage, trash, debris or other refuse material.

E. Child Care Centers.

1. The site shall have frontage on and direct access to a designated *arterial* or *collector* street.
2. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
3. The facility shall not operate between the hours of 8:00 p.m. and 6:00 a.m. unless the site's property line is at least 300 feet from the nearest residential district boundary.
4. All outdoor play/activity areas shall be a minimum of 50 feet from any *residential district* boundary and enclosed with fencing, a minimum of four feet high.
5. Activities associated with child care shall not be permitted in any accessory building, structure, or garage.
6. A useable outdoor play/activity area shall be provided at the ratio of at least 66 square feet for each child for which the facility is licensed, or as required by State regulation, whichever is greater.
7. An off-street drop-off area shall be provided for temporary pick-up and drop-off. One temporary drop-off space shall be provided for each 10 children the facility is licensed to accept in addition to parking required by this ordinance. Drop-off spaces shall be marked and distinguished as such. Additionally, one stacking space for each five children the facility is licensed to accept shall be provided to allow space for vehicles waiting for the temporary drop-off location. Stacking spaces shall conform to Section 10.3 B.4. Stacking spaces and drop-off spaces shall be located so as not to interfere with circulation on or off the site.

F. Commercial Storage Warehouse.

1. Minimum lot area shall be two acres.
2. Overhead doors shall not face any adjacent street.
3. A security plan shall be required to illustrate measures such as fencing, camera locations, and similar methods to protect the property.
4. Outdoor storage is not permitted, except in accordance with the requirements of Section 9.3 R.
5. All refuse collection facilities shall be screened as required by Section 12.7.
6. Parking and circulation shall meet the following requirements:
 - a. One parking space shall be provided for each 10 storage cubicles and shall be equally

distributed throughout the site.

- b. One parking space shall also be required for the security personnel or on-site operator employed on the premises.
- c. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

G. Convalescent and Nursing Homes.

1. Minimum lot area shall be two acres.
2. No part of any building may be closer than 50 feet to the front lot line and 25 feet from all other lot lines.
3. Each residential unit shall contain a minimum of 350 square feet of livable floor area,
4. All refuse collection facilities shall be screened as required by Section 12.7.
5. If the use is required to be State-licensed, any such license shall be maintained in full force and effect and all its terms and conditions shall be fully complied with. A copy of the license and each instrument of renewal shall be promptly furnished to city inspectors or zoning officials upon request.

H. Drive-Thru Facilities for Banks, Dry-Cleaners, Pharmacies, and Similar Establishments, but not Restaurants.

1. Stacking spaces shall conform to Section 10.3 B.4.
2. 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 stacking spaces for each drive-through station, whether personal or automatic, shall be provided.
3. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
4. Outdoor speakers for the drive-thru facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

I. Dwellings on Upper Floors.

1. Evidence shall be provided to the Planning Commission that off-street parking equal to two spaces per dwelling unit is available to the residents within a reasonable distance of each dwelling.
2. No dwelling unit shall be located on the ground floor of the building.
3. The minimum floor area of each unit shall be the same as the requirements specified in Table 9-3 of Section 9.3 Y. for home conversions.

J. Funeral Homes and Mortuaries.

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 acre and minimum lot width shall be 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 areas.
4. No lines of waiting vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.

K. Junk Yards.

1. Requests for approval 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 property shall be a minimum area of six acres.
3. The site shall abut and have direct access to a designated *arterial* or *collector* street.
4. No portion of the storage area shall be located within 1,000 feet of any residential use or district.
5. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight feet in height but no more than 10 feet, 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 non-transparent gates not exceeding 24 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. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
6. Stored materials shall not be stacked higher than 10 feet and shall be stored in a manner so as not to be visible from adjoining properties or streets. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
7. The fence or wall enclosing the storage area shall meet the principal building setback requirements of the zoning district.
8. A management office shall be provided on site.
9. Conditions within the storage area shall be controlled to minimize hazards of fire and other threats to health and safety.
10. All portions of the storage area shall be accessible to emergency vehicles.
11. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20 foot wide continuous loop aisles separating each row of vehicles.
12. All batteries shall be removed from vehicles and all radiators 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. No fluids removed from vehicles shall be applied as a dust control method.
13. No vehicle parts or other materials shall be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
14. All fences or walls shall be set back a minimum of 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 may include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.

L. Kennels.

1. The minimum lot size shall be three acres.
2. Outdoor pens shall be enclosed by a chain link fence or wall eight feet in height.

3. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than 100 feet to any *residential district* or residential use and shall not be located within any required yard area.
4. Approval shall be conditioned upon obtaining a kennel license from Kent County.

M. Manufacture, Compounding, Processing, Packaging, or Treatment of Products Requiring Stamping or Punch Press Operations, Metal Plating, or Buffing; Manufacture or Use of Corrosive Alkali, Cement, Lime, Gypsum, or Plaster of Paris; or Processing, or Treatment of Leather Products.

1. The principal and accessory buildings and structures shall be located at least 300 feet from any residential use or *residential district* property line.
2. Shall not create noise, vibration, or other nuisances detectable on adjacent properties.
3. All activities, except permitted outdoor storage in accordance with Section 9.3 R., shall be conducted within an enclosed building.

N. Open Air Business.

1. The area used for display or storage shall be paved; provided, the Planning Commission may permit the use of pervious pavers or similar materials, not including gravel, that provide a hard surface, are easily maintained, will withstand the intended use, and will reduce stormwater runoff.
2. Parking, display, and storage areas shall be set back at least 10 feet from any side and rear lot line and 20 feet from any public right-of-way line. The setback areas shall be maintained with grass or suitable ground cover, unless otherwise required by Chapter 12. Display and storage areas shall not occupy any required parking areas or maneuvering aisles.
3. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
4. Lighting for parking and outdoor storage areas shall conform to the requirements of Chapter 13.

O. Outdoor Commercial Recreation.

1. Minimum site size shall be three acres.
2. Minimum site width shall be 200 feet abutting a collector or arterial street. All vehicular access to and from the site shall be from that street.
3. All driveways shall be located no closer than 150 feet from any street intersection, measured nearest pavement edge to nearest pavement edge.
4. No building, structure, parking, activity area, storage, or other use of the site shall be located within 50 feet of any public street.
5. Where the property abuts a *residential district*, a type "A" buffer shall be provided in accordance with the requirements of *Section 12.5* and outdoor loudspeaker systems shall not be permitted.

P. Outdoor Merchandise Display.

1. No merchandise, displays, or fixtures shall be located closer than 20 feet to any public right-of-way line; provided, in the C-2 District such displays may be placed no closer than five feet to the edge of the street curb.
2. No fixtures or merchandise shall be located in a manner that impedes the movement of pedestrians along the sidewalk or obstructs 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 outdoor display shall be maintained in a safe, clean, and sanitary manner.

Q. Outdoor Patio Seating w/Permitted Use.

1. The area devoted to outdoor service must be ancillary to the main use of an indoor restaurant, bakery, delicatessen, specialty food store, micro-brewery, or similar establishment.
2. Where outdoor seating is located along a public sidewalk or pathway an unobstructed passageway at least five feet wide shall be maintained along the length of such sidewalk or pathway.
3. Where outdoor seating is located on a rooftop patio or deck, the outer edge of such seating area, including any canopy or similar covering, shall be no closer than 10 feet to the edge of the building.
4. The outdoor service area shall not impede the movement of pedestrians or obstruct vehicular traffic visibility.
5. The type, style, and durability of furniture to be used shall be shown in conjunction with the required site plan submittal.
6. Furniture utilized for outdoor dining shall be removed and stored indoors or secured outdoors during nonbusiness hours.
7. The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission.
8. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.

R. Outdoor Storage, Display, and Sale of Farm Implements and Commercial Construction Equipment.

1. The area used for display or storage shall be paved; provided, the Planning Commission may permit the use of pervious pavers or similar materials, not including gravel, that provide a hard surface, are easily maintained, will withstand the intended use, and will reduce stormwater runoff.
2. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
3. Lighting for parking areas or outdoor storage areas shall conform to the requirements of Chapter 13.
4. Parking, display, and storage areas shall be set back at least 10 feet from any side and rear lot line and 20 feet from any public right-of-way line. The setback areas shall be maintained with grass or suitable ground cover, unless otherwise required by Chapter 12.
5. Display and storage areas shall not occupy any required parking areas or maneuvering aisles.

S. Outdoor Storage Yards.

1. Outdoor storage in the C-4 District shall be located in the rear yard only and shall be fenced with a six foot high chain link fence or screen wall.
2. Outdoor storage in the I-1 District may be located in the rear or side yard.
3. All outdoor storage yards shall be paved with asphalt or concrete, unless another surface such as gravel or pervious pavers is approved by the Planning Commission.
4. Screening of outdoor storage yards shall be provided along all property lines in accordance with

the requirements of Section 12.7.

5. Outdoor storage yards shall only be permitted in conjunction with a principal use of the property.
6. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

T. 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 feet measured from the ground surface to the top of the machine, nor a width of 30 inches, nor a depth of 24 inches.
3. Vending machines shall not be electrically powered or internally illuminated.
4. No signs shall be permitted except one sign, not exceeding an area of two square feet, identifying the product or merchandise sold in the machine.
5. No more than four vending machines, not exceeding a combined length of eight feet, shall be permitted outside any building.
6. All vending machines shall be maintained in a clean, neat, and attractive condition and in good repair at all times.

U. Places of Public Worship.

1. The purpose of these requirements is to integrate places of worship 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 building, 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 acre.
3. The minimum lot width shall be one 150 feet.
4. At least one property line shall abut and have access to a designated *arterial* or *collector* street.
5. To the extent possible, shared parking arrangements shall be employed with other uses in the vicinity, consistent with Section 10.6, to minimize the number of parking spaces needed and the amount of impervious surface.

V. Recycling Centers.

1. A 10 foot fence or wall capable of keeping trash, paper, and other debris from blowing off the premises shall be constructed around any outdoor storage or collection area,
2. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or *residential district* boundary line.

W. Restaurants with Drive-thru Facilities.

1. A minimum of 10 stacking spaces for each service ordering station shall be provided to ensure that traffic does not extend off-site and into the public right-of-way.
2. Stacking spaces shall conform to the requirements of Section 10.3 B.4. and shall not obstruct parking spaces or vehicular circulation within and egress from the property.
3. In addition to the minimum parking space requirements, at least three additional parking spaces shall be provided in close proximity to the drive-thru window for customers waiting for their orders.
4. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of 10

feet.

5. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.

X. Solar Energy System (SES) – Accessory Use

1. Purpose and Intent. It is the general purpose of this provision to define and streamline the process of installing a solar energy system as an accessory use to a principal use on a single lot while protecting the integrity, property values, safety, and aesthetic quality of the adjacent properties and the city.
2. Authorization. Solar energy systems may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.
3. Specific Standards.
 - a. Accessory structure. Solar energy systems shall be considered an accessory structure to an individual principal use on a lot in all zoning districts, in accordance with the provisions of this section but the area of a ground-mounted SES shall not count against the maximum number or square footage of accessory buildings permitted on the property.
 - b. Ground-mounted systems. Ground-mounted systems shall not be permitted unless the applicant demonstrates that a roof- or building-mounted system is not feasible due to the orientation of the building, structural conditions of the roof or wall, height of neighboring structures or trees, or similar impediments.
 - c. Number of systems per lot. Arrays of multiple-collector roof-mounted, building-mounted, or facade-mounted solar energy systems may be allowed, provided they comply with the required standards of this section.
 - d. Lot coverage. The area of a ground-mounted SES shall be included in the maximum lot coverage calculations applicable to the zoning district in which the system is located.
 - e. Height. Ground-mounted solar collectors and any mounts shall not exceed a height of 12 feet when oriented at maximum tilt. Building-mounted or facade-mounted solar collectors shall not exceed the height of the building to which they are attached. Roof-mounted solar collectors including any mounts shall be exempt from the zoning district height limits but shall not exceed a height of one foot above pitched roofs and five feet above flat roofs.
 - f. Location and setbacks.
 - i. Ground-mounted solar energy systems shall not be located within a front yard and all parts of the system shall conform to the minimum required setbacks for accessory structures within the site's zoning district, but not less than three feet.
 - ii. Roof-mounted solar energy systems shall be setback from the building edge a distance equal to the height of the system above the roof.
 - iii. Building-mounted or facade-mounted solar energy systems shall not be attached to any building facade that faces or is visible from any right-of-way. Such systems may be located on a side or rear building façade; provided, they do not directly face a right-of-way and are architecturally integrated with the building to which they are attached, as determined by the zoning administrator.

- iv. Solar collectors shall be placed so as not to shade any existing solar collector or adjacent property to the north between the hours of 9:30 a.m. and 2:30 p.m. Eastern Standard Time on December 21 of each year any more than would a permitted structure built to the maximum allowable bulk and area standards for the zoning district in which the property is located.
 - g. Solar storage batteries. When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the city's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable city, state and federal laws and regulations.
- 4. General Standards.
 - a. Screening. Landscape screening of evergreens at least six feet tall or a six foot high sight-obscuring fence shall be provided around the entire SES to mitigate aesthetic impacts upon the neighborhood if a ground-mounted solar energy system is located within or adjacent to any *residential district*.
 - b. Access and safety. All solar energy systems shall be designed and installed to prevent unauthorized access to electrical and mechanical components.
 - c. Lighting. Exterior lighting from a direct source upon a solar energy system shall be prohibited. No lights shall be installed on any part of a solar energy system.
 - d. Underground wiring. All wiring connected with a ground-mounted solar energy system shall be underground.
 - e. Signs. Signs on a solar energy system visible from any right-of-way or adjacent property shall be limited to the manufacturer's or installer's identification on the solar collector, appropriate warning signs, or the owner and/or operator's identification.
 - f. Surface. The solar panels shall be made of or coated with a non-reflective material to prevent glare onto neighboring property.
- 5. Nonconformities. The erection of a solar energy system in compliance with the requirements of this section shall not be considered an expansion, alteration, or modification of any existing nonconforming structure or lot.
- 6. Access Easements.
 - a. The enactment of this section does not constitute the granting of an easement by the city for access to solar radiation. The owner and/or operator may consider securing covenants, easements, or similar documentation from adjoining property owners to assure sufficient solar radiation to operate a solar energy system unless adequate accessibility to the solar radiation is provided by the site.
 - b. Nothing within this section shall prevent any owner, occupant, or other person in control of property from legally placing or planting any vegetation or trees, or legally constructing any structure that may cast a shadow on a solar energy system, provided such vegetation, trees, or structures comply with the required standards of this ordinance and all other applicable laws, codes, and ordinances.
- 7. Removal.
 - a. An owner and/or operator shall remove any ground-mounted solar energy system if it has not been used for a period of 180 days or more or has otherwise been abandoned. For purposes of this section, the removal of solar collectors, solar batteries, or other equipment from a solar energy system, or the cessation of electrical power generation, shall be

- considered as the beginning of a period of nonuse or abandonment. Nonuse or abandonment may also be proven by reports from an interconnected utility.
- b. Once a ground-mounted solar energy system has not been used for a period of 180 days or more or has otherwise been determined to be abandoned, the owner and/or operator shall immediately apply for or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition and removal, restoring the premises to an acceptable condition as reasonably determined by the building official and/or zoning administrator.
 - c. If the required removal of a ground-mounted solar energy system has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice by the city attorney, building official, and/or zoning administrator, the city may pursue legal action to remove or secure the removal of the system at the owner's and/or operator's sole expense.
8. Applications and Permits.
- a. The owner and/or operator of any solar energy system shall obtain a building permit, along with any other permits required by federal, state, and local agencies, prior to erecting a system. Solar energy systems shall comply with all applicable state and city construction and electrical codes and city building permit requirements, and all other applicable state and federal regulations.
 - b. Applications for permits to install a solar energy system shall include a site plan prepared in accordance with Section 14.3 for administrative site plan review, along with the following additional information:
 - i. The plans and specifications identifying all parts of the system, including, but not limited to, the manufacturer and model, solar collector or generator, mount height and type, foundation, solar batteries, any accessory equipment, and the manufacturer's electrical plans and specifications.
 - ii. Evidence that the applicant has notified the affected utility of the intent to install an interconnected customer-owned solar collector, and that the collector meets the minimum requirements established by the affected utility, the Michigan Public Service Commission, the Federal Energy Regulatory Commission, and all other applicable state and federal standards. Off-grid systems shall be exempt from this requirement.
 - iii. Any other evidence or information as required by the zoning administrator and/or building official.

Y. Solar Energy Systems (SES), Small Principal Use - Ground-Mounted

- 1. Purpose and Intent. It is the general purpose of this provision to define the process of installing a solar energy system as a principal use while protecting the integrity, property values, safety, and aesthetic quality of the adjacent properties and the city. The city therefore finds these regulations are necessary to facilitate adequate provision of sites for ground-mounted *solar energy systems* that serve multiple residential and/or nonresidential uses and ensure such sites are situated in appropriate locations and relationships to other land uses, structures, and buildings, without significantly increasing the cost or decreasing the efficiency of such systems.
- 2. Authorization. Small principal use ground-mounted solar energy systems may be integrated with developments such as residential clusters, commercial centers, or industrial parks to provide

electrical power to multiple off-site uses. Excess electrical power generated and not needed for such designated users may be used by the utility company in accordance with applicable state and federal law.

3. Specific Standards.

- a. Height. Total height shall not exceed 20 feet measured from the ground to the top of the solar panels when oriented at maximum tilt.
- b. Setbacks. Setback distance shall be measured from the property line or road right-of-way to the closest point of the SES components when the solar array is at minimum tilt. Setbacks shall be as follows:
 - i. A SES shall meet the required setback distance for principal buildings for the district in which it is located.
 - ii. A SES is not subject to side or rear setbacks along common property lines of two or more participating lots or parcels.
- c. Fencing. The SES shall be secured by perimeter fencing to restrict unauthorized access. Fencing shall be eight feet in height and shall otherwise comply with the requirements of Section 7.7.
- d. Screening/Landscaping. The SES shall be designed to meet the screening and/or landscaping requirements for the zoning district of the project site. A type "B" buffer, in accordance with the requirements of Section 12.5, shall be provided along all abutting residential district property lines and all other applicable requirements of Chapter 12 shall be met.
- e. Ground Cover. The SES shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned.
- f. Lot Coverage. The SES shall not count toward the maximum lot coverage or impervious standards for the district.
- g. Land Clearing. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure sufficient all-season access to the solar resource given the topography of the land.
- h. Access Drives. Access drives serving the SES shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. Asphalt or concrete paved surfaces shall not be required; provided, a suitable alternative surface such as gravel or pervious pavers is approved that will provide year-round access and is determined by the zoning administrator to support vehicle weight, withstand typical weather conditions, and not require inordinate maintenance.
- i. Wiring. SES wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the SES shall not exceed the height of the solar array at maximum tilt.
- j. Lighting. Lighting shall be limited to inverter and/or substation locations only. Light fixtures shall meet all applicable requirements of Chapter 13 and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
- k. Signage. One ground sign, not exceeding 24 square feet, may be used for signage at the SES site. The sign shall be set back at least 10 feet from the road right-of-way line, not be higher than four feet above finished grade, and shall comply with all other requirements of Chapter 11.
- l. Sound. The sound pressure level of a small principal use ground-mounted SES and all ancillary solar equipment shall not exceed 45 decibels (dBA) at the property line of an

- adjoining non-participating lot or parcel.
- m. Repowering. In addition to repairing or replacing SES components to maintain the system, the SES may at any time be repowered by reconfiguring, renovating, or replacing the SES to increase the power rating within the existing SES site. A proposal to change the project footprint of an existing SES shall be considered a new application, subject to the ordinance standards at the time of the request.
 - n. Decommissioning.
 - i. A decommissioning plan shall be submitted as part of the required site plan and shall indicate the anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. An SES owner may at any time:
 - ii. proceed with the decommissioning plan and remove the system as indicated in the approved site plan, subject to approval by the zoning administrator; or
 - iii. amend the decommissioning plan in accordance with the provisions of Section 14.7 and proceed according to the revised plan.
 - iv. Decommissioning an SES must commence when the soil is dry to prevent soil compaction and must be completed within 18 months after the date of abandonment.
 - v. An SES that has not produced electrical energy for 12 consecutive months, as determined by the zoning administrator, shall be considered abandoned.

Z. State Licensed Group Child Care Homes.

- 1. State licensed residential care facilities caring for more than six persons shall not be located closer than 1,500 feet from:
 - a. another licensed group child care home.
 - b. an adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (1979 PA 218, MCL 400.701 to 400.737).
 - c. a facility offering substance use disorder services to seven or more people that is licensed under part 62 of the Public Health Code (1978 PA 368, MCL 333.6230 to 333.6251).
 - d. a community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- 2. 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.
- 3. A fence at least four feet in height shall enclose all outdoor areas accessible to children.
- 4. No sign shall be permitted and no evidence of the facility's use shall be visible from any street or adjoining property. Off-street parking meeting the requirements of *Chapter 10* shall be provided on the site at a ratio of one space for the operator of the facility and each employee.

AA. Truck Terminals.

- 1. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 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 100 feet.

3. The principal and accessory buildings and structures shall not be located within 200 feet of any residential use or *residential district*.
4. The lot area used for parking or storage shall be paved with asphalt or concrete; provided, the Planning Commission may permit the use of pervious pavers or similar materials, not including gravel, that provide a hard surface, are easily maintained, will withstand the intended use, and will reduce stormwater runoff.
5. Lighting for parking areas or outdoor storage areas shall conform to the requirements of Chapter 13.
6. Any vehicle or equipment stored outside of an enclosed building, other than trucks or trailers parked overnight, shall be located within a designated storage area in accordance with the requirements of Section 9.3.R.
7. No trailer containing a refrigeration unit shall be parked in, stored, or otherwise occupy any yard within 300 feet of a residential district or *residential use*.

BB. Two-Family, Single-Family Attached, and Multiple-Family Dwellings in R-2 Residential.

1. General standards.
 - a. Conversion of single-family homes and non-residential buildings to multi-family dwellings shall be encouraged to promote the intent of the R-2 District while preserving the existing character and housing stock to the greatest extent possible. For the purposes of this section, conversions are defined as the repurposing of an existing single-family home or non-residential building to accommodate up to four dwelling units. All other development shall be considered new construction.
 - b. New construction shall be limited to no more than six units per building.
 - c. All two-family, attached single-family, and multiple-family dwellings in the R-2 District shall conform to the applicable requirements in Table 9-3.

Table 9-3: Development Requirements in R-2 Residential District

	Single-Family Conversion	New Construction
Minimum Unit Size (livable sq. ft.)	Studio: 300 1 bdrm: 400 2 bdrm: 550 3 bdrm: 675	Studio: 350 1 bdrm: 500 2 bdrm: 600 3 bdrm: 750
Minimum Lot Area/Unit (sq. ft.)	Two-family: 2,500 (17/ac) 3 or more units: 2,000 (22/ac)	Two-family: 4,000 (11/ac) Attached single-family or multiple-family units: 3,000 (14.5/ac)

- d. Wherever two or more different building materials are used on a building façade, the heavier material in weight or appearance shall be placed below the lighter material.
- e. In the case of multiple family buildings where the dwelling units are accessed from a common hallway or gathering area, the main entrance to the building shall face a public street and be directly accessible from the sidewalk adjoining the front yard.
- f. Rooftop terraces or patios atop a flat roof structure shall be subject to the following.

- i. No part of the rooftop terrace or patio, including the floor or base level, shall exceed the maximum allowable building height except as provided in Section 7.9 of the zoning ordinance.
 - ii. Rooftop terraces or patios shall maintain the following setbacks:
 - (a) Minimum 20 feet from the front lot line;
 - (b) Minimum 25 feet from the rear lot line; and
 - (c) Minimum 10 feet from each side lot line, but in no case less than five feet from the side exterior building walls.
 - iii. Lighting for a rooftop terrace or patio shall not exceed a height of three feet from the terrace or patio surface and shall comply with Chapter 13 of the zoning ordinance.
 - g. A minimum of 40 square feet of enclosed storage space, excluding closets, shall be provided for each dwelling unit. The required enclosed storage space may be located within a basement, garage, or other structure approved by the zoning administrator.
2. Standards for conversions.
- a. No more than four dwelling units shall be permitted in a building conversion.
 - b. Conversions may increase the existing floor area up to an additional 25 percent; provided, no more than 25 percent of the exterior wall and roof area of the building is removed or demolished.
 - c. Existing porches in front of the building shall be retained or replaced with porches of comparable or greater size and character.
 - d. Surface parking for conversions shall be located in the rear or side yard only. In no case shall any portion of a detached garage, parking lot, or attached garage be located closer to the front lot line than the front wall of the main building.
3. Standards for new construction.
- a. For new structures, windows shall be incorporated into all façades, covering at least 25 percent of the front wall and 10 percent of all other walls. For the purposes of calculating the required area, wall areas not along habitable floors or stories need not be considered. Walls less than five feet in width shall be exempt from this requirement.
 - b. To promote compatibility with the existing character of the R-2 District, all new two-family, single-family attached, and multiple-family structures shall incorporate a minimum of four of the following architectural or design elements:
 - i. Porches, patios, or balconies for each dwelling unit. Porches shall be a minimum six feet deep and 10 feet wide;
 - ii. Gable, hip, or gambrel roof;
 - iii. Horizontal siding;
 - iv. Decorative columns and dormers;
 - v. Windows featuring shutters, muntins, grills, or transoms;
 - vi. Windows covering at least 25 percent of each exterior wall, not including walls less than five feet in width;
 - vii. Bay, bow, or similarly articulated windows;
 - viii. Decorative pediments over front and side entries; or
 - ix. Foundation plantings along the front façade, minimum four foot depth.

- c. No uninterrupted building façade that faces a public street shall exceed 30 feet in length. Building wall offsets of at least one foot (projection or recess), cornices, pilasters, columns, or similar elements shall be acceptable means to divide the building mass.
- d. Surface parking or detached garages shall not be located in the front or side yards. In addition, such parking areas or structures shall be screened from public view from adjoining streets and adjacent properties to the extent practical. Where attached garages are provided, garage doors and entries shall be located behind the frontmost façade of the main building and shall be oriented toward the side or rear of the lot only.
- e. For single-family attached and multiple-family developments, access to parking areas shall be provided by a driveway no wider than 20 feet. Such driveway shall have a minimum five foot setback from the side lot line.

CC. Utility and Public Service Buildings w/out Storage Yards and Not Including Essential Public Services.

- 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.

DD. Vehicle Repair, Major.

- 1. The facility shall meet all licensing requirements of the State of Michigan and the city.
- 2. All buildings, structures, and equipment shall meet the minimum setback requirements of the zoning district, but not less than 40 feet from any right-of-way line, and not less than 20 feet from any side or rear lot line; provided, a setback of at least 75 feet shall be required from any property line abutting a residential use or *residential district*.
- 3. A type "A" buffer, as specified in Section 12.5, shall be required along any property line abutting a *residential district*.
- 4. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
- 5. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building and all repair, servicing, or other related activities shall take place within the building.
- 6. Outdoor parking and storage areas for disabled, wrecked, or partially dismantled vehicles awaiting repair and for trash, used tires, auto parts, and similar items shall be located within an approved storage area in accordance with the requirements of Section 9.3 R.
- 7. Trucks, trailers, and any other equipment for rent shall not be located within required setbacks or required parking areas.
- 8. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two vehicles.
- 9. Hours of operation shall not have an adverse effect on adjoining areas and shall be subject to Planning Commission review.
- 10. The applicant shall submit a pollution incidence protection plan (PIPP) as part of the special use application. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain catch basins, and automatic shut off valves, as approved by the fire department and city engineer.

EE. Vehicle Repair, Minor.

1. There shall be a minimum lot frontage of 75 feet on a designated *arterial* or *collector* street and all access to the property shall be from that street.
2. All buildings and structures shall be located at least 75 feet from any side or rear lot line abutting a residential use or *residential district*.
3. Access driveways shall be located no less than 100 feet from the right-of-way line of any street intersection or 75 feet from the nearest edge of any other driveway.
4. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other vehicle repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.
5. Storage or overnight parking of any vehicle, except a tow truck, shall be permitted only in accordance with Section 9.3 R.
6. All activities shall occur inside a fully enclosed building. No vehicle may be stored on the property for more than 30 days.
7. Storage above ground of gasoline, liquefied petroleum gas, oil, or other flammable liquids or gas shall not be permitted.
8. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the special use application. The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the fire department and city engineer.
9. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

FF. Vehicle Service Station.

1. The site shall abut and have direct access to a designated *arterial* or *collector* street.
2. Minimum lot area shall be one acre and minimum lot width shall be 250 feet.
3. Pump islands shall be a minimum of 20 feet from any public right-of-way or lot line.
4. All equipment and activities associated with vehicle service operations, except those incidental uses, such as air hoses, shall be kept within an enclosed building.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. If other uses such as convenience store or restaurant occupy a part of the site, parking for such uses shall be computed and provided separately for that use.
7. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet is maintained between the edge of the canopy and any property line, and further provided that the soffit of such canopy is a minimum of 10 feet above the pavement surface. The fascia of the canopy may be internally illuminated.
8. Access driveways shall be located no less than 100 feet from the right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.

GG. Vehicle Wash Facility.

1. Vehicle stacking space equal to five times the wash capacity shall be provided. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by 25 feet. No

less than 15 stacking spaces shall be provided. For self-service establishments, each stall shall have at least two stacking spaces at the entrance and one space at the exit.

2. Vacuuming activities, if outdoors, shall be at least 300 feet from any residential use or *residential district*. Wash bays for self-service establishments shall be located at least 150 feet from any residential use or *residential district*.
3. Where adjoining residentially zoned or used property, a solid wall or fence, six feet in height shall be erected along any common lot line and incorporated into the buffer required by Section 12.5. The fence or wall shall be constructed in accordance with the requirements of Section 7.7, and continuously maintained in good condition. If located adjacent to any residential use or *residential district*, the wash facility shall not operate before 7 AM and no later than 9 PM.
4. Only one access driveway shall be permitted on any single street. Access driveways shall be located no less than 100 feet from the right-of-way line of any intersecting street and 75 feet from the nearest edge of any other driveway.
5. If self-service wash bays are to be located with openings facing an adjacent street, they shall be screened as required by Section 12.7, and continuously maintained in good condition.

HH. Wireless Communication Towers.

1. Wireless communication towers may be considered either a principal or accessory use in the I-1 Industrial District subject to the requirements of this section.
2. 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. However, a commercial wireless communication antenna may be permitted within any zoning district, including the excluded area described in this subsection, if mounted on an existing commercial wireless communication tower or publicly owned tower or elevated storage tank.
3. An existing use of a structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
4. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed 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.
5. The lot size shall be a minimum of 20,000 square feet.
6. The tower shall be a monopole design.
7. The tower shall be set back from all lot lines a minimum distance equal to one-half the height of the tower. All other buildings and structures shall meet the minimum setback requirements of the zoning district.
8. A security fence at least six feet in height and meeting the requirements of Section 7.7 shall be constructed around the tower.
9. 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, shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locating on an existing tower is not viable.
10. Unless located on the same site or tower with another user, no new tower shall be erected within a one-half mile radius of an existing radio, television, cellular, or wireless communications tower.
11. No signs, except warning or other cautionary signs, shall be permitted on the site.

CHAPTER 10

OFF-STREET PARKING AND LOADING

Section 10.1 Purpose

The purpose of this chapter is to prescribe regulations for off-street parking and storage of motor vehicles in residential and non-residential zoning districts; to ensure by these regulations that adequate parking and access are provided in a safe and convenient manner; to minimize the visual and functional impact of vehicle parking and storage on adjacent property and traffic movement; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution, and other effects of parking lot proximity.

Section 10.2 General Requirements and Applicability

- A. **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this chapter. In addition, the following shall also apply:
1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this chapter for that use.
 2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this chapter.
 3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this chapter, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
 4. An area designated as required off-street parking shall not be changed to another use unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.
- B. **Location.** Except for the C-2 District, off-street parking for all non-residential zone districts and uses shall be located on the same lot or within 300 feet of the building or use it is intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building or use served.
1. 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. For residential uses, required off-street parking shall be provided on the same lot as the use, except in the C-2 District.
- C. **Maximum Allowed Parking.** In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of stormwater runoff, and generate reflective heat, the minimum parking space requirements of this chapter shall not be exceeded by more than 10 percent unless approved as part of site plan review or if the parking spaces are located within a multi-level parking structure. In approving additional parking space, the review authority shall determine that the

parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, all additional parking spaces exceeding 10 percent over the minimum requirement shall be located on permeable surfaces and maintained regularly to ensure their permeability is retained.

- D. **On-Street Parking.** Where on-street parking is available within 300 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the review authority, in its consideration of a site plan, upon determining that one or more of the following conditions is applicable:
1. A number of the existing on-street spaces are routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
 2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
 3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option in support of deferred parking, as provided in Section 10.5.
- E. **Maintenance.** All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures, and signage shall be maintained in good condition.
- F. **Limitations on Use of Parking Lots.**
1. Off-street parking areas are intended only for temporary vehicle parking. The use of parking areas or open land for the storage or parking of wrecked or junked vehicles or for creating a junkyard or nuisance is not permitted, except when land is used as approved storage space in connection with a vehicle repair, salvage business, or impound operation.
 2. Loading spaces, as required in Section 10.10, and parking spaces, as required in Section 10.4, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one area be construed as meeting the requirements of the other.
 3. Parking lots and loading areas shall not be used for the long-term storage of trucks, trailers, or equipment, except where such outdoor storage is specifically permitted in the zoning district and has been approved in accordance with this ordinance. Overnight parking or storage of commercial vehicles shall be prohibited except for uses and locations approved for vehicle storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to approved commercial or industrial uses.
 4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale except in an approved vehicle sales dealership.

Section 10.3 Design and Dimensional Requirements

- A. **Setbacks.** Off-street parking lots shall meet the setback requirements applicable to parking, as may be specified in the zoning district or which may be specified for individual uses.
- B. **Parking Construction and Development.** The construction of any parking lot shall require approval of a site plan in accordance with Chapter 14. Construction shall be completed and subsequently approved by the zoning administrator before a certificate of occupancy is issued and the parking lot is used.
1. Pavement. All parking lots, vehicle and equipment storage areas, and parking areas for single- and two-family dwellings shall be paved with asphalt or concrete, unless specifically exempted,

and shall be graded and drained to dispose of surface water that might accumulate. Alternative paving materials, such as permeable pavers, stone, or asphalt millings, may be approved for all or a portion of a parking area, based upon credible evidence of the durability and appearance of the proposed materials and assurance that the materials will be routinely maintained. For storage areas, a substitute for hard-surfaced pavement may be approved by the Planning Commission in conjunction with site plan review upon a determination that there are no adverse effects on adjoining properties.

2. **Drainage.** Surface water from parking areas shall be managed in accordance with the city engineering standards. The city engineer shall determine the appropriate detention or retention treatment.
3. **Dimensions.** Parking spaces and aisle dimensions shall meet the following requirements and as specified in Table 10-3.
 - a. Angled parking between these ranges shall be to the nearest degree.
 - b. Space length may be reduced by up to two feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven feet where abutting a parking space.
 - c. There shall be a minimum distance of seven feet between the parking lot curb and any building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to a building.
 - d. All parking lots shall be striped and maintained showing individual parking spaces, in accordance with the dimensions in Table 10-3; provided, if alternative materials are used wheel stops shall be installed to define the spaces:

Table 10-3 : Minimum Dimensional Requirements				
Parking Pattern	Parking Space		Maneuvering Aisle Width	
	Width	Length	One-way	Two-way
0°(parallel)	8	25	11	22
30 to 75°	9	20	11	22
76° to 90°	9	20	15	2

4. **Stacking spaces.** Stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners, and oil change establishments) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through stacking lane is a single lane for five or more vehicles, an escape/by-pass lane shall be provided to allow vehicles to exit the stacking lane.
5. **Ingress and egress.** Adequate vehicular ingress and egress shall be provided to the parking area by means of clearly limited and defined driveways. Parking lots shall provide interior access and circulation aisles for all parking spaces. The use of streets for maneuvering into or out of off-street parking spaces shall be prohibited.
6. **Access through residential districts.** Ingress and egress to a parking lot located in a non-residential zoning district shall not be through a residential district, except:
 - a. in a PUD or Mixed-Use District;

- b. in instances where access is provided by means of an alley or street that forms the boundary between a residential and non-residential district; or
 - c. if specifically authorized by the Planning Commission in conjunction with site plan review.
- 7. **Curbing.** A six inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking space. Curb openings are allowed for stormwater drainage, as recommended by the city engineer. Plantings shall be set back two feet from curbs to allow for bumper overhang. This curbing requirement may be modified, as recommended by the city engineer, where stormwater runoff is intended to flow across the parking area or where a pervious border is designed.
- 8. **Landscaping.** Off-street parking areas shall be landscaped and/or screened in accordance with the requirements of Chapter 12. The use of rain gardens and other low-impact design solutions to minimize the impact of stormwater runoff is encouraged.
- 9. **Lighting.** Parking lot lighting shall conform to the requirements of Chapter 13.
- 10. **Fire lanes.** Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
- 11. **Crosswalks.** Pedestrian pathways and crosswalks in parking areas shall be distinguished from concrete and asphalt driving surfaces through the use of durable, low maintenance, striping or surface materials such as pavers, bricks, or scored, stamped, or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
- C. **Barrier Free Parking in Parking Lots.** Within each parking lot, signed and marked barrier free spaces shall be provided, in accordance with the applicable requirements of the Americans with Disabilities Act. Barrier free spaces shall be located as close as possible to building entrances.
- D. **Single- and Two-Family Residential Parking.**
 - 1. Off-street parking spaces for single- and two-family dwellings shall consist of a paved parking bay, driveway, garage, carport, or combination thereof. The parking areas shall not occupy more than 33 percent of the required front yard.
 - 2. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less. The parking or storage of abandoned or inoperable vehicles, machinery, and recreational vehicles shall not be permitted except as specifically provided by Section 10.7.

Section 10.4 Required Off-Street Parking

- A. **Minimum Number.** The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this chapter in accordance with the applicable requirements of Table 10-4. As a condition of site plan approval, a performance guarantee, in accordance with the provisions of Section 15.4, may be required to be posted.
- B. **Fractions.** When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
- C. **Uses Not Listed.** In the case of a use not specifically listed, the requirement for off-street parking facilities for a specified use that is most similar, as determined by the zoning administrator, shall apply.
- D. **Benches and Pews.** Each 24 inches of bench, pew, or similar seating facilities shall be counted as one seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.

- E. **Maximum Occupancy.** Where parking requirements are based upon maximum seating or occupancy, the capacity shall be as determined by the city building and fire codes.
- F. **Usable Floor Area.** Unless otherwise indicated, floor area shall be *usable floor area* (UFA).

Table 10-4: Dimensional Requirements	
Use	Parking Space per Unit of Measurement
Accommodations, Hospitality, and Entertainment	
Banquet hall or meeting hall	1 per 3 persons allowed within the maximum occupancy
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Bowling alleys	2 per bowling lane, plus additional for ancillary uses such as bars or restaurants
Commercial indoor recreation facility, billiard parlors	1 per 3 persons allowed within the maximum occupancy, plus 1 per employee
Commercial outdoor recreation facility, stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field
Golf course: miniature or "par-3" courses	1 per 1 hole, plus 1 per employee
Golf course: public or private (except miniature or "par-3")	2 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room, or similar ancillary use
Hotel or motel	1 per guest unit, plus additional for ancillary uses such as lounges, restaurants, meeting rooms, ball rooms
Restaurant: standard sit-down restaurants with or without liquor license	1 space for each 100 sq. ft. of UFA
Restaurant: with drive-through	1 per 75 sq. ft. UFA, plus stacking spaces per food pickup window as specified in Section 10.3 B.4.
Taverns and nightclubs	1 per 50 sq. ft. of UFA
Civic and Institutional	
Community-oriented cultural facilities, public libraries, and museums	1 per 600 sq. ft. of UFA, plus requirements for auditoriums, classrooms, or similar assembly rooms
Government offices	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls, or similar assembly rooms
Places of public worship, general assembly, and customary related uses	1 space for each 4 seats in the main place of assembly or each 8 feet of pew/bench length, or 1 space per 4 persons allowed based on maximum capacity in the main place of assembly, whichever is greater
Schools, commercial	1 space for each 2 students, plus 1 space for each classroom, plus amount required for auditorium or gymnasium seating
State licensed residential facilities	1 space for each four 4 clients, plus 1 space for each employee

Table 10-4: Dimensional Requirements	
Use	Parking Space per Unit of Measurement
Theaters, assembly areas, auditoriums, gymnasiums	2 spaces for each five 5 seats or each 10 feet of pew/bench length, or 1 space for each 3 persons allowed within the maximum occupancy load, whichever is greater
Industrial	
Manufacturing, processing, and research establishments	1 space for each 1,000 square feet of gross floor area (GFA), plus spaces required for offices located on the premises
Truck terminals, warehouses, and wholesale establishments	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space, plus spaces required for offices located on the premises
Offices and Services	
Animal clinic	1 per 200 sq. ft. of UFA
Banks, credit unions, savings and loan associations, and other similar uses	1 space for each 300 square feet of UFA plus 4 stacking spaces as specified in Section 10.3 B.4.
Barber shop	2 spaces per barber chair
Beauty shop	3 spaces per stylist chair
Funeral homes and mortuaries	1 space for each 50 square feet of UFA, plus off-street queuing space for processions as specified in Section 9.3 I.
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 400 square feet of UFA
Personal service establishments	1 space for each 400 square feet of UFA
Vehicle repair establishments	1 space per 800 square feet of GFA, plus 2 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; 50 percent of spaces at pump islands may be included
Vehicle wash (automatic)	1 space per each employee on the maximum shift, plus vehicle stacking space as required in Section 10.3 B.4.
Vehicle wash (self service)	1 space, plus 1 vehicle stacking space per wash bay
Residential	
Single-family detached dwellings	2 per dwelling unit
Two-family dwellings	
Multiple-family and single-family attached dwellings	
Accessory dwellings	1 per dwelling unit
Group homes	1 per 4 occupants
Nursing and convalescent home	1 per 4 beds or occupants and 1 space per staff member or employee on the largest shift

Table 10-4: Dimensional Requirements

Use	Parking Space per Unit of Measurement
Senior housing and senior independent living	.75 spaces per dwelling unit. If units revert to general occupancy, the requirements for multiple-family dwellings shall apply
Retail	
Convenience stores	1 space per 200 square feet of UFA
Furniture stores	1 space per 800 square feet of UFA
Grocery stores	1 space per 200 square feet of UFA
Retail stores not otherwise specified	4 spaces per 1,000 square feet of UFA

Section 10.5 Reduction and Deferment

A. **Modification of Parking Requirements.** The reviewing authority, during site plan review, may reduce the parking space requirements of this chapter for any use based upon a finding that one or more of the following conditions is met:

1. Other forms of travel (such as transit, bicycle, or pedestrian) are available and likely to be used. In particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.
2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week.
3. Available municipal off-street or on-street spaces are located within 300 feet of the subject property.
4. Expectation of walk-in trade is reasonable due to existing or proposed sidewalk connections to adjacent residential neighborhoods, businesses, or employment centers and on-site pedestrian circulation provides safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study conducted by a qualified transportation planner or transportation engineer, demonstrating that another standard would be more appropriate based on the actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
6. A parking study may be required, at the sole discretion of the Planning Commission, to document that any one or more of criteria 1 through 5 above would be met.

B. **Deferred Parking.**

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the required parking for a specific proposed use is not currently needed, the review authority may, at the site plan review stage, defer a portion of the required parking.
2. The applicant shall demonstrate to the review authority's satisfaction that sufficient parking is or will be available to meet the regular demands of the use.
3. The site plan shall designate areas of the site for future construction of the required parking spaces, if needed, and meeting the design and dimensional requirements of this chapter. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, greenbelts, or parking lot setbacks, or be used for any other purpose.
4. Deferred parking shall meet the requirements of this chapter if constructed. Construction of

the additional required parking spaces within the deferred parking area may be initiated by the owner or required by the city based on parking needs or observation and shall require approval of an amended site plan which may be approved administratively by the zoning administrator.

- C. **Temporary Parking.** It is recognized that situations may occur infrequently which could result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. In those instances, the zoning administrator may authorize the use of a portion of a required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:
1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site use, the required spaces are not needed;
 2. all or part of the displaced parking may be accommodated on unpaved areas of the site;
 3. permission has been granted by neighboring property owners or operators to use their parking facilities;
 4. the duration of the activity is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of existing on-site uses;
 5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
 6. the proposed activity satisfies all other applicable city regulations.

Section 10.6 Shared Parking

- A. **Applicability.** Two or more buildings or uses may share a common parking facility; provided, the number of parking spaces available shall equal the required number of spaces for all the uses computed separately, unless modified in accordance with Section 10.5A. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning Commission, as part of site plan review, where it can be determined that one or more of the following factors apply:
1. A parking analysis clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the zoning administrator. It must address, at a minimum, the size and type of the proposed development or combination of uses, the number of required parking spaces for each use computed separately, the peak parking hours of each use to be sharing the parking area, and the anticipated rate of parking turnover.
 2. A shared parking plan shall be recorded in a written agreement among all owners of record and filed with the city.
- B. **Agreement.** An attested copy of the shared parking agreement between the owners of record shall be submitted to the zoning administrator to be recorded in a form approved by the city attorney. The agreement must be recorded with the Kent County Register of Deeds before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be voided if all required off-street parking spaces for individual uses will be provided on-site; if other off-street facilities are provided in accordance with the provisions of this ordinance; or a change in use has occurred which no longer requires the shared parking spaces.
- C. **Shared Spaces and Location.** No more than 50 percent of the required off-street parking spaces shall be located within a shared lot. Such shared spaces shall be within 300 feet of the use being served,

as measured from the nearest edge of the parking area to the nearest public entry point of the building or use.

Section 10.7 Vehicle and RV Parking, Storage and Repair

A. Vehicle Parking, Storage, and Repair.

1. The repair, restoration, or maintenance of vehicles in any residential zoning district or on any residentially used property shall be conducted entirely within the interior of a building.
2. It shall be unlawful for the owner, tenant, or lessee of any lot in any residential zoning district or on any residentially used property to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, construction equipment, or any other similar equipment or machinery, unless parked there while in use for construction being conducted on the lot.
3. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building, unless authorized in conjunction with an allowed use and located within an approved outdoor storage area.

B. Storage of RVs. On residentially zoned or used lots or parcels, *recreational vehicles* shall only be permitted outside an enclosed building under the following circumstances:

1. *Recreational vehicles* shall not be parked or stored in any yard abutting a street; provided, If located on a through lot, a recreational vehicle may be located in the yard opposite the primary front yard (abutting the street on which the property is addressed) but not within the required setback area.
2. Notwithstanding the provisions of Subsection B.1., *recreational vehicles* may be parked on a hard-surfaced area in a yard abutting a street for up to 48 hours within a seven day period for purposes of cleaning, loading, or unloading.
3. *Recreational vehicles* may be used for temporary occupancy for periods not to exceed 48 hours; provided, the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner.
4. *Recreational vehicles* may be stored for extended periods in side or rear yards but not within any required setback area; provided, the vehicle is on a hard-surfaced area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of Section 12.7.
5. Where physical features of a property, such as, but not limited to, immovable structures, water features, or a tree with a diameter of four 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* elsewhere on the *lot*. This permission shall be granted, provided that the following requirements are met:
 - a. An application for permission shall be accompanied by a filing fee and a plan, drawn to scale, showing the features that prevent the *recreational vehicle* from being parked in compliance with this section.
 - b. If parked in a yard abutting a street, a 20-foot setback shall be maintained from the edge of the street pavement or curb to the *recreational vehicle*; or, if a sidewalk exists, the 20-foot setback shall be measured from the inside edge of the sidewalk.

Section 10.8 Electric Vehicle Charging Stations

- A. **Intent.** To accommodate the use of electric vehicles and to expedite the creation of a convenient, cost-effective electric vehicle infrastructure, this section authorizes required or excess parking spaces to be used as electric vehicle charging stations.
- B. **Accessory Use and Accessory Structures.** Electric vehicle charging stations are classified as accessory uses and shall be permitted in all public and private parking lots.
- C. **Review.** The conversion of standard parking spaces to electric vehicle charging stations and the installation of electric vehicle charging station equipment shall be reviewed and approved by the zoning administrator in accordance with this section. New and expanded parking lots shall be subject to site plan review, as specified in Chapter 14 of this ordinance.
- D. **New Electric Vehicle Charging Stations.**
 - 1. All new and expanded public and private parking lots containing 50 or more spaces shall install Level-2 electric vehicle charging stations at a ratio of two percent of the total parking spaces in the lot.
 - 2. New or expanded public and private parking lots containing fewer than 50 spaces are encouraged to install electric vehicle charging stations or be EV-capable or EV-ready.
 - 3. All new dwellings are encouraged to be constructed with a 220-240-volt / 40 amp outlet on a dedicated circuit and near designated vehicle parking spaces to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
- E. **Requirements for *Electric Vehicle Charging Stations*.**
 - 1. An electric vehicle charging space may be included in the calculation for the minimum required parking spaces in accordance with Table 10-4. There is no limit on the number of electric vehicle charging stations. The zoning administrator or Planning Commission, as applicable, shall make all final determinations regarding the minimum number of parking spaces for internal combustion engine vehicles to ensure compliance with Section 10.4.
 - 2. Electric vehicle charging station spaces shall comply with the dimensional requirements of Table 10-3.
 - 3. *Electric vehicle charging station* equipment may be located on any part of a parking area but shall not be located within clear vision corners per Section 7.4. Electric vehicle charging station equipment approved for on-street parking within the right-of-way is exempt from the setback requirement.
 - 4. *Electric vehicle charging station* equipment shall be protected with bollards or a comparable method. If curbing is used, the equipment shall be located at least two feet behind the face of the curb.
 - 5. At least five feet of clear area shall be maintained if installed on or adjacent to an internal sidewalk, pathway, or other area accessible to pedestrians, cyclists, or wheelchair users and abutting a parking lot. *Electric vehicle charging station* equipment shall not obstruct these passageways.
 - 6. Any parking space that is designated as an *electric vehicle charging station* or electric vehicle parking space shall be identified with a sign that includes the maximum charging time allowed and a notice that the parking of non-electric vehicles is prohibited. Parked vehicles must be plugged in and using the charger. This does not apply to single-family and two-family dwellings.
 - 7. Commercial electric vehicle charging stations are prohibited on residential properties.

Section 10.9 Bicycle and Pedestrian Accommodation

- A. **Pedestrian Accommodation.** Sidewalks or pathways shall be constructed in conjunction with the development or redevelopment of all abutting property in all zoning districts and shall be located within the right-of-way or within the required setback area of all streets to ensure current and future connectivity. Where sidewalks are not located within the right-of-way, a public access easement shall be provided. Sidewalks shall be constructed in accordance with City of Rockford design standards.
- B. **Bicycle Facilities.**
1. Minimum required.
 - a. Any development or addition to an existing development requiring vehicle parking spaces shall be required to provide bicycle parking in accordance with Table 10-9. Calculations by area are based on gross floor area of the main building(s). Fractions shall be rounded up.
 - b. No bicycle parking is required for single-family detached, two-family, attached single-family dwellings, group living, and manufactured housing communities.
 - c. Mixed use developments shall calculate the total number of required spaces using the appropriate use category for each use in the development. Developments with multiple buildings shall calculate space requirements for each building.

Table 10-9, Required Bicycle Parking Spaces		
Use	Required Spaces*	Other Requirements
Multiple-Family Residential	1 per dwelling unit	50 percent of required spaces may be within garages provided the zoning administrator determines that the garage size and dedicated bicycle parking facilities are generally adequate to accommodate these spaces.
Government/institutional, educational	1/5,000 sq. ft.	No fewer than 2 spaces shall be provided.
Retail and personal service establishments	1/5,000 sq. ft.	
Offices	1/10,000 sq. ft.	
Entertainment, hospitality and recreation	1/15,000 sq. ft.	

Table 10-9, Required Bicycle Parking Spaces

Use	Required Spaces*	Other Requirements
Industrial, transportation	1/20,000 sq. ft.	Office uses shall be calculated separately. No fewer than 3 spaces shall be provided.
*After the first 20 required bicycle spaces, additional spaces shall be calculated at 50% of the table values.		

2. Location.

- Bicycle parking shall be within 50 feet of the nearest publicly accessible building entrance, in well-lit areas clearly visible from the street, and on the same lot as the use being served. Facilities may be indoors or outdoors.
- A pedestrian-accessible walkway shall be available between the outdoor bicycle parking area and the primary building entrance. Public sidewalks may be used to meet this requirement. An aisle width of at least five feet shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- Racks shall be installed a minimum of two feet from any entrance door, wall, or other obstruction, except for wall-mounted bicycle racks, which may be mounted directly on a wall, and shall not be placed within 10 feet of a fire hydrant.
- Bicycle lockers shall be located inside, or to the side or rear of the main building, but not within any required setback or within a clear vision area. If indoors, lockers shall be accessible to the public during operating hours of the use(s) within the building.
- Bicycle parking and access facilities may be placed in off-street parking lots but shall not take the place of a required vehicle parking space or conflict with internal parking aisles.

3. Modification. The requirements of this section may be modified, reduced, or eliminated if the zoning administrator determines that compliance is impractical or unnecessary.

Section 10.10 Loading Zones

- Uses Requiring Loading Area.** On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, distribution, retail sales, consumer services, or other uses similarly 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 services in order to avoid undue interference with public use of the streets, alleys, and parking spaces. This provision shall not apply to any use in the C-2 District.
- Loading Area Requirements.** Loading and unloading spaces shall be paved with an asphalt or concrete and, unless otherwise adequately provided for, shall be 10 feet by 50 feet, with 14-foot height clearance. The number of loading spaces shall be in accordance with Table 10-10:

Table 10-10: Minimum Off-Street Loading Requirements	
Building Gross Floor Area (GFA)	Minimum Truck Loading Spaces
Industrial, wholesale, and retail operations with a gross floor area of 10,000 square feet or over and as follows:	
10,000—39,999 sq. ft.	1
40,000—99,999 sq. ft.	2
100,000—159,999 sq. ft.	3
160,000—240,000 sq. ft.	4
Each 100,000 square feet above 240,000	1
All wholesale and light industrial operations with a gross floor area of less than 10,000 square feet	1
Office buildings or hotels with a usable floor area of 50,000 square feet or more	1
Restaurants, bars, and banquet facilities, with a usable floor area of 10,000 square feet or more	1

- C. **Truck Maneuvering.** The use of abutting public or private streets for maneuvering into or out of loading areas is prohibited. All such maneuvering and vehicle parking shall occur entirely within the subject property.
- D. **Loading in the C-2 District.** To the extent possible, loading in the C-2 District shall be provided off-street in an alley or rear yard.
- E. **Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a street right-of-way and shall be screened to the maximum extent possible from any street or adjacent *residential district*.
- F. **Residential Setback.** Loading and unloading spaces shall not be located closer than 50 feet to any *residential district* boundary unless the spaces are wholly within a completely enclosed building or completely screened from the *residential district* by an approved solid, sight-obscuring wall or fence at least six feet in height.
- G. **Modification or Waiver.** The Planning Commission, during site plan review, may modify or waive the requirements of this section for any use based on the frequency of deliveries or shipping activity and/or the size of trucks.

CHAPTER 11

SIGNS

Section 11.1 Purpose

- A. The purpose of this chapter is to regulate 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:
1. Safety. To promote the safety of persons and property by providing that signs:
 - a. do not create hazards due to collapse, fire, decay, collision, or abandonment;
 - b. do not obstruct firefighting or security surveillance; and
 - c. 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.
 2. Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - a. businesses and services may identify themselves;
 - b. customers and other persons may effectively locate a business or service;
 - c. no person or group is arbitrarily denied the use of the sightlines from the public streets for communication purposes; and
 - d. 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.
 3. Landscape quality and preservation. To protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs:
 - a. do not interfere with scenic views;
 - b. do not create a nuisance to persons using the public streets;
 - c. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
 - d. are not detrimental to land or property values; and
 - e. 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.
 4. 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.
 5. 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 chapter 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 chapter 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.

Section 11.2 General Requirements

A. **Definitions.** Terms used in this chapter shall have the definitions stated in Appendix A.

B. **Basic Standards.**

- 1. All permanent signs must be of a professional character, be erected by a qualified sign professional, and comply with the provisions of this chapter. Homemade lettered signs shall not be permitted, whether or not a permit is required, except for wire frame temporary signs.
- 2. 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.
- 3. 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 a street or other public right-of-way, unless no other parking area is available.
- 4. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.

C. **Sign Placement.**

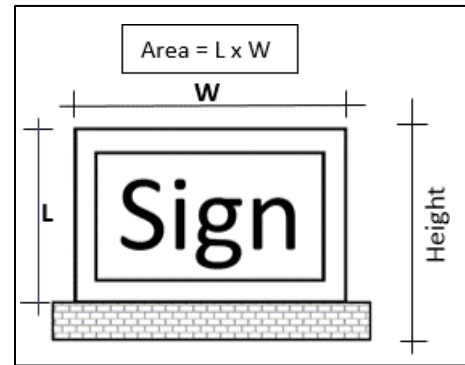
- 1. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place except for permitted government signs and those signs permitted in the C-2 District which may project from a building wall over a public way.
- 2. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed for such use and approved by the zoning administrator.
- 3. No person shall paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, or advertisement or notice of any kind, or cause the same to be done, on any private property, without the written consent of the owner of such property.

D. **Measurement of Sign Area.**

- 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 or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back, 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 one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one 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 area 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.



E. Illumination and Movement.

1. Unless otherwise provided in this chapter, signs may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent light from shining directly onto abutting streets or neighboring property.
2. No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; provided, electronic changeable message signs meeting the requirements of this chapter are permitted.
3. No sign shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
4. Signs adjacent to or within residential districts shall not be of such brightness to cause reasonable objection from nearby residents nor to spill light and glare onto adjacent residential properties and structures.
5. All lighted signs shall be inspected by the city for proper electrical connections. If deemed necessary by the zoning administrator, an electrical code permit will be required.

F. Safety.

1. Signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals, and devices.
2. No sign shall be so placed as to obstruct or interfere with a required doorway, other required means of ingress or egress, or traffic visibility.
3. Signs shall be constructed to withstand a wind pressure of at least 30 pounds per square foot of surface, and shall be otherwise fastened, suspended, or supported so not to be a danger to persons or property.
4. Signs erected, replaced, reconstructed, repaired, altered, relocated, or maintained within the city shall conform to the requirements of the Standard Building Code, Chapter 23, "Signs and Outdoor Displays," and to the requirements of the National Electrical Code, article 600,

“Electrical Signs and Outdoor Lighting,” both of which are adopted by the city.

5. Sign supports, braces, guys, and anchors shall be maintained in such a manner as not to cause a hazard.

Section 11.3 Exempt Signs

The following signs shall not require a permit, but shall be subject to all other applicable general requirements of Section 11.2:

- A. banner,
- B. flag,
- C. government sign,
- D. historical marker,
- E. mural,
- F. sign not visible from any street,
- G. sign for essential services,
- H. sign with address, owner, or occupant name, of up to one square foot in area attached to a mailbox, light fixture, or exterior wall, placard,
- I. window sign; provided, the total area of all signs within one foot of the window shall not obscure more than 50 percent of the window area, and
- J. yard sign.

Section 11.4 Prohibited Signs

Signs not specifically permitted or exempted under this chapter are prohibited, including, but not limited to, the following signs:

- A. Signs located so as to obscure, or otherwise interfere with the effectiveness of any official traffic sign, signal, or device.
- B. Signs located so as to obscure, or otherwise interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- C. Signs which obstruct any fire escape, any means of ingress, egress, or ventilation; signs attached in any manner to a fire escape.
- D. Balloons, balloon signs, feather signs, strings of light bulbs (not including holiday decorations), pennants, and streamers.
- E. Roof signs.
- F. Off-premise signs, except as expressly permitted by this chapter.

Section 11.5 Temporary Signs

- A. Temporary signs are permitted in any district subject to the following restrictions; provided, yard signs shall be regulated separately, in accordance with the provisions of Section 11.5 B.
 1. The temporary sign shall only be displayed upon receipt of a permit issued by the zoning administrator unless otherwise exempted by this chapter.
 2. Only one temporary sign shall be permitted on a lot or parcel.
 3. No temporary sign shall be displayed on any one lot or parcel for more than 30 consecutive days for any one permit period and no more than two permits shall be issued for any lot or parcel

during any calendar year.

4. Upon expiration of the permit, the temporary sign shall be removed by the permit holder.
5. No temporary sign shall exceed 32 square feet.
6. No temporary sign shall be closer than five feet from any property line abutting a street or other public right-of-way and 10 feet from any other property line.

B. Yards signs are permitted within any zoning district, subject to the following requirements:

Table 11-5: Yard Sign Specifications		
Permitted Yard Signs		
Number	two rigid frame or wire frame per lot or parcel, plus one wire frame yard sign for each 15 feet of street frontage	
Duration	no time limit on two per lot or parcel; provided, any additional wire frame yard signs (permitted for each 15 feet of street frontage) shall be limited to a period beginning 60 days before a local, state, or national election day and ending five days after such election day	
Rigid Frame Yard Signs		
	Residential Uses	Non-Residential Uses
Maximum size	eight square feet	32 square feet
Location	three feet from all property lines	10 feet from all property lines
Maximum height	five feet	eight feet
Other	- no illumination - permission must be obtained from the property owner - the sign shall be subject to all applicable provisions of this chapter	
Wire Frame Yard Signs		
	Residential Uses	Non-Residential Uses
Maximum size	six square feet	six square feet
Location	three feet from all property lines	10 feet from all property lines
Maximum height	four feet	four feet
Other	- no illumination - permission must be obtained from the property owner - the sign shall be subject to all applicable provisions of this chapter	

Section 11.6 Signs Permitted by District

The following signs are permitted (unless otherwise stated) in each zoning district as indicated, 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 per entrance road to the development, not exceeding two such signs per development

Size	no greater than 24 square feet
Location	minimum 10 feet from the street right-of-way line
Height	not more than four feet above finished grade
Ground Sign for Non-Residential Uses	
Number	one per lot or parcel
Size	no greater than 32 square feet
Location	minimum 15 feet from the street right-of-way line
Height	not more than six feet above finished grade
Wall Sign for Home Occupation	
Number	one per lot or parcel
Size	no greater than two square feet
Location	• mounted flat against the wall and non-illuminated • shall not extend beyond the edge of the wall to which it is affixed and shall not extend above the roof line of a building
Wall Sign for Non-Residential Uses	
Number	one per street frontage of property
Size	for public and quasi-public facilities (such as schools, places of public worship, and similar institutional uses) no sign shall be greater than five percent of the wall area to which it is affixed, not to exceed 50 square feet. For private offices no such sign shall be greater than six square feet
Location	• mounted flat against the wall facing the street • shall not extend beyond the edge of the wall to which it is affixed and shall not extend above the roof line of a building
Directional Signs for Non-Residential Uses	
Number	two signs per driveway
Size	no sign shall exceed two square feet in area and three feet in height
Location	shall be set back at least five feet from the right-of-way line and edge of the driveway
Other	each directional sign shall contain a graphic arrow and/or directions such as "enter", "exit", "one-way" or "do not enter". A logo or trademark, not exceeding one-third of the sign size, may also be included but not a business name or commercial message
C-2 and Mixed-Use Districts	

Wall Sign	
Number	one per business; provided, any business which has frontage on more than one street shall be permitted to have one wall sign per street frontage, subject to the size restrictions
Size	- no greater than 15 percent of the ground floor wall area to which it is affixed on the front face of the building - no greater than 10 percent of the ground floor wall area on any side or rear face which abuts a street - not to exceed 30 square feet per sign - where two or more businesses occupy a single building, the ground floor wall area shall be limited to that portion of the building occupied by each respective business
Location	- mounted flat against the wall facing the street - shall not extend beyond the edge of the wall to which it is affixed and shall not extend above the roof line of a building
Secondary Wall Sign	
Number	where any wall of a business abuts the White Pine Trail or a public parking lot not more than one 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	sign area shall not exceed 10 square feet and the sign shall not be higher than 10 feet, measured from the finished grade at the wall to the top of the sign
Ground Sign	
Number	one per lot or parcel
Size	no greater than 24 square feet
Location	minimum of four feet from the street right-of-way line
Height	not more than four feet above finished grade
Sandwich Board	
Number	one per business space
Size	no more than six square feet and no more than two feet wide
Location	the nearest edge of the sign shall be located no more than 12 inches from the face of the building; provided, in no case shall the furthest edge of the sign be located closer than four 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 feet of the entrance to the business space but shall not interfere with pedestrian ingress or egress
Height	Maximum three feet, measured from grade to the top of the sign structure

Other	- 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 (e.g., 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 per street frontage
Size	not greater than 10 square feet
Location	projecting out from the building wall not more than four feet and having a clearance of at least eight feet between the sidewalk and the bottom of the sign
Canopy Signs at Vehicle Service Stations	
Number	one sign per street frontage
Size	not greater than 50 square feet in sign face area
Location	on canopy surface and shall not project out from the canopy surface more than 12 inches
Illumination	the fascia of the canopy may be internally illuminated
Height	not extend higher or lower than the canopy surface
Other	electronic pricing sign may be incorporated into the canopy sign; provided all changeable message sign requirements are met
C-3, C-4, and Commercial PUD Districts	
Ground Sign or Pole Sign	
Number	one per street frontage but not more than two signs; provided, lots with two street frontages shall have a minimum frontage along each street of at least 50 feet in order to have a second sign. No ground or pole sign shall be permitted for individual businesses within any business center.
Size	no greater than 48 square feet for ground signs or 60 square feet for pole signs, provided, that in the C-3 District the area of a pole sign may be increased to 80 square feet
Location	minimum of 10 feet from the street right-of-way line

Height	not more than six feet above finished grade for ground signs or 25 feet above finished grade for pole signs; pole signs shall have a clear space of at least eight feet between the grade and the bottom of the sign
Wall Sign	
Number	one per business, provided, that any business which has frontage on more than one street shall be permitted to have one wall sign per street frontage
Size	no greater than 10 percent of the wall area to which it is affixed and which is occupied by the business, not to exceed 100 square feet
Location	• mounted flat against wall facing the street • shall not extend beyond the edge of the wall to which it is affixed and shall not extend above the roof line of a building
Directional Signs	
Number	two signs per driveway
Size	no sign shall exceed two square feet in area and three feet in height
Location	shall be set back at least five feet from the right-of-way line and edge of the driveway
Other	each directional sign shall contain a graphic arrow and/or directions such as “enter”, “exit”, “one-way” or “do not enter”. A commercial logo or trademark, not exceeding one-third of the sign size, may also be included but not a business name or commercial message.
Canopy Signs at Vehicle Service Stations	
Number	one sign per street frontage
Size	not greater than 50 square feet in sign face area
Location	on canopy surface and shall not project out from the canopy surface more than 12 inches
Height	not extend higher or lower than the canopy surface
Other	electronic changeable message sign may be incorporated into the canopy sign; provided all changeable message sign requirements are met

Changeable Message Sign	
Number	one per lot or parcel integrated within a permitted wall, pole, or ground sign
Size	maximum size no greater than 50 percent of the area of the sign in 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 100 feet of a residential dwelling, measured from the closest part of the sign to the nearest residential property line
Other	- except for time and temperature, message changes 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, or 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 dwellings, the background of the electronic display portion of any sign located within 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 - the electronic changeable message sign must be equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level in relation to changes in 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 per street frontage but not more than two signs; provided, parcels with two street frontages shall have a minimum frontage along each street of at least 75 feet in order to have a second sign; no ground or pole signs shall be permitted for individual businesses within any business center
Size	no greater than 80 square feet
Location	minimum 10 feet from the street right-of-way line
Height	not more than 25 feet above finished grade
I-1 and Industrial PUD Districts	
Ground Sign (pole signs are not permitted)	

Number	one per lot or parcel
Size	no greater than 48 square feet
Location	minimum 10 feet from the street right-of-way line
Height	not more than four feet above finished grade
Wall Sign	
Number	one per street frontage of property
Size	no greater than five percent of the wall area to which the sign is affixed, not exceeding 100 square feet
Location	mounted flat on wall facing street
Directional Signs	
Number	two signs per driveway
Size	no sign shall not exceed two square feet in area and three feet in height and.
Location	shall be set back at least five feet from the right-of-way line and edge of the driveway
Other	each directional sign shall contain a graphic arrow and/or directions such as “enter”, “exit”, “one-way” or “do not enter”. A commercial logo or trademark, not exceeding one-third of the sign size, may also be included but not a business name or commercial message.

Section 11.7 Nonconforming Signs

- A. Every permanent sign legally erected and which lawfully existed on July 10, 2017, but which does not conform to the type, height, size, area, or location requirements of this chapter, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, yard sign, banner, or other non-permanent sign.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; provided, nonconforming signs may be maintained and repaired to continue the useful life of the sign.
- C. For the purposes of this section, a nonconforming sign may be diminished in size or dimension without jeopardizing its permitted nonconforming status. The copy of the sign may not be amended or changed without bringing such sign into compliance with the requirements of this section, unless specifically designed to be changed periodically,
- D. 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, except in conformity with this chapter.
- E. Any sign which for a period of one year or more no longer identifies a bona fide use conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within 30 days of receipt of written notice from the zoning administrator.
- F. 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.

Section 11.8 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 Section 11.3.

CHAPTER 12

LANDSCAPING AND BUFFERING

Section 12.1 Purpose

The City of Rockford determines it is necessary to enact landscaping and tree preservation regulations for the protection of the public health, safety, and welfare. The importance of plant material is recognized for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of real property, and its contribution to the general well-being and quality of life of the citizens of the community. To achieve these purposes, this chapter requires landscaping of specific areas and the conservation, planting, and replacement of trees.

Section 12.2 Applicability

This chapter governs and regulates the following activities within the city:

- A. all projects subject to site plan review, per Section 14.2, except Administrative Review, and
- B. the subdivision of land as plats and site condominiums, but not individual single- and two-family lots.

Section 12.3 General Standards

- A. **Landscape Plan.** A landscape plan shall be submitted with any application for site plan approval, unless otherwise exempted. The landscape plan shall illustrate compliance with the requirements of this chapter relative to buffers, parking lot landscaping, screening, and greenbelts.
 - 1. Requirements. The landscape plan shall be prepared and sealed by a landscape architect licensed in the State of Michigan and shall include the location, botanical name, common name, quantity, and size of all proposed plantings. Additionally, the plan shall include:
 - a. a tree survey if applicable, as specified in Subparagraph 12.4 C.2.;
 - b. plant schedules, charts, and notes as necessary to clearly demonstrate conformance with all applicable planting requirements for the site;
 - c. anticipated mature height and the crown spread with circles indicating anticipated plant size at maturity;
 - d. existing natural and man-made landscape features and proposed buildings and structures;
 - e. planting details to ensure proper installation and establishment of proposed plant material; and
 - f. grass areas and other methods of ground cover.
 - 2. Separate plan. Unless it can be clearly shown on a plat or site plan sheet, a separate landscape plan sheet(s) shall be drawn at the same scale as the plat or site plan drawings. To ensure that landscaping is not affected by, or interferes with utilities, the plans shall indicate all existing or proposed utilities and easements.
 - 3. Deviation from plans. After approval of a landscape plan any deviation from the approved plan shall be processed in accordance with Section 14.7 as a site plan amendment.

4. Performance guarantee. At the final preliminary plat approval phase, site condominium approval phase, final site plan approval phase, or prior to issuance of a certificate of occupancy, the applicant may be required to submit a performance guarantee, as specified in Section 15.4, to ensure that the improvements required by this chapter and shown on the approved final plan are completed and in a timely manner.

B. Minimum Plant Material Standards.

1. All plant material shall be hardy to Kent County, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. Native plant material shall be encouraged.
2. All plant material shall be installed in a manner that will not alter drainage patterns on the site or adjacent properties or obstruct vision for vehicular ingress/egress.
3. All plant material shall be planted in a manner that will not cause damage to utility lines (above and below ground) and public roadways.
4. All plant material required by this chapter shall at least meet the following minimum size requirements at time of installation:

Table 12-3: Minimum Size Requirements		
Plant Type	Minimum Size	Minimum Height
Deciduous Canopy Tree	2-½ inch caliper	4 feet to first branch
Deciduous Ornamental Tree	2 inch caliper	4 feet to first branch
Evergreen Tree	-	5 feet
Deciduous Shrub	-	2 feet
Upright Evergreen Shrub	-	2 feet
Spreading Evergreen Shrub	24 inch spread	-

5. Existing plant material which complies with the requirements of this ordinance, as determined by the reviewer, shall be credited toward meeting the applicable landscape requirements.
6. The installed plant material shall achieve its horizontal and vertical screening effect within four years of initial installation.
7. Plant material shall not be placed closer than four feet to any fence or property line.
8. Where plant materials are placed in two or more rows, planting shall be staggered in rows.
9. The overall landscape shall not contain more than 33 percent of any one plant species.
10. The following trees are not permitted as they split easily and are brittle; their roots clog drains and sewers; and/or they are unusually susceptible to disease or insect pests:

Table 12-3a: Prohibited Species	
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 Parvifola
Horse Chestnut	Aesculus
Tree of Heaven	Ailanthus
Soft Maples (Red and Silver)	Acer Rubram, Acer Saccharinum
Bradford Pear	Pyrus Calleryana

C. Landscaping Installation and Maintenance.

1. All plant material shall be maintained in a healthy state and neat in appearance, free from refuse and debris. Any dead or diseased plants shall be replaced.
2. All required landscaping, except for single- and two-family dwellings, shall be completed prior to the date of occupancy of the buildings unless a performance guarantee is submitted in accordance with the provisions of Section 15.4.
3. New single- and two-family dwelling units shall, within 180 days of the issuance of a certificate of occupancy, have an established and maintained lawn area. The zoning administrator may consider a written request to extend the time limits based upon seasonal limitations only.

D. Minimum Standards for Berms.

1. Berms shall be constructed to maintain a side slope not to exceed a one foot rise to a three 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 adjoining property.
2. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
3. Berms shall be constructed in such a manner as not to alter drainage patterns on-site or toward adjacent properties or obstruct vision for vehicular ingress/egress.

E. Minimum Standards for Screen Walls and Fences. All walls and fences required for screening shall be constructed with new, durable, weather resistant, and easily maintainable materials and shall comply with the requirements of Section 7.7 of this ordinance. Chain link fences, including fences with slats or netting, shall not be used as screen fencing.

F. Waiver from Landscaping and Screening Requirements. The plan reviewer, during site plan review, may determine upon inspection that conditions unique to the parcel exist which would prevent

development of required buffers, off-street parking landscaped areas, screening, or greenbelts. In such cases, the requirements may be waived in whole or in part or alternative methods required. Criteria to be used when considering a waiver shall include, but not be limited to:

1. existence of natural vegetation or screening;
2. topography;
3. regulated wetlands and areas of poor soils;
4. existing and proposed building placement;
5. building height on adjacent property;
6. adjacent land uses;
7. distance between land uses;
8. dimensional conditions unique to the parcel; and
9. traffic, sight distances, and traffic operational characteristics on and off site.

Section 12.4 Reserved

Section 12.5 Buffer Zones

- A. **Buffer Requirement.** Buffering is a method of visually shielding or obscuring one use from another by densely planted vegetation, fences, walls, and/or berms.
1. When two adjoining properties are in dissimilar zone districts or where a nonresidential use abuts a residential use in the same district, the property within the zone district allowing the more intensive uses or the site containing the nonresidential use abutting residential shall provide a buffer, as shown in *Table 12-5*.
 2. Where trees and vegetation exist within the required buffer area, existing trees may count toward meeting the buffer requirements and shall be supplemented, as needed, to fully comply with the requirements shown in *Table 12-5a*; provided species listed in *Table 12-3a* shall not count toward the buffer requirements.
 3. When two adjoining parcels are vacant, no buffer shall be required until the more intensively zoned property or nonresidential use for that property, as applicable, receives a building permit. The buffer zone shall be required even if the adjacent parcel is unimproved land.
 4. In calculating the area devoted to meeting the buffer requirements, drainage basins, easements, or rights-of-way shall not be included.

Table 12-5, Buffer Zones Required								
Adjacent Zoning District	Required Buffer							
	R-3	R-4	C-2	C-3	C-4	I-1	MU	Non-Res ¹
R-1	C	C	B	A	A	A	C	B
R-2	C	C	B	A	A	A	C	B
R-3		C	B	B	B	A	C	C
R-4			B	B	B	A	C	C
C-2						B		

¹ Non-residential uses within a residential zoning district.

Table 12-5, Buffer Zones Required								
Adjacent Zoning District	Required Buffer							
	R-3	R-4	C-2	C-3	C-4	I-1	MU	Non-Res ¹
C-3						C		
C-4						C		
MU				C	B	A		

Table 12-5a, Buffer Zone Specifications			
Requirements	Buffer Zones		
	A	B	C
Minimum depth (ft.)	50	20	15
Canopy trees ²	1	2	1
Ornamental trees ²	2	2	1
Evergreen trees ²	5	3	2

- B. **Buffer Screening Standards.** The buffer may consist of a combination of required plantings, wall, fence, or berms. In the event walls, fences, or berms are used within the buffer, the Planning Commission may reduce the required number of trees by up to 50 percent if it is determined that the purpose of the buffer will still be achieved. However, where topographic conditions, minimal separation distances, noise generation, or other characteristics of the property or use are likely to exist, the Planning Commission may require construction of a fence, wall, or berm in addition to the required plantings along all or a portion of the buffer.
- C. **Buffer Location.** Buffers shall be located along the outer perimeter of a lot or parcel. Buffers shall not be located on any portion of existing, dedicated, or reserved public street right-of-way or private easements, except pathway easements.

Section 12.6 Greenbelts

- A. **Greenbelts Required.** Greenbelts shall be required in the following situations, except as may be required elsewhere in this section.
1. Along the lot *frontage* for parking lots in the C-3, C-4, and I-1 Districts and parking lots serving non-residential uses in any *residential district*.
 2. Within any parking lot which contains 100 spaces or more.
- B. **Greenbelt Standards.**
1. Street frontage. Greenbelts required along any street shall meet the following requirements:
 - a. All parking areas visible from the public right-of-way shall be screened by a landscaped greenbelt that includes a mixture of trees and shrubs to minimize the visual impact of parked vehicles.
 - b. The minimum greenbelt depth shall correspond to the setback requirements for parking areas as prescribed for the zoning district in which the property is located. If no parking setback is required, the greenbelt shall be at least 15 feet.

² Number required per 100 linear feet of buffer, as measured along the property line

- c. At least one tree per 20 linear feet or fraction of street frontage shall be planted within the greenbelt.
 - d. No fewer than one-half of the total number of required trees shall be evergreen trees.
 - e. A minimum of one shrub at least 24 inches high shall be required per each 10 linear feet or fraction of street frontage.
 - f. Trees and shrubs may be clustered within the greenbelt, if approved by the reviewer, to provide a more natural appearance or to filter views.
 - g. All areas within the greenbelt which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - h. Detention/retention basins 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.
2. Parking lots. Landscaped islands shall be provided within all parking lots containing more than 100 parking spaces and shall meet the following requirements:
- a. Interior islands shall be spaced no further than 15 parking spaces apart.
 - b. Plantings within the islands shall be protected from vehicle bumpers with curbing, wheel stops, or other means such as elevating the islands.
 - c. The minimum size of any interior island area shall be 180 sq. ft.
 - d. Each island shall contain a minimum of one deciduous canopy tree and low growing shrubs and/or ground cover.

Section 12.7 Screening

A. Screening Required.

1. Screening shall be required in the following situations, except as may be provided elsewhere in this section.
 - a. Around trash dumpsters in all districts,
 - b. Around designated outdoor storage areas in the C-4 and I-1 District,
 - c. Around any designated loading/unloading area visible from a public or private street or adjacent to a *residential district*, except where a buffer is required per Section 12.5.
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 use, zoning district, or otherwise necessitates features specified in Subparagraph A.1. above, 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 reviewer shall determine the character of an alternate screen based on the following criteria:
 - a. traffic access and circulation;
 - b. building and parking lot coverage;
 - c. physical characteristics of the site and surrounding area such as topography, vegetation, and uses; and
 - d. visibility and noise levels.

B. Screening Standards.

1. Required screens shall meet the following specifications, unless an alternate is approved by the reviewer in accordance with Subparagraph A.4.:
 - a. a solid, sight-obscuring fence or wall six feet high;
 - b. constructed of masonry, treated wood, or other material approved by the reviewer if determined to be durable, weather resistant, rust proof, and easily maintained, not including chain link; and
 - c. dumpsters 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.
2. The required screen may be comprised of berms, plant material, walls, fences, or any combination, if approved by the reviewer upon determining that the same degree of screening or better will be provided.

CHAPTER 13

LIGHTING

Section 13.1 Purpose

The purpose of this chapter is to:

- A. ensure that all site lighting is designed and installed to maintain safe and adequate levels on-site;
- B. prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists;
- C. to minimize light pollution in the night sky; and
- D. provide security for people, buildings, and land.

Section 13.2 Applicability

The provisions of this chapter apply to all non-residential uses and multi-family, attached single-family, senior housing, and convalescent or nursing home uses.

Section 13.3 General Requirements

A. Requirements for All Property.

- 1. Limitations. Light shall be confined on-site by the direction of the fixture, shielding, and/or adjustment of the brightness level.
- 2. Glare. Lighting shall not be directed in any manner which causes glare onto neighboring residential property or distraction to drivers.
- 3. Direction. All outdoor lighting, except ground lights that illuminate flags and lights that are incorporated as architectural accent features of a building approved by the site plan reviewer, shall be directed down or onto the object being illuminated. Flag and building lighting shall be placed so that lighting or glare is not directed toward streets or adjacent properties, and fixtures shall be located, aimed, or shielded to minimize light spilling into the night sky.
- 4. Prohibited light sources. The following light sources are prohibited:
 - a. *Laser source*. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment is prohibited.
 - b. *Searchlights*. The operation of searchlights for promotional purposes is prohibited.
 - c. *Flashing lights*. Except for motion-activated security lighting and temporary holiday lighting, permanent lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
 - d. *Public safety*. Lighting that is similar to that used for traffic control devices or emergency vehicles is prohibited.

- B. **Outdoor Light Fixtures**. All outdoor fixtures including building mounted fixtures, shall be full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA) except those exempted under Section 13.8. The intensity of the light emitted from the fixture at any angle above a full cut-off angle of 80 degrees from the vertical must be less than 10% of the total lamp lumens of the outdoor light fixture.

C. 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 full cut-off fixtures as defined by IESNA's Lighting Handbook.
3. Mounting heights of standard full cut-off fixtures shall not exceed the limits specified in Table 13-5.
4. The use of fixtures from a particular period or architectural style may be utilized as either alternatives or supplements to the lighting described above. 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 13.4.B.

D. Canopy Lighting.

1. Light fixtures mounted in canopies shall be recessed so the lens cover does not protrude below the bottom surface (ceiling) of the canopy.
2. As an alternative 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 (fascia) of the canopy, and the sides of the canopy shall not be illuminated, except as may be permitted for vehicle service stations in accordance with Section 9.3 FF.
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 13.4.B.

- E. Security Lighting.** All security lighting fixtures shall be aimed so that illumination is directed only to designated areas and shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture. The use of general floodlighting fixtures shall be prohibited.

- F. Illumination of Building Facades, Flags, and Landscaping.** When buildings and structures including flags mounted on poles or on buildings are to be illuminated, a design for the illumination shall be subject to approval by the site plan reviewer and the following shall apply:

1. Maximum illumination on any surface shall not exceed 4.0 foot-candles.
2. Lighting fixtures shall be 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 13.4.B.

- G. Night Lighting.** Outdoor fixtures for off-street parking lots or building facades which face or abut a residential zone or 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 use is in operation during these hours.

- H. **Definition of Terms.** Lighting terms used in this chapter shall have the same meaning as set forth in the IESNA's *Lighting Handbook*.

Section 13.4 Lighting Plans

- A. **Submittal Requirements.** Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of a required site plan:
1. Lighting plan (as part of the site plan package) showing light fixture locations.
 2. Fixture mounting height(s).
 3. Type and number of lighting fixtures.
 4. Lamp source type (bulb type, i.e. high-pressure sodium, LED, etc.), lumen output, color temperature, and wattage.
 5. Lighting manufacturer-supplied specifications (cut sheets) that include photographs or illustrations of the fixture(s), indicating the certified full cut-off characteristics or backlight, uplight, glare (B.U.G.) rating of the fixture or demonstration that the fixture is fully shielded.
- B. **Photometric Plans.** A photometric plan is required for all parking areas. The site plan reviewer may require a photometric plan for other areas illuminated on a site to ensure that the intent and requirements of this section are met. Photometric plans shall include the following:
1. Maximum illuminance levels expressed in ground-level footcandle measurements on a grid of the site showing footcandle readings in every five or 10-foot square.
 2. The grid shall include light contributions from all sources (i.e. pole-mounted, wall-mounted, sign, and street lights).
 3. Footcandle measurements shall be shown five feet beyond the property lines.
 4. A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels. Average footcandles shall only be calculated within the parking spaces and drive aisles and shall exclude other illuminated areas of the site.

Section 13.5 Fixtures

- A. **Fixture Type.** Lighting fixtures for non-residential and multi-family and group residential uses shall be a down-lighted type and full cut-off and shall not allow light to be emitted above the fixture. For LED lighting, up-light shall be zero (0) for B.U.G. ratings. Fixtures shall comply with the following requirements:
1. A full cut-off fixture shall have no direct uplight and shall reduce glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.
 2. If the applicant cannot provide manufacturer confirmation of full cut-off characteristics of light fixtures, the fixture shall be fully shielded, which will be determined by visual inspection of the fixture or a specification sheet. Fully shielded light fixtures are constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.
- B. **Setbacks.** Light fixtures shall be no closer than six feet from property lines but shall not be placed in any buffer area required by Section 12.5.
- C. **Mounting Height.** Light fixture mounting heights shall not exceed the following:

Table 13-5: Light Fixture Mounting Height		
Zoning District		Maximum Hgt. (ft.)
Residential		20
Commercial and Industrial	Less than 200 feet from residential district	20
	200 feet or more from residential district	35

Section 13.6 Lighting Levels

A. Required Lighting.

1. All parking lots shall be illuminated for customer and resident safety.
2. Lighting shall be provided throughout all parking lots. Lights to illuminate parking lots shall not be attached to any building except for illuminating parking spaces that are within 10 feet of building walls.

- B. **Illumination Levels.** Light levels on a lot or parcel that is subject to site plan approval under this ordinance shall meet the applicable requirements in Table 13-6 for the developed portion of the site.

Table 13-6: Light Level Standards (Foot Candles)			
Location	Min. fc	Max. fc	Avg. fc
Passenger Car Parking Lots	.5 fc ¹	10 fc	1 fc
Under Canopies Such as Gas Stations, Drive-Thru Bank Porte-Cochere	3 fc	20 fc	-
Along Front Lot Line Adjacent to the Street Frontage	0 fc	3 fc	-
Along a Lot line Adjoining a Non- Residential Use or District	0 fc	1 fc ²	-
Along a Lot line Adjoining a Residential Use or District	0 fc	0.5 fc	-
Outdoor Storage	-	10 fc	-
Semi-Truck and Trailer Parking Lots	-	10 fc	-

- C. **Light Reduction.** As a condition of site plan approval, reduction of lighting during non-business hours shall be required in accordance with Section 13.3.G. The term “non-business” shall include institutional uses such as schools and places of public worship within Residential Districts.

Section 13.7 Lighting Modifications

- A. **Authority.** The site plan reviewer may modify the illumination requirements in Table 13-6 and other lighting requirements based on a review of the applicant’s proposal against industry standards and advanced lighting technology, so long as lighting plans ensure safe conditions and minimize the impact on adjacent properties.
- B. **Considerations.** The site plan reviewer shall consider the following during the review of lighting modification requests:
1. the area of the site to be lit;

¹ The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

² The light level along a non-residential lot line may be increased to the maximum footcandle level where there is shared access/vehicular connections or the adjacent use is a similar use.

2. existing lighting on the site and on adjacent properties;
3. the type of use and size of development on the site;
4. the presence of natural screening;
5. the potential lighting impact, including light spillover or glare, onto existing and future adjacent land uses;
6. the effect that the required lighting would have on the operation of the existing or future land use; and
7. security needs related to the use.

Section 13.8 Exemptions

The following outdoor light fixtures are exempt from the provisions of this ordinance:

- A. Outdoor light fixtures installed prior to the effective date of this ordinance are exempt from its provisions; provided, any change, replacement, structural alteration, or restoration of any such outdoor fixtures shall comply with all provisions of this ordinance.
- B. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility type fuels.
- C. Street lights located within a public right-of-way.
- D. 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.
- E. Lighting used in conjunction with road or utility construction projects or emergencies.
- F. Motion sensitive security lighting.

CHAPTER 14

SITE PLAN REVIEW

Section 14.1 Purpose

The purpose of this article is to establish a uniform set of requirements for the planning and design of developments within the city in order to achieve the following objectives:

- A. to determine compliance with the provisions of this ordinance;
- B. to promote the orderly development of the city;
- C. to prevent depreciation of land values;
- D. to ensure a consistent level of quality throughout the community;
- E. to ensure a harmonious relationship between new development and the existing natural and human-made surroundings;
- F. to achieve the purposes of the city's master plan; and
- G. to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance.

Section 14.2 Applicability

Site plan review shall be required, as applicable, under the following conditions:

- A. **Administrative 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:
 - 1. Expansion of an existing building or structure by not more than 5,000 square feet or 25% of the existing gross floor area, whichever is less; provided, no more than 10 parking spaces are to be added.
 - 2. Changes in the use of any existing building in any zoning district, provided such use is a Permitted Use in that district and no building or parking expansion will exceed the limits established in Section 14.2.A.1.
 - 3. Single- or two-family dwellings on an individual lot, home occupations, accessory buildings, and accessory dwelling units.
 - 4. The reconfiguration of an existing parking area.
 - 5. Addition or relocation of:
 - a. Driveways and entrances;
 - b. Landscaping;
 - c. Lighting;
 - d. Refuse containers;
 - e. Retention/detention ponds;
 - f. Sidewalks;
 - g. Signs; and
 - h. Solar energy systems.
 - 6. Changes to stormwater management plans; provided, such changes do not result in greater residential density, increased building size or parking area in excess of the limits established in

Section 14.2.A.1, or changes to topography or other natural features that the zoning administrator considers significant.

7. When, in the opinion of the zoning administrator, a project which otherwise qualifies for administrative review may have an impact on surrounding properties, they may, in their 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 14.4 and may require additional information needed to make an informed decision.

B. Planning Commission Review. The Planning Commission shall review all site plans in connection with the creation of a use or erection of a building or structure in any of the circumstances listed below, except those subject to Administrative Review in Section 14.2 A.:

1. Any Permitted Use in any district.
2. Any Special Land Use in any district.
3. Site condominiums in any district. Site condominiums shall be subject to the same required improvements and engineering and design standards applicable to subdivisions as required by the City of Rockford Subdivision Ordinance.
4. Any change, alteration to, or expansion of any of the above, except as included under administrative review.
5. As otherwise required by this ordinance.

Section 14.3 Site Plan Requirements

A. Plan Details. Each site plan shall contain the following information, as applicable, unless waived in accordance with Section 14.3.B. Incomplete plans will be returned to the applicant without further processing.

Table 14-3 : Site Plan Requirements		
Required Information	Plan Reviewer	
	Administrative	Planning Commission
General Information		
Date, north arrow, and scale	X	X
The name and firm address of the professional individual responsible for preparation of the site plan	X	X
Name and address of the property owner or petitioner	X	X
Location sketch	X	X
Legal description of the subject property	X	X
Existing Conditions		
Current zoning of subject property	X	X
The size (in acres) of the subject property	X	X
Property survey prepared by a licensed surveyor	X	X
Location of all existing structures, driveways, and parking areas within 100 feet of the subject property's boundary		X
Location of all existing drives, sidewalks, signs, exterior lighting, curbing, parking areas, and unloading areas	X	X
Location and dimension of all existing structures on the subject property	X	X

Table 14-3 : Site Plan Requirements		
Required Information	Plan Reviewer	
	Administrative	Planning Commission
Abutting street right-of-way width		X
Existing natural features (wooded areas, steep slopes, water bodies, wetlands)		X
Size and location of existing water and sanitary sewer utilities	X	X
Existing surface water drainage facilities	X	X
Proposed Development		
Location and dimension of all proposed buildings and structures on the subject property	X	X
Required and proposed setbacks (dimensioned) of buildings from all property lines	X	X
Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, and curbing	X	X
Parking and unloading areas (including dimensions of aisle width and typical parking space and the total number of spaces required and provided)	X	X
Location and dimensions of dumpsters, including screening details	X	X
Landscape plan prepared by a registered landscape architect (see Section 12.3A.)		X
Recreation areas, common use areas, and areas to be conveyed for public use		X
Layout and typical dimensions of proposed parcels and lots		X
Engineering		
Size and location of proposed utilities, including proposed connections to public sewer and water supply systems	X	X
Grading plan at a maximum of two (2) foot intervals		X
Stormwater calculations		X
Location of all proposed surface water drainage facilities	X	X
Location and spacing of fire hydrants		X
Building Details		
Building materials		X
Building height	X	X
Elevation views of building additions	X	
Typical elevation views of all sides of each building type		X
Flood plain areas and basement and finished floor elevations of all buildings	X	X
Summary schedules and views, as applicable, in residential developments, providing the following: - Number of proposed dwelling units (by type), including typical floor plans for each type of unit - Number and location (by code, if necessary) of efficiency and one or more bedroom units		X
Gross and net floor area (of non-residential buildings)	X	X

Table 14-3 : Site Plan Requirements		
Required Information	Plan Reviewer	
	Administrative	Planning Commission
Other Information		
Any deed restrictions or covenants		X
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	X	
Any other information required by the zoning administrator or Planning Commission to determine compliance with the review standards of Section 14.5	X	X

- B. **Waiver of Requirements.** Specific requirements of either an administrative or Planning Commission site plan may be waived by the respective reviewer where it is determined that such information is not applicable to the subject request.

Section 14.4 Review Procedure

- A. **Pre-Application Review Meeting.** At the applicant's discretion, a preliminary site plan may be submitted in order to obtain input from staff or the Planning Commission. A fee established by the City Council shall be paid prior to the meeting. In no case, shall any statements made by the city representatives be construed as an endorsement of the plan or an approval of the project. Following review of such preliminary plan, the applicant shall submit a complete site plan, as required for Planning Commission review in Table 14-3.
- B. **Administrative Review.**
- One electronic copy 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.
 - The zoning administrator shall review the site plan for completeness, and shall obtain comments, as they consider necessary, from city departments or consultants. If the subject property is located within the Downtown Development District, a 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 days of mailing such notice. Failure to give notice to the DDA members shall not affect the legality or validity of any action taken by the zoning administrator pursuant to this chapter.
 - The zoning administrator shall consider the site plan, any comments received, and the applicable standards of this ordinance and shall:
 - approve the site plan, as submitted, if all applicable requirements and standards have been met;
 - approve the site plan with conditions; or
 - deny approval of the site plan if applicable requirements and standards have not been met.
 - 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.
 - If approved, two copies of the approved site plan shall be signed and dated by the zoning administrator and the applicant. One copy shall be kept on file with the city and one copy shall be returned to the applicant or their designated representative.

6. If approved with conditions, the applicant shall submit two copies of a revised site plan reflecting those conditions and signed by the applicant and the zoning administrator, prior to issuance of any permits.

C. Planning Commission Review.

1. Three copies of a complete site plan and one electronic copy 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.
2. The zoning administrator shall review the site plan for completeness, and shall obtain comments, as they consider necessary, from city departments or consultants. If the subject property is located within the Downtown Development District, a 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 days of mailing such notice. Failure to give notice to the DDA members shall not affect the legality or validity of any action taken by the Planning Commission pursuant to this chapter.
3. If the zoning administrator determines that the site plan is complete, they shall transmit the site plan, along with comments from city departments and consultants to the Planning Commission for consideration at its next meeting. Incomplete site plans may, at the zoning administrator's sole discretion, be returned to the applicant and will not be further processed until the plan is satisfactorily completed and resubmitted. The zoning administrator shall not be required to submit any site plan for review which was submitted less than 20 days prior to the next regularly scheduled Planning Commission meeting.
4. The Planning Commission shall consider the site plan and shall:
 - a. approve the site plan, as submitted, if all applicable requirements and standards have been met;
 - b. approve the site plan with conditions; or
 - c. deny approval of the site plan if applicable requirements and standards have not been met.
5. 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.
6. If approved, two copies of the final site plan shall be signed and dated by the Secretary or Chairperson of the Planning Commission and the applicant. One copy shall be kept on file with the city and one copy shall be returned to the applicant or their designated representative.
7. If approved with conditions, the applicant shall submit two copies of a revised site plan reflecting those conditions and signed by the applicant and the zoning administrator, prior to issuance of any permits.

Section 14.5 Review Standards

The site plan shall be approved only upon a finding of compliance with the following standards:

- A. The site plan must comply with all requirements of this chapter, this ordinance, and all other applicable laws and regulations.
- B. The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.
- C. The site must be designed to minimize hazards to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes, and glare to the maximum extent possible.
- D. 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:

1. Traffic Circulation. The number, location, and size of driveways 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.
2. Storm Water. Storm water detention and drainage systems shall be designed so 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.
3. Landscaping. Grade changes shall be in keeping with the general appearance of neighboring developed areas. Landscaping, buffers, or greenbelts shall ensure that the proposed uses will be adequately screened from one another and from surrounding property.
4. Lighting. Lighting shall be designed in compliance with the requirements of Chapter 13.
5. Utility Service. All utility services shall be underground, unless impractical.
6. 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 to minimize negative effects on adjacent properties.
7. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles.
8. Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.
9. 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.

Section 14.6 Conditions

Conditions intended to ensure compliance with the intent of this chapter, the review standards of Section 14.5, and all other regulations of the city may be imposed upon the approval of a site plan.

Section 14.7 Changes to an Approved Plan

Changes to an approved site plan shall be processed in accordance with the following:

- A. The holder of an approved site plan shall notify the zoning administrator of any proposed change to an approved site plan.
- B. Changes to a site plan previously approved by the zoning administrator may be approved by the zoning administrator.
- C. Minor changes to a site plan previously approved by the Planning Commission 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:
 1. Changes within the limits of Section 14.2.A. for Administrative plan review.
 2. Any reduction in building size or an increase of total approved floor area by up to 20 percent or 4,000 square feet, whichever is less,
 3. Movement of buildings or other structures by no more than 10 feet.
 4. Replacement of plant material specified in the landscape plan with comparable materials of an

- equal or greater size.
 - 5. Changes in building materials to a comparable or higher quality.
 - 6. Changes in floor plans which do not alter the character of the use.
 - 7. Changes required or requested by the city or county, state, or federal regulatory agency in order to conform to other laws or regulations.
- D. A proposed change 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.

Section 14.8 Expiration

- A. Site plan approval shall expire 24 months after the date of approval of a final site plan, unless a building permit has been issued and substantial construction has been commenced and is continuing. The zoning administrator may grant one extension of up to one additional year; provided the applicant requests an extension, in writing, 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:
- 1. the development has encountered unforeseen difficulties beyond the control of the applicant,
 - 2. conditions in the surrounding area have not changed to an extent that would potentially have altered the original approval, and
 - 3. the project will proceed within the extension period.
- B. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

CHAPTER 15

ADMINISTRATION AND ENFORCEMENT

Section 15.1 Zoning Administrator

- A. **Administration.** The provisions of this ordinance shall be administered and enforced by the zoning administrator who may designate other city staff to assist in the performance of those duties.
- B. **Enforcement.** In carrying out the administration and enforcement duties of this ordinance, the zoning administrator shall also act in accordance with the requirements of all other city regulations regarding code enforcement and may cooperate with other municipal officials in the enforcement of this ordinance.
- C. **Authority.** The zoning administrator shall have the power to:
 - 1. Grant certificates of zoning compliance, make inspections of buildings and premises necessary to carry out the enforcement duties, and other assigned duties of this ordinance.
 - 2. Determine zoning compliance in accordance with the requirements of this ordinance;
 - 3. Enforce violations of this ordinance;
 - 4. Maintain the Official Zoning Map; and
 - 5. Perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

Section 15.2 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 compliant 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 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.
 - 2. No building or structure erected or altered after adoption of this ordinance shall be occupied or used unless and until a certificate of occupancy shall have been issued for the 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

official, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the certificate.

- C. **Fees.** 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.

Section 15.3 Violations

- A. Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this ordinance or lawful order of the zoning administrator, Planning Commission, Board of Zoning Appeals, or City Council issued pursuant to this ordinance shall be responsible for a civil infraction punishable by the sanctions set forth in this section. Each day that a violation continues may be deemed a separate infraction.
- B. The zoning administrator, building official, and law enforcement officers are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of the provisions of this ordinance.
- C. The sanction for any violation of this ordinance which is a municipal civil infraction shall be a civil fine which shall not exceed \$500.00 for the first offense and \$1,000.00 for each subsequent offense, plus any costs, damages, expenses, and other sanctions authorized under Public Act No. 236 of 1961 (MCL 600.8701 et seq.) and the city code.
1. Increased civil fines will be imposed for repeated violations that occur within a six-month period. Civil fines for first offenses, repeat first offenses, and repeat second offenses will be established from time to time by ordinance of the city council.
 2. The city shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the city pursuant to the Michigan Revised Judicature Act of 1961, Public Act No. 236 of 1961 (MCL 600.8301 et seq., 600.8701 et seq.).

Section 15.4 Performance Guarantees

- A. As a condition of approval of a site plan, special land use, or planned unit development, the zoning administrator, Planning Commission, or City Council, whichever is designated as the approving authority, may require a financial guarantee of sufficient amount to assure 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 are considered "improvements" and may include, but shall not be limited to, roadways, curbing, landscaping, 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 permit authorizing the activity or project, 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 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 authorize issuance of 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 obliger, 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 obliger shall send written notice to the zoning administrator of completion of the improvements. Thereupon, the zoning administrator or designee shall inspect all 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 obliger 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.
- C. A record of authorized performance guarantees shall be maintained by the zoning administrator.

CHAPTER 16

NONCONFORMITIES

Section 16.1 Purpose

- A. It is recognized that there may exist within zoning districts certain lots, buildings, 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 nonconforming lots, buildings, structures, and uses to continue until they are removed, but not to encourage their survival.
- B. Non-conforming lots, buildings, 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 nonconformities 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.
- C. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.
- D. 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 regulations in effect at the time of the adoption of this ordinance.

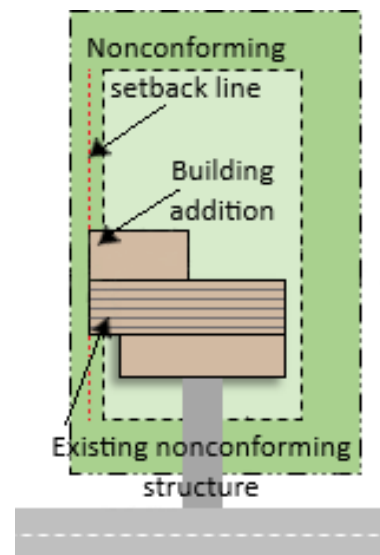
Section 16.2 Nonconforming Uses

- A. No nonconforming 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.
- B. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.
- C. If a nonconforming use is abandoned for any reason for a period of more than one year, any subsequent use shall conform to the requirements of this ordinance. A nonconforming 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 nonconforming use:
 - 1. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - 2. The property, buildings, and grounds, have fallen into disrepair;
 - 3. Signs or other indications of the existence of the nonconforming use have been removed;
 - 4. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - 5. Other actions have occurred, which in the opinion of the zoning administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

- D. A nonconforming use may be changed to another nonconforming use; provided, all of the following determinations are made by the zoning administrator:
1. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous nonconforming use. Factors such as number of employees, truck traffic, hours of operation, noise, and lighting shall be considered in making the determination.
 2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use.
 3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.

Section 16.3 Nonconforming Buildings and Structures

- A. 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 setbacks, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No 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 nonconforming by 50 percent or less of the distance required by this ordinance. Only in these cases may the building or structure be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 2. Should a nonconforming building or structure be destroyed to an extent of more than 60 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance; provided, 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:
 - a. The prior nonconforming condition(s) shall not be increased.
 - b. All building materials and architectural details shall be substantially the same as those of the prior building or structure.
 - c. The new building or structure shall be placed on the original foundation.
 - d. The application to reconstruct the nonconforming building or structure was filed with the zoning administrator within six months of the event in which the building or structure was damaged or destroyed.
 - e. The reconstruction of the building or structure shall not be detrimental to adjacent property and the surrounding neighborhood.



- B. Should a nonconforming 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.
- C. None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

Section 16.4 Nonconforming Lots of Record

- A. 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 yard setback requirements.
- B. If two 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.

Section 16.5 Nonconformities Resulting From Right-of-Way Dedication

Where a nonconforming front yard setback, parking lot setback, or greenbelt depth is created as a result of additional street right-of-way width being acquired by a public street agency, the building or parking lot may be improved or expanded without the need to obtain a variance from the Zoning Board of Appeals, provided the following conditions are met.

- A. The building or parking lot complied with the front yard setback prior to the acquisition of the additional street right-of-way;
- B. The building or parking lot expansion will not reduce the depth of the established front yard setback; and
- C. All other requirements of this chapter are met, and necessary approvals obtained.

Section 16.6 Elimination of Nonconformities

In accordance with the Michigan Zoning Enabling Act, the city may acquire, through purchase or condemnation, private nonconforming, buildings, structures, or land. The City Council may make this purchase of private property in the manner provided for by law.

CHAPTER 17

BOARD OF ZONING APPEALS

Section 17.1 Creation and Membership

- A. **Creation.** There is hereby established a *Board of Zoning Appeals*, which shall perform its duties and exercise its powers as provided in the *Zoning Act*.
- B. **Members.** The board shall consist of five members appointed by the City Council. One member may be a member of the Planning Commission and one member may be a member of the City Council. The remaining members shall be chosen from the electorate of the city. Members shall be appointed for three-year terms; provided, the Planning Commission and City Council appointees shall only serve while holding their respective offices. Members may be appointed for successive terms. Vacancies for unexpired terms shall be filled for the remainder of the term.
- C. **Alternates.**
1. The City Council may appoint up to two alternate members for the same term as regular members of the board.
 2. An alternate member may be called to serve in the absence of a regular member or for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
 3. The alternate member having been called shall serve on the board until a final decision is made on the application for which the member was called.
 4. When serving as a member, an alternate member shall have the same voting rights as a regular member of the board.
 5. Members of the board may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing, if requested by the member to be removed. A member shall be disqualified from a vote in which the member has a conflict of interest. Failure of a member to abstain from voting on a matter when the member has a conflict of interest constitutes malfeasance in office.
- D. **Officers.** The board shall annually elect from its membership a chairperson, vice-chairperson, and such other officers it deems necessary.

Section 17.2 Authority

- A. **Appeals.**
1. The board shall hear and decide all appeals from any order, decision or determination made by the zoning administrator or other person or body authorized to administer the provisions of this ordinance.
 2. 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 21 days, as prescribed by the rules of the board, by filing with the zoning administrator a notice of appeal specifying the grounds for the appeal.
 3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board, after notice of appeal has been filed, that, by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property. In such case, the

proceedings shall not be stayed other than by a restraining order, which may be granted by the board or Circuit Court.

4. The board shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by a duly authorized agent or attorney.
 5. In deciding the appeal, the board shall be limited to determining whether the decision that was made was done so using the proper standards and guidelines in this ordinance. The decision of the board is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony shall not be taken.
 6. If a determination is made that the administrative official or body making the decision did so improperly, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall have all the powers of the administrative official or body from whom the appeal was taken.
 7. The board shall have no jurisdiction or authority over or regarding the following:
 - a. Any application for approval of a special land use or planned unit development;
 - b. An appeal from any decision, in whole or in part, on a special land use or planned unit development.
- B. **Dimensional Variances.** The board shall have the power to decide applications for dimensional variances filed as provided in this chapter. A dimensional variance may be allowed only in cases where the board finds, based upon competent, material, and substantial evidence on the whole record, that there is practical difficulty related to the property and that all the conditions specified in Section 17.4 B. are met.
- C. **Use Variances.** The board shall have no authority to consider variances related to the use of land.
- D. **Interpretations.**
1. Text. The board may hear and decide upon requests for the interpretation of the provisions of this ordinance.
 - a. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this ordinance, and not have the effect of amending this ordinance.
 - b. Interpretations shall give weight to practical interpretations by the zoning administrator and other administrative officials if applied consistently over a long period of time.
 - c. Records shall be kept of all interpretations.
 - d. Where the intent of this ordinance is unclear and the facts cannot be read to support only one interpretation, the benefit of doubt shall go to the property owner.
 2. Zoning map. The board may hear and decide appeals from the decisions of the zoning administrator pertaining to interpretations of the zoning map to determine the precise location of boundary lines between zoning districts. In making its determination of the boundary lines, the board shall be governed by the rules of this chapter and the provisions of Section 2.2.
- E. **Generally.** Nothing contained in this section shall be construed to give or grant to the board the power or authority to alter or change this ordinance or the zoning map.

Section 17.3 Decisions

- A. **Majority Vote.** The concurring vote of a majority of the board membership 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.
- B. **Conditions of Approval.**
 - 1. The board may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
 - 2. Conditions shall be imposed in a manner in accordance with the *Zoning Act* and related to the standards by which the decision is reached.
- C. **Timing.** The board shall render its decision within 60 days of the public hearing upon any appeal or application submitted to it.
- D. **Effective Date.** All decisions of the board shall become final five days after the date of entry of an order, unless the board finds and so certifies on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. **Appeal of Board Decision.** The decision of the board shall be final. However, a person having an interest affected by the decision of the board may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the *Zoning Act*. The court may affirm, reverse, or modify the decision of the board, or may remand the decision to the board for further hearings or action.

Section 17.4 Variance Proceedings

- A. **Authority.** The board, 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 Dimensional Variances.** A dimensional variance may only be allowed by the board in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all the following conditions are met:
 - 1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 - a. exceptional narrowness, shallowness, or shape of a specific property that existed on the effective date of the ordinance or relevant amendment;
 - b. exceptional topographic or environmental conditions or other extraordinary situation on the land, building, or structure; or
 - c. the use or development of the property immediately adjoining the property in question.
 - 2. That the condition or situation of the specific piece of property for which the variance is sought is not so common or recurrent as to make the formulation of a general regulation for such conditions or situations reasonably practical.
 - 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.

4. The variance will not be significantly detrimental to adjacent property or 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.
7. The possibility that compliance with this ordinance may prove to be more expensive or otherwise inconvenient shall not be part of the board's consideration.

Section 17.5 Time Limits

- A. **Construction.** Any variance granted by the board shall only be valid for a period of 12 months from the date of approval, unless substantial construction, as determined by the zoning administrator, has occurred and is progressing meaningfully toward completion. The zoning administrator may grant up to an additional 12 month extension, if requested by the property owner in writing prior to the expiration of the original 12 month period, upon showing that the circumstances creating the need for the extension were beyond the control of the applicant. The zoning administrator may only grant an extension when the original circumstances necessitating the variance have not changed.
- B. **Resubmission.** No variance request which has been denied by the board shall be submitted for reconsideration within a 12 month 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 the reasons for the original denial have been significantly altered, and/or
 2. that new conditions or circumstances exist which change the nature of the original request.

CHAPTER 18

ZONING MAP AND TEXT AMENDMENTS

Section 18.1 Purpose

This chapter establishes the procedures to be followed for any amendment to the provisions of this ordinance or to the zoning designation of any property in the City of Rockford.

Section 18.2 Initiation

Proposals to amend these regulations may be in the form of requests to change the ordinance text or the zoning map. Applications for amendment to the map may be initiated by the owner or option holder of property that is the subject of an amendment request or by the Planning Commission or City Council upon its own initiative. Text amendments may only be initiated by the Planning Commission or City Council.

Section 18.3 Amendment Review Process

- A. **Application.** Each application to amend the zoning text or map shall be filed with the zoning administrator on forms provided for that purpose along with the application fee and any other required documentation. Only complete applications containing all required information and exhibits and the required fee, shall be processed by the zoning administrator in accordance with the public notice and hearing requirements of this ordinance. An application shall not be withdrawn by the applicant after the legal notification has been processed by the city, except as otherwise provided.
- B. **Resubmittal of Map Amendments.** No application for a zoning map amendment that has been denied by the City Council shall be resubmitted within 12 months of the date when the request was first denied. However, if the amendment request is for a different zoning district than the previous request, an application may be accepted.
- C. **Public Hearing.** The Planning Commission shall hold at least one public hearing on all zoning ordinance amendments, supplements, changes to the boundaries of districts, designation of districts, or regulations. At least 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 and each occupant within 300 feet of the subject property if the proposed change involves a map amendment for specific land.
 - 4. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.

5. The Planning Commission may adjourn the public hearing at its discretion.
- D. **Planning Commission Recommendation.** The Planning Commission shall take action by majority vote and make a recommendation to the City Council.
- E. **Council Action.** Upon receipt of the Planning Commission's recommendation, the City Council shall act upon the proposed change or amendment by ordinance, in accordance with the Zoning Act and City Charter.
- F. **Protest Petition.**
 1. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to the zoning ordinance, which is the subject of the petition, may only be passed by at least a two-thirds vote of the City Council. The protest petition presented to the City Council shall be signed by at least one of the following:
 - a. The owners of at least 20 percent of the area included in the proposed change; and/or
 - b. The owners of at least 20 percent of the area of land within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 2. Publicly owned land shall be excluded in calculating the 20 percent land area requirement.
- G. **Publication.** Following adoption by the City Council of a zoning ordinance and subsequent amendments, one notice of adoption shall be published in a newspaper of general circulation within the city within 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.

Section 18.4 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 *Zoning Act* 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.

- A. **Application and Offer of Conditions.** 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.
 1. 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.
 2. 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.

3. 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.
4. The conditions offered by the owner shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require site plan approval, a special land use permit, and/or a variance under the terms of this ordinance may only be commenced if such approval(s) for the use or development is ultimately granted, in accordance with the provisions of this ordinance.
6. 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, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
7. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 12.5 J. of this ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
8. 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 12.5 J. of this ordinance. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments are acceptable to and thereafter offered by the owner, the City Council shall refer the amendments to the Planning Commission for a report within a time specified by the City Council and proceed thereafter to approve or deny the conditional rezoning with or without amendments.

B. Approval.

1. 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.
2. The zoning agreement shall:
 - a. Be in a form recordable with the Register of Deeds of Kent County 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.

- b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the conditions run with the land and are binding upon successor owners of the land.
 - d. 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.
 - e. Contain the notarized signatures of all 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.
3. 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 rezoned lands subject to a zoning agreement.
 4. The approved zoning agreement or an affidavit or memorandum giving notice thereof shall be filed by the city with the Kent County Register of Deeds. 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.
 5. Upon the rezoning taking effect, the use of the land conditionally rezoned shall conform to all requirements regulating use and development of the property as modified by all restrictive provisions contained in the zoning agreement.

C. Compliance with Conditions.

1. 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 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.
2. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable zoning agreement.

D. 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 12 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:

1. 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
2. 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.

E. Reversion of Zoning. If the approved development and/or use of the rezoned land does not occur

within the time frame specified under Subsection D. above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning the land to its former or other zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

- F. **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 because of a reversion of zoning pursuant to Subsection E. 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 Kent County Register Deeds a notice that the zoning agreement is no longer in effect.
- G. **Amendment of Conditions.**
 - 1. During the time period for commencement of an approved development or use specified pursuant to Subsection D. 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.
 - 2. The zoning agreement may be amended thereafter in the same manner as was prescribed for the original rezoning and zoning agreement.
- H. **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 *Zoning Act*.
- I. **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.

Section 18.5 Amendment Criteria

- A. **Map Amendments.** In order to promote the public health, safety, and general welfare of the city against the unrestricted use of property, the City Council and Planning Commission may consider the following standards and any other factors relevant to balancing the public interest in making a rezoning decision:
 - 1. Does the request conform with the goals, recommendations, and land use designation of the City's Master Plan?
 - 2. Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
 - 3. Does the current zoning classification unreasonably restrict the use and enjoyment of the subject property?
 - 4. Has a change of conditions occurred in the surrounding area which makes the current zoning of the property unreasonable?
 - 5. Is there sufficient land already appropriately zoned and available elsewhere in the city?
 - 6. Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
 - 7. Could traffic created by the proposed zoning classification travel through established residential neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

8. Would the proposed zoning allow uses that could generate traffic flow beyond the carrying capacity of the current street system?
 9. Is there an imminent need for the rezoning and for the uses permitted within the proposed district?
 10. Would the allowed uses substantially conflict with existing or intended development density patterns in the surrounding area?
 11. Would the proposed zoning change likely precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
 12. Would any or all of the allowed uses in the proposed zone district adversely impact adjacent or nearby properties in terms of:
 - a. Environmental quality or livability, by creating undue traffic, noise, odor, or visual hazards incompatible with the established or intended development pattern.
 - b. Property value, by rendering such properties less desirable and, therefore, less marketable for the type of development to which they are committed or restricted.
 13. Would the rezoning create development potential of such increased intensity that storm water runoff from the site would exceed current limits, resulting in adverse impacts upon existing or planned down-stream drainage systems?
 14. Would the rezoning result in public service demands beyond existing capacities and impose an economic burden on the community at-large?
- B. **Text Amendments.** In its consideration of amendments to the text of this ordinance, the following may be applied to guide the deliberations of the Planning Commission and City Council:
1. The proposed text amendment would clarify the intent of this ordinance.
 2. The proposed text amendment would correct an error in this ordinance.
 3. The proposed text amendment would address changes to the state legislation, recent case law, or opinions from the state attorney general.
 4. The proposed text amendment would promote compliance with changes in other city ordinances and county, state, or federal regulations.
 5. In the event the amendment would add a use to a district, that use would be fully consistent with the purpose of that district and the character of the other uses allowed within the district.
 6. The amendment would not create incompatible land uses within a zoning district.
 7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, best practices, and similar technical items.
 8. As applicable, the proposed change would be consistent with the city's ability to provide adequate public facilities and services.
 9. The proposed change would be consistent with the ordinance's intent to protect the public health, safety, and welfare of the community.

APPENDIX A DEFINITIONS

Section A.1 Rules Applying to the Text

- A. The following words, terms, and phrases, when used in this ordinance, shall have the meaning assigned to them in this chapter, except where the context clearly indicates a different meaning.
- B. Terms not defined in this chapter shall have the meaning customarily assigned to them.
- C. Whenever reference is made to any federal, state, county, or city ordinance, law, or act, that ordinance, law, or act is presumed to include any amendments.
- D. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the city or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- E. The following rules apply to the text of this Ordinance:
 - 1. The particular shall control the general.
 - 2. 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.
 - 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 - 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural includes the singular, unless the context clearly indicates the contrary.
 - 5. A "building" or "structure" includes any part thereof.
 - 6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, government, or any other similar entity.
 - 7. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - c. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

Section A.2 Definitions A - B

Accessory Building. A detached building or structure on the same lot with and of a customarily incidental nature that is subordinate to the principal structure and accommodates an accessory use.

Accessory Dwelling Unit (ADU). A secondary dwelling unit located on the same parcel or lot as a single-family dwelling and subordinate to the principal dwelling, having permanent provisions for living, sleeping, cooking, and sanitation that are separate from the principal dwelling.

- A. **Detached ADU.** An ADU within a structure on the same lot as but completely detached from the principal dwelling.
- B. **Attached ADU.** An ADU attached to the principal dwelling unit, generally in the form of an addition or separate wing of the primary house.
- C. **Interior ADU.** An ADU built in a converted space within the principal dwelling, generally in either the attic or basement.

Accessory Use. A land use or activity located on the same lot as the principal use that is customarily and clearly incidental and subordinate to the principal use of the land or building.

Acres, Gross. The total area of land within the property boundaries.

Acres, Net. The gross acres exclusive of any dedicated public right-of-way or private easement for interior and abutting streets, any designated wetlands, and any area within a 100-year floodplain.

Adult Use. Any *adult bookstore*, *adult cabaret*, *adult motion picture theater*, and *nude artist and photography studio*. These terms shall have the following indicated meanings:

- A. **Adult bookstore:** A commercial establishment or facility that maintains 25 percent or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in "floor area" maintained for the display, sale, and/or rental of the items):
 - 1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs, or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of *specified sexual activities* or *specified anatomical areas*; or
 - 2. Instruments, devices, novelties, toys, or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent *specified anatomical areas*.
- B. **Adult cabaret:** An establishment including, but not limited to, a cafe, restaurant, or bar which features erotic dancers, strippers, or similar entertainers who perform in a state of undress and display *specified anatomical areas*.
- C. **Adult theater:** An establishment used for presenting motion picture films, video, 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* for observation by patrons therein.
- D. **Nude artist and photography studio:** Any building, structure, premises, or part thereof used solely or primarily as a place which offers as its principal activity models to display *specified anatomical areas* as defined herein for artists and photographers for a fee or charge.
- E. **Specified anatomical areas:** Body parts defined as less than completely and opaquely covered:
 - 1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. Specified sexual activities: Activities defined as:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

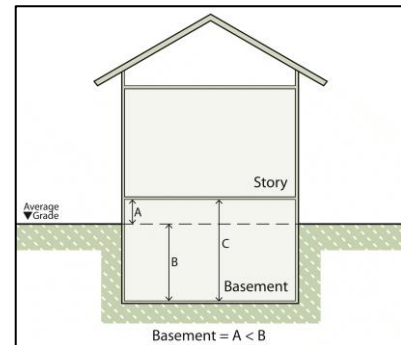
Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Awning. A sheet of canvas or other material stretched on a frame that extends out from the exterior building wall and used to keep the sun or rain off a storefront, window, doorway, or deck..

Basement. 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. A use within a detached single-family dwelling in which transient guests are provided, in return for payment, a sleeping room, access to bathing and lavatory facilities, and typically breakfast.

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



Board of Zoning Appeals, Board. The Board of Zoning Appeals of the City of Rockford.

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

Building. An independent structure with a roof, supported by walls, columns, or other supports that is designed for the shelter, housing, or enclosure of persons, animals, possessions, or property of any kind or to conduct business activities.

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

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

Business center. Any two or more businesses which:

- A. are located on a single parcel of property;
- B. are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings;
- C. share a common parking area; or
- D. otherwise present the appearance of a single, contiguous business grouping.

Section A.3 Definitions C - D

Canopy Tree. 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. 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.

Charity Collection Box. a box or receptacle, other than an accessory building or shed, complying with all building code and land use requirements, used for the receipt of money or goods intended as a charitable donation.

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

City Manager. The city manager of the City of Rockford.

Clearing. The removal of vegetation from any site, parcel, or lot except when land is cleared and cultivated for bona fide agricultural or garden use in a district permitting that use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Clinic, Medical/Dental. A place for the care, diagnosis, and treatment of persons in need of medical, dental, or minor surgical attention. A clinic may also include customary laboratories and pharmacies incidental or necessary to its operation but does not include facilities for inpatient care or major surgery.

Clinic, Veterinary. A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the clinic structure.

Commercial Recreation, Indoor. The business of providing recreational and leisure activities such as billiard halls, bowling lanes, movie theaters, arcades, and similar uses within an enclosed building.

Commercial Recreation, Outdoor. The business of providing recreational and leisure activities such as mini-golf, driving ranges, go-cart tracks, batting cages, and skateboarding in the open air.

Commercial School. A facility, operated for profit, to provide specific training and instruction in dance, art, music, self-defense, business, trades, or similar specialized skills.

Commercial Storage Warehouse. A building, or group of buildings, in a controlled access and/or fenced compound, that contains individual stalls or lockers for the storage of a customer's goods or possessions.

Condominium Project. A plan or project consisting of not less than two condominium units established in conformance with the Michigan Condominium Act.

Condominium Unit. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Convalescent or Nursing Home. A residential establishment, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with meals, nursing, and medical care.

Cul-de-sac. A dead-end public or private street, generally short in distance, terminating in a circular or semi-circular section of street allowing for vehicle turnaround.

Day Care.

- A. **Child care center.** A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child.
- B. **Family day care home.** A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "family day care home" includes a home that gives care to an one but not more than six unrelated minor child for more than four weeks during a calendar year.
- C. **Group day care home.** A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a 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 more than six but not more than 12 unrelated minor children for more than four weeks during a calendar year.

Development. The construction of a new building or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use.

Drive-thru Facility. Any facility used to serve patrons of a business establishment while in their motor vehicles, either exclusively or in addition to service within a building or structure.

Dumpster. A container used for the temporary storage of trash and/or materials to be recycled pending collection, having capacity of at least one cubic yard.

Dwelling.

- A. **Dwelling, multiple-family.** A building containing three or more individual *dwelling units*.
- B. **Dwelling, one-family, attached.** A dwelling designed for occupancy by one *family* in a row of at least three *dwelling units* in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. These may also be referred to as "townhouses" or "rowhouses".
- C. **Dwelling, one-family, detached.** A detached building designed for and occupied exclusively by one *family*.
- D. **Dwelling, two-family.** A building containing two individual *dwelling units*.

Dwelling Unit. A room, or rooms connected, 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 building, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, shipping container, 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.

Section A.4 Definitions E - H

Easement. A right, distinct from ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage, or access purposes.

Electric Vehicle (EV). A vehicle that runs fully or partially on electricity.

Electric Vehicle Charging Station. A device that supplies electrical power for recharging plug-in electric vehicles (including battery electric vehicles and plug-in hybrid vehicles).

Erected. 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. 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.

Evergreen Tree. A tree which has foliage that remains green and functional throughout the year.

Family. One of the following:

- A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition does not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Fence. A permanent outdoor partition, wall, structure, or gate erected and used as a barrier, enclosure, or means of delineating a boundary line.

Floor Area.

- A. **Floor area, gross (GFA).** The sum of the gross horizontal areas of the several floors of a *building* measured from the exterior walls or from the centerline of walls separating two buildings.
- B. **Floor area, livable (LFA).** The area of a *dwelling unit* measured from the interior of the exterior walls of the unit: provided, areas of basements, unfinished attics, attached or detached accessory structures, breezeways, or enclosed and unenclosed *porches* shall not be counted as livable floor area.
- C. **Floor area, usable (UFA).** The 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.

Funeral Home or Mortuary. A business that provides burial and funeral services for the deceased and their families and may include a prepared wake and a chapel for the funeral. This definition does not include crematorium.

Garage. An accessory building or portion of a principal building designed or used for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory or attached.

Grade. The gradient, the rate of incline or decline expressed as a percentage. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent.

Grade, Average. 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. 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 in carrying out the requirements of this ordinance. (See also "Berm" and "Buffer").

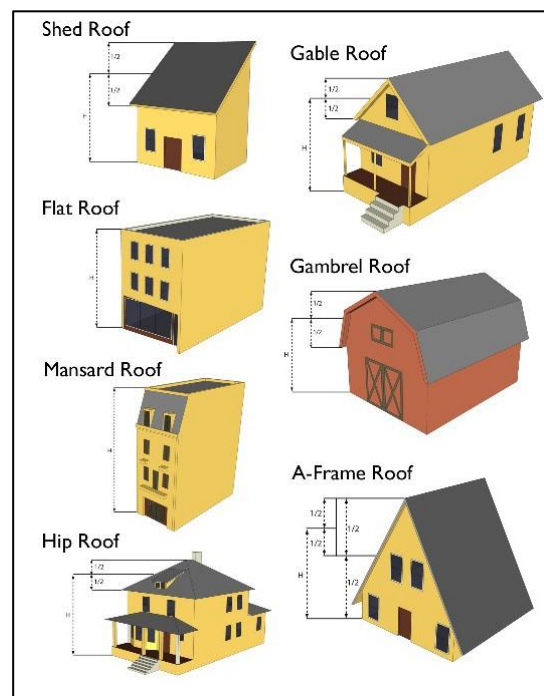
Height, Building. The vertical distance measured from the *average grade* to the highest point of a structure. In the case of a building, height shall be measured from the *average grade* to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint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

Home Occupation. A business or profession that is customarily incidental and secondary to the use of a dwelling. It is conducted in the dwelling or accessory building on the same lot as the dwelling, carried out by its occupants utilizing equipment typically found in a home, and is not evident from the outside.

Hospital. A facility providing health care services primarily for in-patient and surgical care of the sick or injured, including related facilities that are an integral part of the facility such as laboratories, out-patient departments, clinics, central service facilities, and staff offices.

Hotel. A facility offering lodging accommodations to the traveling public for a daily or other rate and which may provide additional services, such as restaurants, gift shops, meeting and banquet rooms, and recreational facilities.

Household Pet. An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents, and similar animals, and are not used for commercial purposes.



Section A.5 Definitions I - L

Impervious Surface. Any surface composed of material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include but are not limited to, rooftops, buildings, sidewalks, patios, driveways, streets, and roads.

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

Junk. 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.

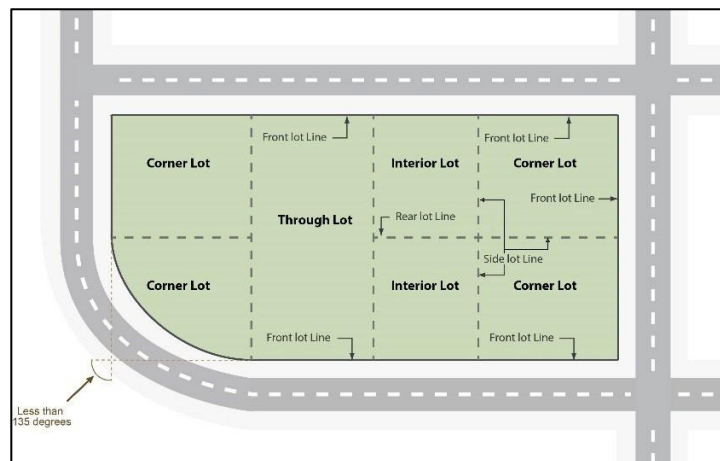
Junk Yard. An open area where waste, discarded, surplus, or salvaged materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile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

Kennel. Any lot or premises on which four or more dogs, cats, or other household pets, six 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.

Loading Space. An off-street portion of a lot of record designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold, or made on the premises.

Lot. A parcel of land separately described on a deed or other instrument and recorded in the office of the Kent County Register of Deeds, whether by metes and bounds description or as part of a platted subdivision or site condominium.

- A. **Lot, Corner.** A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of such streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.



- B. **Lot, Flag.** An irregularly shaped lot or parcel located to the rear of another lot or parcel and which has a long narrow strip of land that provides access from the street to the wider buildable portion of the property.
- C. **Lot, Interior.** A lot other than a corner lot, flag lot, or through lot.
- D. **Lot, Through.** A lot having frontage on two approximately parallel streets or on a water body and a street.

Lot Area. The area within the property lines of a lot or other parcel of land, excluding street rights-of-way and private road easements.

Lot Coverage, Building. The part of the *lot*, expressed as a percent of the total lot area, occupied by any *building* or roofed *structure*, including *accessory buildings*, covered *porches*, gazebos, and carports.

Lot Coverage, Total. The part of the *lot*, expressed as a percent of total lot area, occupied by any *building* or roofed *structure* and all impervious surfaces, including one-half of pervious surfaces.

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

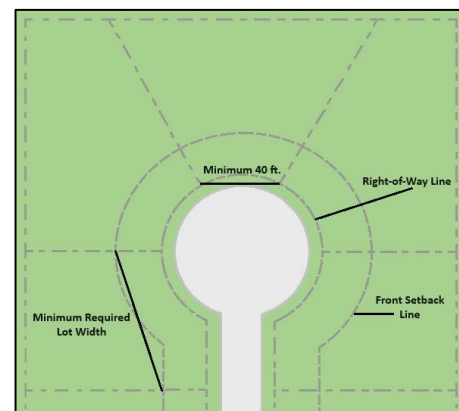
Lot Frontage. The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Lot Lines. The lines bounding a lot as follows:

- A. **Front Lot Line.** In the case of an *interior lot*, the line separating the lot from the public street right-of-way or private road easement and both lines separating the lot from the public street right-of-way or private road easement on through and corner lots.
- B. **Rear Lot Line.** That lot line opposite and most distant from the *front lot line*. In the case of a *corner lot*, the property owner may treat one of the lot lines opposite either of the two *front lot lines* as the *rear lot line*. In the case of a triangular lot, the *rear lot line* shall be an imaginary line parallel to the *front lot line*, not less than 10 feet long, lying farthest from the front lot line or wholly within the lot. A *through lot* has no *rear lot line*.
- C. **Side Lot Line.** 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. A parcel of land which is separately described on a deed, a platted subdivision, *condominium master deed*, or other instrument of conveyance and recorded in the office of the Kent County Register of Deeds as of a specified date.

Lot Width. The horizontal straight-line distance between the *side lot lines* of an *interior* or *through lot* or designated side and opposite secondary *front lot line* of a *corner lot*, measured between the two points where the *front setback line* intersects with those lot lines. In the case of a *lot* on the bulb end of a *cul-de-sac street*, the minimum required lot width shall be measured at the required front setback line, but in no case shall the lot frontage be less than 40 feet.



Section A.6 Definitions M - P

Master Plan. The City of Rockford Master Plan.

Massage Parlor. A commercial establishment providing therapeutic massages by massage therapists licensed by the State of Michigan.

Mobile Home. A structure that is transportable in one or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile homes, also referred to as manufactured homes, are built to building standards

established by the Department of Housing and Urban Development. This term does not include *modular homes*.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three or more *mobile 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 *mobile home* and which is not intended for use as a temporary trailer or *recreational vehicle* park.

Modular Home. A factory-built, single-family residential structure that is transportable to a building site in one or more sections, is attached to a permanent foundation and is used as a dwelling, but which is not constructed with a permanent hitch or other device allowing transport of the dwelling unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Modular homes must comply with the city's building code.

Nonconforming Building. A building or portion of a building lawfully existing at the effective date of this ordinance or amendments thereto, but not conforming to the current provisions of this ordinance.

Nonconforming Lot. A lot lawfully existing at the time it was created that does not conform to the current provisions of this ordinance.

Nonconforming Use. A use or activity lawfully existing on the effective date of this ordinance or amendments thereto, but not conforming to the current provisions of this ordinance.

Nonresidential District. Any zoning district other than a *Residential District*.

Nuisance. Any thing, condition, or conduct that endangers health and safety, or that unreasonably and substantially offends the senses, or substantially obstructs the free use and comfortable enjoyment of property.

Section A.7 Definitions O - S

Open Air Business. Retail sales establishments operated substantially in the open air, including:

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

Open Space. Land that is primarily undeveloped except for accessory amenities and retained by means of easements or fee simple acquisition for its aesthetic, recreational, natural, and/or environmental benefits.

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening purposes which possesses qualities such as flowers or fruit, attractive foliage, bark, or shape and tends to be smaller at maturity than a shade tree.

Outdoor Storage Yard. Designated outdoor spaces for storing large items or equipment used in conjunction with the principal use of the property.

Overlay District. A zoning district superimposed upon the existing underlying zoning district and which imposes additional requirements specific to the purpose of the overlay district. Lands within the overlay are subject to the provisions of the existing zoning district and the overlay district.

Parking Lot. A paved area of land providing parking spaces, along with drives, maneuvering areas, and aisles, for the parking of more than three vehicles, other than in connection with a single- or two-family dwelling on an individual lot.

Parking Space. The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

Personal Services. Businesses providing non-medical services to individuals, including, but not limited to barber and beauty shops, tattoo parlors, dry cleaners, small appliance repair, laundromats, massage therapists, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.

Pervious Surface. A durable surface material suitable for pedestrian or vehicular traffic that allows stormwater to infiltrate into the ground.

Place of Public Worship. A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, daycare, counseling, and kitchens.

Planned Unit Development (PUD). A land development technique that allows regulatory flexibility in return for the creation of open spaces, mixed land uses, environmental preservation, and otherwise creative projects, based on an overall site plan and unified control of the project.

Planning Commission, or Commission. The City of Rockford Planning Commission.

Porch, Enclosed. A roofed structure with walls whose surface area is at least 50 percent glass or screen attached to or a part of a building and which provides direct access to and from the building.

Porch, Unenclosed. A roofed structure without walls attached to or a part of a building which provides direct access to and from the building.

Principal Building. The building(s) in which the principal use of the property is conducted, excluding any accessory structure or building.

Principal Use. The main use to which the property is devoted, excluding any accessory use.

Public Utility. 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, transportation, or water; provided this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting or wireless communication.

Recreational Vehicle. Vehicles or equipment used primarily for recreational purposes, including but not limited to motor homes, travel trailers, camper trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies, and similar vehicles, and the trailers used to transport them.

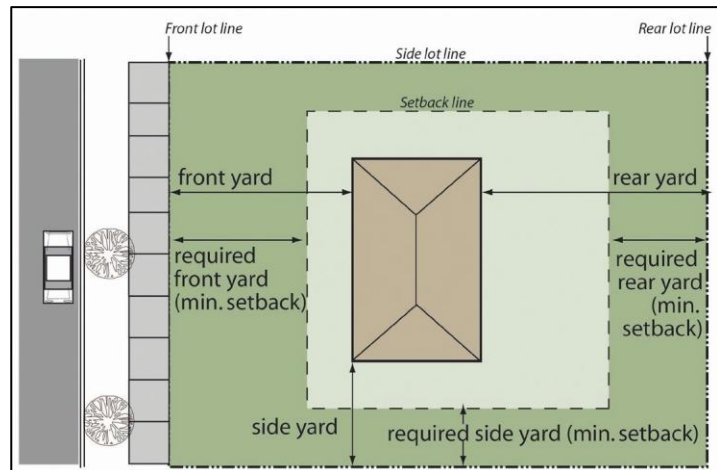
Recycling Center. A building or premises where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Residential District. The R-1, R-2, R-3, and R-4 zoning districts.

Senior Housing. A residential facility, licensed as a "home for the aged" by the Michigan Department of Public Health, providing room, board, and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either partner is 60 years of age or older. This does not include a development that contains convalescent or nursing homes; or a hospital for mental patients.

Setback, Required. The minimum horizontal distance that buildings and structures shall be separated from a public street right-of-way or private street easement, lot line, wetland, edge of a riverbank, or ordinary high water mark, to meet the minimum requirements of this ordinance.

- A. **Front Setback Line.** The line marking the minimum required building or structure setback distance from the road right-of-way line or the private road easement line that establishes the required front yard.
- B. **Rear Setback Line.** The line marking the minimum required building or structure setback distance from the rear lot line that establishes the minimum required rear yard.
- C. **Side Setback Line.** The lines marking the minimum required distance for buildings or structures from the side lot lines that establish the minimum required side yards.



Short-term Rental. A business engaged in the rental of a furnished dwelling unit to provide guest lodging for pay for periods not-to-exceed 29 consecutive days and which does not include serving food.

Sign. 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.

- A. **Awning sign.** A sign affixed flat against the surface of an awning.
- B. **Balloon sign.** A sign composed of a non-porous bag of material filled with air.
- C. **Banner sign.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- D. **Billboard.** 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.
- E. **Business center sign.** A freestanding sign typically identifying the name of a business center and/or one or more individual businesses within the center.
- F. **Changeable message sign, manual.** A portion of a sign on which copy may be changed manually.

- G. **Changeable message sign, electronic.** 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.
- H. **Directional sign.** A sign which gives traffic or wayfinding directions, instructions, or facility information for the use on the lot on which the sign is located.
- I. **Feather sign.** 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.
- J. **Flag.** A typically rectangular piece of fabric of distinctive design, attachable by one edge to a pole or rope, used as a symbol of a governmental body, institution, or organization; as a signaling device; or as a decoration.
- K. **Government sign.** A temporary or permanent sign erected by the city or other governmental entity.
- L. **Ground sign.** 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.
- M. **Historical marker.** 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.
- N. **Marquee.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- O. **Marquee sign.** A sign affixed flat against the surface of a marquee.
- P. **Mural.** A design or *representation* painted or drawn on a wall which does not identify an establishment, product, service, or activity.
- Q. **Off-premise sign.** 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.
- R. **Pennant.** A flag usually tapered to a point or swallowtail and used for identification or signaling.
- S. **Placard.** A sign not exceeding two square feet which provides notices of a public nature.
- T. **Pole sign.** A sign, not attached to a building or wall, supported on poles or supports with a minimum ground clearance of eight feet.
- U. **Projecting sign.** A double-faced sign attached to a building or wall that extends at least 12 inches but not more than 48 inches from the face of the building or wall.
- V. **Residential subdivision sign.** 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.
- W. **Roof line.** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.
- X. **Roof sign.** A sign projecting above the roofline of a building.
- Y. **Sandwich board.** A freestanding temporary sign consisting of two sign faces of equal size hinged at the top and placed on the ground.
- Z. **Streamer.** A long narrow wavy strip resembling or suggesting a banner floating in the wind.
- AA. **Temporary sign.** A sign, with or without a structural frame, intended for a limited period of display.

BB. **Wall sign.** 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.

CC. **Window sign.** A sign installed inside a window and intended to be viewed from the outside.

DD. **Yard sign.** A freestanding temporary sign placed on private property within a yard visible from a street.

1. *Rigid frame yard sign.* 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.* A yard sign, typically consisting of a fairly pliable “H”-shaped metal frame, one end of which is inserted into a plastic sign and the other end is inserted into the ground.

Site Plan. A scaled drawing of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

Solar Energy System (SES). An aggregation of parts including any base, mounts, tower, solar collectors, and accessory equipment such as utility interconnections and solar storage batteries, configured to convert solar radiation into thermal, chemical, or electrical energy.

- A. **Façade-mounted SES.** Solar panels attached to an exterior building wall.
- B. **Ground-mounted SES.** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
- C. **Maximum tilt.** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- D. **Minimum tilt.** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- E. **Photovoltaic system.** A semiconductor material that generates electricity from sunlight.
- F. **Roof-mounted SES.** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.
- G. **Solar array.** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
- H. **Solar collector.** A photovoltaic cell, panel or array, or a heated air or water collection device, which relies upon solar radiation as an energy source for the generation of thermal, chemical, or electrical energy, i.e., solar cells or solar panels.
- I. **Solar inverter.** A device that converts direct current (DC) electricity generated by the solar panel to alternating current (AC) electricity which the electrical grid uses.
- J. **Solar panels.** Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity.

Special Event. A temporary community event, such as a festival, fair, car show, sporting event, carnival, art fair, holiday celebration, Christmas tree sales, and similar public gatherings. *Special events* do not include garage sales, nor would they include events or activities which occur entirely within a park, street, or other property owned or controlled by the city or schools.

Special Land Use. A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special use permit review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.

State Licensed Foster Family Home. A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (Public Act No. 288 of 1939) are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

State Licensed Foster Family Group Home. A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (Public Act No. 288 of 1939) are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

State Licensed Residential Facility. 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 1979) and provides 24-hour supervision or care for six or fewer individuals who are aged, mentally ill, developmentally disabled, or physically handicapped and require supervision on an on-going basis, but who do not require continuous nursing care.

Story. 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. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

Street, Arterial. A street or highway which carries large volumes of traffic at relatively high speed between population centers or from one section of the city to another. Northland Drive, Courtland Drive, and Division Avenue are Arterial Streets.

Street, Collector. A public way designed primarily to connect local streets with arterial streets or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic. Summit Avenue, E. Bridge Street, Main Street (N. of Division), Monroe St. (N. of Division), Oak Street, and Fremont Street are Collector Streets.

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

Street, Private. A roadway contained within an easement which is privately owned and maintained, and which provides the principal means of access to more than two abutting lots.

Structure. A combination of materials constructed, erected, or placed in or upon the ground or attached to something having such a location. Structures may include but are not limited to buildings, elevated decks, gazebos, radio towers, signs, and swimming pools. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, patios placed at grade, and retaining walls shall not be considered to be structures for purposes of this ordinance.

Substantial Construction. The completion of excavation for footings and foundations; provided, if the project will not contain buildings or structures, the completion of grading shall constitute substantial construction.

Section A.8 Definitions T - Z

Temporary Use. A use or uses that occur on private property which are inherently temporary or which are proposed to be engaged in for only a relatively short period of time. Examples include construction related structures, model homes, and development sales offices.

Truck Terminal. 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.

Variance. A departure from or modification of any requirement of this ordinance authorized by the Board of Zoning Appeals under the provisions of this ordinance and the Michigan Zoning Enabling Act.

Vehicle Repair, Major. Any major activity involving the repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing; refinishing or steam cleaning; but not including vehicle wrecking, junking, salvaging, or fuel sales.

Vehicle Repair, Minor. General maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers, and distributors; replacement of mufflers and exhaust systems, brakes, and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment and balancing. This definition does not include tire recapping or grooving or any major mechanical repairs, collision work, or painting.

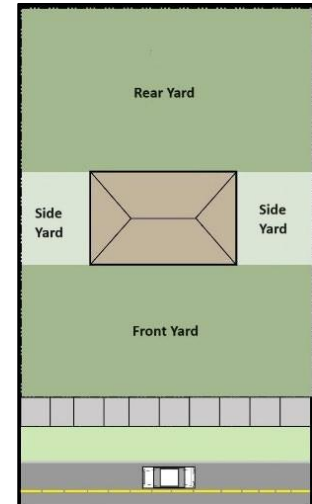
Vehicle Service Station. An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services, retail sales of convenience items, restaurant, and/or a single bay vehicle wash, but not overnight vehicle storage. This use does not include truck stops or truck fuel sales.

Vehicle Wash. A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of cars and light trucks and vans. This use may also include accessory outdoor vacuums.

Wireless Communication Tower. A structure designed and constructed to support one 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.

Yard. An open space at grade between a building and the adjoining lot lines.

- A. **Yard, front.** The space extending the full width of the lot, the depth of which is the shortest horizontal distance between the front lot line and the nearest wall of the principal building or a covered porch, deck, or patio attached to it. A corner lot has a principal front yard and a secondary front yard.
- B. **Yard, rear.** The space extending the full width of the lot, the depth of which is the shortest horizontal distance between the rear lot line and the nearest wall of the principal building or a covered porch, deck, or patio attached to it. Corner and through lots do not have a *Rear Yard*.
- C. **Yard, side.** The space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the shortest horizontal distance from the side lot line to the nearest wall of the principal building or a covered porch, deck, or patio attached to it.



Yard, required. The open area within the required minimum setback, on all four sides of a building.

Zoning Act. The Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended.

Zoning Administrator. The person designated by the City Council to administer the provisions of this zoning ordinance.

Zoning District. A portion of the city, as shown on the city zoning map, within which specific uses of land, structures, or buildings are permitted and within which specific regulations and requirements apply under the provisions of this ordinance.