

Zoning Ordinance

City of Rockwood, Michigan



Adopted November 15, 1995
Consolidated November 3, 2008

Includes amendments through Ordinance 447, effective October 22, 2008

McKenna
ASSOCIATES
I N C O R P O R A T E D

Zoning Ordinance

City of Rockwood, Michigan

Last Amended: October 22, 2008

Zoning Map Amended: March 19, 2008

Prepared by:

McKenna Associates, Inc.

Northville, Michigan

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**CITY OF ROCKWOOD
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. 340

An **ORDINANCE** to amend Chapter 51 of the codified ordinances of the City of Rockwood pursuant to enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the City of Rockwood, Wayne County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes, to divide the municipality into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance, by repealing Section 5.1 through 5.233 in their entirety and replacing them with Section 5.100 through 5.3007 to be known as the City of Rockwood Zoning Code. It is further the intent of this Ordinance publication to include all uses, special approval uses, and procedures to be permitted in the City of Rockwood. Any land use not listed in this Ordinance is not permitted unless determined to be a similar use following the procedure described in Article III, General Provisions.

PREAMBLE

WHEREAS, the City Council of the City of Rockwood has appointed the Planning Commission to recommend the boundary districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission did give due public notice of hearings related to zoning districts, regulations and restrictions, and has held such public hearings as required under Act 207, of Public Act 1921, as amended; and

WHEREAS, the Planning Commission has submitted its recommended report to the City Council; and

WHEREAS, all requirements of Act 207 of Public Acts 1921, as amended with regard to the preparation of this Ordinance and subsequent action of the City Council have been met.

ENACTING CLAUSE

The City of Rockwood hereby ordains:

ARTICLE I
Short Title

Section 5.100 Short Title

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

Section 5.101 Purpose

This Zoning Ordinance is based on the City of Rockwood Master Plan adopted by the Planning Commission which provides goals, objectives and a future land use map for the City. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- a. Establish zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
- b. Accommodate and promote land uses which are compatible with the City's character and conserve the property values and long term stability of residential neighborhoods, community facilities, the downtown area, commercial districts and industrial areas.
- c. Encourage use of the lands and natural resources in accordance with their character and capability. The Ordinance acknowledges the importance of these features on the long term economic climate of all uses in the City and the overall quality of life for City residents.
- d. Limit or prohibit improper use of land.
- e. Reduce hazards to life and property.
- f. Facilitate adequate and cost effective infrastructure systems, and protect the substantial public investment in those systems, including: transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.
- g. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
- h. Promote the gradual elimination of uses, buildings and structures which do not conform with the regulations and standards of this Ordinance.
- i. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Michigan Zoning Enabling Act.
- j. Balance the City's right to compatible and quality development consistent with the future land use plan with the property owners' right to a reasonable rate of return on investment.

Section 5.102 Conflicting Regulations

- a. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.
- b. Except as otherwise provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective

date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.

- c. No setback area or lot existing at the time of adoption of this section shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.
- d. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Board of Appeals to be more restrictive or impose a higher standard.
- e. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare; any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.
- f. Uses, buildings and structures that were nonconforming under the previous Zoning Ordinance gain no new rights through the adoption of the standards of this Ordinance unless they become conforming or more conforming by the regulations of this Ordinance.

Section 5.103 *Vested Rights: Effects on Projects Where Significant Construction Has Begun, and Site Plans Approved Prior To Effective Date*

- a. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided significant construction has lawfully begun, is being diligently carried on and shall be completed within one (1) year of the effective date of this Zoning Ordinance. The Board of Appeals may permit one (1) extension of up to one (1) year.
- b. If a lot has an approved site plan within twelve (12) months prior to the effective date of this Zoning Ordinance, such site plan shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Zoning Ordinance.
- c. If the conditions of this section are not met, the standards and provisions of this Zoning Ordinance shall govern.
- d. Except as noted above, nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

Section 5.104 *Validity and Severability Clause*

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Section 5.105 *Repeal of Prior Ordinance*

The Zoning Ordinance adopted by the City of Rockwood, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 5.106 Certification and Effective Date

The Public Hearing has been held as required by the City or Village Zoning Act (Act 207 of the Public Acts of 1921, as amended). The provisions of this Ordinance are hereby given immediate effect upon publication of its summary.

Adopted by the City Council of the City of Rockwood, Wayne County, Michigan, on November 15, 1995.

1. Date of Public Hearing: March 27, 1995
2. Date of Adoption by City Council: November 15, 1995
3. Date of Ordinance Publication: December 13, 1995
4. Date Ordinance shall take effect: December 23, 1995

ATTEST

STATE OF MICHIGAN

COUNTY OF WAYNE

I, the undersigned, the duly elected City Clerk for the City of Rockwood, Wayne County, Michigan, do hereby certify that this document is a true and complete copy of an ordinance passed, approved, and adopted by the Rockwood City Council on November 15, 1995, and original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said Meeting will be or have been made available as required by said Act.

Nancy Dvorak Rich, City Clerk

Mary Kay Metzger, Mayor

ARTICLE II

Construction of Language and Definitions

Section 5.200 Construction of Language

The following rules of construction apply to the text of this Ordinance:

- a. The particular shall control the general.
- b. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- c. The word "shall" and "will" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future; and words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- i. The phrase "such as" shall mean "such as, but not limited to."
- j. The word "including" shall mean "including, but not limited to."
- k. Terms not herein defined shall have the meaning customarily assigned to them.

Section 5.201 Definitions

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

Accessory use, building, or structure: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an accessory use.

Accessory use or accessory: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. Accessory use includes, but it is not limited to uses such as those that follow:

- a. Residential accommodations for servants and/or caretakers within the principal building.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

- d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- g. Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- h. Accessory signs, subject to the City Sign Ordinance for the district in which the zoning lot is located.

Act: The term "act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

Administrative Official: The City Official(s) designated by the City Council to administer and enforce the Zoning Ordinance of the City or his or her designee.

Adult foster care facility: A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- a. **Adult Foster Care Home:** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- b. **Adult Foster Care Small Group Homes:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- c. **Adult Foster Care Large Group Family:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- d. **Congregate Care Facility:** See "Housing for the Elderly."

Adult day care: A facility which provides care for over twelve (12) adults for less than 24 hours.

Adult regulated uses: As used in this Zoning Ordinance, the following definitions shall apply to adult regulated uses:

- a. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall **not** be included within the definition of an adult physical culture establishment:
 - 1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - 2. electrolysis treatment by a licensed operator of electrolysis equipment;
 - 3. continuing instruction in martial or performing arts, or in organized athletic activities;
 - 4. hospitals, nursing homes, medical clinics, or medical offices;
 - 5. barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only;
 - 6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
 - 7. a masseuse licensed by the State of Michigan and not engaged in massaging "specified anatomical areas" or engaged in "specified sexual activities" as described in this section.
- b. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines,

- and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- c. **Cabaret:** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- d. **Adult motion picture theater or adult live stage performing theater:** An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- e. **Adult model studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- f. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- g. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- h. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- i. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck and/or the shoulders.
- j. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- k. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- I. **Specified anatomical areas:** Portions of the human body defined as follows:
 - 1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
 - 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- m. **Specified sexual activities:** The explicit display of one or more of the following:
 - 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, buttocks, or female breast;

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

Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal hospital: See Clinic, veterinary.

Apartment: See Dwelling, multiple-family.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of six (6) or more mechanical amusement devices. For the purposes of this definition, mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile or Vehicle Dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

Auto repair, major: An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steamcleaning and similar activities.

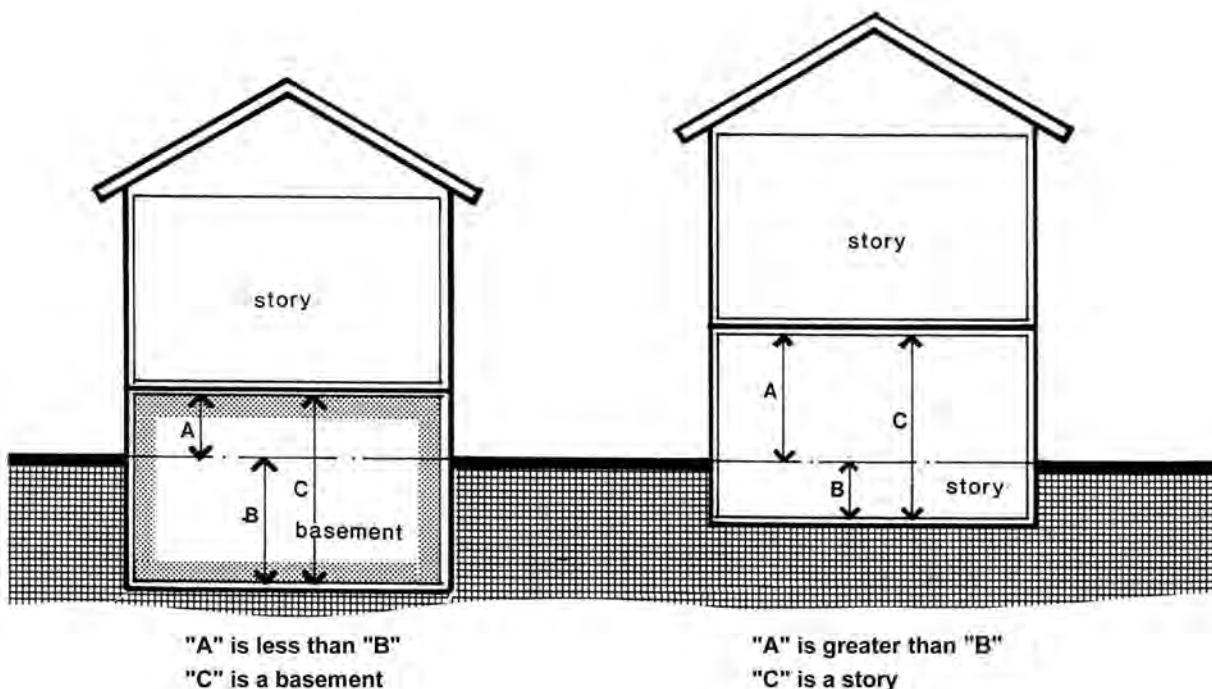
Automobile service center (minor maintenance and repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement 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, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

Automobile service (gasoline) station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Automobile or vehicle dealership: A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles to include outside storage of vehicles.

Automobile wash: Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

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. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.



Basement and Story

Bedroom: A room designed or used in whole or in part for sleeping purposes.

Bed-and-breakfast: A single family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

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

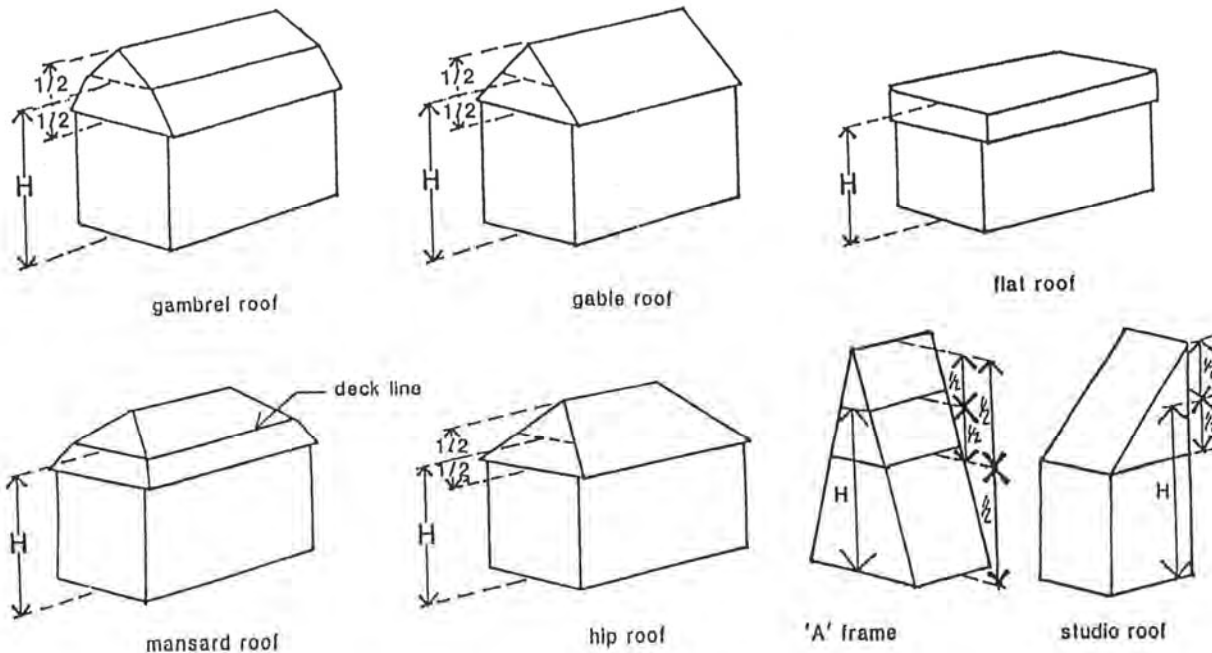
Board of Appeals: The Zoning Board of Appeals of the City of Rockwood.

Buildable area: The space remaining on a lot after compliance with the minimum required setbacks of the Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

Building envelope: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Zoning Ordinance.

Building height: The vertical distance measured from the established grade of the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs (see illustration).



Building Height

Building line: A line formed by parallel to the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, main or principal: A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

Caliper: The diameter measured at four and one-half (4.5) feet above the natural grade for existing trees; twelve (12) inches above the average surrounding grade for new trees over four (4) inches in caliper and six (6) inches above the average surrounding grade for trees less than four (4) inches in caliper.

Care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **Child care center or Day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less that two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b. **Family foster care or family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are

given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- c. **Group foster care or family group home:** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- d. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (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. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- e. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Cemetery: Land used or intended to be used for burial of the human dead including columbariums, crematories, and mausoleums and dedicated for such purposes.

Church (mosque or temple, etc.): Any structure wherein persons regularly assemble for religious activity.

City Council: The governing body of the City of Rockwood, Michigan.

Clinic, medical: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

Clinic, veterinary: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of animals, including those in need of medical or surgical attention.

Club, private or fraternal organization and lodge halls: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in the Zoning Ordinance.

Commercial use: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Zoning Ordinance "commercial use" shall not include industrial, manufacturing, or wholesale activities.

Commercial vehicle: Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- a. truck tractor;
- b. semi trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- c. vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;
- d. tow trucks;
- e. commercial hauling trucks;
- f. vehicle repair service trucks;
- g. snow plowing trucks;
- h. any vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Condominium: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Zoning Ordinance, condominium terms shall be defined as follows:

- a. **Condominium act:** Shall mean Public Act 59 of 1978, as amended.
- b. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in Article XXI Schedule of Regulations.
- c. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- d. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- e. **Common elements:** Portions of the condominium project other than the condominium units.
- f. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Zoning Ordinance and the Condominium Act.
- g. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- h. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Zoning Ordinance and the Condominium Act.
- i. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Zoning Ordinance and the Condominium Act.
- j. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- k. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- l. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- m. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Congregate housing: See Housing for the elderly.

Contractor's yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent home: See Nursing Home.

Convenience store: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

Curb cut (driveway): The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Cul-de-sac: See Street.

Deck: A platform, constructed of wood and attached to a house, which is commonly used for outdoor leisure activities.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public r.o.w. or easements.

Detention basin: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

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

District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

Dwelling unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having single cooking and bath facilities for each. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Zoning Ordinance.

Dwelling, accessory apartment: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- a. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- b. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- c. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- d. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Zoning Ordinance.

Dwelling, multiple-family: A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

- a. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- b. **Efficiency unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, one-family or single-family: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, two-family or duplex: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

Dwelling unit, single-family attached or townhouse: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Engineer, City: The City Engineer is the person or firm authorized to advise the City Administration, City Council and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee of the City.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential 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 or distribution system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales or business offices, or commercial buildings or activities or other similar uses.

Excavation: Any breaking of ground, except common household gardening and ground care.

Facade: The exterior wall of a building exposed to public view.

Family: means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Administrative Official or in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see also Sec. 315).

Filling: The depositing or dumping of any matter onto or into the ground, except as part of common household gardening or ground care.

Floor area, residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, usable (for purposes of computing parking): That area used or intended to be used for selling merchandise or services, or for serving patrons, clients, or customers. Such floor area which is used or intended to be used for utilities, hallways, or sanitary facilities shall be excluded from this 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 (see illustration).

Floor, ground: That building portion which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Fraternal organization: See Club.

Garage, private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Garden center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

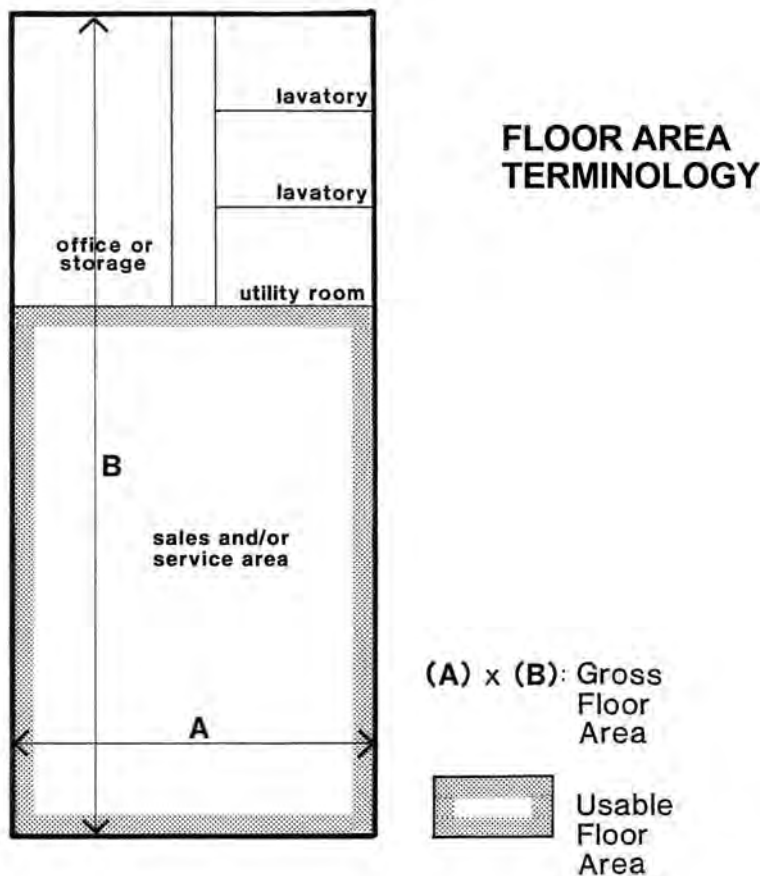
Gasoline service station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade: The ground elevation 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.

Greenbelt: A strip of land of specified width and location reserved for the planting of shrubs and/or trees, along with similar plant materials, all of which serve as an obscuring screen or buffer strip.

Group home: See Care Organization.

Gym or gymnasium: A room or building equipped for gymnastics, exercise or sport.



Hazardous uses: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code and/or Fire Protection Code adopted by the City.

Height of building: See Building Height.

Highway: See Street.

Home occupation: An occupation, trades, craft, profession or hobby conducted within a dwelling where such use is clearly incidental to the principal use of the dwelling as a residence.

Hospital: A facility offering 24-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term hospital shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals and ophthalmology centers.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing for the elderly: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55) or where the resident is physically challenged. Housing for the elderly may include the following:

- a. **Senior apartments:** Multiple-family dwelling units where occupancy is restricted to persons as outlined above.
- b. **Elderly housing complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 55 years of age or older or couples where either the husband or wife is 55 years of age or older, or other persons as outlined above.
- c. **Congregate housing:** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- d. **Dependent housing facilities (nursing homes):** Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Indoor recreation center: An establishment which provides indoor exercise facilities and/or indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this Zoning Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

Industry, heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ingress and egress: As used in this Zoning Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junk yard: An area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating private and commercial kennels.

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

Landfill: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- a. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Zoning Ordinance.
- b. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County, Michigan.
- c. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Zoning Ordinance.
- d. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- e. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- f. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- g. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
- h. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- i. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- j. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.
- k. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- l. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- m. **Sod:** An area of grass-covered surface soil held together by matted roots.

- n. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Wayne County, Michigan.
 - 1. Deciduous Tree: A variety of tree that has foliage that is shed at the end of the growing season.
 - 2. Evergreen Tree: A variety of tree that has foliage that persists and remains green throughout the year.
- o. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

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

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- a. A single Lot of Record.
- b. A portion of a Lot of Record.
- c. A combination of complete Lots of Record, or portion thereof.
- d. A condominium lot.
- e. A piece of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot, contiguous: Lots adjoining each other.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees (see illustration).

Lot coverage: The part or percent of the lot occupied by a building including accessory buildings.

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

Lot Division or Split: As defined and used in this ordinance, these terms mean divisions of land or lot splits not requiring platting under the Subdivision Act and the City's Subdivision Control Ordinance.

Lot, flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot, interior: Any lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein:

- a. Front lot line: In the case of an interior lot, is that line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.
- b. Rear lot line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Administrative Official or Building Inspector.
- c. Side lot line: Any lot line other than the front lot line or rear lot line. A lot line separating the "side" of a structure from a street is a front lot line (i.e. corner lots have two front lot lines). A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, through: Any interior lot having frontage on two (2), more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof. A lot of record is also referred to as a "plat map".

Lot width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Lot, zoning: A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Manufactured home: A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Master plan: The Comprehensive Community Plan adopted by the Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mechanical amusement device: Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- a. The device may be identified as a video, electronic or mechanical device.
- b. The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price.
- c. The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services.
- d. This definition does not apply to the following:
 1. a vending machine which does not incorporate gaming or amusement features;
 2. musical devices or coin operated radios; or
 3. television sets in private quarters.

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a trailer coach (recreational vehicle).

Mobile home sales: A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or renting mobile homes.

Mobile home park: A parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

Modular home: A pre-manufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

Mortuary or funeral home: An establishment where the human dead are prepared for burial or cremation and where wakes or funerals may be held.

Motel: A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include a conference room or banquet facility, an attached dining room, and/or an unattached standard restaurant.

Natural features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Nonconforming use and building: A use and/or a building, lawfully existing at the time of adoption of this Ordinance or any subsequent amendment hereto, which does not conform to the use, height, bulk, placement, or yard provisions of the zoning district in which it is situated (see Sec. 2601).

Nursery, plant materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) illumination (i) vibration, (j) shock waves, (k) heat, (l) electronic or atomic radiation, (m) objectionable effluent, (n) noise of congregation of people, particularly at night, (o) passenger traffic, (p) invasion of non-abutting street frontage by traffic.

Nursing home (convalescent or rest home): A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

Occupancy, change of: The term "change of occupancy" or "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

Occupied: Used in any manner at the time in question.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-street loading space: A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

On-street loading space: A location within the public street right-of-way which has been approved by the City for the standing, loading or unloading of trucks, vans or other vehicles.

Off-street parking lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

On-street parking spaces: Spaces designated and signed for public parking within the public street right-of-way.

Open air business uses: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structure and vehicles sold on the premises.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Open space: Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material, recreational facilities, permitted signs,

sidewalks, bike paths, and necessary drives and utility lines, unless as otherwise provided in this Ordinance. Where open space is required, no more than twenty-five percent (25%) of the required area shall be comprised of lakes, ponds, regulated wetlands or 100 year floodplain.

Outdoor storage: The keeping, outside of an enclosed building, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

Outlot: A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Parcel: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

Parking space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Performance guarantee: A financial guarantee, also referred to as a performance bond, to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development. Also referred to as a "performance bond."

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal fitness center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is legally available and customarily kept for pleasure or companionship.

Pool or billiard hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

Planner, City: The City Planner is the person or firm designated by the Planning Commission to advise the City Council, City Planning Commission, and City staff on planning, zoning, land use, housing, and other related planning and development issues.

Planning Commission: The City of Rockwood Planning Commission.

Principal use: The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the Principal Use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Property lines: The lines bounding a lot; the lot lines.

Public utility: A public corporation, franchise, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

Reasonable access: An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

Reception antenna facility: An exterior apparatus that is capable of receiving communication for radio or television purposes including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from township regulation by applicable state, FCC or other federal laws or regulations.

Recreation land: Any publicly or privately owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

Recreational vehicle: "Recreational Vehicles" shall include the following:

- a. **Travel trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- b. **Pickup camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- c. **Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- d. **Folding tent trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- e. **Boats and boat trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- f. **Other recreational equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Recycling center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

Recycling collection station: A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

Restaurant: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- a. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- b. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- c. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.
- d. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.
- e. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
 1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
 2. the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- f. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or

lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention basin: A pond, pool, or basin used for the permanent storage of storm water runoff.

Right-of-way: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Seasonal or Special event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Rockwood or by a non-profit City of Rockwood community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Service drive: Any private road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Semi-trailer: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Service truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (Refer to the Schedule of Regulations, Article XXI, for minimum setbacks).

Shopping center: A grouping of retail businesses and service uses on a single site with common parking facilities.

Shoreline: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Site plan: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this Ordinance.

Special land use: Any land use which requires approval by the City Council according to the standards listed in this Ordinance, and as authorized in the Michigan Zoning Enabling Act.

Stable, commercial: A facility for the rearing and housing of horses, mules, ponies or for riding and training academies.

Stable, private: An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- a. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Wayne County, the State of Michigan or the federal government, but which meets the

requirements of this Zoning Ordinance or has been approved as a private road by the City under any prior ordinance.

- b. **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Wayne County, State of Michigan or the federal government.
- c. **Arterial road:** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.
- d. **Collector street:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- e. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
- f. **Local or minor street:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6") and a floor area of 50% or less than full floor below it. For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling (see illustration).

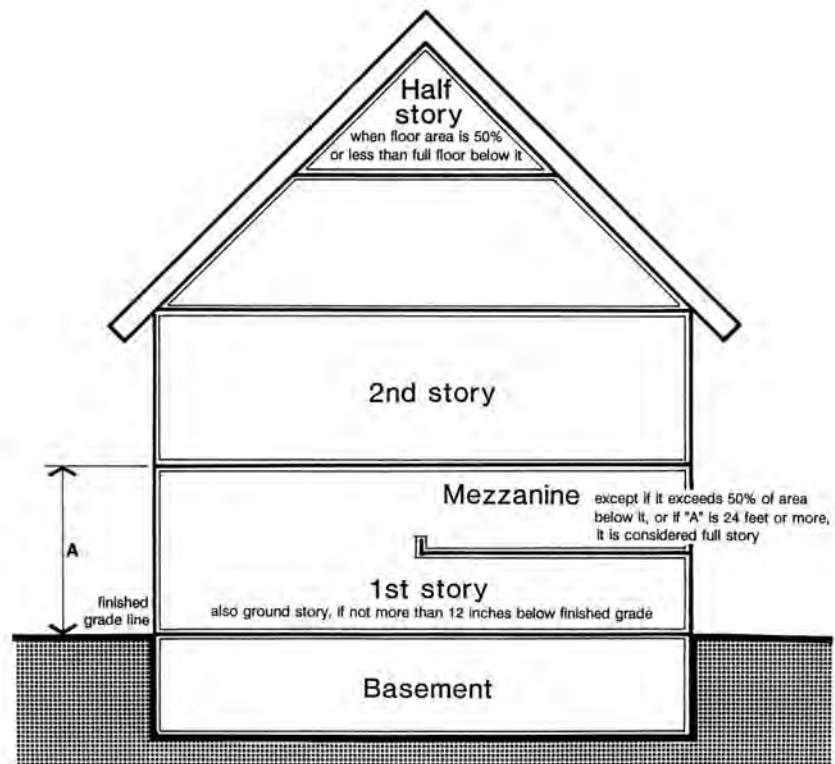
Street line (right-of-way line): The dividing line between the street and a lot.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, and a mobile home. Driveway access drives, sidewalks, street directional or street name sign, and landscape improvements are not considered a structure in regards to restrictions on placement within setback areas.

Structural addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended, and Title Four, Subdivision Regulations, of the Codified Ordinances of Rockwood.

Substance abuse treatment facility: Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.



Basic Structural Terms

Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming pool: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and with a surface area greater than two hundred fifty (250) square feet, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Temporary building: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements listed in the City Building Code, as amended.

Temporary uses and seasonal events: Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

Theater: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

Topographical map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure, or group of structures, each of which contains three (3) or more attached one family dwelling units with individual rear yards and or front yards designed as an integral part of each one family dwelling unit.

Toxic or hazardous waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- a. an increase in mortality, or
- b. an increase in serious irreversible illness, or
- c. serious incapacitating, but reversible illness, or
- d. substantial present or potential hazard to human health or the environment.

Transition zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Truck storage: An area used for the temporary storage of private trucks or trucks for hire.

Truck terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for:

- a. Immediate distribution to other parts of the City.
- b. Amalgamation for delivery in larger units to other intrastate or interstate destinations.
- c. Distribution or amalgamation involving transfer to other modes of transportation.

Urgent medical care center: A free-standing medical clinic which offers emergency type care.

Use: The principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

Utility trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Veterinary hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock or other animal that may be legally owned.

Wall, obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete in contrast to a fence which may be constructed of wood.

Waste receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection, having capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following: (1) contiguous to an inland lake or pond, or a river or stream; (2) not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size (this requirement does not apply to counties of less than 100,000 population unless the MDNR has inventoried the wetland in this county); (3) determined by the MDNR that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction. (Refer to Goemaere-Anderson Wetland Protection Act, P.A. 203, 1979, as amended.)

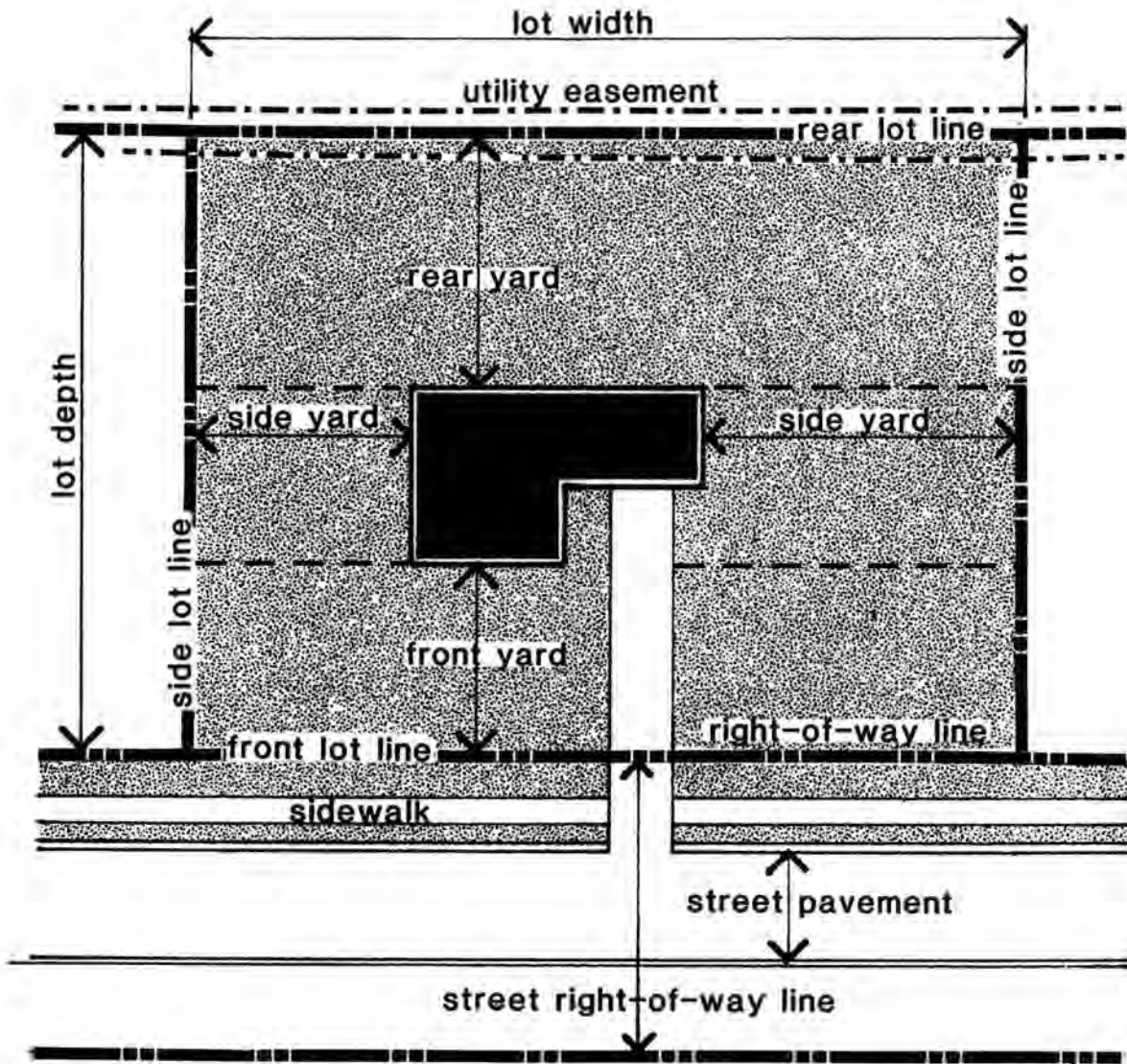
Warehouse: A building used primarily for storage of goods and materials.

Wholesale sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein (see illustration):

- a. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- c. **Side yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Act: The Michigan Zoning Enabling Act (Act 110 of the Public Acts of Michigan of 2006, as amended).



Yard Terms

ARTICLE III

General Provisions

Section 5.300 Introduction

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise specifically addressed.

Section 5.301 Withholding Of Approval

The Planning Commission, Board of Appeals or City Council may withhold granting of approval of any use, Special Land Use, site plan, Planned Unit Development Plan, variance or other approval required by this Ordinance pending approvals which may be required by State, County or Federal agencies or departments.

Section 5.302 Voting Place

The provisions of this Article shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a City, school or other public election.

Section 5.303 Lot Area

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted other than Special Land Uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

Section 5.304 Principal Building, Structure Or Use

No lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured housing parks, unified shopping centers, an auto dealership, an office complex, a multi-building industrial use or a Planned Unit Development.

Section 5.305 Single Family Dwelling Design Standards

Amended by Ordinance 442 on August 6, 2008

Single family dwellings, whether mobile homes, manufactured homes, modular homes (as defined in Section 5.201) or site ("stick") built homes, located outside a mobile home park shall conform to the standards of this Section in addition to HUD standards and the State Construction Code, as appropriate. In order to preserve the substantial investment of property owners in single family neighborhoods, single family homes erected in residential districts shall not be grossly dissimilar to the exterior design and appearance of existing detached single family homes in the surrounding area. The term "grossly dissimilar" as used in this Section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents.

The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Community Master Plan.

- a. **Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Manufactured Home Construction and Safety Standards" as promulgated by the United States Department of Housing and

Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.

- b. **Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the State Construction Code as adopted by the City along with other regulations contained within the City Code.
- c. **Certification:** If the dwelling unit is a mobile home, the mobile home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (a) above, and found, on inspection by the Administrative Official or their designee, to be in excellent condition and safe and fit for residential occupancy.
- d. **Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article XXI for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
- e. **Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a manufactured home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
- f. **Undercarriage:** In the event that a dwelling unit is a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation shall fully enclose the towing mechanism, undercarriage and chassis.
- g. **Storage area:** Each dwelling unit shall contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
- h. **Architectural Compatibility:** Each home shall be aesthetically compatible in design and appearance with other residences in similar zoning districts within three hundred (300) feet of the subject dwelling unit, with measurements made from the edge of the lot in each direction. The determination shall be made by the Administrative Official (or designee) based on the following factors:
 - 1. The residential floor area of the proposed dwelling shall be at least seventy five percent (75%) of the average square footage of constructed single family dwellings in the surrounding area.
 - 2. The design and position of windows shall not be grossly dissimilar in relation to other single family homes in the surrounding area.
 - 3. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
 - 4. A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling.
 - 5. The width across any front, side or rear elevation shall be a minimum of twenty-four (24) feet and comply in all respects with the State Construction Code as adopted by the City.
 - 6. The main roof of each dwelling shall have a minimum 6:12 pitch and the minimum distance from the eaves to the ridge shall be fourteen (14) feet. The Planning Commission may modify this requirement upon a determination that such modification meets the spirit and intent of the Section.

7. Exterior Building Material Standards. The exterior building materials and treatment of any single family dwelling planned and constructed after the effective date of this ordinance, whether of a mobile home, manufactured home, modular home, or site built home, shall be of a finished quality consistent with the residential character of the City. The standards established herein are intended to reduce the use of materials that tend to be easily damaged or that will quickly degrade (such as metal and plastic sidings) or that convey a non-residential image (such as unfinished concrete). The use of more durable materials, such as brick or stone, is encouraged
 - a. At a minimum, 50% of the total of all exterior walls of each residential dwelling shall be constructed of, or covered with, masonry materials such as face (clay) brick or stone (natural or manufactured). Masonry materials do not include concrete, concrete block, split-face block, or the like.
 - b. Not less than 50% of any exterior wall facing a street shall be constructed of, or covered with, masonry materials.
 - c. The City may approve alternative exterior building materials equivalent to or exceeding the standards of this Section.
8. Applicability. The standards of this Section shall apply to new construction of any single-family residential dwelling in a new or existing residential subdivision, site condominium development, or Residential Planned Unit Development. The standards of this Section shall be included in the covenants, restrictions, and/or master deed of any development subject to these standards. The covenants, restrictions, and/or master deed shall be submitted to the City for review to ensure compliance with all City codes and ordinances. These documents shall be subsequently recorded in the Office of the Wayne County Register of Deeds.
9. Appeal of Determination. An applicant may appeal to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of the Administrative Official's decision.
8.
 - i. **Sewage disposal, storm sewer, and water supply:** Each such dwelling unit shall be connected to a public sanitary sewer and water supply.
 - j. **Exceptions.**
 1. Dwellings in Mobile Home Parks. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes that do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses.
 2. Bona Fide Historical Reproduction. Where homes are proposed to reproduce a bond fide historical period (e.g., traditional New England Colonials or Saltbox, Victorian, Queen Ann, Early American Bungalow or Farmhouse style), the Planning Commission may vary the standards of this Section. Reproductions must be true to the historic style and compatible with the surrounding neighborhood.
 3. Innovative Design. The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

Section 5.306 Regulations on Use of Building For Dwelling

Dwellings are not permitted in office, commercial or industrial districts except for legal nonconforming dwellings existing at the time the Zoning Ordinance was adopted and caretaker's quarters in a funeral home or veterinary clinic subject to the standards of this Ordinance and the City Building Code, or housing used exclusively by security or custodial personnel and approved by the Board of Appeals. The use of trailers and recreational vehicles for housing such security and custodial personnel is prohibited.

Section 5.307 State Licensed Residential Child and Adult Care Facilities

State licensed child and adult care facilities, as defined in Article II, Definitions, are allowed within a residential structure in residential districts only as provided for in the following table.

TYPE OF FACILITY	ZONING DISTRICTS	
	RA-1, RA-2, RA-3 R-B, OR	R-C
Adult foster care family home <i>Six or fewer adults</i>	Permitted	Permitted
Adult foster care small group home <i>12 or fewer adults</i>	NOT PERMITTED	<i>Special Use</i>
Adult foster care large group home <i>13 to 20 adults</i>	NOT PERMITTED	<i>Special Use</i>
Foster family home <i>Four or fewer children, 24 hours per day</i>	Permitted	Permitted
Foster family group home <i>Five to six children, 24 hours per day</i>	Permitted	Permitted
Family day care home <i>Six or fewer children, less than 24 hours per day</i>	Permitted	Permitted
Group day care home <i>Seven to twelve children, less than 24 hours per day</i>	NOT PERMITTED	<i>Special Use</i>

Permitted: Permitted by right in zoning district.

Not Permitted: Not allowed in zoning district.

Special Use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the general and specific standards of Article XXII Special Land Uses.

Section 5.308 Determination of Similar Uses

In recognition that every potential use cannot be addressed in this Zoning Ordinance, each district includes the phrase "Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 5.308" at the end of the list of Special Land Uses. The Planning Commission shall make a determination of "Uses of the same nature and class..." according to the following:

- a. A finding the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district.
- b. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the City. The Planning Commission may determine that there is no similar use and that the use should be prohibited (see Section 5.309).
- c. Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.
- d. The Planning Commission or applicant shall have the option to request that the City Council consider an amendment to the Zoning Ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.

- e. The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land Uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses.

The Planning Commission's determination of a "Similar Use" may be appealed to the Board of Appeals.

Section 5.309 Prohibited Uses

Basis: Certain uses may not be appropriate within the City of Rockwood given the existing development pattern, environmental condition and overall character of the community. In accordance with the Village and City Zoning Act, a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a City if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the City or surrounding area. In determining if there is no appropriate location for the requested use within the City, the Planning Commission shall consider the following:

- a. The land area required by the proposed use.
- b. Existing environmental conditions and potential environmental hazards.
- c. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views.
- d. Demand and capacity of utilities and municipal services to support the proposed use.
- e. Finding there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

The Planning Commission determination of a "Prohibited Use" may be appealed to the Board of Appeals.

Section 5.310 Essential Public Services

- a. Essential services, buildings and structures shall be permitted in any zoning district, as authorized under a franchise in effect within the City and subject to regulation as provided in the laws of the State of Michigan and other City Ordinances. It is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Appeals.
- b. Public and On-Site Utilities: Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the City.

Section 5.311 Accessory Buildings

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- a. **Relation to principal building.** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- b. **Attached to Main Building.** Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Article applicable to main buildings.
- c. **Location.** Accessory buildings shall not be erected in any required yard except a rear yard.
- d. **Area.** An accessory building shall not exceed eighteen (18) feet in height and may occupy not more than twenty-five (25%) percent of a required rear yard plus forty (40%) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

- e. **Locate in Rear Yard.** An accessory building shall be located on the rear of the lot, except when structurally attached to the main building, not having a common party wall, and except for attached residential projects covered parking bays may be permitted in the rear of main buildings if the Planning Commission approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- f. **Setbacks.** No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than two (2) feet to any side or rear lot line. The ten (10) foot separation requirement may be reduced by up to ten (10) percent upon a finding of the Administrative Official that a ten (10) foot separation can not be provided.
- g. **Height.** No detached accessory building in RA-1, RA-2, RA-3, R-B, R-C, B-1, 0-1 and P-1 Districts shall exceed one (1) story, or eighteen (18) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Appeals review and approval when such structures exceed two (2) stories in height.
- h. **Corner Lot.** When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.
- i. **Use.** When an accessory building, in any residential, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.
- j. **Drainage.** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Administrative Official, City Engineer, or Building Official may require grading plans or a sketch plan to ensure compliance with this provision.
- k. **Permit required.** Any accessory building or structure greater than one hundred (100) square feet shall require a building permit.

Section 5.312 Swimming Pools

Amended by Ordinance 437 on December 5, 2007

- a. **Swimming Pool Defined.** In addition to the definition of 'swimming pool' given in Article II of this Zoning Ordinance, the term 'swimming pool' shall include any structure intended for swimming or recreational bathing that is capable of containing water over 24 inches deep. 'Swimming pool' includes in-ground, aboveground, and on-ground (e.g., inflatable) pools, hot tubs, and spas.
- b. **Requirement for Fence or Barrier.** Every person owning land on which there is located a swimming pool shall erect and maintain thereon a fence or enclosure at least four feet in height with a secured gate approved by the Building Official in conformance with the City Building Code. Decks attached to the pool found to meet the height, security and other requirements of the Building Code as determined by the Building Official may be determined to meet the fencing requirement. The rigid side wall of an aboveground swimming pool may be determined to either partially or wholly meet the barrier requirement, provided that the total height of the side wall and any fence attached thereon is not less than the minimum height for a required fence or enclosure around a swimming pool.
- c. **Restriction from Front Yard.** Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- d. **Setbacks.** There shall be a minimum distance of not less than ten feet between the adjoining property line and the outside of the swimming pool wall. The required side yard setbacks of the zoning district (Article XXI) shall apply to side yards if greater than ten feet.
- e. **Building Separation.** There shall be a distance of not less than four feet between the outside edge of the swimming pool wall and any building located on the same lot.
- f. **Surrounding Walk.** All public swimming pools shall be surrounded by a slip resistant walk at least four feet wide.

- g. **Permits Required.** Construction shall be in accordance with the City Building Code. Permits shall be applied for and issued from the Building Inspector prior to excavation or construction of any swimming pool, spa, hot tub or similar device requiring a fence or barrier as noted above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the City Building Official must be obtained prior to use of the swimming pool.

Section 5.313 Waste Receptacles

Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- a. **Location.** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.
- b. **Access.** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- c. **Base Design.** The receptacle base shall be at least ten (10) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- d. **Enclosure.** Waste receptacles shall meet the following standards:
1. Each waste receptacle shall have an enclosing lid or cover.
 2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
 3. The enclosure shall be a berm or constructed of brick, concrete or decorative precast panel with brick effect or a wooden enclosure provided the lumber is treated to prevent decay or is determined by the Administrative Official to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete forty-two (42) inches below grade. Posts shall be either 6 x 6 inch pressure treated wood or three (3) inch diameter galvanized steel posts.
 4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.

Section 5.314 Fences

Amended by Ordinance 391 on November 21, 2001

Fences are permitted in all zoned classifications subject to Chapter 1464 and the following regulations:

- a. **Permits.** The erection, construction or alteration of any fence shall require a permit to be secured from the City pursuant to the procedure set forth in Chapter 1464 of the Codified Ordinances and said fence shall be constructed pursuant to the standards set forth in said chapter.
- b. **Height .** All fences constructed or reconstructed within the City shall be constructed not less than three feet in height and no more than the following heights dependent upon the zoning designation set forth below:
- i. Between residential properties: 4 feet, unless it is determined by the Planning Commission that a higher fence is necessary based on conditions and use of the site and the intended function of the fence, but by no means higher than 6 feet;

- ii. Between residential and commercial: 6 feet;
- iii. Between residential and industrial: 6 feet, unless it is determined by the Planning Commission that a higher fence is necessary based on conditions and use of the site and the intended function of the fence;
- iv. Between commercial and commercial: 6 feet, unless it is determined by the Planning Commission that a higher fence is necessary based on conditions and use of the site and the intended function of the fence;
- v. Between commercial and industrial: 6 feet, unless it is determined by the Planning Commission that a higher fence is necessary based on conditions and use of the site and the intended function of the fence;
- vi. Between industrial properties: 6 feet, unless it is determined by the Planning Commission that a higher fence is necessary based on conditions and use of the site and the intended function of the fence;
- vii. Junk and coal yards: 6 feet, unless consent of the fifty percent of property owners of properties residing within 500 feet of junk or coal yard has been obtained for a higher fence.
- viii. Auto parts yards: 10 feet.

Section 5.315 Reception Antennas

Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas below three hundred (300) watts of output, erected or installed in any zoning district shall comply with the following requirements. Traditional television and radio antennas, reception antennas with a diameter of two (2) feet or less and short wave (HAM) radio antenna, are exempted from these regulations when not exceeding a fifty (50) foot height above mean grade or ten (10) feet above the roofline in a residential district; or one hundred (100) feet above mean grade in other zoning districts based on a finding that they do not impose potential negative safety, aesthetic and welfare problems.

- a. There shall be only one (1) antenna constructed per parcel or lot.
- b. An antenna, tower or satellite dish antenna shall be located only in a side or rear yard.
- c. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
- d. Ground-mounted satellite dish antennas in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall. The applicant shall submit a sketch plan to the Administrative Official for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location. Ground-mounted antennas shall be subject to the following conditions:
 1. Maximum height permitted shall be fourteen (14) feet and seventeen (17) feet if placed on a structure.
 2. The antenna shall be located in the non-required side or rear yard area.
 3. The antenna shall be obscured from the view of adjacent properties by a screening wall or fence, evergreen plantings, or a combination of the above.
- e. The diameter of antennas and satellite dishes shall not exceed ten (10) feet.
- f. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.
- g. Erection or movement of an antennae, tower or satellite dish shall require approval from the Building Official. Roof-mounted antennas shall be subject to the following conditions:
 1. For the purposes of this section, a reception antenna regulated by this Section shall be considered to be a portion of the structure and must comply with the maximum building height regulations in Article XXI.

2. All roof-mounted antennas must be anchored in an approved as outlined in the City Building Code.
 3. The antenna shall not be mounted on the front of the structure.
- h. **Variances:** The Board of Appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception and that adjacent properties shall not be negatively impacted.

Section 5.316 Accessory Use and Building Parking

Each accessory use that may generate additional demand for parking shall provide parking in addition to that required for the principal use. The parking standards provided in Article XXI shall be used as a guide to determine additional parking needed. If no specific standard is provided, the Administrative Official shall determine the additional parking needed based on factors such as increased occupancy potential, additional employees or patrons expected.

Section 5.317 Natural Features Preservation: Woodlands

The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in the City of Rockwood. These standards are intended to prevent the unnecessarily removal of woodlands prior to, during and following construction on a site.

- a. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or greater on a site, as determined by the Planning Commission, shall first notify the City of the intent of such clearing and/or earth change and submit a proposed sketch plan describing sites features for review and approval by the Planning Commission. In the case that such clearing is proposed on a site requiring site plan review, this information shall be provided as part of the submittal requirements for site plan review.
- b. The Planning Commission shall review the sketch plan and approve a clearing plan which minimizes disturbance to valuable natural site features and trees which exceeded the (8) inch caliper standard.
- c. This section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives, removal of trees posing a hazard to existing structures; nor shall this ordinance prohibit site alterations for farming purposes or . The Planning Commission may waive the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.
- d. Single family residential lots of record and residential lots or condominium sites within an approved site plan, subdivision, or lot split shall be exempt from the provisions of this Section.

Section 5.318 Natural Features Preservation: Wetlands

The City of Rockwood intends to promote compliance with the Goemaere-Anderson Wetland Protection Act 203 of 1979, as amended. The City encourages placement of buildings to protect Michigan Department of Natural Resources regulated wetlands and non-regulated wetlands between two acres and five acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the City Master Plan.

- a. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDNR, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with MDNR standards.
- b. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.

- c. Where stormwater is planned to drain into a wetland, a filtration strip or other material shall be used to control runoff of sediment and the wetland. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.
- d. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section or the MDNR regulations.

Section 5.319 Land Divisions Not Requiring Platting (Lot Splits)

The following standards shall apply to proposed divisions of land or lot splits not requiring platting under the Subdivision Act and the City's Subdivision Control Ordinance.

- a. No lot, outlot or other parcel shall be divided or changed without the written approval of the Planning Commission in accordance with the procedures of this Section.
- b. Applicants for a lot, outlot or other parcel division shall submit a written application to the Administrative Official. The application shall be accompanied by a survey prepared and certified by a licensed and registered land surveyor. The survey shall depict the original parcel, the proposed division, existing buildings, utilities, easements, drainage, all pertinent dimensions, legal descriptions of the new parcels to be created by the division and such other pertinent data as the Administrative Official determines is necessary.
- c. The proposed division shall not create parcels which would fail to meet the minimum standards of the zoning district in which they are located, nor shall such division leave any existing principal or accessory buildings in violation of yard setback requirements; provided, however, that if existing nonconforming conditions are to be lessened by the proposed division, this requirement may be waived by the Planning Commission.
- d. The Administrative Official shall determine if reviews of the application by the City Planner, City Engineer or other City Officials are needed to determine compliance with this Section. Upon completion of the necessary reviews, and provided that all taxes and special assessments on the original parcel have been paid, the Administrative Official shall recommend approval or denial of the application to the Planning Commission. The Planning Commission shall act on the application at its next regularly scheduled meeting after receipt of the recommendation.

Section 5.320 Minimum Frontage on a Street

No lot shall be used for any purpose permitted by this Ordinance unless said lot has at least thirty (30) feet abutting a public or private street or otherwise provided in this Ordinance. This shall not preclude use of existing lots of record which have a frontage of less than thirty (30) feet. The intent of this Section is to ensure no new lots with less than thirty (30) feet of frontage are created and that conformance be required where reasonable.

Section 5.321 Calculation of Buildable Lot Area

In the calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel. Lakes and ponds, overhead utility easements, public street rights-of-way and private road easements are excluded from area calculations for buildable lot area.

Section 5.322 Exterior Lighting

- a. **Shielding.** Only non-glare, color corrected lighting shall be permitted. All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts. The lighting source shall not be visible from adjoining properties.
- b. **Intensity.** In parking lots, lighting shall average one (1) foot candle measured at the surface. No lighting may extend beyond the property line. A lower intensity may be required by the Planning Commission where the adjacent zoning district is residential. The Administrative Official may require a photometric plan (lighting grid) to determine the appropriateness of proposed lighting layout and intensity.

- c. **Height of fixtures.** The maximum height of light fixtures in parking lots shall be thirty (30) feet, measured from the parking lot surface to the centerline of the lighting source. The Planning Commission may modify that height standard in commercial and industrial districts based on consideration of the type of fixture, the height of surrounding buildings, existence of landscaping, the potential off-site impacts and the general character of the surrounding uses. In no case shall the height of the lighting fixture exceed the maximum height permitted for principal buildings in the zoning district.
- d. **Fixtures.** Cut-off shoe box type fixtures shall be required in any parking lot adjacent to a residential district. Lighting fixtures shall be mounted on milled steel or planed wooden poles. Lighting fixtures shall not be attached to utility poles.
- e. **Building illumination.** All lighting in non-residential districts or for non-residential uses used for the external illumination shall be placed and shielded to prevent interference with the vision of motorists or nearby residents.
- f. **Plan requirements.** Parking lot and building lighting illumination shall be illustrated and described on the site plan, including details showing the type of fixture, height of poles and any proposed illumination of buildings, signs or landscaping. Illumination of signs or buildings shall be directed to prevent interference with motorists.
- g. **Wiring.** No wiring shall be exposed.
- h. **Restrictions.** All illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. Illumination of any outdoor feature shall be directed or shaded to not interfere with vision of motorists or to adjacent property. Artificial light shall be maintained stationery and constant in intensity and color.

Section 5.323 Entrance Features

In all districts, so called entrance-way structures including but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, office complexes, shopping centers and industrial parks may be permitted and may be located in a required yard, but not within a public street right-of-way, provided such entrance-way structures do not conflict with required sight distance (see Section 5.328).

Section 5.324 Building Grades

- a. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- b. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
- c. The final grade shall be approved by the Building Official or City Engineer.

Section 5.325 Excavation or Holes

The construction, maintenance or existence within the City of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided; however, this section shall not prevent any excavation under a permit issued pursuant to this Ordinance or the City Building Code. Where such excavations are properly protected and warning signs posted in such a manner as may be required by the Administrative Official.

Section 5.326 Buildings to Be Moved

Any building or structure which has been wholly or partially erected on any premises within or outside the City of Rockwood shall not be moved to and/or placed upon any premises in the City unless a building permit for such a building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

Section 5.327 Minimum Contents of Traffic Impact Study

Where a traffic impact study is required or requested by the Planning Commission or City Council, including when a component in an overall Impact Study, the applicant shall bear the cost for preparation and evaluation of a study prepared by a traffic engineer with experience preparing traffic impact studies in Michigan during the preceding three (3) years to address the following:

- a. Existing conditions including existing daily and peak hour traffic on adjacent street(s), a description of any sight distance limitations along the site's right-of-way frontage and accident histories within five hundred (500) feet of the site and for any intersection which will experience a traffic volume increase of at least five percent (5%) during the day or during a peak hour due to the proposed project.

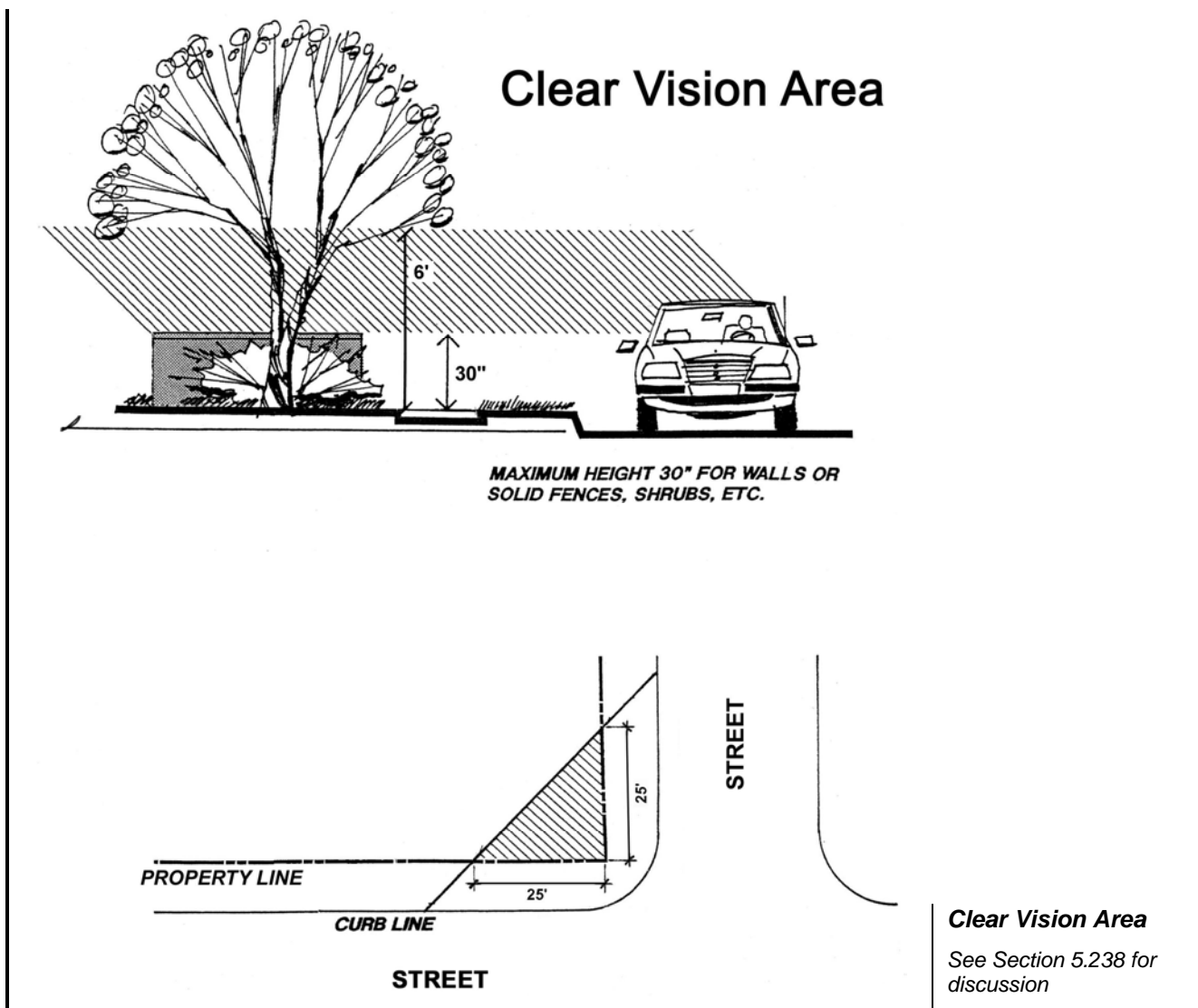
Where existing traffic counts are more than two (2) years old, new counts should be taken. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study.

- a. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
- b. For requests for a zoning change when such request represents a departure from the land use proposed in the City Master Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The Planning Commission shall determine typical uses to be considered.
- c. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at major site access points and nearby intersections or expressway interchange ramps. Rationale for the distribution shall be provided. If any streets are proposed for realignment or vacation, the study shall forecast the changes in traffic conditions along affected streets.
- d. Capacity analysis at the proposed access points along public streets using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Pre- and post- construction capacity analyses shall also be performed at all street intersections or expressway ramps where the expected traffic will comprise at least five percent (5%) of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the City.
- e. The City may require a "gap study" to analyze the frequency and duration of gaps in the flow of through traffic to accommodate turning movements.
- f. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- g. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet, other data to demonstrate that the design and number of

- driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this ordinance.
- h. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Wayne County Department of Public Services or the Michigan Department of Transportation, as appropriate.
- i. Resume and qualification of the preparer.

Section 5.328 Clear Vision Zone

There shall be a clear vision zone at all corners of intersecting streets and/or private roads, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of 30 inches to six (6) feet above centerline elevation of abutting streets, except not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area (see illustration). A greater clear vision area may be reviewed where necessary in view of anticipated traffic volumes, traffic speeds, geographic or topographic conditions or based on a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).



Clear Vision Area
See Section 5.238 for discussion

Section 5.329 Access through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

Section 5.330 Temporary Uses and Seasonal or Special Events

Temporary uses, temporary sales and seasonal or special events may be allowed in any nonresidential district upon issuance of a permit, when providing the following submittal information and meeting the standards of this Section.

- a. **Submittal information.** The applicant shall submit the following to the Administrative Official:
1. An application form and required fee, established by the City Council. The amount of the permit fee may vary depending upon the type of event. The application should also describe procedures to be used for traffic/parking management, waste disposal, security and similar measures to minimize any negative impacts.
 2. A written description of the proposed use or event, and the start and end dates.
 3. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event.
 4. Information establishing a reasonable liability insurance coverage is carried, to the satisfaction of the City.
 5. A plot plan (to scale) illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, boundaries of proposed sales/activity areas, any proposed lighting, calculation of required parking based on the standards of Article XXIII, layout and materials for parking areas, proposed traffic circulation, location of fire hydrants, location and size of any proposed signs, and any other information deemed to be necessary by the Administrative Official.
 6. The proprietor of the temporary use or seasonal event shall deposit a performance guarantee or escrow, in an amount and form acceptable to the Administrative Official, prior to the issuance of a permit. The performance guarantee shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this and any other applicable ordinances.
- b. **Standards and Procedures for Review.** The review of proposed temporary uses, temporary sales and seasonal events shall be by the Administrative Official. The proposed use or event shall not be approved unless all of the following standards are met:
1. All required information has been submitted.
 2. The proposed temporary use or event will be on a lot with a permitted principal building or, if on a vacant lot, meets the minimum required setback for buildings in the zoning district (Article XXI).
 3. The proposed use, layout, hours of operation and site improvements, such as fencing, are designed to help ensure compatibility with surrounding land uses.
 4. Adequate off-street parking and circulation will be provided. Where Article XXIII does not require parking for the proposed use, at least one parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity. The Administrative Official may require sufficient parking to accommodate the use based on reference sources and experiences of the City of other communities.
 5. Adequate provisions have been made for trash disposal, sewage disposal and security.
 6. All applicable City Building Codes and Ordinances will be met.

- c. **Operational standards.**
1. The length of a temporary use or sales event shall not exceed seven (7) days during a season, except that sales of Christmas trees are permitted for up to forty-five (45) days. Uses and events which are to occur on a regular schedule (such as every weekend) or over a period of longer than seven (7) days shall be permitted only in commercially zoned districts, based upon a decision by the Board of Appeals that the use or event will comply with the intent and standards of this Section. Such a request must be made known at the time of application.
 2. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary uses and seasonal events shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City may use the escrow fee to clear such items from the property.
 3. The Administrative Official shall immediately cease operations of any temporary use or seasonal event which does not conform to these standards.
 4. Appeals of the decision of the Administrative Official or Planning Commission shall be made to the Board of Appeals.
- d. **Exemptions.** Garage sales for individual homeowners on their property are exempt from the regulations of this Section.

Section 5.331 Maintenance of Commonly Owned Private Facilities

The Planning Commission or City Council, as appropriate, may require documents suitable to the City Attorney to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities may include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the Planning Commission or City Council shall approve legal documents which assure the continuing maintenance, and periodic replacement of any commonly-owned private facilities.

Section 5.332 Reserved

Section 5.333 Reserved

Section 5.334 Performance Standards - Smoke, Dirt, Noise, Etc.

No use otherwise allowed, shall be permitted within any district which does not conform to the following minimum standards of use, occupancy, and operation:

- a. **Smoke.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that described as No. 1 of the Ringlemann Chart provided that the following exception shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes.
 1. **Method of Measurement.** For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Article, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringlemann's Chart.
- b. **Dust, Dirt and Fly Ash.** No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of

gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

1. **Method of Measurement.** For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirement shall be measured by the A. S. M. E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
- c. **Open Storage.** The open storage for junk, scrap or salvage, or other waste products where the operations are for the conversion to salable materials, shall be screened from public view, from a public street, and from adjoining properties not of a similar nature, by an enclosure consisting of an obscuring wall or fence, not less than eight (8) feet high.
- d. **Glare and Radio-Active Materials.** Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radio-active materials and wastes, and including electromagnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established as safe by the U. S. Bureau of Standards, when measured at the property line.
- e. **Fire and Explosive Hazard.**
 1. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Fire Chief, is permitted, subject to compliance with all other performance standards above mentioned. The following shall define the ranges of burning:
 - i. "Intense burning materials" are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution, burn with great intensity. An example would be manganese.
 - ii. "Free and active burning materials" are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil.
 - iii. "Moderate burning" implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
 2. The storage, utilization, or manufacture of materials, goods or products ranging from free and active burning to intense burning, is permitted in M-1 and M-2 Districts subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
 - i. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the City of Rockwood.
 3. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 - i. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.
- f. **Odor.** The emission of odors which are generally agreed to be obnoxious to any considerable number of persons, at their place of residence, shall be prohibited.
- g. **Gases.**
 1. SO₂ gas, as measured at the property line, shall not exceed an average of 0.3 p.p.m. over a twenty-four (24) hour period; provided, however, that a maximum concentration of 0.5 p.p.m. will be allowed for a one (1) hour period out of a twenty-four (24) hour period.

2. H₂S shall not exceed 0.1 p.p.m.
 3. Nitrous fumes shall not exceed 5 p.p.m.
 4. CO shall not exceed 15 p.p.m.
- h. **Noise.** Objectionable sounds of an intermittent nature or characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent properties.

Section 5.335 Condominium Development Standards

Intent: The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

- a. **Definitions.** Definitions contained in Article II, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.
- b. **District Regulations.** Site condominium projects in single family residential districts shall comply with all setback, height, coverage and area restrictions in Article XXI of the Schedule of Regulations in the same manner as these standards would be applied to lots and platted lots in a subdivision. Site condominium projects also shall conform to the design layout and improvement standards in the City of Rockwood Subdivision Regulations, however, the plat review and approval process required by the Subdivision Regulations shall not apply to site condominiums. Multiple-family residential buildings shall meet the standards for multiple-family developments.
- c. **Boundary Relocation.** The relocation of boundaries as defined in Section 148 of the Condominium Act shall conform to all setback requirements of Article XXI for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.
- d. **Approval of Plans.** Prior to the issuance of any building permit, all condominium plans must be approved by the Planning Commission following the site plan review process in Article XXV of this Ordinance. In reviewing the project, the Planning Commission shall consult with the city attorney, city planner and the city engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.
- e. **Streets and Necessary Easements.** Condominium projects with streets shall comply with all street requirements found in the Rockwood Code of Ordinances. Projects which connect to public streets shall have the project street dedicated to the public. The condominium plan shall include all easements granted to the City necessary to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose providing public utilities. Public utilities shall include, but not limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
- f. **Subdivision of Unit Sites.** Subdivision of condominium unit sites or lots is permitted subject to Planning Commission approval and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.
- g. **Water and Waste Water.** The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- h. **Master Deed.** The project developer shall furnish the Administrative Official with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The master deed and bylaws shall be reviewed for compliance with the City's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee the financing of adequate maintenance of common elements. Master Deeds submitted to the City for review shall not permit

contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the City Planning Commission for review and approval. Fees for these reviews shall be as established, from time to time, by the City Council.

- i. **As-built Plan and Occupancy.** Submission of an as-built plan of a condominium project is required. The Administrative Official may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the city clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the bond shall be determined by the City Council based on an estimate of the City Engineer.
- j. **Final Bylaws, Consolidated Master Deed and Site Plan.** Upon approval of the condominium site plan, the applicant shall furnish the City Clerk a copy of the bylaws and consolidated master deed. A site plan shall be provided on a Mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.
- k. **Survey and Monument Requirements.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The City Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the City cash, a certified check, or an irrevocable bank letter of credit running to the City in an amount to be determined by the City Engineer. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate easements to the City for all public water and sanitary sewer lines and appurtenances.

- l. **Compliance with Other Statutes and Ordinances.** All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

Section 5.336 Outdoor Storage and Sales *Amended by Ordinance 447, effective October 22, 2008*

- a. **Outdoor Storage in Residential Districts.** The outdoor storage of landscaping or building materials in any residential district (RA-1, RA-2, RA-3, R-B, R-C, R-M, and OR) shall be permitted only in accordance with this Section.
 - 1. **Location and Screening.** Outdoor storage in a residential district must be located in the rear yard and must be screened from the view of adjacent properties by a six-foot high opaque fence or complete vegetation screen.
 - a) Residential trash receptacles, barbecue grills, garden carts, and similar items need not be screened if neatly stored against the house.
 - 2. **Height.** Stored material shall not be piled or stacked to a height of more than five feet.
 - 3. **Loose Materials.** Any stockpiles of soils, mulch, or similar loose materials shall be covered or contained to prevent dust or blowing of materials.
 - 4. **No Hazard.** Any materials stored outdoors must not constitute a public health or safety hazard, as determined by the City Administrator or his/her designee.
 - 5. **Junk, Scrap, or Trash Prohibited.** Any outdoor storage of junk, scrap, or trash is prohibited, unless said material is placed in an appropriate container for a period not to exceed 30 days.

6. Other Applicable Regulations. Where the provisions of this Section may be in conflict with any covenants or agreements of a neighborhood association, manufactured housing park management, or other similar organization, said covenants or agreements shall control.
- b. **Outdoor Storage in Commercial Districts.** Any outdoor storage in a commercial district (B-1, B-2, and B-3) shall be limited to saleable materials, stacked neatly and screened from the view of residential districts or public streets.
1. Location. Outdoor storage in a commercial district shall be limited to the side or rear yard only.
 2. Screening. Screening of commercial outdoor storage shall be achieved through the use of a six-foot high fence or wall, or evergreen plantings that provide at least 80% opacity to a height of six feet at the time of planting.
 3. Height. Stored material shall not be piled or stacked to a height of more than five feet.
 4. Loose Materials. Any stockpiles of soils, mulch, or similar loose materials shall be covered or contained to prevent dust or blowing of materials.
 5. No Hazard. Any materials stored outdoors must not constitute a public health or safety hazard, as determined by the City Administrator or his/her designee.
 6. Junk, Scrap, or Trash Prohibited. Any outdoor storage of junk, scrap, or trash is prohibited, unless said material is placed in an appropriate container for a period not to exceed 30 days.
 7. Outdoor Sales. All accessory outdoor sales shall be regulated by Section 5.336 (e), below.
- c. **Outdoor Storage in Industrial Districts.** Any outdoor storage in an industrial district (M-1, M-2, and NR-1) shall be subject to the following restrictions:
1. Location. Outdoor storage shall not be permitted in any front yard.
 2. Screening. Outdoor storage in an industrial district shall be screened from the view of abutting residential, commercial, or office districts, or public streets.
 - a) The required screening shall be achieved by means of an opaque fence or wall with a minimum height of six feet and a maximum height of eight feet.
 - b) The required screening fence or wall shall be set back ten feet from the property line, with a planted buffer strip meeting the requirements of Section 5.2403(c) located between the screening fence or wall and the property line.
 3. Height. Stored material shall not be piled or stacked to a height of more than eight feet.
 4. Loose Materials. Any stockpiles of soils, mulch, or similar loose materials shall be covered or contained to prevent dust or blowing of materials.
 5. No Hazard. Any materials stored outdoors must not constitute a public health or safety hazard, as determined by the City Administrator or his/her designee.
 6. Emergency Access. Proper access to all parts of the outdoor storage area shall be provided for fire and emergency services.
 7. Alternatives. The Planning Commission, during site plan review, may authorize appropriate alternatives for outdoor storage that meet the intent of this Section.
- d. **Outdoor Storage in Other Districts.** All outdoor storage of materials, equipment, supplies, vehicles, or the like shall be prohibited in the O-1, PT-1, and P-1 zoning districts, with the exception of the off-street parking of vehicles for periods of less than 24 hours.
- e. **Accessory Outdoor Sales in All Districts.**
1. Residential Outdoor Sales. Outdoor sales are prohibited in all residential districts, except for temporary garage or yard sales held no more than twice per year for no longer than three 24-hour periods.

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2. Commercial Outdoor Sales. Materials in saleable condition and actively advertised for sale may be located outside of a permanent structure in a commercial zoning district, subject to the following restrictions:
 - a) Outdoor sales may not be located in any required setback area.
 - b) Outdoor sales may not obstruct pedestrian or vehicular traffic.
 - c) Outdoor sales may not obstruct more than 10% of any required off-street parking area.
 - d) Sidewalk sales are prohibited, unless expressly authorized by the City Council for a defined temporary period.
 - e) All outdoor sales must be accessory to a principal commercial use located on the same parcel, except that Christmas tree sales may be permitted for up to 45 days on a parcel without a principal commercial use.
 - i. Open air businesses, including vehicle sales, shall be subject to the provisions of Section 5.2210(b)(27).
 - f) Any materials not actively advertised for sale must be stored indoors or in a side or rear yard, subject to the requirements of Section 5.336 (b), above.
 3. Other Outdoor Sales. Outdoor sales in any zoning district not listed above shall be prohibited, unless expressly authorized by the City Council.

ARTICLE IV

Zoning Districts and Map

Section 5.400 *Districts Established*

For the purpose of this Ordinance, the City of Rockwood is hereby divided into the following districts:

RESIDENTIAL DISTRICTS

- RA-1 Single Family Residential District
- RA-2 Single Family Residential District
- RA-3 Single Family Residential District
- R-B Two-Family Residential District
- R-C Multiple Family Residential District
- R-M Mobile Home Park District

NON-RESIDENTIAL DISTRICTS

- O-1 Office Building District
- B-1 Local Business District
- B-2 Planned Community Business District
- B-3 General Business District
- M-1 Industrial District
- M-2 Industrial District
- P-1 Vehicular Parking District
- NR-1 Natural Resources District
- PT-1 Public Utility Transmission District

SPECIAL DISTRICTS

- PUD Planned Unit Development District
- OR Office/Residential District

Section 5.401 *District Boundaries*

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Rockwood Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

Section 5.402 *District Boundaries Interpreted*

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center line.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- c. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- d. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- f. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- g. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by the above, the Board of Appeals shall interpret the district boundaries.
- h. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public right-of-ways, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 5.403 Zoning of Annexed Areas

Whenever any area is annexed to the City of Rockwood it shall be classified as being in the most restrictive single-family district for ninety (90) days from the date of annexation. During this 90 day period, the City Council may consider re-zoning the area to an appropriate City zoning district. If no action is taken within this 90 day period, the land shall be classified into the City's district which most closely conforms with the zoning that existed prior to annexation and the Council shall approve same by resolution.

Section 5.404 Zoning of Vacated Areas

Whenever any street, alley or other public way, within the City of Rockwood shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches. Ownership of vacated rights-of-way shall be by adjacent property owner to site unless other arrangements are specified by the City.

Section 5.405 District Requirements

All buildings and uses in any District shall be subject to the provisions of Article XXI - Schedule of Regulations and Article III - General Provisions.

ARTICLE V

RA-1, RA-2, and RA-3 Single Family Residential Districts

Section 5.500 Intent

The RA-1, RA-2, and RA-3 Single-Family Residential Districts are intended to provide for low-density, single family dwellings and other facilities which serve residents in the district.

Section 5.501 Permitted Uses

In the RA-1 and RA-2 and RA-3 Single-Family Residential Districts, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Detached single-family dwellings meeting the standards of Section 5.305.
 1. Single-family subdivisions must comply with Title Four, Subdivision Regulations, of the Codified Ordinances of Rockwood.
 2. Single family site condominiums must comply with Section 5.2511 which requires submittal of the Master Deed prior to issuance of a building permit and with Chapter 1246, Subdivision Design Standards, Title Four of the City of Rockwood Codified Ordinances.
- b. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings.
- c. Private swimming pools as an accessory use within the rear yard only.
- d. State Licensed Residential Child and Adult Care Facilities in a single family structure as permitted by Section 5.307 of this ordinance.
- e. Essential public services not including storage yards, when operating requirements necessitate their location within the district to serve the immediate vicinity.
- f. Accessory uses, buildings and structures, customarily incident to any of the above permitted uses defined in Article II and regulated in Sections 5.311 through 5.316.

Section 5.502 Accessory Home Occupations

- a. **Permitted Home Occupations:** The following are permitted home occupations provided they meet all of the standards listed in item b. below:
 1. Dressmaking, sewing and tailoring.
 2. Painting, sculpturing or writing.
 3. Telephone answering or telemarketing.
 4. Home crafts, such as model making, rug weaving, and lapidary work.
 5. Tutoring, limited to four students at a time.
 6. Computer program development.
 7. Salesperson's office or home office of a professional person that meets all conditions of paragraph (b) below. No sales or director/customer are permitted on premise.
 8. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor or results in electrical interference.
 9. Other similar home occupations as determined by the Administrative Official.

- b. **Required Conditions:** Home occupations shall be permitted following a determination by the Administrative Official that the proposed occupation complies with all of the following standards.
 - 1. There shall be no visible change to the outside appearance of the dwelling.
 - 2. Traffic, parking, sewage, trash or garbage storage and removal or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
 - 3. The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single family home.
 - 4. Outside storage or display is prohibited.
 - 5. Signs are not permitted except address numbers.
 - 6. The home occupation shall not become a nuisance.
 - 7. Only an occupant of the dwelling may be employed or involved in the home occupation.
 - 8. The home occupation shall occupy a maximum of ten (10) percent of the usable floor area of the dwelling. Garages, whether attached or detached, shall not be used for any home occupation.
 - 9. All delivery of goods and visits by patrons and activity shall occur between 7:00 a.m. and 6:00 p.m.
- c. **Prohibited home occupations:** The following are prohibited home occupations:
 - 1. Private clubs.
 - 2. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
 - 3. Restaurants.
 - 4. Stables or kennels.
 - 5. Tourist homes.
 - 6. Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.
- d. Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in item b. above and the standards specified in Section 5.2202.
- e. Home occupation permits shall be limited to the applicant who legally resides in the residence.

Section 5.503 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Accessory apartments within permitted single family homes.
- b. Churches and other facilities normally incidental thereto.
- c. Public, parochial and private elementary schools, subject to the conditions of Article XXI, Section 2210.37.
- d. Bed and breakfast inns.
- e. Cemeteries.
- f. Essential public service buildings and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- g. Private non-commercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs.
- h. Public or private golf courses excluding driving ranges which are open to the public.

- i. State Licensed Residential Child and Adult Care Facilities in a single family structure as permitted by Section 5.307 of this ordinance.
- j. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 5.308. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- k. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

Section 5.504 Reserved

Amended by Ordinance 427 on October 5, 2005

Section 5.505 Additional Site Development Standards

No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for this District unless served by public water, storm water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE VI

R-B Two-Family Residential District

Section 5.600 *Intent*

This district is designed to provide for two-family dwelling structures and related uses. These districts will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Residential Districts.

Section 5.601 *Permitted Uses*

- a. All principal and accessory uses permitted and as regulated in RA-1, RA-2 and RA-3 Single-Family Residential Districts.
- b. Two-Family dwellings.

Section 5.602 *Accessory Home Occupations*

- a. All home occupations permitted, prohibited and as regulated in RA-1, RA-2 and RA-3 Single-Family Residential Districts.

Section 5.603 *Special Land Uses*

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. All special land uses permitted and as regulated in RA-1, RA-2 and RA-3 Single-Family Residential Districts.
- b. State Licensed Residential Child and Adult Care Facilities in a two-family or single family structure as permitted by Section 5.307 of this ordinance.

Section 5.604 *Cluster Development*

Cluster development shall be permitted as provided for and regulated in RA-1, RA-2 and RA-3 Single-Family Residential Districts.

Section 5.605 *Additional Site Development Standards*

No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for this District unless served by public water, storm water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article II:	Definitions
Article III:	General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
Article XXI:	Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
Article XXIII:	Parking and loading/unloading standards
Article XXIV:	Landscaping Standards
Article XXV:	Site Plan Review Standards
Title Four:	Subdivision Regulations

ARTICLE VII

R-C Multiple Family Residential District

Section 5.700 Intent

The Multiple Family Residential District is intended to provide rental or individually owned multiple-family dwelling units, and related facilities. This district will generally serve as a transition zone between nonresidential districts and lower density Single-Family Districts. Multiple Family Districts are provided to serve limited needs for apartment units in an otherwise predominately low-density, single family community.

Section 5.701 Permitted Uses

- a. All principal uses permitted and as regulated in R-B Two Family Residential Districts, except as modified in this Section.
- b. Multiple dwellings including town-house, terrace, apartments or other similar multifamily structures.
- c. Convalescent homes, not to exceed a height of two (2) stories, when the following conditions are met:
 1. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The fifteen hundred (1,500) square feet requirement is over and above the building coverage area.
 2. No building shall be closer than forty (40) feet from any property line.
- d. Housing for the elderly subject to the conditions for housing for the elderly in Section 5.2210. (Special Land Use approval is not required.)
- e. Boarding House, providing off-street parking for each dwelling is located on the site or immediately adjacent to the site.
- f. State Licensed Residential Child and Adult Care Facilities as permitted by Section 5.307 of this ordinance.
- g. Accessory uses, buildings and structures, customarily incident to any of the above-permitted uses defined in Article II and regulated in Sections 5.311 through 5.316.

Section 5.702 Special Land Uses

- a. All special land uses permitted and as regulated in the R-B Two-family District.
- b. State Licensed Residential Child and Adult Care Facilities as permitted by Section 5.307 of this ordinance.

Section 5.703 Additional Site Development Standards

No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for this District unless served by public water, storm water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article II: Definitions

Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.

- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE VIII

R-M Mobile Home Park District

Section 5.800 Intent

This District is intended to provide for suitable areas for mobile and manufactured home parks and other compatible uses. The regulations contained in this Article are intended to ensure that mobile home parks will provide a comfortable, pleasing and safe environment for persons who seek mobile home residence by providing for safe and adequate vehicular and pedestrian movement on the site. These regulations are also intended to protect the public health of mobile home park residents by ensuring that mobile home parks will be served adequately by essential public facilities such as access streets, public water, sanitary, sewer, storm water drainage facilities, police and fire protection.

Section 5.801 Permitted Uses

A mobile home park is a permitted use in this District. Within a mobile home park the following uses shall be permitted:

- a. Mobile homes.
- b. Manufactured housing units.
- c. Mobile home condominium projects as regulated by the Condominium Act, being Act 59 of 1978, as amended.
- d. Park, playgrounds, community buildings, open space areas, and other facilities for use by mobile home park tenants.
- e. Accessory buildings and uses as defined in Article II and permitted under the regulations of this Article.
- f. Utility buildings used for laundry facilities by mobile home park tenants, or for storage space for personal property of mobile home park tenants.
- g. The sale of mobile homes by individual resident owners, and the sale of mobile home model units by a licensed dealer/broker on individual home sites when same are blocked, leveled, skirted, and otherwise appear to be completely installed on site. The establishment of a commercial sales lot offering mobile homes for placement on sites other than the mobile home park where offered for sale shall not be permitted.
- h. One office building per mobile home park to be used exclusively for conducting the business operations of the mobile home park.
- i. Church, school and public uses, provided that any building or structure is located at least forty (40) feet from any lot line.

Section 5.802 Required Conditions for Mobile Home Parks

- a. All mobile home parks shall comply with the applicable requirements of Act 419 of the Michigan Public Acts of 1976, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- b. In connection with a request for a rezoning to the R-M zoning classification, a preliminary sketch plan shall be submitted along with information required by 2502. The preliminary sketch plan shall illustrate the general layout of the mobile home park, the number and type of units proposed, vehicle circulation pattern, buffering treatment along perimeter lots, and a statement about how the proposed use will be served by public utilities.

- c. The site shall have frontage on a primary or secondary arterial street as designated in the City's Master Plan. The arterial street must be paved and of sufficient design capacity to safely and effectively handle any increased traffic which may be generated by the mobile home park.
- d. The minimum size for a mobile home park shall be fifteen (15) contiguous acres with a minimum width of 150 feet on a public street.
- e. Public water and sanitary sewer must be sufficient to service all uses on the site including all mobile home sites to be located in the mobile home park.
- f. **Mobile Home Site Dimensions.** A mobile home park shall be developed with mobile home sites of at least 5,500 square feet.
- g. In addition to the restrictions of the Michigan Mobile Home Commission Regulations a mobile home shall be located no closer than twenty (20) feet from the lot line of any internal road, and no closer than ten (10) feet from any other lot line. An accessory building or use may be located no closer than ten (10) feet from an internal road, public or private, or the lot line of any mobile home park. A mobile home, accessory building, utility building or mobile home park office building shall not be located closer than forty (40) feet to a public right-of-way.
- h. Mobile home parks which abut an RA, R-B, or R-C Residential Zone shall be adequately screened from such zone by a natural or landscaped area. Open space areas must meet all the following conditions:
 - 1. Open space areas shall not include existing and proposed street right-of-ways, parking areas, mobile home sites, perimeter setbacks or non-recreational buildings.
 - 2. All unpaved ground surfaces in a mobile home park must be planted with trees, grass or shrubs, or ground cover capable of preventing soil erosion. A minimum of one shade tree at least two (2) inches in caliper at planting shall be provided at 40 foot intervals along the street side of all mobile home sites located on all streets, public or private.
 - 3. The ground surface in all parts of a mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. The Mobile Home Park shall also comply with the Michigan Department of Health Standards for drainage.
 - 4. The storage of recreational vehicles shall be permitted only in the storage area designated by the owner/operator of a mobile home park. This storage area shall be completely screened around its entire perimeter by a solid-type screening device at least six (6) feet in height.
 - 5. Recreation Area. If a recreational area is to be provided in a mobile home park, such area shall be designated on the preliminary plan, and if so designated, must be developed and maintained in good condition. Such area shall be protected from streets, drives, and parking areas. The development and maintenance of each recreational area shall be the responsibility of the park manager/owner.
- i. **Utilities.** Public sanitary and water shall be connected to all mobile homes or manufactured housing units located in the mobile home park according to the applicable City regulations. The homes in a mobile home park do not have to be separately metered, although the park itself must be metered. All other utilities for mobile or manufactured housing located in the mobile home park shall be designed, installed, operated and maintained in accordance with Mobile Home Commission Regulations, Michigan Department of Public Health and Wayne County Department of Public Health.
- j. **Lighting.** The lighting system in the mobile home park shall comply with the requirements of Michigan Mobile Home Commission Regulations.
- k. **Street Requirements.** Public Streets shall be constructed to meet the standards of the City of Rockwood. All private streets located within the boundaries of a mobile, home park shall meet the following standards:
 - 1. One-way streets within a mobile home park shall be required to have at least one side of parking and shall have a minimum width of twenty-four (24) feet. One-way roads with two sides of parking on the roadway shall have a minimum width of thirty-three (33) feet.
 - 2. All two-way roads within a mobile park shall have a minimum width of twenty-four (24) feet, with no parking on the roadway. Two-way roads with one lane of parking on the roadway shall have a

minimum of thirty three (33) feet. Two-lane with two lanes of parking on the roadway shall have a minimum width of forty-one (41) feet.

- l. **Curbing.** Curbing shall be provided along all internal roadways. Curbing shall, at a minimum, be constructed in compliance with the construction standards of the City of Rockwood.
- m. **Parking Requirements.** Parking requirements for an allowed use shall be determined under the provisions of Article XXIII of the City of Rockwood Zoning Ordinance. Parking spaces for visitors shall be provided at convenient and appropriate locations throughout the mobile home park.
- n. **Paving.** All streets and parking areas in a mobile home park shall, at a minimum, be paved with an asphalt or concrete surface which complies with the requirements of the City of Rockwood.

Section 5.803 Building And Structure Requirements

- a. **Maximum Height.** The maximum height for any building or structure in a mobile home park shall not exceed the lesser of twenty-five. (25) feet or one and one-half stories.
- b. **Minimum Floor Area.** The minimum floor area for any dwelling in a mobile home park shall be 720 square feet, exclusive of garage, basement or porch.
- c. **Mobile Home Foundation.** Mobile home parks shall be in compliance with Mobile Home Commission standards for provision of a home site in a mobile home park.
- d. **Installation.** Each mobile home site shall be installed pursuant to the manufacturer's set-up instructions and pursuant to the Michigan Mobile Home Commission Regulations. Each mobile home shall be secured to the premises by an anchoring system or device compatible with Michigan Mobile Home Commission Regulations.
- e. **Accessory buildings.** One accessory building for private uses may be placed on each mobile home site, not to exceed one hundred twenty (120) square feet in area. It shall be permitted only in the rear yard of the mobile home site and shall not be located closer than ten (10) feet to mobile home or manufactured housing unit. If the accessory building or use is located within ten (10) feet of or attached to the principal structure, it must have a fire wall on the side of the building facing the principal use. The fire wall shall comply with the Building Code of the City of Rockwood.
- f. **Skirting.** All homes located in a mobile home park within the City of Rockwood shall be required to be skirted in accordance with the Mobile Home Commission Rule 604.
- g. **Anchoring.** All mobile homes shall be required to be anchored to their foundation in accordance with mobile Home Commission Rules 605, 607 and 608.
- h. **Unit Certification.** Any mobile home built since 1976 must be certified by HUD (Department of Housing and Urban Development). Mobile homes or modular dwellings constructed prior to 1976 shall meet all requirements and specifications of the State Construction Code, the A.N.S.I. Code, or any other applicable code.

Section 5.804 Site Plan Review

Application for the construction, alteration, or extension of a mobile home park or site which is zoned R-M shall be accompanied by a site plan of the proposed park and permanent buildings. Said site plan shall be in conformance with the provisions and requirements of Article XXV and the requirements noted below:

- a. A public hearing shall be held by the Planning Commission before approval of any site plan for a mobile home park in accord with the notice requirements of Sections 5.2902. The public hearing shall be held to consider the preliminary site plan.
- b. **Approval.** In reviewing the proposed development's acceptability, the following should be among the major considerations of the Planning Commission prior to official action being taken.
 - 1. Whether the proposal is in accordance with the City's Master Plan.
 - 2. Whether the proposal meets all the design standards of this Ordinance and other applicable codes, regulations, or ordinances.

3. Whether the density of the proposed development could adversely affect adjacent land uses and properties.
4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
5. Whether the proposed development produces an extreme or undue demand on available fire and police protection services.
6. Whether the characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

Section 5.805 *Inspections*

The Administrative Official or Building Inspector, or their authorized agent(s) may inspect the mobile home park whenever there is reasonable cause to believe that Act 96 of 1978, as amended, being the Michigan Mobile Home Commission Act, and the accompanying promulgated rules, or any provision of a local ordinance applicable to the mobile home park in accordance with said act and rules, have been violated.

Section 5.806 *Variances*

If the Zoning Board of Appeals grants a variance in accordance with the requirements of this Ordinance, which is contrary to the minimum design and construction standings contained within Act 96 of 1981, as amended, and the accompanying promulgated rules, the Administrative Official shall notify the Corporations and Securities Bureau of the Michigan Department of Commerce within thirty (30) days of the granting of the variance per Michigan Mobile Home Commission Regulations.

Section 5.807 *Additional Site Development Standards*

No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for this District unless served by public water, storm water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE IX

O-1 Office Building District

Section 5.900 Intent

The O-1 Office Building District is intended to accommodate uses such as administrative and professional offices and personal services. Office Building Districts generally serve as a transitional area between residential and commercial districts or to buffer residential neighborhoods from arterial roadways.

Section 5.901 Permitted Uses

In an O-1 Office Building District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Office buildings for any of the following occupations: Executive, Administrative, Professional, Accounting, Writing, Clerical, Stenographic, Drafting and Sales subject to the limitations in Section 5.903 Required Conditions.
- b. Medical and dental offices, including clinics and hospitals.
- c. Business schools or private schools operated for profit.
- d. Private clubs or lodge halls.
- e. Publicly owned buildings and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
- f. Other uses similar to the above and subject to Planning Commission review and approval thereof.

Section 5.902 Special Land Uses

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and standards for the specific use listed in Section 5.2210.

- a. Any accessory use customarily related to a principal use authorized by this section such as, but not limited to, a pharmacy or apothecary shop; stores limited to corrective garments or bandages, or optical companies.
- b. Personal service establishments which perform personal service on the premises, including tailor shops, laundry and dry cleaning establishments, watch repair and shoe repair, subject to the following conditions:
 1. Such personal services shall be intended to serve the convenience needs of persons working in the O-1 District.
 2. No assembly work or assembling of any kind shall be carried out on the premises.
- c. General and specialty hospitals and urgent medical care centers.
- d. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 5.308. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- e. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit are permitted without a separate Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

Section 5.903 Required Conditions

- a. No interior display shall be visible from the exterior of the building and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25%) percent of the usable floor area of either the first or second story or in the basement.
- b. The outdoor storage of goods and materials shall be prohibited.
- c. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.

Section 5.904 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE X

B-1 Local Business District

Section 5.1000 Intent

The B-1 Local Business District is established to meet the shopping and service needs of persons in nearby residential areas.

Section 5.1001 Permitted Uses

In a B-1 Local Business District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware.
- b. Any personal service establishment which performs services, on the premises, for persons residing in adjacent residential areas such as: shoe repair, tailor shops, beauty parlors, or barber shops.
- c. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.
- d. Other uses similar to the above and subject to the restrictions in Section 5.1003.
- e. Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the following restrictions:
 - i. Advertising signs only when pertaining to the sale, rental or use of the premises on which it is located, or to goods sold or activities conducted thereon, provided that there will be no overhanging signs, and if illuminated shall not be of the flashing or intermittent type.
 - ii. Garages are to be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of less than one ton capacity which are to be used in connection with a business permitted and located in B-1 Districts.
- f. Any use permitted in the O-1 District, subject to the regulations applicable in this Article.
- g. Child care or day care centers for more than six (6) children when licensed by the State of Michigan and providing the following:
 - i. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
 - ii. A minimum of one hundred fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum of not less than five thousand (5,000) square feet. It shall be fenced and screened in accordance with Section 5.314.
- h. Banks and financial institutions with up to three (3) drive-through lanes.
- i. Churches and other religious institutions and related facilities.
- j. Accessory essential public services and structures, excluding buildings and storage yards.
- k. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, and civic centers and municipal buildings.
- l. Accessory uses, buildings and structures customarily incidental to the above uses as defined in Article II and meeting the standards of Section 5.311-5.316.

Section 5.1002 Uses Prohibited

- a. One (1) family dwellings, except existing dwellings so-used.
- b. Restaurants with drive-in or drive-through service as defined in Article II.

Section 5.1003 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Automobile service station for sale of gasoline, oil and minor accessories only, and where no automobile repair work is done, other than incidental service, but not including steam cleaning, undercoating or motor vehicle body bumping and provided that all requirements of Section 5.2210.
- b. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, water and sewage pumping stations when located at the exterior end of the B-1 District and so located as not to interfere with the vehicular or pedestrian traffic movement of the B-1 District.
- c. Essential public service buildings; telephone exchange buildings; substations, and pumping stations, but without storage yards.
- d. Banks and financial institutions with more than three (3) drive-through lanes.
- e. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 5.308. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- f. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

Section 5.1004 Required Conditions

- a. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

Section 5.1005 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XI

B-2 Planned Community Business District

Section 5.1100 Intent

The B-2 Planned Community Business Districts are designed to cater to the needs of a larger consumer population than served by the B-1 Business District and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

Section 5.1101 Permitted Uses

In a B-2 Planned Community Business District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any retail business or service establishment permitted in B-1 Districts except automobile service stations subject to the following sections of this Article.
- b. All retail business, service establishments, or processing uses as follows:
 - i. Any business whose principal activity is the sale of new merchandise in any enclosed building.
 - ii. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the provision: that no more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
- c. Restaurants, or other place serving food or beverage, except those which include drive-in or drive-through service as defined in Article II.
- d. Other uses similar to the above and subject to the following restrictions:
 - i. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
 - ii. All business, servicing or processing except for off street parking, loading and those open air uses indicated as being permissible on special approval, in Section 5.1102, shall be conducted within completely enclosed buildings.
- e. Accessory structures, uses and signs customarily incidental to the above permitted uses, subject to the following restrictions:
 - i. Advertising signs shall not be placed closer than two hundred (200) feet to any adjacent residential district and shall not be larger than one hundred fifty (150) square feet in display surface. Signs shall pertain to the use of the premises on which located, and if illuminated shall not be of flashing or intermittent type.
 - ii. Garages to be used exclusively for storage of commercial and/or passenger motor vehicles which are to be used in connection with a business permitted in B-2 Districts.

Section 5.1102 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Open air business uses when developed in planned relationship with the B-2 Districts as follows:

- i. Retail sales of plant material not grown on site, and sales of lawn furniture, playground equipment, and other garden supplies, when located at the exterior end of the B-2 District.
- ii. Recreational space providing children's amusement park and other similar recreation when part of a planned development and when located at the exterior end of the B-2 District all such recreation space shall be adequately fenced on all sides with a four (4) foot fence.
- b. Bowling alley, when located at least seventy-five (75) feet from any front, rear or side yard line of any residential lot in a residential district.

Section 5.1103 Required Conditions

For shopping centers with over 60,000 square feet of gross leasable area, the following conditions shall be met. For purposes of calculation, the principal building and all outbuildings including those on out-lots, shall be including in calculating the gross floor area threshold for this section.

- a. A Traffic Impact Study shall be submitted (refer to Section 5.327).
- b. Such shopping centers shall have access to at least one (1) Arterial road.
- c. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
- d. Internal circulation shall be designed such that no intersection includes more than four (4) aisles or drives.
- e. Site entrances shall have unrestricted inbound movements.
- f. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
- g. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
- h. Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material.
- i. Any out-lots shall have circulation and parking designed to complement the entire site and shall provide for cross-access to the larger parking lot for the shopping center.

Section 5.1104 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XII

B-3 General Business District

Section 5.1200 Intent

B-3 General Business Districts are intended to provide areas serving a market area similar to Community Business Districts but including a variety of automotive services and goods that are incompatible with uses permitted in Community Business Districts and prohibited from them. B-3 Districts also may be located adjacent or near freeway interchanges and include uses oriented to serve the needs of traffic at the interchange. These Districts should generally be located on the edge of a Community Business District or along major arterial roads to minimize conflicts with Community Business Districts and residential areas. For B-3 Districts at freeway interchanges, district standards are intended to: a) avoid undue congestion on feeder roads; b) promote smooth traffic flow at the interchange and on the freeway; and c) protect adjacent properties in other zones from adverse influences of traffic.

Section 5.1201 Permitted Uses

In a B-3 General Business District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any retail business or service establishment permitted in B-2 Districts as Permitted or Special Land Uses, except recreational space for children's amusement parks, and subject to the regulations applicable in the following sections of this Article.
- b. Retail establishments to serve the needs of the freeway traveler including such facilities as: drug stores, gift shops, restaurants, but not including restaurants with drive-in or drive-through service.
- c. Motels, hotels and transient lodging facilities but not including trailer camps or tent sites, provided that each living unit shall contain not less than two hundred (200) square feet of floor area and provided further that no guest shall establish permanent residence for more than thirty (30) days in any one calendar year.
- d. Mortuary establishments.
- e. Automobile service stations and service centers, including minor and major automobile repair service.
- f. Automobile wash when completely enclosed in building.
- g. Bus passenger stations.
- h. New car auto sales showroom.
- i. Office buildings for any of the following occupations: Executive, Administrative, Professional, Accounting, Writing, Clerical, Stenographic and Drafting.
- j. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.
- k. Other uses similar to the above as determined by the Planning Commission.
- l. Accessory structures and uses customarily incident to the above permitted uses.

Section 5.1202 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Used car lots.
- b. Restaurants with drive-in or drive-through service.

- c. Marinas, Liveries, and Boat Launch Facilities.

Section 5.1203 Required Conditions

The following conditions shall apply to all B-3 Districts located adjacent to freeway exit ramps or feeder roads.

- a. **Barriers.** All development shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate un-channeled vehicle ingress or egress except for authorized access-ways.
- b. **Access-ways.** Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) access-ways from a feeder road. Such access-ways shall not be located closer than three hundred (300) feet to the point of intersection of an entrance or exit ramp baseline and the feeder road centerline. In cases where the ramp baseline and the feeder road centerline do not intersect, no access-way shall be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the feeder road pavement. In those instances where properties fronting on a feeder road are of such width or are in multiple ownerships and access-ways to property cannot be provided in accord with the minimum three hundred (300) foot distance from the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
- c. **Signs and Lighting.** Signs shall be limited to advertisement of the business on the premises or products for sale on the premises. No sign, except directional signs, shall be located closer than two (200) feet to any abutting residential zone. The lighting of highway service areas shall be shielded from all abutting residential districts.
- d. **Review of Plans.** Site plans for the freeway service facility shall be submitted to, and shall be reviewed and approved by the Planning Commission with respect to the above required conditions and such other site relation aspects as it deems necessary to assure maximum traffic safety and to assure maximum protection for abutting properties.

Section 5.1204 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XIII

OR Office Residential District

Section 5.1300 Intent

The intent of the OR, Office Residential District is to permit the integration of office, personal service, and limited business uses, together with residential uses in a neighborhood setting. Non-residential uses permitted in this district should co-exist in a harmonious manner with residential uses. To minimize incompatibility with residential uses and promote a positive image, non-residential uses should retain the general character of a residence to the greatest extent practicable. Non-residential uses should be low intensity uses that serve as a transition use or buffer between major thoroughfares or more intensely developed commercial development along major thoroughfares. Special development standards are required to ensure compatibility and harmony between commercial and residential uses.

Section 5.1301 Permitted Uses

In an OR Office District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Single family residential uses permitted in the RA-1, RA-2, and RA-3 districts, including State Licensed Residential Child and Adult Care Facilities as permitted by Section 5.307 of this ordinance.
- b. Professional office uses for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, medical, dental, legal, real estate, and insurance but subject to Development Standards in Section 5.1303.
- c. Other uses similar to the above and subject to Planning Commission review and approval.

Section 5.1302 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Churches and places of worship.
- b. Two-family dwelling units permitted and as regulated in the R-B District.
- c. Bed-and-breakfast inns.
- d. Principal retail and personal service uses permitted in the B-1 district, provided that they serve persons living in adjacent areas, have minimal impact upon surrounding neighborhoods and subject to the following restrictions:
 - i. All business establishments shall be retail or service establishments dealing directly with consumers.
 - ii. All goods produced on the premises shall be sold at retail on premises where produced.
- e. State Licensed Residential Child and Adult Care Facilities as permitted by Section 5.307 of this ordinance.

Section 5.1303 Required Conditions

All permitted and special land uses in this district must comply with the following conditions:

- a. Any exterior display including wall and free standing signs should be harmonious with adjacent and nearby residential uses.

- b. Parking lots and circulation lanes shall be designed to minimize conflicts with adjacent and nearby residential uses.
- c. Wherever possible, parking in the front yard area should be discouraged.
- d. Lighting shall be shielded and directed away from adjacent uses and shall be located at least 10 feet away from any residential use.
- e. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
- f. Outside storage of any goods, inventory or equipment shall not be permitted.
- g. Any business must front and have its primary access on an arterial road.
- h. Any new commercial structure shall be separated by at least 15 feet from any residential structure on any adjacent lot, excluding accessory residential structures.

Section 5.1304 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XIV

M-1 Industrial District

Section 5.1400 Intent

The M-1 Industrial District is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding districts.

Section 5.1401 Permitted Uses

Amended by Ordinance 447, effective October 22, 2008

- a. Warehousing and wholesale establishments, and storage, (other than accessory to a permitted retail use).
- b. The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
- c. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wire, wood and yarns.
- d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
- f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stamping machinery).
- g. Laboratories - experimental film, or testing.
- h. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- i. Building material sales.
- j. Warehouse, storage and transfer and electric and gas service buildings and yards. Railroad transfer and storage tracks. Heating and electric power generating plants and all necessary uses. Coal, coke and fuel yards. Water supply and sewage disposal plants. Water and gas tanks and holders. Passenger and/or freight terminals; railroad rights of way.
- k. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies, subject to Section 5.336.
- l. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- m. Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation, providing such uses are approved by the City Council and are so licensed.
- n. Crematoriums for the disposition of human remains, subject to the following conditions:
 - i. A crematorium shall be set back a minimum of 500 feet from any residential use.
 - ii. A crematorium shall be screened from all abutting residential districts by a fence, decorative masonry wall, or closely spaced evergreen plantings that can be reasonably expected to form a complete visual barrier at least six feet in height within two years of planting.
 - iii. All parking and loading areas shall be located completely on the site and shall comply with the setback regulations for the zoning district.

- iv. Any service entrance or loading/unloading area associated with a crematorium shall be located to the rear of the building and shall be screened from all public rights-of-way in accordance with the screening provisions of subsection (n)(ii), above.
- v. All activities associated with the cremation of human remains shall occur within an enclosed building.
- vi. A crematorium shall comply with all applicable county, state, and federal guidelines and rules, including Michigan Department of Environmental Quality Rules R336.1331 and R336.1901 regarding particulate emissions.
- vii. Funeral home or mortuary services shall not be permitted on the site.
- viii. Interment or long-term storage of cremated remains shall not be permitted on the site.

Section 5.1402 Special Land Uses

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Undercoating shops, when completely enclosed, provided a setback of not less than one hundred (100) feet be provided from any adjacent residential or business district.
- b. Lumber and planing mills when completely enclosed and when located so that no property line shall abut a residential or business district.
- c. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- d. Private microwave transmitting towers for communications systems and their attendant facilities, whether providing service to the City in part or otherwise.
- e. Other uses of a similar and no more objectionable character, and which in the opinion of the Planning Commission will not be injurious or have any adverse effect on the adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary by said Commission in the interest of public health, safety and welfare.

Section 5.1403 Required Conditions

- a. All uses must be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a six (6) foot obscuring wall or fence.

Section 5.1404 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XV

M-2 Industrial District

Section 5.1500 Intent

The M-2 Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by the surrounding districts.

Section 5.1501 Permitted Uses

In the M-2 Industrial Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance, excluding any activities involving hazardous or toxic materials as defined in Section 5.1502.

- a. Any principal use first permitted in an M-1 District.
- b. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which shall conform with the performance standards set forth in Section 5.334 and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.
- c. Accessory uses.
- d. Junk yards and places so-called, for dismantling, wrecking and disposing of the junk and/or refuse material of agricultural and automotive vehicles, provided such is entirely enclosed within a building or eight (8) foot obscuring wall of sufficient strength to act as a retaining wall and provided further that said junk yard is not nearer than two hundred (200) feet to the perimeter of the M-2 District wherein it is located. There shall be no outdoor burning on the site and all industrial process involving the use of equipment for compressing, or packaging shall be conducted within a completely enclosed building.
- e. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation provided such uses are approved by the City Council, and are so licensed.

Section 5.1502 Special Land Uses

Amended by Ordinance 424 on May 4, 2005

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 5.2202, and the standards for the specific use listed in Section 5.2210.

- a. Any of the following uses provided they are located not less than eight hundred (800) feet distance from any residential district and three hundred (300) feet from other districts:
 - i. Blast furnace, steel furnace, blooming or rolling mill.
 - ii. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
 - iii. Petroleum or other flammable liquids, production, refining or storage.
 - iv. Incineration of garbage or refuse when conducted within an approved and enclosed incineration plant. Transfer station consisting of any tract of land, building and any appurtenances, or a container, or any combination of land, buildings or containers that are used or intended for use in the handling or re-handling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.
 - v. Any activity listed as a permitted use in Section 5.1502 involving the manufacture, fabrication, storage or handling of hazardous or toxic materials (in excess of 25 gallons or 250 pounds) as

defined by the Michigan Department of Natural Resources in the listing of SARA Title III materials.

- b. Metal casting foundries, wire manufacturing and other similar uses provided they are located not less than three hundred (300) feet distance from any residential district and one-hundred-fifty (150) feet distance from any other district.
- c. Private microwave transmitting towers for communications systems and their attendant facilities, whether providing service to the City in part or otherwise.
- d. Other uses, which in the determination of the Planning Commission are of a similar character to the above permitted uses, subject further to such conditions, restrictions and safeguards as may be deemed necessary by said Commission in the interest of public health, safety and welfare.

Section 5.1503 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XVI

P-1 Vehicular Parking District

Section 5.1600 Intent

The P-1 Vehicular Parking District is intended for areas solely used for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

Section 5.1601 Permitted Uses

Premises in such districts shall be used only for an off-street vehicular parking area, and shall be developed and maintained subject to such regulations as are hereinafter provided.

Section 5.1602 Required Conditions

- a. The parking area shall be accessory to and for use in connection with one (1) or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one (1) or more existing professional or institutional office buildings or institutions.
- b. Such parking lots shall be contiguous to a multiple-family residential or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway, or public street or public alley between such P-1 District and above-listed districts.
- c. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area.
- d. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- e. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- f. No buildings other than those for shelter or attendance shall be erected upon the premises and they shall not exceed fifteen (15) feet in height.
- g. Applications for P-1 District rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with Article XXV.

Section 5.1603 Minimum Distances and Setbacks

- a. **Side and Rear Yards.** Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially-zoned district, the required wall shall be located along said lot line.
- b. **Front Yards.** Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet, whichever is the greater. The required wall or screen fence shall be located on this minimum setback line unless, under unusual circumstances, the Planning Commission finds that no good purpose would be served. See Section 5.2410 for specific wall and buffer strip requirements. The land between said setback and street right-of-way line shall be kept free from refuse and debris, and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

Section 5.1604 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XVII

NR-1 Natural Resources District

Section 5.1700 Intent

The Rockwood Natural Resources District is designated with the recognition that the natural resource deposits within the City's land area are un-renewable natural resources necessary and beneficial to the economy of the City and surrounding region and the welfare of its citizens. This District is established to provide for the utilization of these resources in a manner compatible with nearby residential areas, and to ensure complete restoration of the natural resource areas so that these areas may be used for other land uses at the conclusion of excavation and treatment.

Section 5.1701 Permitted Uses

Definition: For the purposes of Article XVII only, the term "natural resources" shall be limited to include sand, gravel, sandstone, limestone, clay, soil, and earth.

- a. Extraction of natural resources.
- b. Processing of natural resources.
- c. The installation and operation of plant or apparatus for crushing, drying, cement treatment of base materials, appurtenant screening, blending, washing or other methods of beneficiating, loading and conveyor facilities.
- d. Plants for the production of asphaltic materials, excluding batch plants and mixing plants for Portland cement or concrete.
- e. Shops and garages for the repair or maintenance of equipment, and warehouses for the storage of equipment or supplies as are necessary for the conduct of the uses in subsections "a" through "d" above.
- f. Storage, stockpiling, sale and distribution of natural resources.

Section 5.1702 Special Land Uses

Under such conditions as the Planning Commission may establish, after a hearing, and upon finding that the proposed use will not be injurious to the NR-1 District, the surrounding environment and other adjacent zoning districts, and that the proposed use will not be contrary to the spirit and purpose of this Article, subject to review and approval by the City Council, the following uses may be permitted:

- a. Any principal use permitted in an M-1 District subject to the requirements and conditions governing its location in an M-1 District.
- b. Any principal use permitted in an M-2 District subject to the requirements and conditions governing its location in an M-2 District.
- c. Horticultural operations including the propagation, retailing and wholesaling of various plant material.
- d. Concrete batch plants and mixing plants for either Portland cement or concrete.
- e. Other uses which in the determination of the Planning Commission are compatible to the foregoing uses subject further to such conditions, restrictions and safeguards, as may be deemed necessary by the Commission in the interest of the public health, safety and welfare.

Section 5.1703 Required Conditions

- a. The removal of natural resources by excavation, stripping, mining or otherwise taking, and including on site operations appurtenant to the taking, including washing, grading, sorting, grinding operations shall be carried on within the limits of the Natural Resources District.
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- b. No extraction activity shall be permitted until a permit as specified in Section 5.1704 below has been granted by the City Council.

Section 5.1704 Permit for Natural Resources Operation

Any extraction use permitted in Section 5.1701(a) of this Article only shall require a permit for natural resource operations which shall be filed with the Administrative Official by the owners and leaseholders, if any, of the land proposed for natural resource development. Petitions shall be submitted on letter form, supplemented by data, maps and aerial photographs as specified by this ordinance, and shall be accompanied by a fee established by resolution of the City Council. A permit for such use shall be issued for a one (1) year period by the City Council after recommendation by the Planning Commission. Unless the holder of the permit ignores and/or violates the restoration plan, the permit is automatically renewed for successive one (1) year periods. Petitions for any new excavations not subject to an approved and current MDNR permit begun subsequent to the effective date of this ordinance shall be accompanied by the following:

- a. Vertical aerial photograph, enlarged to a scale equal to one (1) inch equals two hundred (200) feet, from an original photograph at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet. Area covered by the vertical aerial photograph shall include:
1. All land requested in the petition.
 2. All contiguous land which is, or has been used by the owner or leasehold applicant for any extraction, treatment and/or storage.
 3. All public roads which can provide first point of access.
 4. The boundaries of the above listed items (1) through (3) shall be delineated on the aerial photograph and clearly marked as to (1), (2), and (3).
- b. Identification survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such plats, drawn to a scale of one (1) inch equals two hundred (200) feet, shall be submitted in five (5) copies. This survey shall include:
1. Boundary of entire tract by courses and distances.
 2. Boundary of exact area being petitioned for in permit.
 3. Means of vehicular access to the proposed operation.
 4. Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such.
 5. A detailed plan for extraction of the natural resources deposits. Such plan shall include a timetable for the various stages of the operation and shall be accompanied by a restoration plan indicating how the natural resources area will be re used in a manner compatible with the City Master Plan for Future Land Use. The restoration shall include:
 - i. Proposed use of restored natural resources area.
 - ii. Proposed topography drawn as contours at an interval of five (5) feet and indicating water bodies or other major physical features.
 - iii. Delineation of areas intended to be partitioned or subdivided, including the proposed layout.
- c. The Administrative Official shall be responsible for receiving and processing applications for natural resources permits. The office of the Administrative Official shall accept for filing only applications including all information specified in Section 5.1704.
- d. The Administrative Official shall be responsible for coordinating inspections required by this Section or shall obtain the necessary expertise to conduct such inspections.
- e. The City Council shall be authorized to approve the manner and order of restoration of proposed excavation, unless a prior restoration plan has been approved by the Michigan Department of Natural

Resources (MDNR) for the property and that restoration plan remains in full force and effect. So as to assure restoration of the natural resources area as proposed, the City may require the petitioner to deposit with the Clerk cash, a certified check, or irrevocable bank letter of credit, whichever the petitioner selects, or a surety bond acceptable to the City Council. The amount of such deposit shall be established by the City Council based upon an estimate by the City sufficient to finance restoration of the disturbed area. This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the City until restoration is completed and has been approved by the City Council. So as to prevent undue hardship, the City Council may, at its discretion, approve bonds for areas less than the total area of the site granted a Natural Resources permit. However, at no time shall any excavation be undertaken unless and until sufficient bond has been deposited to insure restoration of the area to be disturbed.

- f. In the event of deviation from an approved extraction and/or restoration plan, the Administrative Official shall notify the permit holder in writing of a violation. Failure to correct said violation or to move toward compliance as provided in this paragraph within a reasonable period of time to be specified in the written notice shall automatically void any permits issued and/or prevent the issuance of new permits until such time as the deviation has been corrected in keeping with requirements of the approved plan. In cases where the nature of the violation is such that it cannot be easily remedied, the administrative official may decide that a sufficient effort has been made to correct the violation and that voiding the permit or withholding other permits is not necessary. Appeals from a notice of alleged violation and appeals from a decision of the Administrative Official, in regard to an alleged violation, shall be directed to the City Council.

Section 5.1705 Site Standards for Natural Resources Operations

- a. Excavation, washing, and stockpiling of extracted material shall not be conducted closer than one hundred fifty (150) feet of any public road or fifty (50) feet of any abutting or adjoining property. The setback area shall not be used for any use in conjunction with a natural resources operation, except access roads, public notice signs identifying occupation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Zoning Ordinance. This setback may be varied by the Board of Appeals when the outer boundary of the Natural Resources District abuts a body of water. In granting said variance, the Board of Appeals shall establish a setback sufficient to secure public safety.
- b. To reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, loading, weighing, and other operations, structures shall not build closer than three hundred (300) feet from any public street, right of way or from any adjoining residentially zoned district.
- c. Each tract of land for natural resource development shall have a minimum frontage of at least two hundred fifty (250) feet on a major or secondary thoroughfare (a thoroughfare with an existing or proposed right of way width of at least 80 feet). The City Council may approve a site with a lesser frontage if the written consent of the owners of all adjoining property is first secured, or if the tract has no frontage but is fronted by an active, properly zoned natural resource operation, and written permission for access to a major or secondary thoroughfare is first secured from the owner and leaseholder, if any, of that operation.
- d. All means of access to the property shall be from major or secondary thoroughfares and access from residential streets shall not be permitted.
- e. Any excavation which results in, or produces for a period of one (1) month, collections of water, or slopes as described below shall be subject to the following safety requirements:
1. Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier of at least six (6) feet high; at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
 2. Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in "1" above, for slopes.

- 3. Any fencing required by this section or this Article shall be required only on those sides of the site accessible to public rights of way or as the City Council may determine as requiring fencing to ensure protection of public safety. The City Council may require the posting of signs "KEEP OUT - DANGER" as needed.
- f. All private access roads shall be treated so as to minimize creation of dust for a distance of three hundred (300) feet from any public right-of-way for access to the site.
- g. Finished slopes of new banks of the excavation shall in no event exceed five (5) feet to one (1) foot (five foot horizontal and one foot vertical), except as otherwise provided in a prior restoration plan approved by the MDNR, and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning, provided that the City Council may extend the above one (1) year period to a longer period determined to be satisfactory under the circumstances.
- h. So as to prevent erosion of slopes, all replaced top soil having reached final grades as indicated in the approved restoration plan shall immediately be planted with grass or other plant material reasonably acceptable to the Administrative Official.
- i. The storage, handling and use of explosives shall be done in accordance with the "Regulations for Storage and Handling of Explosives" as published by the Michigan State Police, Fire Marshall Division, East Lansing, Michigan; the Surface Mining Control Act and Reclamation Act of 1977, as amended; City of Rockwood Blasting Ordinance Chapter 1460 of the Rockwood Code of Ordinances; the regulations of the Federal Bureau of Mines and the Department of Alcohol Tobacco and Firearms; and any other applicable federal, state, or local law.
- j. All uses in the Natural Resources District as listed in Section 5.1701 shall be further subject to the requirements of SITE PLAN REVIEW (Article XXV) of this ordinance.

Section 5.1706 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- Article II: Definitions
- Article III: General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- Article XXI: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article XXIII: Parking and loading/unloading standards
- Article XXIV: Landscaping Standards
- Article XXV: Site Plan Review Standards
- Title Four: Subdivision Regulations

ARTICLE XVIII

PT-1 Public Utility Transmission District

Section 5.1800 Public Utility Transmission District

The PT-1 Public Utility Transmission District is intended to provide a place within the City to locate public radio, television, microwave, and high voltage electric transmission towers and their attendant facilities. These uses shall not be permitted in, and are specifically prohibited from, any other zoning district of the City.

Section 5.1801 Permitted Uses

- a. Public radio, television and microwave transmitting towers for communications systems and their attendant facilities, whether providing service to the City in part or otherwise.
- b. Electric transmission towers carrying electric voltages of 120 KV and greater and their attendant facilities, whether providing services to the City in part or otherwise.
- c. All towers shall be located centrally on a continuous parcel of not less than one and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on the property line of such parcel.
- d. Accessory uses.

Section 5.1802 Special Land Uses

Such uses as the Planning Commission shall determine will not be injurious to the PT-1 District, the surrounding environment, or any adjacent zoning districts and will not be contrary to the spirit and purpose of this Chapter and upon such conditions as the Planning Commission shall establish, subject further to a review and approval thereof by the City Council.

Section 5.1803 Required Conditions

Any use established in the PT-1 District after the effective date of this Zoning Ordinance shall comply with the performance standards and specific standards set forth in Section 5.334.

Section 5.1804 Additional Site Development Standards

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

Article II:	Definitions
Article III:	General Provisions for: calculation of buildable lot; illegal dwellings; accessory uses, temporary buildings and structures; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
Article XXI:	Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
Article XXIII:	Parking and loading/unloading standards
Article XXIV:	Landscaping Standards
Article XXV:	Site Plan Review Standards
Title Four:	Subdivision Regulations

ARTICLE XIX
Reserved for Future Use

ARTICLE XX

PUD Planned Unit Development District

Section 5.2000 Intent

The purpose of this Section is to permit coordinated development on sites on which significant natural features exist or which exhibit difficult development constraints. This Section is also intended to provide the opportunity to mix compatible land uses, and/or allow clustering of residential units to preserve common open space and natural features.

The Planned Unit Development (PUD) standards are provided as an option to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The PUD standards are not intended to circumvent existing standards and requirements of the Zoning Ordinance, but rather to allow development that achieves the purposes stated in this Chapter. For properties approved for PUD designation, the PUD standards provide the developer with flexibility in design and permit variation of the specific bulk, area, and (in some specified situations) density requirements of this Ordinance on the basis of the total PUD plan, subject to approval by the Planning Commission and City Council in accordance with the requirements of this Article. A project fulfilling the City's PUD standards will result in development that is substantially consistent with current zoning standards while allowing for flexibility to assure a quality of development consistent with neighboring properties and the City's Master Plan.

This article provides for three types of PUD: a residential overlay, a planned industrial/corporate overlay, and a mixed use PUD overlay. The Residential PUD standards include supplementary standards that apply simultaneously to, or in some cases replace, standards of the underlying residential zoning district.

Section 5.2001 Qualifying Conditions

The following provisions shall apply to all planned unit developments:

- a. The PUD shall result in a recognizable and substantial community benefit, which shall be explained in a written narrative to accompany the application.
- b. The planned unit development site shall be under the control of one owner (or a single group of owners) and shall be capable of being planned and developed as one integral unit. The owner shall be responsible for the timely completion of the project in conformance with the standards set forth in this Article.
- c. A PUD classification shall be initiated only by application.
- d. PUD projects shall include, at a minimum, five (5) acres of contiguous land.
- e. The site shall have significant natural or historic features, as determined by the Planning Commission, which will be preserved through development under the PUD standards; or the PUD shall provide a complementary mixture of uses, a variety of housing types, or a design which preserves common open space and/or provides site features not possible under the standards of another zoning district.
- f. The site shall be served by public water and public sanitary sewer systems.
- g. The PUD shall not impede continued use or development of surrounding properties nor cause a negative impact on the same.

Section 5.2002 Types of PUD Zoning Designation

A property meeting the qualifying conditions may be rezoned to an appropriate PUD District based on the standards shown in the following table and appropriate standards contained elsewhere in this Zoning Ordinance. The rezoning shall be concurrent with the approval of a PUD Conceptual Plan. The PUD designation shall be noted in the application, and on the Official Zoning Map upon approval.

District Name and Type	Permitted Uses	Special Land Uses	Additional Provisions
<p>Residential Planned Unit Development (RPUD)</p> <p><i>Overlay of a residential district</i></p>	<p>Open space or cluster housing projects</p>	<p>Same as underlying residential district</p>	<p>Maximum density, minimum floor area, and maximum height shall comply with the Dimensional Standards of the underlying zoning district.</p> <p>The overall density may be increased by up to twenty percent (20%) where the Planning Commission determines significant natural resources and open space will be preserved in a natural state and the increased density would be compatible with surrounding uses.</p> <p>Site landscaping shall be in accordance with the provisions of <i>Article XXIV, Landscaping Standards</i>. Internal streets must be constructed consistent with the City's road standards and are subject to review by the City Engineer.</p>
<p>Planned Industrial Parks (PID)</p> <p><i>Overlay of an industrial district</i></p>	<p>Uses permitted in the industrial and office districts</p>	<p>Special land uses of the industrial and office districts</p>	<p>All buildings, structures, accessory structures, and parking areas shall meet the minimum setback standards of the industrial district along the PUD boundary lines, as specified in <i>Article XXI, Schedule of Regulations</i>, of this Ordinance. No more than twenty-five percent (25%) of the total number of lots may be less than one (1) acre in size. Maximum building height shall be consistent with the standards for the industrial district.</p> <p>Site landscaping shall be in accordance with the provisions of <i>Article XXIV, Landscaping Standards</i>. Internal streets must be constructed consistent with the City's road standards and are subject to review by the City Engineer.</p>
<p>Mixed Use Planned Unit Development (PUD)</p> <p><i>Overlay of an existing district</i></p>	<p>A mixture of public, residential, commercial, recreational, and open space uses.</p>	<p>Special land uses of the zoning districts applicable to each PUD component</p>	<p>Areas devoted to each type of use shall be designated on the PUD Plan. Not less than thirty percent (30%) of the PUD acreage shall be devoted to open space, preserved natural features, or residential use.</p> <p>Each component of the PUD shall be designated as open space, common area, for a specific use (e.g. detached single family units at x units per acre), or designated consistent with a specific zoning district (e.g. Multiple-Family Residential or Office Service). Minimum floor area and maximum building height shall be consistent with the Schedule of Regulations for each particular use.</p> <p>Site landscaping shall be in accordance with the provisions of <i>Article XXIV, Landscaping Standards</i>. Internal streets must be constructed consistent with the City's road standards and are subject to review by the City Engineer.</p>

Section 5.2003 Residential Planned Unit Development (RPUD) Development Standards

The Residential Planned Unit Development (RPUD) overlay district allows for the development of detached single-family residential clusters in the RA-1, RA-2, and RA-3 Residential Districts.

1. **Definition of cluster housing.** For the purposes of this Article, cluster housing shall be defined as “a detached single family residential development in which dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.” Clustering of the dwelling units shall be in a manner that preserves the basic amenities normally found in single-family residential neighborhoods, while allowing for innovative site layout, and a potential increase of common open space.
2. **Transition from adjacent uses.** Where the proposed RPUD development abuts an existing conventional single family subdivision or land zoned for single family use, the Planning Commission shall ensure that an orderly transition occurs in one or more of the following manners:
 - a. The provision of open or recreation space.
 - b. Sufficient change of topography.
 - c. Buffer plantings of sufficient size, character, density, and quantity to provide for an orderly transition.
 - d. Any other means the Planning Commission finds to be consistent with the spirit and intent of this Ordinance and the objectives of this Article.
3. **Setbacks and transitions from external streets.** All buildings in an RPUD shall be set back a minimum of forty (40) feet from the right-of-way line of an arterial or collector street. The Planning Commission may reduce this requirement to allow development consistent with existing or future single-family developments along the arterial or collector street.

Where a proposed RPUD abuts a designated arterial or collector street, the Planning Commission shall ensure that the treatment along said roads is compatible with existing or future single family developments in the area, and that an orderly transition occurs in one or more of the following manners:

 - a. Open or recreation space.
 - b. Sufficient change of topography.
 - c. Buffer plantings of sufficient size, character, density, and quantity to adequately provide for an orderly transition.
 - d. Mounding or berming of sufficient size, height, and slope to insure proper maintenance of the area and to adequately provide for an orderly transition.
 - e. Any other proposed means the Planning Commission finds to be consistent with the spirit and intent of this Ordinance and the objectives of this Article.
4. **Setbacks from internal streets.** All buildings in an RPUD shall be set back a minimum of forty-two (42) feet from the edge of any internal private street providing general circulation through the site. A minimum setback of twenty-five (25) feet shall be provided on drives whose primary purpose is to serve as access for only a few units. The Planning Commission, on the basis of the Site Plan, shall determine which streets provide general circulation and which serve only a few units. All buildings shall be setback a minimum of twenty-five (25) feet from the right-of-way of any internal public street.
5. **Circulation and access.** All proposed RPUD developments are subject to the following:
 - a. Internal streets shall connect to existing neighborhood and stub streets, where feasible.
 - b. Internal streets must be constructed consistent with the City’s road standards and are subject to review by the City Engineer.
 - c. RPUD developments shall have primary access from a designated arterial or collector street within the City.

6. **Yard and building separation standards.** The requirements of *Article XXI, Schedule of Regulations* regarding minimum lot size and yard dimensions shall not apply under the RPUD designation. The Planning Commission shall review the arrangement of buildings, distances between buildings, and intended use of yard areas. Yard requirements and minimum separation distances between buildings shall be provided as follows:
 - a. The minimum distance between the sides of adjacent dwelling units in an RPUD district shall be ten (10) feet, except that the distance between garages or between a garage and living area may be reduced to six (6) feet with Planning Commission approval. Where a side yard is intended for use as outdoor living space, the minimum separation shall be twenty (20) feet.
 - b. The distance from the rear of a dwelling unit to an adjacent dwelling unit shall be, at a minimum, thirty (30) feet. The farthest outside edge of a structure, including eaves, overhangs, and/or projections, shall be used to calculate separation distances as regulated in this Section.
 - c. After review of the conceptual plan, the proposed use of yard areas, and the arrangement of buildings, the Planning Commission may require additional setbacks or separation distances between buildings to ensure that the intent of this Ordinance is carried out and that the public health, safety, and welfare of the community is adequately served.
7. **Outdoor storage.** The covenants, restrictions, and/or master deed of the development shall include standards for the outdoor storage of personal property (e.g., barbecue grills, moveable play equipment, bicycles, outdoor furniture, etc.) so as to minimize negative visual impacts on adjacent residential units. Trash cans and/or other waste receptacles shall be stored in an enclosed area and screened from the view of adjacent residential units.
8. **Architectural standards.** In addition to the requirements of *Section 5.305, Single Family Dwelling Design Standards*, the following minimum architectural design and materials standards are intended to encourage greater design variety, minimize repetition of design elements between neighboring structures, avoid design monotony within neighborhoods, and prohibit the use of materials that are less permanent or that are not consistent with a residential appearance.

Architectural standards required as conditions of RPUD approval shall be included in the covenants and restrictions and/or master deed of the development. All structures in a RPUD development shall be subject to the following, unless otherwise determined by the Planning Commission:

 - a. **Garage Location.** Residential facades shall not be dominated by garages. Garages should either have side entry or be recessed by a minimum of five (5) feet behind the front wall of the structure. Garages shall be attached to the primary dwelling unit.
 - b. **Facade Materials.** A minimum of fifty percent (50%) of the exterior vertical surface of the principal building façades shall be finished with brick, stone, or similar decorative masonry materials approved by the Planning Commission.
 - c. **Roof Pitch.** The roof of any residential structure in an RPUD district shall be pitched at a minimum slope of 6:12.
 - d. **Other Elements.** The Planning Commission may require other architectural elements intended to increase architectural variety and reduce monotony in building design. Such elements may include variation of the location and design of building entries, porches, window openings, roof design, building materials, etc.
 - e. **Planning Commission Modifications.** The Planning Commission and City Council shall have the authority to vary the specific requirements of this sub-section upon determination that alternative designs, materials, or other architectural elements would be in accordance with the intent of this Article.
9. **Complementary site features.** Site landscaping, entryway features, porches, and other exterior elements of dwelling units shall complement adjacent structures and the overall RPUD.
10. **Street lighting.** Street lighting shall be provided on all internal streets of the RPUD to provide adequate illumination of streets and intersections. Costs of installation, operation, and maintenance shall be the responsibility of the developer.

11. **Open space.** All RPUD's must contain a minimum of thirty percent (30%) of the gross site area for open space. A minimum of twenty five percent (25%) of the required open space shall be upland area that is usable and accessible to all residents of the RPUD. Manmade storm water detention ponds, required building setbacks, road rights-of-way, driveways, and parking or loading areas shall not be considered open space.
- a. The required open space shall be protected from development through a deed restriction, recorded use covenant or another permanent means of preserving open space.
 - b. Open spaces shall include all-weather pedestrian paths to permit convenient access for residents. Access easements connecting local streets within the RPUD to open spaces shall have a minimum width of ten (10) feet.
 - c. Open space common to all residents of the RPUD shall not be used for:
 - i. the dumping or storage of any materials or refuse;
 - ii. the operation of motorized vehicles for off-road use (except ADA equipment); or
 - iii. any activity that may cause soil erosion or threaten living plant material.
12. **Permitted Densities.** The area used in computing overall density shall be the gross site area including any interior rights-of-way less than eighty-six (86) feet in width and twenty-five percent (25%) of the water area of water located wholly within the boundaries of the parcel. Permitted dwelling unit density shall be further subject to the following:
- a. The Planning Commission may vary the percentage of water area to be used in the density calculation upon determination that such a decrease or increase would be within the spirit and intent of the RPUD as established in the Purpose Section and the overall project would be in harmony with the existing and proposed land patterns of adjacent properties and the general planning area.
 - b. The following gross densities may be permitted:
 - i. *RA-1 zoning district:* **4.53** dwelling units per acre, maximum.
 - ii. *RA-2 zoning district:* **6.05** dwelling units per acre, maximum.
 - iii. *RA-3 zoning district:* **7.26** dwelling units per acre, maximum.
 - c. A twenty percent (20%) density bonus may be granted for the proposed RPUD if substantial site amenities and improvements are proposed, including but not limited to public parks, trails, natural feature preservation, superior quality building material and design, and substantial landscape design. Any density bonus shall be solely subject to the discretion of the Planning Commission and City Council.

Section 5.2004 Reserved

Section 5.2005 Reserved

Section 5.2006 PUD Application and Review Procedure

The application process for a PUD involves:

- a. A request for rezoning to the appropriate PUD designation (See *Section 5.2007, Rezoning to PUD Designation*).
- b. Submittal of a conceptual (preliminary) site plan (See *Section 5.2008, Conceptual PUD Site Plan Submittal Requirements*).
- c. Submittal of an environmental impact assessment meeting all requirements of *Section 5.2508, Requirements for Environmental Impact Assessment*, of this Ordinance.
- d. A final site plan meeting the requirements of *Article XXV, Site Plan Review*. For phased PUD projects over

thirty (30) acres, the applicant may choose to submit a schematic site plan, and submit more detailed final site plans for each project phase.

- e. A contractual agreement between the applicant and the City (See Section 5.2013).
- f. A final site plan review for project phase, where appropriate.

Section 5.2007 Rezoning to PUD Designation

- a. An applicant may request one (1) pre-application meeting with the Planning Commission to discuss how a potential project advances the intent of the PUD Planned Unit Development District as well as the development objectives of the City's Master Plan. A drawing at a scale of not less than 1" = 200' showing the general layout, site drainage patterns, existing easements, proposed elevations, and overall land use of the proposed development shall be submitted to the Planning Commission a minimum of thirty (30) days before the pre-application meeting. Comments from the Planning Commission or any member of the Planning Commission during this meeting shall not be construed as granting approval to the project or any component of the project.
- b. The applicant shall prepare and submit to the Administrative Official a request for rezoning to the appropriate PUD designation, including twelve (12) folded copies of a Conceptual PUD Site Plan meeting the submittal requirements of *Section 5.2008, Conceptual PUD Site Plan Submittal Requirements*, and twelve (12) copies of an Environmental Impact Assessment meeting the submittal requirements of *Section 5.2508, Requirements for Environmental Impact Assessment*. The Conceptual PUD Site Plan shall illustrate uses within each component, road layout, parking areas and open space. A complete application shall be submitted at least thirty (30) days before the meeting at which the Planning Commission shall first review the request. This requirement may be shortened for an applicant who has had a pre-application meeting as described in subparagraph (a) above.
- c. The Planning Commission shall review the submitted documents based on the review standards of *Section 5.2008, Conceptual PUD Site Plan Submittal Requirements*, conduct a public hearing on the requested rezoning and the Conceptual PUD Site Plan, and make a recommendation to the City Council to act on the rezoning request. Notice of the public hearing shall be given as described in *Section 5.2810, Notice*, of this Ordinance.
- d. Within ninety (90) days following receipt of a recommendation from the Planning Commission on the PUD rezoning request, the City Council shall approve, deny, or approve the rezoning request with conditions. The City Council may also refer the request back to the Planning Commission for further consideration. At its discretion, the City Council may direct the city manager to verify that any and all conditions attached to approval have been met before a notice of adoption is published. A list of contingent conditions shall be sent to the Planning Commission following Council action.

Section 5.2008 Conceptual PUD Site Plan Submittal Requirements

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the City. Required plan sheets shall be at least 24 inches by 36 inches, with graphics at an engineers scale.

Submittal requirements include:

- a. Current proof of ownership of the land to be developed or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- b. A completed application form, supplied by the Administrative Official, and an application fee. A separate escrow deposit shall be required for administrative charges to review the PUD submittal.
- c. An Environmental Impact Assessment meeting the requirements of *Section 5.2508, Requirements for Environmental Impact Assessment*. A reduced copy of the Existing Site Conditions sheet described below may be included in the Environmental Assessment.

- d. A cover sheet providing:
 - i. the applicant's name;
 - ii. the name of the development;
 - iii. the preparer's name;
 - iv. the seal of a professional acceptable to the City and licensed to practice in the State of Michigan;
 - v. the date of preparation and any revisions;
 - vi. a north arrow;
 - vii. parcel lines and dimensions;
 - viii. a complete and current legal description and size of the parcel in acres;
 - ix. a location map of the subject site drawn at a scale of 1" = 2000' sufficient to indicate general surroundings and street network;
 - x. the zoning and current land use of applicant's property, all abutting properties, and any properties across any public or private street from the PUD site;
 - xi. lot lines and all existing structures on the property and within one-hundred (100) feet of the PUD property lines; and
 - xii. the location of any access points on both sides of the street within one-hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
- e. A plan sheet or sheets labeled Existing Site Conditions and including:
 - i. the location of existing buildings and structures, rights-of-way and easements;
 - ii. significant natural and historical features;
 - iii. existing topography of the entire site at two (2) foot contour intervals;
 - iv. a general description of grades within one hundred (100) feet of the site;
 - v. existing drainage patterns (with directional arrows);
 - vi. surface water bodies;
 - vii. floodplain areas;
 - viii. wetlands;
 - ix. the limits of major stands of trees; and
 - x. a tree survey indicating the location, species and caliper of all trees with a caliper over eight (8) inches, measured four feet above grade.
- f. A Conceptual PUD Site Plan sheet including:
 - i. a conceptual layout of the development;
 - ii. gross and net acreage (net acreage does not include public road rights-of-way, year-round surface water bodies, or State-regulated wetlands.);
 - iii. overall density (for residential uses);
 - iv. required open space;
 - v. roadways, parking areas, drives, and driveways;
 - vi. pedestrian paths and/or sidewalks;
 - vii. signs;
 - viii. footprints or building envelopes of all proposed structures, with required setbacks clearly marked;

- ix. conceptual building elevations with sufficient detail of building materials and colors to determine compatibility with surrounding areas;
- x. the general location and type of proposed landscaping, noting existing trees over eight inches in caliper to be preserved or removed, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD;
- xi. limits of site grading;
- xii. a preliminary layout of site utilities, including storm water drainage and management facilities, public water supply, public sanitary sewer, hydrants, public or private easements on the site, and underground utilities; and
- xiii. the identification of areas included in each phase of a multi-phase PUD. For residential uses identify the number, type, and density proposed by phase.

Section 5.2009 Standards for Approval of Conceptual PUD Site Plan

Based upon the following standards, the Planning Commission may recommend that the City Council deny, approve, or approve with conditions the conceptual PUD site plan.

- a. The planned unit development shall meet the qualifying conditions of *Section 5.2001, Qualifying Conditions*, of this Ordinance.
- b. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses.
- c. The uses proposed shall not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- d. The public benefit provided by the PUD shall be one that could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- e. Judicious effort shall be used to preserve significant natural and historical features, surface and underground water bodies, and the integrity of the land.
- f. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

The City may impose additional reasonable conditions to ensure that the PUD meets the intent of this Article.

Upon approval of the Conceptual PUD Site Plan by the City Council, the property shall be rezoned to an appropriate Planned Unit Development zoning district. In the case of a Residential Planned Unit Development, the underlying zoning district shall be noted on the Official Zoning Map.

Section 5.2010 Expiration of Conceptual PUD Site Plan Approval

Approval of the Conceptual PUD Site Plan by the City Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final PUD Site Plan approval is not requested within this time period, re-submittal of the application shall be required. The City Council may extend the period up to an additional one (1) year, if requested in writing by the applicant at least two (2) weeks before the expiration date. In no case may a Conceptual PUD Site Plan approval remain valid for longer than three (3) years without application for Final PUD Site Plan approval.

Section 5.2011 Final PUD Site Plan Submittal Requirements

A Final Site Plan and Environmental Impact Statement for each project phase shall be submitted according to the procedures and standards of this Section.

- a. The applicant shall submit to the Administrative Official twelve (12) folded copies of a detailed Final Site Plan for the entire approved Conceptual PUD Site Plan.
- b. The final submittal shall include the materials required by *Article XXV, Site Plan Review*, including an

Environmental Impact Assessment and a proposed written agreement specifying all the terms and understandings of the PUD development. The impact assessment for an individual phase or site may consist of minor modifications to the material submitted for the overall PUD if the proposed uses are consistent with the approved PUD Plan.

Section 5.2012 Procedure for Final PUD Site Plan Review

The purpose of the final PUD review is to consider the Final Site Plan and Environmental Impact Assessment for the entire PUD and the consistency of these documents with the approved Conceptual PUD Site Plan. Receipt of a building permit shall require final approval by the Planning Commission.

- a. Upon submission of all required materials and fees, including the Final PUD Agreement described in *Section 5.2013, Final PUD Agreement*, the Planning Commission shall review the Final Site Plan and Environmental Impact Assessment according to the procedures outlined in *Article XXV, Site Plan Review*. The Planning Commission shall hold such hearings as may be required by law and, upon verification of all items required by this Article, shall recommend action on the Final PUD Site Plan to the City Council.
- b. Upon recommendation by the Planning Commission, the City Council shall review the PUD documents, including the Final PUD Agreement, and approve, deny, or approve with conditions the Final PUD Site Plan.
- c. If the Final PUD Site Plan is approved with conditions, the applicant shall submit a revised site plan to the Administrative Official for approval prior to the issuance of any building permits.

Section 5.2013 Final PUD Agreement

Prior to final PUD site plan approval, or in conjunction with the final PUD site plan submission, the applicant shall submit a proposed agreement setting forth the terms and conditions upon which approval of the PUD is based. After review by the City Attorney, City Planner, City Engineer, and City Administrator, the agreement shall be presented to the Planning Commission for review and recommendation to the City Council. Upon approval by the City Council, the agreement shall be entered into by both the City and the developer and subsequently recorded in the office of the Wayne County Register of Deeds.

The PUD agreement shall include:

- a. The manner of ownership of the land.
- b. The manner of the ownership and dedication of provided open space areas, including responsibilities for maintenance of the open space and repair of any improvements therein.
- c. The restrictive covenants required for membership rights and privileges, maintenance, and obligation to pay assessments for open space areas.
- d. The stipulations pertaining to:
 - i. commencement and completion of development phases;
 - ii. construction, installation, repairs, and maintenance of improvements;
 - iii. obligations for payment of any costs, or fees planned or reasonably foreseen; and
 - iv. the manner of assuring payment of said obligations.
- e. Provisions for the City to effect construction, installation, maintenance, and use of public utilities, storm and sanitary sewers, drains, public water supply, streets, paths and/or sidewalks; and the manner for the assessment and enforcement of costs, expenses, or fees incidental thereto against the applicant, or the future owners or occupants of the PUD.
- f. Provisions for the dedication of open space areas and improvements thereon.
- g. The final PUD site plan incorporated by reference and as exhibits.
- h. Provisions reasonably and necessarily intended to:
 - i. protect public health, safety, or general welfare of neighboring residents or the City as a whole;

- ii. address any conditions of approval; or
- iii. further the purpose and intent of this Article.

Section 5.2014 Schedule of Construction

Final site plan approval of a PUD, PUD phase, or a building within a PUD shall be effective for a period of two (2) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

Section 5.2015 Proportional Standards for Development of the PUD

In the development of a PUD, the percentage of single-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if single-family dwelling units comprise twenty-five percent (25%) or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement during either the conceptual or final submittal review process.

Section 5.2016 Appeals and Violations

The Zoning Board of Appeals shall not have the authority to change conditions or make interpretations of the approved PUD site plan or written agreement. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.

Any deviation from the approved PUD site plan, except as authorized in this Ordinance, shall be considered a violation of this Article and treated as a misdemeanor. Any such deviation shall invalidate the PUD designation.

Section 5.2017 Changes and Amendments to the PUD

Minor modifications to the PUD site plan may be handled in the same manner as provided for in *Section 5.2513, Amendment of Site Plan*, of this Ordinance. When the Administrative Official determines that the requested amendment to the approved Final PUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD Site Plan significantly alter the intent of the Conceptual PUD Site Plan, a revised conceptual PUD Site Plan shall be submitted according to the procedures outlined in *Section 5.2513, Amendment of Site Plan*, illustrating the modifications.

Section 5.2018 Phased Projects

For projects larger than thirty (30) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space areas, and general landscaping. A detailed site plan and environmental impact assessment for the first project phase shall be submitted for review according to the procedures and standards of *Article XXV, Site Plan Review*. Detailed site plans for subsequent phases must be submitted before commencement of construction on said phases. The Planning Commission may waive the required environmental impact assessment for subsequent phases where the earlier submittal is determined to be acceptable.

Section 5.2019 Condominium Projects

For any condominium portion of a PUD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the Planning Commission. The condominium documents shall provide limits on use of common areas or open space for accessory structures such as swimming pools, decks, playground equipment, and buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

ARTICLE XXI

Schedule of Regulations

Section 5.2100 Schedule of Regulations

The following schedule of regulations governs limitations on the height and bulk of buildings for each Zoning District:

Zoning District →		RESIDENTIAL					COMMERCIAL			OFFICE		INDUSTRIAL		
		RA-1	RA-2	RA-3	R-B	R-C	B-1	B-2	B-3	O-1	OR	M-1	M-2	
Minimum Lot Area	square feet	9,600 ⁿ	7,200 ⁿ	6,000	4,000	^c	-	-	-	-	t, u	-	-	
Minimum Lot Width	feet	80	60	55	40	-	-	-	-	-	t, u	-	-	
YARD SETBACKS ^a	Front	feet	25	25	25	25	25	5 ^p	40 ^h	5 ^p	40 ^h	t, u	50 ⁱ	100 ^{h, m}
	Side, least one	feet	8 ^b	5 ^b	4 ^b	10 ^b	10 ^f	e	20 ^{i, m}	e	e	t, u	50 ^{k, q}	75 ^{k, m, q}
	Side, total of 2	feet	20	15	12	20	20 ^d	e	-	e	-	t, u	-	m
	Rear	feet	35	35	35	35	35	20 ^f	50 ^f	20 ^f	20	t, u	k, l	k, l, m
Maximum Height	stories	2	2	2	2	2	2	2 ^g	3 ^g	2	t, u	2 ^g	2 ^g	
	feet	25	25	25	25	30	25	30 ^g	40 ^g	30	t, u	30 ^g	40 ^g	
Minimum Floor Area	square feet	1,100	950	780	720	^o	-	-	-	-	t, u	-	-	
Maximum Lot Coverage	percent	35%	35%	35%	35%	35%	-	-	-	-	t, u	-	-	

For setback, height, and bulk restrictions in the R-M district, see [Article VIII, R-M Mobile Home Park District](#).

For setback, height, and bulk restrictions in the NR-1 district, see [Article XVII, NR-1 Natural Resources District](#).

In the PUD district, setback, height, and bulk restrictions are the same as the underlying zoning district except as may be modified by [Article XX, Planned Unit Development District](#).

Section 5.2101 Notes

- a. Minimum yard setbacks may be decreased by ten percent in residential districts to allow encroachments by porches and accessory structures into required yard areas. In RA-1, RA-2, RA-3, RB and OR districts (when developed for single family use), rear decks or porches which are not enclosed by roofs or walls or other screened or framed enclosures, may encroach ten (10) feet into the required rear yard, upon submission of plans satisfactory to the Building Official and his or her written approval thereof.
- b. The side yard abutting upon a street shall not be less than ten feet, when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- c. In an RC Multiple Family District the total number of rooms of eighty (80) square feet or more (not including the kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet divided by twelve hundred (1,200). All units shall have at least one (1) living room and one (1) bedroom, except that ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignment shall control:
 - i. One Bedroom – 2 rooms
 - ii. Two Bedroom – 3 rooms
 - iii. Three Bedroom – 4 rooms
 - iv. Four Bedroom – 5 rooms

Rooms designated "den", "library" or as an extra room, shall be considered a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any dedicated public right of way of either interior or bounding roads.

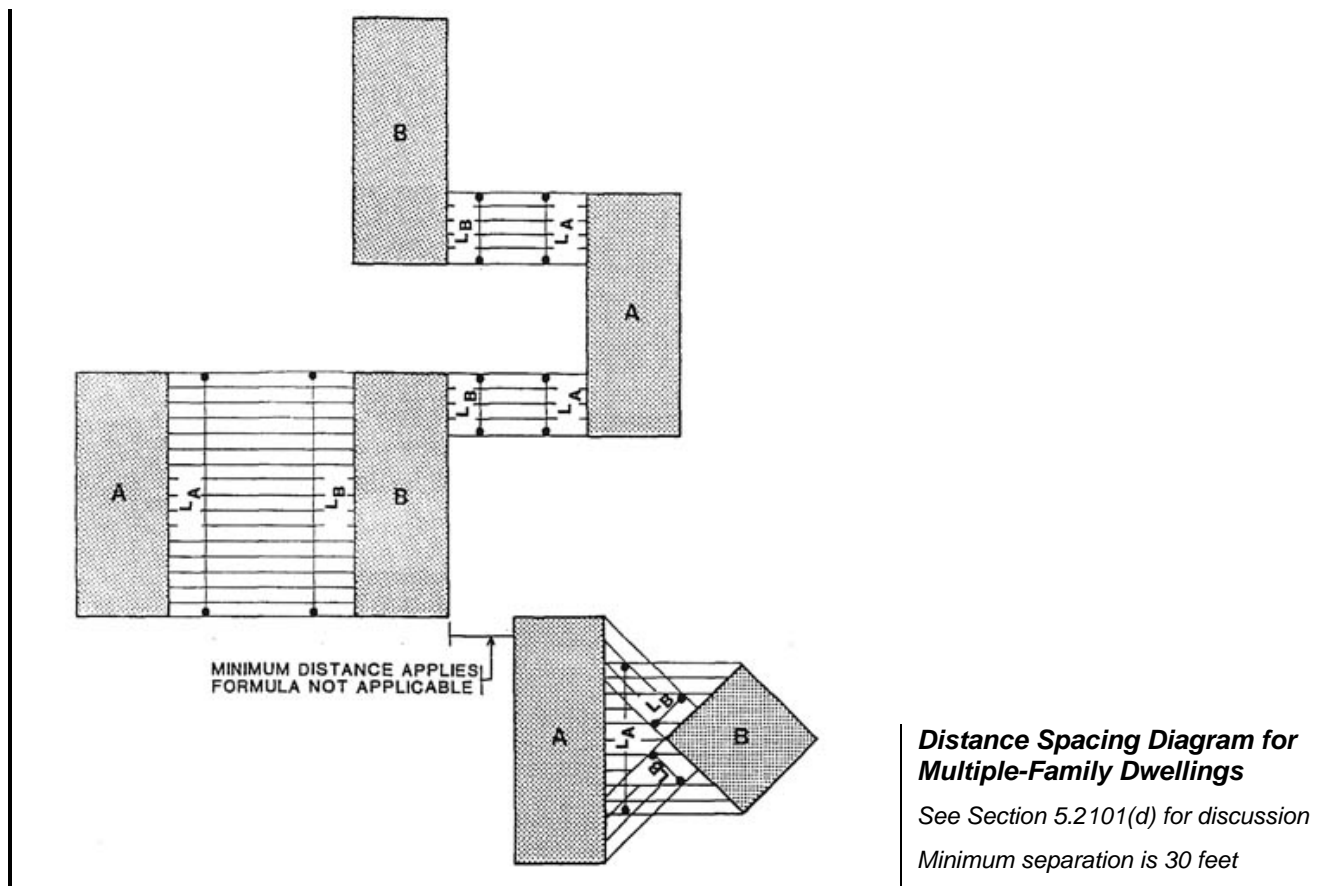
- d. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one half (1/2) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds fifty (50) feet in overall dimension along the adjoining lot lines. In addition, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking, including service drives, maneuvering lanes and drives for access to parking spaces shall not cover more than thirty (30%) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RC Districts is as follows (see illustration):

$$S = [L_A + L_B + 2(H_A + H_B)] / 6, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L_A (L_B) = Total length of building A (building B).
The total length of building A (building B) is the length of that portion or portions of a wall or walls of building A (building B) from which, viewed directly from above, lines drawn perpendicular to building A (building B) will intersect any wall of building B (building A).

H_A (H_B) = Height of building A (building B).
The height of building A (building B) at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A (building B). Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building. (See illustration).



- e. A four foot six inch (4' 6") obscuring wall or fence, or a ten (10) foot wide greenbelt, shall be provided on those sides of the property abutting land zoned for residential use. The greenbelt planting plan shall be reviewed and approved by the Planning Commission in conformity with the requirements of Article XXIV. No side yards are required along the interior side lot lines, except as otherwise specified by the Building Code. On the exterior side yard which borders on a residential district, there shall be provided a setback of at least ten (10) feet on the side or residential street.
- f. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off street parking requirements. One half (1/2) the width of alleys at the rear of the lot may be considered in computing rear yard setbacks.
- g. Planned Unit Developments under Article XX, involving five (5) acres or more under one ownership shall be subject to the approval of the Planning Commission after public hearing, regarding modifications as may be permitted by Article XX subject further to the review by the City Council and approval thereof.
- h. Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission. The setback shall be measured from the nearest side of existing and/or proposed right of way lines.
- i. Side yards abutting upon a street and across from other B-1, B-2 or O-1 Districts shall be provided with a setback of at least twenty (20) feet.
- j. No building shall be closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line is adjacent to any R Residential District. Screening and landscaping shall be provided to conform with the requirements of Section 5.2410.
- k. No building shall be closer to the outer perimeter (property line) than the herein required side yard except that no yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad rights of way. A twenty (20) foot greenbelt or a four foot, six inch (4' 6") obscuring wall or fence shall be provided within the required yard area and adjacent to the

property line on those sides of the property abutting land zoned for residential use. Said greenbelt or wall shall be subject to the review and approval of the Planning Commission and shall conform to the requirements of Article XXIV.

- l. Loading space shall be provided in the rear yard in the ratio required in Section 5.2305, and shall be computed separately from the off street parking requirement.
- m. Industries generating excessive noise, dust, fumes or obnoxious effects shall be required to observe setback requirements in accordance with Section 5.334.
- n. See Section 5.2103, "Subdivision Open Space Plan" regarding exceptions to lot area and density controls.
- o. Multiple family dwelling units shall conform to the following minimum floor area requirements:
 - i. Efficiency: 350 square feet per unit
 - ii. One bedroom: 600 square feet per unit
 - iii. Two bedroom: 750 square feet per unit
 - iv. Three bedroom: 900 square feet per unit
 - v. Three or more bedrooms: There must be provided an additional area of one hundred and fifty (150) square feet to a minimum floor area of nine hundred (900) square feet.
- p. In a block on one side of a street thirty (30%) percent or more occupied, the depth of the front yard shall not be less than, and need not be more than, the average depth of front yards of existing buildings.
- q. Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the Planning Commission.
- r. A heavily planted, completely obscuring, year around greenbelt not less than ten (10) feet wide shall be provided in those yards abutting a residential zone or a masonry or other permanent wall four feet, six inches (4' 6") in height shall be provided and maintained along the entire property line abutting such zone. In those instances where such yard abuts a limited access highway or a thoroughfare of one hundred twenty (120) feet of width or greater, the centerline of which forms the boundary of such zones, no wall or greenbelt shall be required. In those instances where no useful purpose will be served by such wall or greenbelt the Board of Appeals may vary wall or greenbelt requirements. Required yard space may be used for parking.
- s. No side yards are required along the interior side lot lines except as otherwise specified in the building code. Side yards abutting a freeway may be reduced to not less than thirty (30) feet. Parking shall be permitted in the side yard after approval of the parking plan layout and points of access by the Planning Commission.
- t. For residential and office uses in an OR Office Residential District fronting on Huron River Drive east of the Grand Trunk and Detroit and Toledo Railroad lines or west of Interstate-75 the height, bulk and setback requirements shall be as required for the district governing that use. That is, for a RA-1, RA-2, RA-3 or R-B use, the area, height, bulk and setback restrictions governing that use shall be as specified for the district which most closely corresponds to the proposed use. For office, retail, or service uses, height, bulk and setback requirements shall be as required in the B-1 district.
- u. For residential uses (fronting on Fort Street or Huron River Drive) or commercial uses fronting on Huron River Drive west of the Grand Trunk and Detroit and Toledo Railroad lines and east of the Conrail Railroad line or fronting on Church Street, height, bulk and setback requirements shall be as follows:
 - i. Single Family Residential or Two-family Residential uses:
 - a. Minimum lot area: 4,000 square feet
 - b. Minimum lot width: 40 feet
 - c. Minimum front yard*: 5 feet

- d. Minimum side yard: 5 feet
- e. Minimum rear yard: 10 feet
- f. Maximum building height: 25 feet or 2 stories

** Residential uses fronting on Fort Street or Huron River Drive shall have only one required front yard.*

ii. Office, retail or personal service uses:

- a. Minimum front yard: 0 feet
- b. Minimum side yard: 0 feet**
- c. Minimum rear yard: 0 feet**
- d. Maximum building height: 25 feet or 2 stories

*** A zero side or rear yard shall be permitted only in the cases where an office, commercial or service use is adjacent to the side or rear yard. If a residential use is adjacent, then the minimum side or rear yard shall be 10 feet for any new commercial building.*

Section 5.2102 Averaged Lot Size Option

The intent of this Section is to permit the subdivider or developer to vary lot sizes and lot widths to average the minimum size of lot per unit as required in this Article for each Single Family Residential District. If this option is selected, the following conditions shall be met:

- a. In meeting the average minimum lot size, the Subdivision shall be designed so that no lot has area or width reduced more than ten percent (10%) than the minimum area or width required in the Schedule of Regulations and shall not create an increase in the number of lots.
- b. Each final plat submitted as part of a Preliminary Plat shall average the minimum required for the district in which it is located. The dimensions shall be illustrated on the plan or in tabular form.

Section 5.2103 Subdivision Open Space Option

- a. The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - i. Provide a more desirable living environment by preserving the natural features such as woodlands, steep topography, water bodies and wetlands.
 - ii. Encourage developers to use a more creative approach in the development of residential areas.
 - iii. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and allowing the developer to avoid natural obstacles on the site.
 - iv. Encourage the provision of open space within reasonable distance to lots in the subdivision and to further encourage the development of recreational facilities, such as pathways which link up to the City's sidewalk system.
- b. Modifications to the standards as outlined in this Article may be made in the RA-1, RA 2 and RA 3 Single Family Residential Districts when the following conditions are met:
 - i. Individual lots in the RA-1, RA-2 and RA 3 Single Family Residential Districts may be reduced up to twenty percent (20%). Lot area reductions shall be permitted, provided that the dwelling unit density is no greater than if the land area to be subdivided were developed with lot areas meeting the minimum square foot requirement for each Single Family District and conforming to all other applicable City Codes and regulations. The area remaining through the reduction of lot sizes shall be retained as permanent open space.
 - ii. The applicant shall prepare a parallel design plan for the land area to be developed consistent with State, County, and City requirements in order to determine the dwelling unit density that would be permitted if the land area to be subdivided were developed meeting the minimum requirements for the Single Family District in which said land is located. The parallel

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- plan shall provide meet all standards for lot area, lot width, public roadway improvements, and an area sufficient for storm water retention. Lots in a parallel plan shall provide sufficient building envelope size without impacting regulated wetlands.
- iii. In accomplishing lot area reductions indicated herein, lot widths shall not be less than the following:
 - a. RA-1 District: 70 feet
 - b. RA-2 District: 55 feet
 - c. RA-3 District: 50 feet
 - iv. The overall dimensions of each lot shall be sufficient to accommodate the proposed single family residential dwelling unit and accessory buildings in addition to the minimum required yards as set forth in the Schedule of Regulations.
 - v. The area to be dedicated for open space purposes shall be in a location and shape approved by the City Council, upon the Planning Commission's recommendation. The common area shall be dedicated for a park or other recreational purpose and shall be accessible to all lots not bordering on such open space areas. Each development utilizing this option shall have at least one (1) common area of at least one (1) acre in size or ten percent (10%) of the total parcel area, whichever is greater.
 - vi. When a plan utilizing this option is developed in phases, the common area required to reduce the lot areas shall be in the phase of the development to be constructed or already dedicated in an earlier phase.
 - vii. Not more than twenty-five percent (25%) of the open space area required to reduce the lot areas herein shall be comprised of lakes, ponds, regulated wetlands, or have excessive topography making the land unsuitable for recreation.
 - viii. The open space plan shall be permitted only if (1) the developer first satisfies all of the requirements set forth in Chapter 221 of the City Code, including Section 221-17 "Subdivision Open Space Plan," and (2) the open space plan is mutually agreeable to the City Council and the subdivider or developer.

ARTICLE XXII

Special Land Use

Section 5.2200 Intent

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Among the purposes of the Special Land Use standards of this Article are to accomplish the following:

- × Provide a mechanism for public input on decisions involving more intense land uses.
- × Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- × Regulate the use of land on the basis of impact to the City overall, and adjacent properties in particular.
- × Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- × Ensure uses can be accommodated by the environmental capability of specific sites.
- × Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- × Provide greater flexibility to integrate land uses within the City.

This Article provides both general standards for all Special Land Uses (Section 5.2201) and specific location, site and/or operational standards for particular Special Land Uses (Section 5.2202). The process for a Special Land Use involves a Public Hearing with the Planning Commission with final review on the use and site plan by the City Council. Approval of any Special Land Use requires a Special Land Use Permit.

Section 5.2201 Application, Review and Approval Procedures

The procedure for Special Land Use review shall be as follows:

- a. An applicant for a Special Land Use shall submit an application for review and pay the required fee. The application presented for consideration shall contain the following:
 1. Name of proposed development.
 2. Common description of the property and complete legal description (also address, if available.)
 3. Dimensions of land: width, length, acreage, and frontage.
 4. Existing zoning classification and zoning of all adjacent properties.
 5. Proposed use of the land.
 6. Name, address, City and phone number of:
 - (a) Firm or individual who prepared the application.
 - (b) Legal owner of the property.
 - (c) Applicant (including basis of representation.)
 7. Signature of the legal owner and the Applicant.
 8. A site plan, prepared in accordance with the provisions of Article XXV of this Ordinance.
- b. Planning Commission Public Hearing
 1. If the Administrative Official finds all of the information required above is in order, the Planning Commission shall schedule a Public Hearing to review the request.

2. The Planning Commission shall direct the City Clerk to issue notice of the public hearing in accordance with *Section 5.2810: Notice*.
- c. The Planning Commission shall conduct the required public hearing.
- d. The Planning Commission shall review the application in terms of the requirements of the Special Land Use General standards listed in Section 5.2202 below and any specific standards of Section 5.2210.
- e. The Planning Commission shall recommend that the City Council either approve, approve with conditions (as described below in Section 5.2204) or deny the Special Land Use and the accompanying site plan.
- f. The Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve or reject the request within sixty (60) days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.
- g. A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes.

Section 5.2202 General Review Standards for All Special Land Uses

Prior to approving a Special Land Use application, the Planning Commission and City Council shall require the following general standards be satisfied for the use at the proposed location. In addition to specific standards for individual Special Land Uses listed in Section 5.2210, the Planning Commission and City Council shall require stipulation to ensure that the following are met:

- a. The Special Land Use will be consistent with the goals, objectives and future land use plan described in the City of Rockwood Community Master Plan.
- b. The Special Land Use will be consistent with the stated intent of the zoning district.
- c. The Special Land Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.
- d. The Special Land Use will not significantly impact the natural environment.
- e. The Special Land Use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- f. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
 1. vehicular turning movements;
 2. proximity and relationship to intersections;
 3. adequacy of sight distances;
 4. location and access of off-street parking; and,
 5. provisions for pedestrian traffic.
- g. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- h. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

Section 5.2203 Conditions of Approval

- a. The City Council may impose conditions of approval, which will help ensure the Special Land use meets the standards of this Ordinance provided that the conditions:

1. protect the health, safety, and welfare of those affected;
 2. are related to the valid exercise of the police power of the City;
 3. are necessary to meet the intent and purpose of this Ordinance;
 4. are related to the standards established in this Ordinance for the land use or activity under consideration and are necessary to ensure compliance with those standards;
 5. provide adequate protection to existing land uses so the proposed land use will not be detrimental or injuries to the surrounding neighborhood.
- b. Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Building Official or the Administrative Official. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.

Section 5.2204 *Validity of Permit*

- a. **Building Permit:** The Building Inspector may issue a building permit in conformity with the particular Special Land Use so approved. In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit must be made and received by the City no later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked unless an extension is granted. The City Council may grant an extension of the first approval for good causes shown under such terms and conditions for such a period of time not to exceed six (6) months.
- b. **Performance Guarantee:** The City Council shall require a performance guarantee to insure completion of the improvements (excluding the building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.
- c. Where actual physical construction of a substantial nature of structures authorized by a Special Land Use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights there under shall terminate (note: it is the responsibility of the applicant to request such an extension).
- d. Upon written application filed prior to the termination of the one (1) year period as provided above, the City Council may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
- e. Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- f. If a use regulated as a Special Land Use which has not previously received a Special Land Use permit ceases operations for more than one (1) year, the Special Land Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two (2) years for a use which was approved as a Special Land Use under this Ordinance amendment (i.e. a Special Land Use Permit is on file).

Section 5.2205 *Inspections*

The Building Inspector shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

Section 5.2206 *Revocation*

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- a. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- b. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the City Council.
- c. If after thirty (30) days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- d. A repeat violation may cause immediate revocation of the Special Land Use.

Section 5.2207 Amendments to Special Land Use Permits

Any person or agency who has been granted a Special Land Use permit shall notify the Building Inspector of any proposed amendment to the approved site plan of the Special Land Use permit. The Building Inspector shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with Article XXV. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article.

Section 5.2208 Special Land Uses Expansions

The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use which has not previously received a Special Land Use Permit.

Section 5.2209 Restrictions on Resubmittal of a Special Land Use Request

No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

Section 5.2210 Special Land Use Specific Requirements

Amended by Ordinance 447, effective October 22, 2008

The following sections identify specific requirements which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 5.2202.

- a. Listing: Special Land Uses with specific site and/or use standards described on the following pages:
 1. Accessory apartment in a single family home
 2. Accessory above ground fuel services and storage
 3. Accessory use or storage of hazardous materials
 4. Accessory commercial outdoor sales or storage (*see commercial outdoor sales*)
 5. Adult regulated uses
 6. Arcades and similar devices at public commercial mechanical amusement device centers
 7. Automobile service centers (minor repair) and major auto repair establishments
 8. Automobile service (gasoline) stations including those accessory to another use
 9. Automobile washes, automatic or self-service
 10. Banks, credit unions, savings and loan institutions with over three drive-through lanes
 11. Bed-and-breakfast inns
 12. Cemeteries

13. Churches
 14. Commercial outdoor sales or storage (as permitted or accessory use)
 15. Composting centers
 16. Essential public service buildings and structures
 17. Essential public service storage yards
 18. Family day care homes and foster family homes
 19. Funeral Homes
 20. General and specialty hospitals
 21. Group Foster Care Homes except those held to be exempt from special land use or site plan review by state law
 22. Group day care homes except those held to be exempt from special land use or site plan review by state law
 23. Housing for the elderly, retirement villages, etc.
 24. Kennels, commercial
 25. Marinas, liveries and boat launch facilities
 26. Motels, hotels including accessory convention/meeting facilities and restaurants
 27. Nursing and convalescent homes
 28. Open air business - *see commercial outdoor display, sales and storage*
 29. Outdoor theaters
 30. Radio, television microwave, and cellular phone towers
 31. Recreation: Commercial outdoor establishments (excluding golf related uses)
 32. Recreation: Golf courses, Country Clubs, and par three golf courses
 33. Recreation: Golf driving ranges, miniature golf courses
 34. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)
 35. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.
 36. Recycling Centers
 37. Restaurants and other establishments with drive-in or drive-thru facilities
 38. Schools: Public, parochial and private intermediate or secondary schools
 39. Theaters, concert halls and play houses
 40. Used or second-hand automobile dealerships
 41. Veterinary Clinics
- b. List of specific requirement by use:
1. **Accessory apartment in a single family home**
 These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of owner occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods.
 - a. Accessory apartments shall be entirely within the existing structure and shall include no more than twenty-five percent (25%) of the total floor area of the home.

- b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.

2. Accessory above ground fuel services and storage

Location of accessory fuel services related to the marine, aviation, agriculture, mobile home parks, recreational uses, medical facilities, and industrial uses shall be permitted subject to the regulations of the Michigan State Fire Marshal.

3. Accessory use or storage of hazardous materials

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:

- a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month.
- d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
- e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

4. Accessory commercial outdoor display, sales or storage - see commercial outdoor sales

5. Adult Regulated Uses

a. Purpose.

- 1. In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Article. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Code.

In regulating sexually oriented businesses, it is the purpose of this article to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this

ordinance to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Deja Vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (ND. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. V. Giani*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Rockwood is seeking to abate and prevent in the future.

2. Uses subject to these controls are as follows:
 - a. Adult book stores, adult novelty stores, or adult video stores;
 - b. Adult cabarets;
 - c. Adult motion picture theaters;
 - d. Nude or semi-nude model studios; and
 - e. Sexually oriented businesses.

- b. Definitions. As used in this Article, the following terms shall have the indicated meanings:
1. *Adult motion picture theater.* An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
 2. *Adult Bookstore, Adult Novelty Store, or Adult Video Store.* A commercial establishment which has a significant or substantial portion of its inventory in, derives a significant or substantial portion of its revenues from, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”
 - b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, “significant or substantial portion” means 30 percent or more of the term modified by such phrase.
 3. *Specified sexual activities.* Specified sexual activities are defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 4. *Specified anatomical areas.* Specified anatomical areas are defined as:
 - a. Less than completely and opaquely covered:
 - i. Human genitals, pubic region,
 - ii. Buttock, and
 - iii. The nipple and/or areola of the female breast; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
 5. *Adult cabaret.* A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - a. Persons who appear nude or semi-nude,
 - b. Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities,” or
 - c. Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”
 6. *Nude or semi-nude model studios.* Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the

providing of models to display any "specified anatomical areas" as defined here for patrons for a fee or charge.

7. *Regularly Features or Regularly Shown.* A consistent and substantial course of conduct such that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as a part of the ongoing business of the adult entertainment business.
 8. *Sexually oriented business.* An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas.
- c. Permitted Uses. Any of the regulated uses listed in Section 5.2210(b)(5)(a)(2) are permitted if:
1. The use is located within a zoning district where the use is specifically permitted; and
 2. The use is located more than five hundred (500) feet from any residential zoned district, measured to the nearest lot line of the proposed use.
 3. The use is not located within one thousand (1,000) feet of one (1) other regulated use, measured from the nearest lot line to the nearest lot line on a straight-line basis.
- If the proposed use is within five hundred (500) feet of a residential zone, or within one thousand (1,000) feet of one (1) other regulated use, the Board of Zoning Appeals may grant a variance pursuant to the standards provided in Section 5.255 of this Code and pursuant to the following procedures:
- a. The Zoning Inspections Department will serve notice on all owners and occupiers of all property within five hundred (500) feet of the proposed use.
 - b. Said notice will give a minimum of thirty (30) days from the mailing of the notice until the Board of Zoning Appeals hearing on the matter.
 - c. Said notice will include a postcard addressed to the City, containing spaces for stating approval or disapproval of the proposed regulated use and including space for commentary.
 - d. The total number of letters received or postcards returned prior to the hearing will be tallied. The votes yea and nay will also be tallied. These votes will be considered as evidence, in the Board of Zoning Appeals' decision.
- d. Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of ninety (90) days from the date of said order of denial, except on the grounds of new evidence found valid by the Zoning Appeals Board of Appeals.
- e. Expansion and Discontinuance of Use. Establishments where uses subject to the control of this Article are located shall not be expanded in any manner without first applying for and receiving the approval of the Zoning Board of Appeals as provided in Section 5.2210(b)(5)(c). Further, if a use subject to the control of this Article is discontinued for more than thirty (30) days, the use may not be reestablished without applying for and receiving the approval of the Zoning Board of Appeals as provided in Section 5.2210(b)(5)(c).
- Nothing in this Article shall prevent the reconstruction, repairing, or rebuilding and continued use of any building or structure the uses of which make it subject to the controls of this Article which is damaged by fire, collapse, explosion or act of God.
- f. Penalty. A violation of any section, paragraph or clause of this ordinance shall be a misdemeanor punishable by up to a \$500 fine and/or 90 days in jail.

6. Arcades, mechanical amusement devices and similar devices:

- a. Any part of the lot occupied by such use shall not be located within three hundred (300) feet of any residential district or within five hundred (500) feet of the property line of any public, parochial or other private school offering courses in general education.
- b. Access to the site shall be directly from a Regional Arterial or Arterial street.
- c. All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and City Ordinances.

7. Automobile service centers (minor repair) and major automotive repair (such as body shops)

All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a single family residential district.

- a. If the gas station has auto repair or automobile mall, there shall be a minimum lot frontage on a paved road of two hundred (150) feet.
- b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article XXIV.
- c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.
- d. Where adjoining residential district, a wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- e. All repair work shall be conducted completely within an enclosed building.
- f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
- g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one (1) day.
- h. The applicant shall submit a written statement describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

8. Automobile service (gasoline) stations (including those accessory to another use)

- a. The minimum lot area for gasoline service stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for additional service bay and fifteen hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.
- b. Pump islands tanks, propane, and petroleum products shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
- c. Overhead canopies shall be setback at least fifteen (15) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.
- d. Access driveways shall be along an arterial street. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.

- e. Where adjoining residential district, a or wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The City Council may require landscaping, including a berm, as an alternative.
- f. All repair work shall be conducted completely within an enclosed building.
- g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the City Council and which extends no more than ten (10) feet beyond the building.
- h. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
- i. The applicant shall submit a written statement describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.
- j. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.

9. Automobile washes, automatic or self-service

- a. Only one (1) ingress/egress driveway shall be permitted on any single street.
- b. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
- c. All washing facilities shall be within a completely enclosed building.
- d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
- e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article XXIII, Parking Standards.
- f. Truck wash must be at least one hundred (100) feet from all property lines and entirely screened from any residentially zoned land using landscaping.

10. Banks, credit unions, savings and loan institutions with drive-through facilities with over three (3) drive-through lanes.

- a. Only one (1) ingress/egress driveway or one (1) pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.
- b. Exit and required stacking lanes shall not face directly at a single family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.
- c. A Traffic Impact Study shall be provided in accordance with Section 5.327.

11. Bed-and-breakfast inns in OR Office/Residential Districts

- a. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
- b. No bed-and-breakfast inn shall be located closer than three hundred (300) feet to another bed-and-breakfast inn.
- c. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
- d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.

- e. There shall be a maximum of six (6) rooms for lodging.
- f. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
- g. A sketch plan showing the floor plan shall be submitted for approval.
- h. Maximum sign size shall be twenty (20) square feet with a maximum height of five (5) feet. Sign materials are to be comparable with the architecture of the building.

12. Cemeteries

- a. Minimum property size shall be ten (10) acres.
- b. All grave sites, buildings and structures shall be setback at least one hundred (100) feet from all property lines.
- c. The City Council shall determine that the cemetery will have a "parklike" setting.
- d. Uses such as crematoriums, mausoleums, casket sales and monument sales shall be permitted as an accessory use to a cemetery. Setbacks and landscaping shall be compatible with adjacent uses.

13. Churches, temples and similar places of worship

- a. Minimum lot area shall be two (2) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of occupant load as determined by City Building Code.
- b. Buildings of greater than the maximum height permitted in Article XXI - Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one (1) foot for each foot of building height that exceeds the maximum permitted.
- c. All vehicular access to the site shall be onto a Regional Arterial, Arterial or Collector street, as classified in the City Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
- d. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The City Council may reduce this buffer based on the standards of Section 5.2411.
- e. The City Council may require a Traffic Impact Study, particularly if the church is to have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts (refer to Section 5.327).

14. Commercial Outdoor Sales or Storage and Open Air Businesses

- a. For outdoor sales or storage accessory to a principal commercial use, see Section 5.336.
- b. For open air businesses, see Section 5.2210(b)(27).

15. Commercial Composting Centers

- a. The applicant shall submit an Impact Assessment (See Sec. 328) describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
- b. The site plan which shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curing area, landscaped buffers, sales area and fencing.
- c. Commercial composting operations shall be at least one thousand (1000) feet from any residential district.

- d. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
- e. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
- f. The applicant shall describe acceptable methods for control of odors.
- g. A landscaped buffer strip or wall, as described in Article XXIV shall be provided on all sides adjacent to a residential district.
- h. Access shall be provided solely on Class A truck routes.
- i. All storage areas shall be enclosed in a building.
- j. Temporary signs shall be prohibited.

16. Essential Public Service Buildings and Structures

- a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- b. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. They can not be located in the district front yard setback.
- c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip or berm (See Section 5.2403).
- d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of brick construction.

17. Essential Public Service Storage Yards

- a. Requirements of item 16 above.
- b. The minimum lot size shall be three (3) acres.
- c. An open air fence six (6) feet in height shall be constructed on the boundary property lines.

18. Funeral Home

- a. Adequate assembly area is provided off-street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

19. General and Specialty Hospitals

- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
- b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

20. Group Foster Care Homes or Family Group Home

- a. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.

- b. A minimum of one hundred and fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5000) square feet.

21. Group Day Care Homes

- a. Group Day Care Homes shall have a minimum lot area of one half acre (21,780 square feet).
- b. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
- c. There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.
- d. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
- e. A minimum of one hundred and fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5000) square feet and be fenced and screened with landscaping on the exterior side of the fence.

22. Housing for the Elderly

- a. All sites shall be located within adequate walking distance of food stores, shopping centers, restaurants and drug stores, as determined by the City Council.
- b. All dwelling units shall consist of at least three hundred fifty (350) square feet per unit.
- c. Passive recreation area(s) shall be provided at the rate of twenty-five (25) square feet per unit.
- d. The minimum lot size shall be not less than one (1) acre.
- e. All units shall have at least one (1) living room and one (1) bedroom, except that not more than twenty (20) percent of the units may be of an efficiency-type apartment.
- f. The gross density of the dwelling units shall not exceed twenty (20) units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.
- g. Except as provided herein, all buildings and sites shall be in compliance with R-C requirements in Article XXI - Schedule of Regulations.
- h. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.
- i. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.

23. Kennels, Commercial

- a. For kennels housing dogs, the minimum lot size shall be two (2) acres.
- b. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.
- c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, sanitary requirements).
- d. An operations/management plan shall be submitted to the City.

24. Marinas, liveries and boat launch facilities

- a. The hours of operation may be limited as a condition of special approval to avoid negative impacts upon surrounding land uses.
- b. Adequate on-shore restroom facilities shall be provided for users of the site during hours of operation.
- c. Watercraft and/or related equipment, except for watercraft berthed in approved dock areas, shall not be stored outside of a structure in excess of twenty-four (24) consecutive hours.
- d. The site design shall provide reasonable visual and sound privacy from adjoining properties. A four foot, six inch (4'6") obscuring wall or fence shall be provided where abutting or adjacent districts are zoned for residential use. Fences, walls, barriers, or landscaping may be required, as deemed appropriate for the protection and enhancement of adjacent property and the safety and privacy of occupants and uses. Landscaping of immediate effect may be required, including evergreens or similar plant material not less than four (4) feet in height to mitigate potential negative impacts upon adjacent properties.
- e. In order to assure the safety of the public and promote efficient traffic flow and turning movements, the applicant may be required to limit street access.
- f. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties so as not to jeopardize the character of surrounding land uses.
- g. All off-street parking, loading and stacking areas shall be located within the site, unless otherwise approved through site plan review by the Planning Commission.
- h. Except in emergency situations, the repair of watercraft or related equipment is prohibited, including, but not limited to: boats, motors, and trailers.
- i. Lighting shall be shielded to prevent glare upon the adjoining properties, public rights-of-way and the river.
- j. All activities on the site shall be conducted in compliance with required state and federal permits.

25. Motels: Hotels, bed and breakfast inns, including accessory convention/meeting facilities and restaurants.

- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- b. Each room shall contain not less than two hundred fifty (250) square feet of floor area.
- c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
- d. A four foot six inch (4' 6") obscuring wall or fence must be provided where abutting or adjacent districts are zoned for residential use.

26. Nursing and Convalescent Homes

- a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
- b. Principal buildings shall not be closer than forty (40) feet to any property line.

27. Open Air Businesses, including Vehicle Sales

- a. Any open air business site shall include a building of at least 500 square feet of gross floor area for office use in conjunction with the open air business.
- b. Display and storage areas shall be paved with a permanent, durable, and dustless surface and shall be designed to dispose of stormwater without negatively impacting adjacent property.
- c. All loading and truck maneuvering shall be accommodated on-site.
- d. Storage of saleable materials shall be subject to Section 5.336.
- e. Used and new vehicle sales shall be further subject to Section 5.2210(b)(39).

28. Outdoor Theaters

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in M-1 District only. Outdoor theaters shall further be subject to the following conditions:

- a. Outdoor theaters shall abut, and have all access from, a Regional Arterial or Arterial.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- c. The area shall be designed as to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.
- d. A Traffic Impact Study shall be provided in accordance with Section 5.327.

29. Radio, Television, Microwave, and Cellular Phone Towers

- a. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any residential district. The setback from all other districts shall be at least one-half the height of the tower, provided the applicant provides engineering information the tower is self collapsing. The setback area shall remain clear of any building or structure except an accessory utility building.
- b. Lighting: The City Council shall approve any lighting on the tower.
- c. No signs or logo shall be permitted on the tower.
- d. The City Council may require a security fence to prevent access to the tower.

30. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)

- a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.

- c. The site shall be located on a paved street which is classified as a Regional Arterial or arterial in the City Master Plan.
- d. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.
- e. The site shall be periodically cleared of debris.

31. Recreation: Golf courses, Country Clubs, Par Three Golf Courses as principal use

- a. The site shall have access directly onto a Regional Arterial or Arterial road, as defined in the City Master Plan.
- b. The site plan shall be designed to achieve a relationship between the arterial and any proposed service roads, entrances, driveways and parking areas which will contribute pedestrian and vehicular traffic safety.
- c. Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the City Council may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
- d. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses.
- e. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the City Council to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.
- f. Any swimming pool shall meet the standards of Section 5.312 and comply with all applicable building codes and City Ordinances.

32. Recreation: Golf Driving Ranges, Miniature Golf Courses

- a. All traffic ingress and egress shall be from Regional Arterial or Arterial as classified in the City Master Plan.
- b. Parking lots shall be set back at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
- c. Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer strip with landscaping meeting the standards of Article XXIV.
- d. No building shall be constructed or located closer than two hundred (200) feet from the property line of any abutting residential lot.
- e. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
- f. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the City Council determines the netting would be compatible with surrounding uses.
- g. The City Council may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
- h. Tee areas for a driving range shall be clearly distinguished by elevating the stations six (6) inches to one and one half (1-1/2) feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

- 33. Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**
- a. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.
 - b. All uses shall be conducted completely within a fully enclosed building.
 - c. The buildings shall be sound-proofed.
 - d. A minimum eight (8) foot high, twenty (20) foot wide berm landscaped with evergreen trees to create a totally obscuring screen shall be provided.
- 34. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs**
- a. The proposed site shall have at least one (1) property line abutting a Regional Arterial or Arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
 - b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - c. Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The City Council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the City Council on the basis of usage.
 - d. Swimming pools shall meet the applicable standards of Section 5.312, all applicable building and health codes.
- 35. Recycling Centers**
- a. Recycling stations shall be only for the collection of recyclable materials for hauling to another site for processing. A one (1) or two (2) yard dumpster may be provided for non-recyclable waste, such as twine, lids, etc.
 - b. Paved loading and stacking spaces shall be provided for at least three (3) automobiles.
 - c. All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.
 - d. The City Council may require a totally obscuring fence or wall around the perimeter of the recycling center.
 - e. The hours of operation and materials accepted shall be clearly posted.
 - f. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- 36. Restaurants and other establishments with drive-in or drive-through facilities**
- a. Principal and accessory buildings shall be setback at least seventy-five (75) feet from any adjacent public right-of-way line or property line. Location shall be along a Regional Arterial or Arterial, as classified in the City Master Plan.

- b. Only one (1) access shall be provided onto any Regional Arterial or Arterial. Access points shall be located at least sixty (60) feet from the intersection of any two streets.
 - c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
 - d. A six (6) foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential, O-1, OR, or B-1.
 - e. Applicant shall provide a traffic impact assessment including projected traffic generation according to Section 5.327.
- 37. Schools:** Public, parochial and private intermediate and/or secondary schools offering courses in general education.
- All vehicular access to the site shall be onto a Regional Arterial, Arterial or Collector road, as classified in the City Master Plan. The City Council may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
- 38. Theaters (indoor), cinemas, concert halls and play houses**
- a. Access shall be from a Regional Arterial or Arterial roads.
 - b. A traffic impact study shall be submitted according to Section 5.327.
 - c. Wrought iron fencing may be placed along the frontage to direct pedestrians to safe crossing points, if the City Council determines the need.
 - d. The subject site shall be located with access to an existing traffic signal, or placed such that installing a traffic signal will not significantly impact through traffic flow.
 - e. The principal building and parking lot shall be setback at least fifty (50) feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Article XXIV.
- 39. Used and New Vehicle Sales**
- a. All lighting shall be directed away from adjacent residential districts.
 - b. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. A four foot, six inch (4' 6") obscuring wall or fence shall be provided where abutting or adjacent districts are zoned for residential use.
 - d. No repair or major refinishing shall be done on the lot.
- 40. Veterinary Clinics**
- a. The use shall be operated by a licensed or registered veterinarian.
 - b. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.
 - c. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
 - d. Any indoor boarding shall be limited to that incidental to treatment or surgery.
 - e. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
 - i. walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,

- ii. doors must be solid core,
 - iii. ventilation must be forced air.
- f. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- g. A caretaker's quarters may be permitted.

ARTICLE XXIII

Parking and Loading

Section 5.2300 Off-Street Parking Requirements

The purpose of this section is to provide in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. Off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- a. Off-street parking spaces may be located within a front, side or rear yard unless otherwise provided in this Ordinance.
- b. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership or some other form of legal control such as a lease or cross-parking agreement shall be shown for all lots or parcels intended for use as parking by the Applicant.
- c. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions for accessory uses, buildings and structures (Sections 5.311-5.316).
- d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- e. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- f. Two (2) or more buildings or uses may collectively provide the required off-street parking; in which case, the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at significantly different periods of the day and/or there is potential for a parker to visit two (2) or more uses.
- g. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- h. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- i. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers similar in type.

For uses not specifically listed in Section 5.2301, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.
- j. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- k. During construction, off-street parking shall be provided on site for all construction vehicles and employees.

- I. Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least twenty-five percent (25%) along all sides visible from public streets, residential districts or vehicular drives within the site.

SECTION 5.2301 Parking Units of Measurement

a. Floor Area:

- 1. Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.
- 2. Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eight-five percent (85%) of the gross floor area.
- 3. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.
- 4. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

- b. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

Residential

1.	Single- and two-family dwellings	2.0 spaces per dwelling unit
2.	Multiple-family dwellings	1.5 spaces per each efficiency or one bedroom dwelling unit 2.0 spaces per each two bedroom unit and 3.0 spaces for each three or four bedroom unit
3.	Senior independent units Senior "interim care" and "intermediate care" units retirement villages, etc. Convalescent homes, nursing home units, sanitariums, rest homes, etc.	1.5 spaces per unit 1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift 1.0 space per each three beds or two rooms, whichever is less, up to 120 beds; plus 3.0 spaces per each additional eight beds over 120 beds
4.	Manufactured homes in a mobile home park	2.0 spaces per each manufactured/mobile home unit or site

Institutional

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
1. Churches, places of worship	1.0 spaces per each three seats or six feet of pews
2. Hospitals, including emergency rooms but excluding areas devoted to outpatient care	2.5 spaces per each licensed bed; or 1.0 space per each two licensed beds, plus 1.0 space per each staff doctor and employee during peak shifts, whichever is greater (requirements for outpatient care listed separately)
3. Primary schools (elementary and junior high schools)	1.0 space per each instructor, plus 1.0 space per each employee and administrator, plus spaces required for any assembly hall, auditorium and/or outdoor arena
4. Secondary (high) schools, commercial schools, colleges required for any assembly hall, auditorium, or outdoor arena	1.0 per each instructor, plus 1.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus parking
5. Dance and union halls, fraternal orders, civic clubs, banquet rooms, and similar uses or facilities	1.0 space per every two persons of capacity authorized by the City Building Code
7. Golf course driving range	1.0 space per two tees
Golf course, par three	3.0 spaces per each course hole
8. Golf Course Open to the General Public, or Country Club, Except Miniature or "Par-3" Courses	Six (6) spaces for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use such as a restaurant or bar or banquet rooms
9. Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
10. Auditoriums, assembly halls and outdoor arenas	1.0 space per each three seats or six feet of bleachers
11. Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees
12. Child care centers	2.0 spaces plus 1.0 additional space per each eight children of <u>licensed authorized capacity</u>
13. Public Libraries	One (1) for each three hundred fifty (350) square feet of usable floor space
14. Public Recreation Centers	5.0 spaces per 1000 square feet of gross floor area
15. Museums	4.0 spaces per 1000 square feet of gross floor area

Business and Commercial

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
1. Planned Commercial or Shopping Center or enclosed malls	One (1) for each two hundred (250) square feet of gross leasable floor area
2. Automobile Wash (Automatic) *	2.0 spaces, plus 1.0 space per each employee on peak shift
3. Auto Wash (Self-Service or Coin Operated) *	Five (3) for each washing stall in addition to the stall itself
4. Barber Shop/Beauty Salon	2.5 spaces per each barber or beautician's chair/station
5. Bowling Centers	5.0 spaces per lane plus 25% of the required parking for any lounge
6. Ice/Roller Skating Rink	6.0 spaces per 1,000 sq.ft. GFA
7. Restaurant - sit-down type with or without drive through *	0.7 space per seat
Restaurant/bar/nightclub with liquor license and dancing	25 spaces per 1,000 sq.ft. gross leasable floor area or 2.0 spaces per seat, whichever is greater
Restaurant - take out with less than six tables and/or booths	6.0 spaces plus 1.0 space for each employee on peak shift
8. Showroom of a plumber, decorator or similar trade	1.0 space per 800 sq.ft. gross leasable floor area
Appliance Store	1.0 spaces per 250 sq.ft. gross leasable floor area
9. Convenience Store, with or without gasoline service *	4.0 spaces per 1,000 sq.ft. gross leasable floor area, plus spaces required for an auto service station activities or gasoline sales.
10. Equipment Repair	1.0 space per 800 sq.ft. gross leasable floor area
11. Laundromat	1.0 space per each two washing machines
12. Funeral Homes	1.0 space per 50 sq.ft. of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises.
13. Motel/Hotel with Lounge, Restaurant, Conference or Banquet Rooms or Exhibit Space	1.0 space per guest room plus 10.0 spaces per 1,000 sq.ft. of lounge, restaurant, conference or banquet rooms or exhibit space
Motel with Restaurant/Lounge	1.0 space per guest room, plus 12.0 spaces per 1,000 sq.ft. of restaurant/lounge space
Motel without Restaurant/Lounge; Bed and Breakfast Inn	1.0 spaces per guest room, plus 2.0 spaces for employees
14. Automobile Sales	1.0 space per 200 sq.ft. gross leasable floor

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

	Auto Service Station and Auto Care Centers without Convenience Goods	area, plus 3.0 spaces per each auto service bay 2.0 spaces per each service bay, plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 square feet devoted to sales of automotive goods
15.	Boat Launch, Public or Private.	Twenty-four (24) combined vehicle and boat trailer spaces for each launch ramp, in addition to one (1) space for each one (1) boat slip
16.	Other general retail uses not specified *	5.0 spaces per 1,000 sq.ft. gross leasable floor area
17.	Health Fitness Centers without Swimming Pool	5.0 spaces per 1,000 sq.ft. gross leasable floor area
	Swimming Pool	1.0 space per each three persons of capacity authorized by the City Building Code
	Racquetball/Tennis Centers	1.0 space per 1,000 sq.ft. gross floor area or 6.0 spaces per court, whichever is greater

* See Section 5.2302 for required stacking spaces

Offices

1.	Branch Bank, Credit Union or Savings and Loans *	1.0 spaces per 200 sq.ft. gross floor area plus 2.0 spaces per each 24-hour teller
2.	General Office Building	3.5 spaces per 1,000 sq.ft. gross floor area
3.	Medical/Dental Clinic/Office	7.0 spaces per 1,000 sq.ft. gross floor area

* See Section 5.2302 for required stacking spaces

Industrial

1.	Light Industrial, Manufacturing, Testing Labs, Research and Development Centers	1.5 spaces per 1,000 sq.ft. gross floor area, or 1.2 spaces per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle
2.	Warehousing	1.0 space per each 1500 sq.ft. gross floor area, or 1.0 space per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle (separate standard provided for mini-storage)

Section 5.2302 Stacking Space Requirements

- a. Separate, outdoor, stacking spaces which will not conflict with traffic accessing the use, and each twenty-five (25) feet in length, shall be provided for the following uses:
- | | |
|--|--------------------------|
| 1. Automobile repair station | 1 space per bay |
| 2. Automobile service station | 2 spaces per pump island |
| 3. Convenience store drive through | 2 spaces |
| 4. Drive-through financial institution | 4 spaces per window |
| 5. Drive-through food service | 10 spaces |
| 6. Dry cleaning drop-off station | 2 spaces |
| 7. Fully automatic car wash | 10 spaces per bay |
| 8. Self serve car wash | 2 spaces per bay |
| 9. Semi-automatic car wash | 10 spaces per bay |
- b. Stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

Section 5.2303 Barrier Free Parking Requirements

Barrier-free parking space(s) shall be located as close as possible to elevators, ramps, walkways, and entrances so that the physically challenged are not compelled to wheel or walk behind parked cars to reach them. Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or concrete material constructed to the engineering specifications and standards of the City.

- a. On each site proposed for use, additions, and/or redevelopment, for which the Zoning Ordinance requires submission of a site plan, designated barrier-free parking spaces shall be provided in accordance with the following table. The number of barrier free spaces may be increased if needed to comply with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division, or the Americans with Disabilities Act or for which the Planning Commission determines may have a higher demand for such spaces. Such space(s) shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth, clearly depicted upon the site plan, and clearly indicated by a sign and/or pavement markings. A fifteen (15) foot wide space for vans may also be required.

<u>Total Spaces</u>	<u># Required</u>	<u>Total Spaces</u>	<u># Required</u>
1-25	1	151-200	6
26-50	2	201-300	8
51-75	3	301-400	12
76-100	4	Over 400	12
101-150	5		plus 2 for every 250 spaces or fraction thereof over 400

- b. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

Section 5.2304 Off-Street Parking Space Layout, Standards, Construction and Maintenance

Whenever the off-street parking requirements above require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- a. No parking lot shall be constructed until a permit is issued by the Building and Zoning Administrator. Applications for a permit shall be submitted in a form specified by the Building and Zoning Administrator. Applications shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot demonstrating compliance with the provisions of this Section.
- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (see illustration):

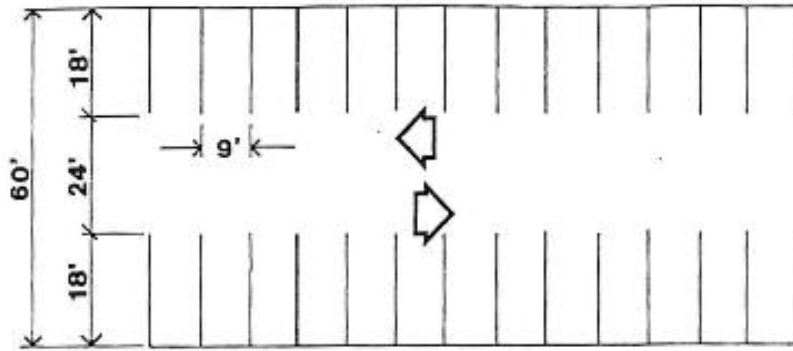
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0°(Parallel Parking)	12 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.
75° to 90°	24 ft.	9 ft.	18 ft.

Note: where a parking space is curbed, the vehicle overhang of the curb may be credited as two feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide.

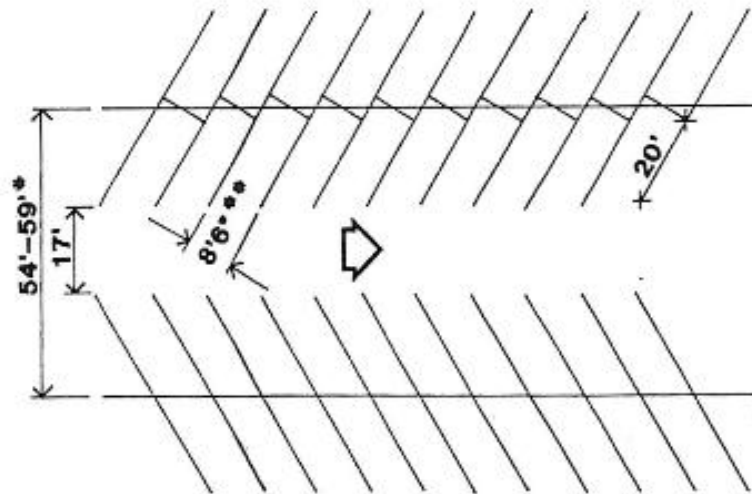
- c. Wherever a parking lot is to service required boat launch parking, such parking lot shall be laid out in accordance with the following requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier of Spaces & Maneuvering Lane</u>	<u>Total Width of Two Tiers of Spaces & Maneuvering Lane</u>
30° to 53°	20 ft.	10 ft.	40 ft.	56 ft.	92 ft.
54° to 74°	17 ft.	10 ft.	40 ft.	65 ft.	105 ft.
75° to 90°	40 ft.	10 ft.	40 ft.	80 ft.	120 ft.

- d. All spaces shall be provided adequate access by means of maneuvering lanes. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- e. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots shall have a concrete or asphalt surface. The parking area shall be surfaced with concrete or asphalt within one (1) year of the date the occupancy permit is issued.
- f. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- g. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- h. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.
- i. See Article XXIV for required parking lot screening walls and internal landscaping.



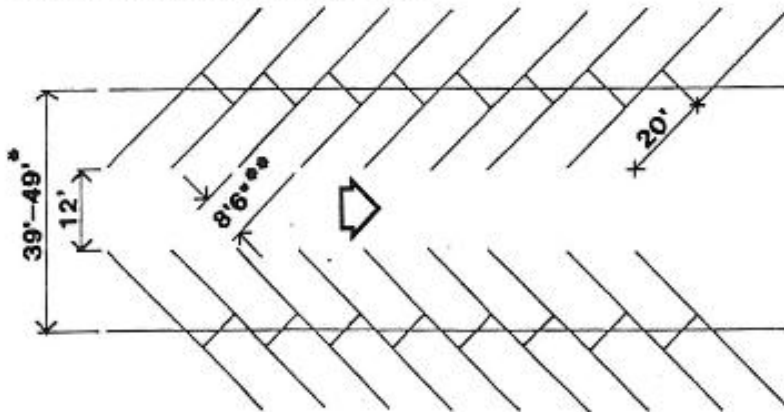
75 to 90
degrees



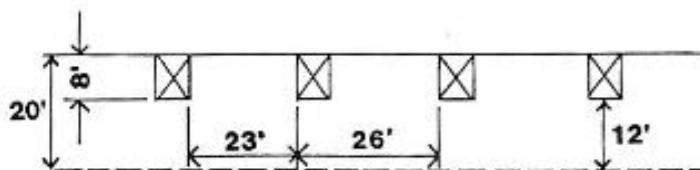
54 to 74
degrees

* Overlapping dimension (including herringbone pattern)

** Nine feet required when use involves significant loading and unloading or use of shopping carts, as determined by the Planning Commission.



30 to 53
degrees



Parallel

Parking Layouts

- j. Off-street parking areas shall be drained to prevent surface flow into adjacent property or toward buildings.
- k. All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. (See Section 5.322, Exterior Lighting.)
- l. Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

Section 5.2305 Off-Street Loading and Unloading

On-premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- a. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping as described in Article XXIV, Landscape Standards.
- b. All required loading and unloading spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.
- c. All loading and unloading in an "M" District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet. Required loading areas shall not be included in calculations for off-street parking space requirements.
- d. The minimum number of loading spaces provided shall be in accordance with the following table:

Institutional, Commercial and Office Uses

up to 5,000 sq. ft. GFA	1.0 space
5,001 - 60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	4.0 spaces, plus 1.0 space for each additional 60,000 GFA

Industrial Uses

up to 1,400 sq. ft. GFA	0
1,401 - 20,000 sq. ft. GFA	1.0 space
20,001 - 100,000 sq. ft. GFA	1.0 space, plus 1.0 space per each additional 20,000 sq. ft.
100,001 sq. ft. GFA and over	5.0 spaces

Section 5.2306 Restrictions on Parking of Vehicles

- a. Recreational Vehicle (as defined in Section 5.201) Parking in Residential Districts.
An owner of a recreational vehicle, as defined in Section 5.201, may park his or her recreation vehicle inside of a garage or similar permitted enclosed structure or may park or store such recreational vehicle or equipment outside subject to the following conditions:
 - i. The parking of recreational vehicles or recreational equipment shall be governed by and shall meet the standards set forth in the Zoning Code of the City of Rockwood and the Codified Ordinances of the City of Rockwood.

- ii. Any recreational vehicle and/or equipment may be stored on the recreational owner's premise subject to the following:
 - a. In no instance shall recreational vehicles be allowed in the designated front yard on a residential lot. Recreation vehicles are allowed to be parked or stored on an improved parking strip, parking bay, or driveway in the rear yard or the side yard determined by the extension of the front line of the house. No parking shall be permitted on lawns or other unpaved areas or on residential lots, nor shall parking be permitted on or across sidewalks or in the street blocking driveways.
 - b. The recreational vehicle or recreational equipment may not occupy more than fifty (50%) percent of the required side or rear yard.
 - c. A residential lot that fronts two streets (a corner lot) shall be allowed to park recreational vehicles in the designated side yard.
 - d. If space is not available in the rear yard or there is no reasonable access to either the side yard or rear yard, a waiver of said location requirement may be available from the City Administrator upon submission of a petition approving alternative parking signed by the majority of the neighbors on both sides of the street on the block in which the residential unit is located with the approval of the Police and Fire Chiefs.
- iii. Recreational vehicles parked or stored shall not have permanent or fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall the recreational vehicle or equipment be used for living or housekeeping purposes.
- iv. Camping, boats and other recreational vehicles or equipment may be temporarily parked in the driveway or on the street in front of the recreational owner's premises prior to or after use for loading or unloading purposes. Temporary parking for the recreational vehicles or recreational equipment as defined in Section 5.201 shall be limited to a maximum of a twenty-four hour period. A parking occurrence shall be defined as anytime the recreational vehicle or recreational equipment is brought in to the driveway, or in front of the premise, from off site and parked.
- v. All recreational vehicles or equipment shall be kept in good repair, running condition and/or mobile. Further, they must carry a registration in the name of the occupant of the dwelling unit on the residentially used property and a license that has not expired for a period of more than six (6) months.
- vi. The parking or storage of an unoccupied mobile home, being a moveable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year around living is specifically prohibited, except in the Mobile Home Park District.
- vii. The above conditions or provisions concerning location of recreational vehicles or equipment may be waived for a period of up to two (2) weeks to permit the repair of the owner's or occupant's recreational vehicle or equipment, or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Building Department. No more than two (2) permits shall be issued by the Building Department per address per calendar year. Permits shall be valid for a period not to exceed two (2) weeks. Such vehicles shall be located in the driveway of the applicant's residence and shall not block the sidewalk or be connected to the fixed utilities of the dwelling.
- b. Recreational Vehicles parked in Office, Commercial or Industrial Districts.
 - i. No Recreational vehicles or equipment may be parked or stored outside in any Office or Commercial District.
 - ii. Recreational vehicles or equipment may be stored in Industrial Districts behind industrial structures. Storage in the side yard of an industrial vehicle shall be permitted only in approved areas. Approved areas are defined as areas enclosed by landscape or fencing so the recreational vehicle is not visible from the street.
 - iii. The term recreational vehicle shall include utility trailers in paragraphs a and b above.

- c. **Parking of Commercial Vehicles**
 - i. Parking or outdoor storage of commercial vehicles greater than one (1) ton, including but not limited to, semi-trucks and trailers, mobile homes, tractors, earthmoving equipment and similar vehicles or equipment shall be prohibited from residential districts unless associated with approved construction on the site immediately adjacent to the area where the commercial vehicle or equipment is parked.
 - ii. Parking of commercial vehicles over one (1) ton for a period exceeding 24 hours shall be prohibited in any Office, Office/Residential or Commercial Districts.
- d. **Vehicles Parked with For Sale Signs.** Parking of any vehicle or equipment advertised for sale on land not leased or owned by the owner of the vehicle, recreational or otherwise, for over 24 hours shall be prohibited except for permitted automobile sales establishments.

ARTICLE XXIV

Landscaping Standards

Section 5.2400 Intent

The intent of this Article is to establish minimum standards for the design, installation and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character in the City. The standards of this Article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Section 5.2401 Requirements and Timing of Landscaping

Landscaping shall be illustrated on any site plan, sketch plan or plot plan reviewed by the City. The landscape plan shall clearly describe the location, type, size and spacing of all plant materials. Wherever the Zoning Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Administrative Official may require a performance guarantee to cover the cost of landscaping prior to issuing a Certificate of Occupancy.

Section 5.2402 Special Provisions for Existing Sites

Special provision is made for applying these standards to developed sites which existed prior to the City adopting landscaping requirements. When an existing site is undergoing improvement, a change in use, expansion or being re-occupied, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this Article in relation to the extent of expansion or change on a site.

When reviewing plans for a change in use or expansion which requires site plan or sketch plan review, the Administrative Official or body reviewing the plan shall require an upgrade in landscaping, using the following as guidelines:

- a. Each building expansion of one percent (1%) of gross floor area should include at least four percent (4%) of the landscaping required for new developments, or a minimum of thirty percent (30%) of the required landscaping, whichever is greater. The thirty percent minimum (30%) landscaping requirement shall apply in cases where only a change in use or occupancy is proposed with no expansion of building area or other site improvements.
- b. Landscaping along the street and as a buffer between adjacent land uses should take priority over parking lot and site landscaping, particularly where there is no excess parking over that required by Section 5.2301. Where parking lot landscaping can not be provided, additional landscaping along the street or in the buffer areas should be considered.

Section 5.2403 Required Landscaping Along Public Streets

One of the following street landscaping options is required on land abutting City street rights-of-way or where otherwise referenced.

- a. **Greenbelt:** A greenbelt meeting the following standards:
 - 1. Minimum width of ten (10) feet except in the B-1 Local Business and OR Office Residential districts where a zero setback is permitted in which case only the requirement in this section for trees shall be required.
 - 2. At least one (1) deciduous tree (minimum 2.5 inch caliper) and two (2) minimum eighteen inch (18") high shrubs per each thirty (30) lineal feet of street frontage. Location of the trees and shrubbery along the length of the greenbelt is discretionary (refer to Section 5.2408). The body or individual with authority to approve the plan may approve evergreens at least five foot (5") high as a substitute for some of all or the canopy trees.
 - 3. The greenbelt area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary. Black edging shall be used for any planting beds.
 - 4. Where headlights from parked vehicles will shine into the roadway, the City may require use of a totally obscuring hedge.

- b. **Berms:** A combination of a raised earth berm and plantings meeting the following standards:
 - 1. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Article is met.
 - 2. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building and Zoning Administrator.
 - 3. At least one (1) deciduous tree (minimum 2.5 inch caliper) shall be provided for each thirty (30) lineal street berm length.
 - 4. At least one (1) minimum eighteen inch (18") high shrub shall be provided for each one hundred (100) square feet of berm surface area (calculated from a plan view).
 - 5. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching or netting specifically designed to control erosion.
 - 6. The base of any signs placed within the berm shall be at, or below, the average grade along the berm.

- c. **Buffer Strip:** A buffer strip may be required, particularly where the uses across the street are less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:
 - 1. Minimum width of ten (10) feet.
 - 2. All trees shall be evergreens a minimum five (5) feet high at planting.
 - 3. The buffer planting area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary.
 - 4. The following species and planting spacings are recommended:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>(FT. ON CENTER)</u>
"Burkii" Red Cedar	Juniperus Virginiana "Burkii"	5
Stone Pine	Pinus Cembra	10
Mugo Pine	Pinus Mugo	5
American Arborvitae	Thuja Occidentalis	5
Canadian Hemlock	Tsuga Occidentalis	12

Serbian Spruce	Picea Omoriac	10
Irish Juniper	Juniperus Communis	3
White Fir	Abies Concolor	8
Japanese Cryptomeria	Cryptomeria Japonica	8
White Pine	Pinus Strobus	10
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

Section 5.2404 Interior Landscaping

For every new development, except in the RA-1, RA-2 and RA-3 Single Family Districts, the R-B Two Family Residential District and the R-M Mobile Home Park District, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least five percent (5%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following:

- a. One (1) deciduous (minimum 2.5 inch caliper) or ornamental tree (minimum 2.0 inch caliper) or evergreen tree (minimum 5 foot height) shall be provided for every four hundred (400) square feet of required interior landscaping area.
- b. One (1) eighteen inch (18") high shrub shall be provided for every two hundred fifty (250) square feet of required interior landscaping area.
- c. The interior landscaping area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and shall be curbed or edged as necessary. Black edging shall be used for any planting beds.

Section 5.2405 Parking Lot Landscaping

Within every parking area containing ten (10) or more spaces, at least three percent (3%) of the total parking lot area shall be landscaped, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- a. Deciduous trees (2.5 inch minimum caliper) and ornamental trees (minimum 2.0 inch caliper if tree form, six foot minimum height if clump form) shall be used with at least one hundred (100) square feet of planting area per tree. The area per tree may be reduced to seventy-five (75) square feet if the landscaped area is irrigated.
- b. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- c. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants nor interfere with adequate motorist sight distance.
- d. All islands shall be curbed. Dimensions of islands shall be shown on the site plan. Minimum island width shall be six (6) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of the islands shall be two (2) feet shorter than adjacent parking space to improve maneuvering.

Section 5.2406 Waste Receptacle and Mechanical Equipment Screening

Waste receptacles shall be located and screened in accordance with the standards of Section 5.313, waste receptacles. Ground mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission.

Section 5.2407 Plant Materials and Minimum Spacing

All plant material shall be hardy to the area, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area and Southeast Michigan, and mixture of trees from the same species association, is encouraged.

a. Recommended Trees and Shrubs for Parking Areas

- | | |
|--------------------|---------------------|
| London Plane Tree | Snowdrift Crabapple |
| Sweetgum | Marshal Green Ash |
| Linden Tree | Hardy Rubber Tree |
| Junipers | Hibiscus |
| Hawthorns | Scotch Pine |
| Dwarf Callery Pear | |

b. Recommended Trees and Shrubs for Greenbelt and Interior Landscape Areas

- | | | |
|----------------------|-------------------|--------------------|
| Amur Maple | Sweetgum | Golden Raintree |
| Hackberry | London Plane Tree | Scarlet Oak |
| Hawthorns | Pin Oak | European Linden |
| White Ash (seedless) | Russian Olive | Little Leaf Linden |
| Honeylocust | Zelkova | Japanese Tree |
| Lilac | Border Privet | Buckthorn |
| St. John's Wort | Junipers | Gingko |
| Mugo Pine | Serbian Spruce | Bristly Locust |
| Mockorange | Euonymus | Eastern Ninebark |
| Beauty Bush | Smoke Tree | Cotoneaster |
| Snowdrift Crabapple | Hedge Maple | Dwarf Callery Pear |
| Hardy Rubber Tree | Bayberry | European Hornbeam |

c. Recommended Salt Resistant Trees and Shrubs

- | | | |
|-----------------|--------------|----------|
| Pinus nigra | Sweetgum | Tamarix |
| Russian Olive | Black Locust | Hibiscus |
| Andorra Juniper | Honey Locust | |

d. Recommended Trees and Shrubs for Shady Areas

- | | | |
|--------------------|-----------------|------------|
| Euonymus | Honey Locust | Arborvitae |
| Mahonia aquifolium | Alpine Currant | Dogwoods |
| Amelanchier | Mountain Laurel | Viburnums |
| Crownvetch | Cotoneasters | |

e. Trees not Permitted (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures)

1. Box Elder
2. Soft Maples (Red, Silver)
3. Elms

4. Poplars
 5. Willows
 6. Horse Chestnut (nut-bearing)
 7. Tree of Heaven
 8. Catalpa
- f. **Plant Material Spacing:** Plant materials shall not be placed closer than four (4) feet from the fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

Section 5.2408 General Layout and Design Standards

- a. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.
- b. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- c. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained.
- d. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants (see also Section 5.328, Clear Vision Zone).
- e. Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.
- f. Landscape within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, curbing around landscape areas.
- g. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

Section 5.2409 Incentives to Preserve Existing Trees

The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one half inches (2½") caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the review body or individual.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

<i>Caliper of Preserved Tree (in inches)</i>	<i>Number of Trees Credited</i>
over 12 inches	3
8" - 11.9"	2
2.5" - 7.9"	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

Section 5.2410 Walls and Buffer Strips between Land Uses

In those instances where the following conditions occur, the need for the wall or berm or similar type of landscaped buffer strip shall be determined by the Planning Commission, City Council or the Building and Zoning Administrator, as appropriate.

- a. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except as otherwise required).

<u>Use</u>	<u>Requirements</u>
1. P-1 Vehicular Parking District	5 foot high wall
2. Off-street Parking area (other than P-1 Districts)	5 foot high wall
3. B-1, B-2, B-3 and O-1 Districts	5 foot high wall
4. M-1 and M-2 Districts – open storage areas, loading or unloading areas, service areas	5 foot to 8 foot high wall or fence plus landscaped buffer strip.
5. Auto Wash, Drive-in Restaurants	6 foot high wall
6. Hospital – ambulance and delivery areas	6 foot high wall
7. Utility buildings, stations and/or substations	6 foot high wall

- b. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts where there is an established wall height and material acceptable to the City, the wall shall be continued on the subject site.
- c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning and

Building Administrator. All walls herein required shall be constructed of materials approved by the Building and Zoning Administrator to be durable, weather resistant, rustproof and easily maintained; and, wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20%) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building and Zoning Administrator.

- d. The City may approve a three (3) to four (4) foot high heavily landscaped berm or a wooden fence as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect. Fences shall be made of wooden planks or slats and chain link fences shall not be accepted as an alternative.

Section 5.2411 Waiver or Modification of Standards for Special Situations

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscape and screening requirements of this Article, the following may be considered.

- a. Extent that existing natural vegetation provides desired screening.
- b. There is a steep change in topography which would limit the benefits of required landscaping.
- c. The presence of existing wetlands.
- d. Existing and proposed building placement.
- e. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- f. Building heights and views.
- g. The adjacent residential district is over 200 feet away from the subject site.
- h. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

ARTICLE XXV

Site Plan Review and Approval

Section 5.2500 Intent

The intent of this chapter is to establish the procedures and consistent standards for review and approval of site plans; and to ensure full compliance with the regulations in this Ordinance, other applicable ordinances and state and federal regulations. Site plan review standards are intended to encourage consultation and cooperation between the applicant and the City; and to balance the property owner's rights with the City's land use goals and desire to minimize adverse impacts on the investments of surrounding landowners. Therefore, these standards are designed to ensure a thorough evaluation of a development in relation to the goals of the City of Rockwood Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.

This section also contains special provisions to evaluate impacts of particular uses and to allow administrative approval in certain cases where there is a change in use, a minor change to an existing site or a minor change determined necessary in the field during construction, per Section 5.2502.e.

Section 5.2501 Exceptions to Site Plan Review

Site plan review shall not be required for the following:

- a. Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.
- b. Construction or erection of permitted accessory buildings and structures less than one hundred (100) square feet in area accessory to a multiple family, commercial, office, essential service, municipal or industrial use.
- c. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to one hundred (100) square feet, provided such activity is normally and customarily incidental to single- family uses on the site.
- d. Permitted family foster care homes, family day care homes and adult day care homes in single family zoning districts.
- e. Keeping of animals, except kennels, as permitted by the Ordinance.
- f. Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of the Ordinance.
- g. Repairing or curbing of parking lots.
- h. Construction or erection of signs, retaining walls, fences, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment, telephone booths, newspaper boxes, landscaping and similar structures which conform to other City standards.

Section 5.2502 Uses Requiring Site Plan Review

All site plans shall require the review and approval of applicable city departments and city consultants, including but not limited to the Fire Department, Police Department, Building Official, City Planner, City Engineer, etc.

Except as specifically provided in Section 5.2502 and Section 5.2503 (Administrative Review), the development of any new use, the construction of any new structures, any change of an existing use of land or site, re-occupying (no change in use) a site that does not conform to the standards of this Ordinance, and all other building or development activities shall require site plan approval pursuant to this Article. For example, site plan review shall be required for, but not limited to, the following:

- a. Any residential development, except construction or expansion of one single-family or two-family dwelling unit on an individual lot or parcel in the RA-1, RA-2 and RA-3 and the R-B zoning districts, or placement of dwelling units in an approved mobile home park.
- b. Development of any nonresidential use or building.
- c. The erection, relocation, conversion or structural alteration to any non-single-family or two-family building, structure or site to add floor space to the existing structure.
- d. Any development, which would establish more than one (1) principal use on a single lot, for example, a single-family site condominium or similar project where a single parcel is to be developed with more than one (1) detached, dwelling unit.
- e. Special Land Uses in all zoning districts.
- f. Cellular phone towers.
- g. Essential public service buildings and storage areas.
- h. Any change in the use of land or a building to a different class or type or to a more intensive use, as determined by the Administrative Official, that may involve significant changes to features such as building appearance, parking needs, traffic flow, traffic volumes, buffering needs, hours of operation, noise, effluent discharge, drainage and similar impacts.
- i. A change in use or re-occupancy (no change in use) of an existing building without a change in use on a site which does not conform to the standards and conditions of this Zoning Ordinance.
- j. Structural alterations to an existing building or structure to either combine existing interior areas to create a unit or space with greater floor area, or to divide an existing unit or space into a greater number of smaller units or spaces.
- k. A change in use or re-occupancy (no change in use) of an existing building where the proposed new use will increase the demand for parking or will require the creation of additional parking spaces.

Section 5.2503 Projects Eligible for Administrative Review

- a. **Eligibility:** The following activities are eligible for administrative review:
 - 1. Home occupations in accordance with the requirements of Section 5.502.
 - 2. Temporary uses, sales and seasonal events in accordance with the requirements of Section 5.330.
 - 3. An existing building and site are to be re-occupied by a use permitted by the zoning district and the new use will not require any changes in the existing site facilities such as parking, landscaping, lighting, signs, or sidewalks.
 - 4. Improvements to outdoor public recreational uses and parks.
 - 5. Expansion, replanting or alterations of landscaping areas consistent with other requirements of this Ordinance.
 - 6. Improvements or installation of walls, fences, lighting or curbing consistent with the other requirements of this Ordinance.
 - 7. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and the construction plans and lot construction are given written approval by the City Engineer.
 - 8. Relocation of a waste receptacle to a more inconspicuous location or installation of screening around the waste receptacle.
 - 9. Approved changes to utility systems.
 - 10. Modifications to upgrade a building's interior to improve barrier free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations. Such modifications shall not structurally alter the exterior of the building.

11. Façade improvements, that do not structurally alter the appearance of a building or structure.
- b. **Intent:** The intent of this Section is to permit administrative review of site plans by appropriate City Staff, City Planner and City Engineer in lieu of a more formal review by the Planning Commission and City Council in specific instances where temporary or minor site development, (as defined in part a above) activities are proposed.
- c. **Procedure:** The process for administrative review shall involve submittal of a complete site plan meeting all of the requirements of Section 5.2506 along with the required application form and fee to the Administrative Official. The City Planner, City Engineer and appropriate City Staff shall review the site plan to ensure that it is in compliance with all of the standards of this ordinance, including the site plan review criteria listed in Section 5.2505. All administrative site plans must be approved by two (2) or more of the following plan reviewers: City Planner, City Engineer, or City Administrator.
- Administrative review shall not be permitted if the proposed request involves a variance, a special land use, a nonconforming use or structure, or a discretionary decision. In those cases, Planning Commission review and City Council approval shall be required. If the Administrative Official finds that there are characteristics of the site or the proposal that warrant Planning Commission review, the full review and approval of the site plan by the Planning Commission and City Council shall be required.
- d. **Modification of Site Plan Requirements:** The Administrative Official may modify the site plan submittal requirements for plans eligible for administrative review when, in the written opinion of the City Administrator, after consultation with the City Planner, City Engineer, and any other applicable City Staff members, a full site plan submittal is not required to demonstrate compliance with the regulations of this Ordinance.

Section 5.2504 Administrative Review Standards - Re-Occupying Existing Sites

These standards apply to the administrative review of site plans for an existing building and site proposed to be re-occupied by a use permitted by the zoning district as specified in Section 5.2502(c) and no increase in the building area or intensity of use is proposed.

- a. All off-street parking areas and circulation lanes shall be paved.
- b. Trash receptacles shall be screened in compliance with Section 5.313.
- c. Landscaping of the site as required by Section 5.2402 of the Landscaping Standards.
- d. Any other conditions that must be brought up to current Zoning Ordinance standards to protect the health, safety and welfare of the public and to meet the spirit and intent of the Zoning Ordinance as deemed necessary by the Administrative Official, City Planner, or City Engineer.

Section 5.2505 Site Plan Review Criteria

The Planning Commission and City Council shall review all site plans as required by Section 5.2502 to insure that it complies with all of the criteria below:

- a. The proposed use will not be injurious to the surrounding neighborhood.
- b. The location of buildings, outside storage receptacles, parking areas, fences or obscuring walls, and utility areas will minimize adverse effects of the proposed use for the occupants of that property and the tenants, owners, and occupants of surrounding properties.
- c. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas to encourage the safety and convenience of pedestrian and vehicular traffic. The site plan includes the minimum number of driveways required to provide access. Driveways are spaced as far apart from intersections and other driveways as practical to reduce accident and congestion potential. Sharing access with adjacent uses is encouraged. The Planning Commission or City Council may require a traffic impact study as outlined in Section 5.327.
- d. The site plan provides for proper development of roads, easements, and public utilities and protects the general health, safety, and welfare of the City and its residents.

- e. Building architecture, materials, roof line, colors, windows and similar elements shall be consistent with the majority of other buildings in the City, as determined by the Planning Commission or City Council. Brick construction or brick trim, varying facade depths and peaked roofs, are encouraged. Stark white or bold colors and reflective glass are discouraged. The intent of this standard is to provide a harmonious, unified community to help create a sense of place and contribute to the image and quality of life in the City.
- f. The proposed site plan complies with all City codes and ordinances. Site plans for Mobile Home Park Districts shall comply with the preliminary plan requirements established in the Michigan Mobile Home Commission Acts.

Section 5.2506 Application For Site Plan Review

The detailed site plan presented for consideration shall contain all information required in this Ordinance.

- a. Application form provided by the City and required fee established by resolution of the City Council.
- b. Site Plan Drawings and Illustrations (with all dimensions):

Site plans shall contain all of the required data prior to approval of such plans by the City. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36", with the plan view drawn to a scale of 1" = 20' for property less than three (3) acres or 1" = 100' for property of three (3) or more acres. Included on the site plan will be all of the following data as applicable.

Data Required	Multiple Family	Commercial, Industrial, Public, and Semi-Public Development
1. Applicant's name, address, and telephone number.	!	!
2. Date (month, day, year) including dates of any revisions.	!	!
3. Title block.	!	!
4. Engineers Scale.	!	!
5. North arrow.	!	!
6. Location map drawn at a scale of 1" = 2,000', with north arrow indicated sufficient to indicate general surroundings and street network.	!	!
7. Name of the proposed development.	!	!
8. Common description of the property and complete legal description (also address, if available).	!	!
9. Dimensions of site including width, length, frontage and acreage exclusive of rights-of-ways.	!	!
10. Name, address, signature, and seal of Architect, Engineer, Surveyor, or Landscape Architect, who was responsible for the preparation of the site plan.	!	!
11. Zoning classification of Applicant's parcel and all abutting parcels.	!	!
12. A site analysis map illustration, current drainage flows (with arrows), boundaries of any wetland regulated by the MDNR, location and elevation of bodies of water, trees over eight inches (8") caliper, steep slopes, floodplain boundaries and elevation and existing structures	!	!

Data Required	Multiple Family	Commercial, Industrial, Public, and Semi-Public Development
13. Proximity to major thoroughfares and/or section corner.	!	!
14. Location of any required fire lanes.	!	!
15. Existing and proposed contours of the site in sufficient detail to determine drainage.	!	!
16. Location and elevation of existing drainage courses, floodplains, and lakes and streams.	!	!
17. Existing and proposed lot lines, property lines.	!	!
18. Existing and future right-of-way lines and easements.	!	!
19. All buildings, structures, signs, parking areas, sidewalks, etc. on the site and within 100 feet.	!	!
20. Proposed locations and dimensions of access drives, street materials and curbing, drives and driveways (all radii measurements shown).	!	!
21. Proposed street names.	!	!
22. Location of existing and proposed sanitary sewers.	!	!
23. Locations and sizes of the following:		
a) well sites in the proposed development.	!	!
b) water mains, hydrants, and building services.	!	!
c) storm sewers, site grading, drainage, retention basin, and/or other pertinent facilities including drainage and retention calculations and design details.	!	!
24. Building footprints with length and width dimensions.	!	!
25. Building elevations including types of materials and colors.	!	!
26. Setback and yard dimensions for buildings.	!	!
27. Location of interior and exterior sidewalks. Any development on City arterial and collector streets, shall require the construction of sidewalks within City right-of-way.	!	!
28. Location, type, intensity height and fixture details of external lighting. Projects in the downtown may require ornamental street lighting.	!	!
29. Locations and design details of any obscuring walls, berms, and fences.	!	!
30. Table illustrating compliance with parking requirements of Article XXIII for number of spaces, dimensions and pavement materials.	!	!
31. Landscape plan in accordance with Article XXIV.	!	!

Data Required	Multiple Family	Commercial, Industrial, Public, and Semi-Public Development
32. Entrance details and signs (Note: signs are subject to separate review under the sign ordinance.)	!	!
33. Location and type of all regulatory signs (stop sign, no parking signs, etc.)	!	!
34. Location of waste receptacle(s), if any, and screening details in accordance with Section 5.313. Turning radii of the waste receptacle vehicle shall be illustrated.	!	!
35. Location and method of screening of all transformer pads, reception antenna and air conditioners.	!	!
36. A density schedule showing the number of dwelling units by type per gross acre and net acre (see Sec. 321).	!	!
37. Floor plans of a typical building.	!	!
38. Carport locations and details, if applicable, indicating carports which meet the standards of Sec. 2300.	!	!
39. Details of community buildings and fencing of swimming pool, if applicable.	!	!
40. Location and details of any mail box clusters.	!	!
41. Specific amount, type, and location of recreation space and facilities, if applicable.	!	!
42. Loading and unloading areas meeting dimensional requirements of Section 5.2305.	!	!
43. An impact assessment or traffic analysis, if required (Sec. 2507).	!	!
44. For condominiums, an illustration of all general commons and limited commons.	!	!
c. The applicant shall submit the required number of copies of an application for site plan approval, site plans, and other information where applicable. The number of copies required will be determined by the Administrative Official. If the applicant or the applicant's representative are requested to attend the scheduled reviews and do not attend, the matter may be tabled.		
d. If the site plan is in order and contains the required information, the site plan shall be placed on the agenda of a regular or special Planning Commission meeting.		
e. The Planning Commission shall make a recommendation to approve or deny the site plan or to approve the site plan with conditions to the City Council. The final action to approve or deny the site plan or to approve the site plan with conditions shall be made by the City Council.		
f. The City Council shall take action within seventy (70) days of the first meeting at which the application first appeared on the agenda of the City Council, provided that the applicant has responded to reasonable requests to provide additional information. If requested information has not been provided, the City Council may postpone any action on the site plan until requested information is provided. However, preliminary plans for mobile home parks within a Mobile Home Park District shall be submitted and reviewed in accordance with the timetable established in the Michigan Mobile Home Commission Act.		

- g. The Planning Commission, as a condition of its recommendation of a site plan, or City Council as a condition of its approval of a site plan, may require reasonable modifications relating to: the location, height, number of stories, and size of dwellings, buildings, and other structures; the area of the yards, courts, and other open spaces; and the sanitary, safety, and protective measures which shall be required for such dwellings, buildings, and structures; and any other changes to meet the standards and intent of this Zoning Ordinance and other Ordinances, laws and regulations.
- h. For any approval with condition(s), the applicant shall submit a revised plan within sixty (60) days illustrating compliance with all conditions for approval by the Administrative Official. No permits shall be issued until such revised plan is submitted and approved.
- i. The applicant shall be responsible for the cost of preparing all site plan submittal information.

Section 5.2507 Environmental Impact Assessment

An Environmental Impact Assessment, in accordance with Section 5.2508 during the rezoning, Special Land Use and/or site plan review process is required in certain instances to provide information concerning the environmental, economic, social, and cultural effects on the community that a proposed project may have and to provide the necessary data for the City to make a rational determination on the request. It is necessary to minimize pollution, retain environmental resources, and to investigate the adequacy of public utilities and facilities such as sewer, water, and transportation system.

An Environmental Assessment providing the information and data specified herein, shall be submitted by the applicant and prepared and reviewed at the expense of the applicant:

- whenever a request for rezoning or site plan approval is submitted, whichever occurs first, for parcels having an area of twenty (30) acres or greater; or,
- whenever a request for rezoning is not consistent with the City's Master Plan; or
- whenever a development of one hundred fifty thousand (150,000) square feet of non-residential gross floor area or greater is submitted for site plan review; or,
- whenever a development of two hundred (200) dwelling units or greater is submitted for site plan review; or
- whenever required for a Special Land Use; or
- for a site containing significant wetlands, steep slopes or other natural features, as determined by the Planning Commission or City Council.

Section 5.2508 Requirements for Environmental Impact Assessment

For certain land uses that are considered to have a significant potential impact on traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. The cost of the impact assessment and review by the City shall be borne by the applicant. The applicant may request a meeting with City staff, consultants and key agency staff prior to developing the Impact Assessment.

The minimum contents of this impact assessment shall be:

- a. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
- b. An area plan or aerial photograph illustrating the entire site and nearby properties.
- c. **Overall site conditions:** narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, trees over eight inches (8") caliper, soils types, 100 year floodplains, drainage-ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity.

- d. **Wetlands:** Documentation by a qualified wetland specialist shall be required wherever the City determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.
- e. **Conceptual site plan** illustrating a very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing.
- f. **Land use impacts:** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and future development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- g. **Environmental impacts:** Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- h. **Impact on public facilities and services:** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- i. **Utility impacts:** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site. For sites served with sanitary sewer and public water, general calculations for sewage flows and water demands shall be provided in comparison with sewer line capacity.
- j. **Drainage:** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Wayne County Drain Commissioner shall be attached indicating their concerns and suggestions.
- k. **Storage and handling of waste and hazardous materials:** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, stored or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- l. **Traffic impacts:** A traffic study in accordance with Section 5.327 below shall be included in the Impact Assessment unless determined to not be necessary by the Administrative Official, because the use will generate less than five hundred (500) one-way vehicle trips daily or less than fifty (50) peak hour directional trips.

Section 5.2509 Performance Guarantee

- a. The Administrative Official shall require a performance guarantee to ensure completion of the site improvements (excluding building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.
- b. At the time the building permit application is filed with the Administrative Official, the applicant shall deposit the performance guarantee with the City Clerk. The amount of the performance guarantee shall be determined by the City Engineer and the Administrative Official in consultation with the applicant. If the required improvements take longer than six (6) months to complete, the City Manager shall authorize a rebate of any cash deposit in proportion to the amount of work that has been completed.

Section 5.2510 Building Permits

- a. An applicant whose site plan has been approved shall file with the Administrative Official a building permit application and two (2) sets of construction drawings stamped with an appropriate seal.
- b. The Administrative Official shall issue a building permit only after receiving a building application, two (2) sets of construction drawings stamped with an appropriate seal and the required performance guarantee.

c. Application for building permit.

Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable City, county, or state permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Administrative Official may issue permits for site grading, installation of public water and sewage facilities, and construction of roads, prior to recording the Master Deed. No permit issued or work undertaken prior to recording of the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

d. Expiration of site plan approval.

If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The Planning Commission may grant one or more extensions of up to twelve (12) months each, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards.

e. Application for Certificate of Occupancy.

Following completion of site work and building construction, the applicant shall apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Administrative Official. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

Section 5.2511 Recorded and As-Built Condominium Documents

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

- a. One (1) copy of the recorded Master Deed, and
- b. One (1) copy of any Condominium Bylaws and restrictive covenants.
- c. Upon completion of the project, the condominium project developer or proprietor shall furnish the City with two (2) copies of an "as built survey" and one (1) copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 1/2 x 14) inches. The as-built survey shall be reviewed by the City Engineer for compliance with City Ordinances. Fees for this review shall be established by the City Council.

Section 5.2512 Effect of Approval

Upon final approval of the site plan, construction or expansion of any permitted or special use shall conform to the site plan. The approval by the City Council of a site plan shall expire within one (1) year after the date of such approval, after which a new Site Plan Review is required. The Building Official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired. Approval shall also confer upon the Administrative Official the authority to approve minor modifications to an approved site plan during construction, as described in Section 5.2513.

Section 5.2513 Amendment of a Site Plan

A previously approved site plan may be amended by the City Council upon application in accordance with the procedures provided in Section 5.2506, or if eligible, Section 5.2502. Written documentation of approved minor changes during construction or for expansion or certain changes in use may be approved by the Administrative Official with concurrence of the City Engineer when the following are proposed:

- a. A change in internal floor plan which does not increase the intensity of use or parking requirements.

- b. Movement of a building, drive, road or parking by up to ten (10) feet during construction due to an unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall still meet all required setbacks and other standards of this ordinance.
- c. An increase or decrease road width by up to three (3) feet to improve safety or preserve natural features. The design shall remain consistent with the standards of the City.
- d. An increase in open space or alteration of the open space boundary by up to ten (10) feet with no decrease in overall open space.
- e. Expansion, replanting or alterations of landscaping areas or change in plant materials to a similar species, consistent with the other requirements of this Ordinance.
- f. Relocation of a waste receptacle to a more inconspicuous location.
- g. A change in the exterior materials to a material of the same color and quality as approved by the City Council.
- h. Relocation of a sign or light fixture meeting the dimensional and location standards of this Zoning Ordinance.
- i. Relocation of sidewalks, bike paths or pathways with the intent of improving public convenience and safety.
- j. Minor modifications to comply with a City, state or federal regulation.

Section 5.2514 *Revocation*

Approval of a site plan may be revoked by the City Council if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the City Council for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Administrative Official, applicant, and any other interested persons shall be given the opportunity to present information to the City Council and answer questions. If the City Council finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan and all construction shall terminate.

Section 5.2515 *Property Maintenance after Approval*

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

ARTICLE XXVI
Reserved for Future Use

ARTICLE XXVII

Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Uses of Structures and Premises

Section 5.2700 Intent

Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures, and uses of land and structures which were lawful before this Article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Article to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Article by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Article 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 Article and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 5.2701 Non-Conforming Lots

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Article, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Article. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance from yard requirements may be obtained through the Board of Appeals.

Section 5.2702 Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this Article, lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.
- c. If such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Article for the district in which such land is located.

Section 5.2703 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Article by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. No such structure may be enlarged or altered in a way which increases its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

Section 5.2704 Non-Conforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Article that would not be allowed in the district under the terms of this Article, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. No existing structure devoted to a use not permitted by this Article in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Appeals either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 5.2705 Repairs and Maintenance

- a. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased.
- b. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Section 5.2706 *Uses Under Exception Provisions Not Non-Conforming Uses*

Any use for which a general exception or conditional use approval is required as provided in this Article shall not be deemed to be a non-conforming use, but shall without further action be deemed a conforming use in such district.

Section 5.2707 *Change of Tenancy or Ownership*

There may be change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

ARTICLE XXVIII

Administration and Enforcement

Section 5.2800 Enforcement

Except where herein otherwise stated, the provisions of this Article shall be administered by the Administrative Official, Building Inspector, or by such other officer as shall be legally designated by the City Council.

Section 5.2801 Duties of Building Inspector

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Article. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Article.

The Building Inspector shall record all non conforming uses existing at the effective date of this Article for the purpose of carrying out the provisions of Article XXVII.

The Building Inspector is under no circumstances permitted to make changes to this Article nor to vary the terms of this Article in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Article are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

Section 5.2802 Plot Plan

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Article are being observed.

Section 5.2803 Permits

The following shall apply in the issuance of any permit:

- a. **Permits not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Article.
- b. **Permits for New Use of Land.** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a building permit is first obtained for the new or different use.
- c. **Permits for New Use of Buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.

- d. **Permits Required.** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress or other changes affecting or regulated by the City Building Code, Housing Law of Michigan, or this Article, except for minor repairs or changes not involving any of the aforesaid features.

Section 5.2804 Certificates

No land, building or part thereof shall be occupied by or for any use for which a building permit is required by this Article unless and until a certificate of occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate.

- a. **Certificates not to be Issued.** No certificates of occupancy pursuant to the Building Code of the City of Rockwood shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all provisions of this Article.
- b. **Certificates Required.** No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- c. **Certificates Including Zoning.** Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Article.
- d. **Certificates for Existing Buildings.** Certificates of occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Article.
- e. **Temporary Certificates.** Nothing in this Article shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this Article.
- f. **Records of Certificates.** A record of all certificates issued shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- g. **Certificates for Dwelling Accessory Buildings.** Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- h. **Application for Certificates.** Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the City, and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this Article.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

Section 5.2805 Final Inspection

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 5.2806 Fees

Amended by Ordinance 431 on September 20, 2006

City Council shall adopt a resolution requiring the payment of reasonable fees for zoning permits as a condition to the processing and granting of authority to use, erect, alter, or locate dwellings, buildings, accessory buildings, fences, and any other structures, including tents and recreational vehicles, within a zoning district established herein.

Section 5.2807 Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Article applicants shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Article to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Article, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Article; nor is it intended by this Article to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Article imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such provisions or agreements, the provisions of this Article shall control.

Section 5.2808 Zoning Commission / Planning Commission

Amended by Ordinance 431 on September 20, 2006

The Planning Commission is hereby designated as the Commission specified in Section 301 of Act 110 of the Public Acts of 2006, as amended, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Article.

Section 5.2809 Commission Approval

In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Article, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Article.

Any approval given by the Planning Commission, under which premises are not used or work is not started within twelve (12) months, shall lapse and cease to be in effect.

Section 5.2810 Notice

Amended by Ordinance 431 on September 20, 2006

- a. Except as otherwise provided in this Ordinance, if the City is required to provide notice and a public hearing, the City shall (1) publish notice of the request in a newspaper of general circulation in the City; (2) mail or personally deliver notice to the owners of property for which approval is being considered; and (3) mail or personally deliver notice to all persons to whom real property is assessed within 300 feet of the subject property and to occupants of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located in the City. If the name of an occupant is not known, the term "occupant" may be used.
- b. The notice specified above shall be given not less than 15 days before the date the application will be considered for approval.
- c. The notice shall do all of the following:
 - i. Describe the nature of the request;
 - ii. Indicate the property that is the subject of the request by street address, or if none, other appropriate descriptive terms;
 - iii. State when and where the request will be considered; and
 - iv. Indicate when and where written comments will be received concerning the request.

Section 5.2811 Violations and Penalties

Any person, persons, firm or corporation or anyone acting in behalf of said person, persons, firm or corporation violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine

of not more than five hundred (\$500.00) dollars and the costs of prosecution or in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not except the offender from compliance with the requirements of this Article.

ARTICLE XXIX

Zoning Ordinance Amendments

Section 5.2900 *Initiation of Amendments*

The City Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the City Council, the Planning Commission, the Board of Appeals, the Administrative Official designated by the City Council to enforce the ordinance or by petition of one or more residents or land owners. Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council prior to action by the City Council.

Section 5.2901 *Application Procedure*

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form:

- a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- b. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the fee simple owner.
- c. The existing and proposed zoning district designation of the subject property.
- d. The land use classification for the subject site as illustrated on the City's Master Plan.
- e. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- f. A written description of how the requested rezoning meets Sec. 2904 "Criteria for Amendment of the Official Zoning Map", or Sec. 2905 "Criteria for Amendments to the Zoning Ordinance Text".

Section 5.2902 *Amendment Procedure; Public Hearing and Notice*

- a. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as described in *Section 5.2810: Notice*, with the exception that if eleven (11) or more adjacent properties are proposed for rezoning, notice need not be sent by mail or personal delivery and the notice need not list individual addresses of the properties.
- b. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. The Planning Commission shall consider the criteria listed in Section 5.2904 for a requested amendment to the Official Zoning Map, and the criteria listed in Section 5.2905 for requested amendments to the standards and regulations in the text.
- c. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in *Section 5.2904: Criteria for Amendment of the Official Zoning Map*.

- d. An ordinance amendment shall take effect upon expiration of seven (7) days after publication or later as specified by City Council.
- e. An amendment to the zoning ordinance is subject to a protest petition. A protest petition shall be signed by one or more of the following:
 - i. The owners of at least 20% of the area of the land included in the proposed change; or
 - ii. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 - iii. Publicly owned land shall be excluded in calculation of the 20% land area.

If a protest is filed, approval of the amendment to the zoning ordinance shall require a 2/3 vote of the City Council. The protest petition shall be presented to the City Council before final legislative action is taken on the amendment.

Section 5.2903 Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

Section 5.2904 Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

- a. Consistency with the goals, policies and future land use map of the City of Rockwood Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the City, the Planning Commission and Council shall consider the consistency with recent development trends in the area.
- b. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- e. The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".
- f. The apparent demand for the types of uses permitted in the requested zoning district in the City of Rockwood area in relation to the amount of land currently zoned and available to accommodate the demand.
- g. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- h. Other factors deemed appropriate by the Planning Commission and City Council.

Section 5.2905 Criteria for Amendment to the Zoning Ordinance Text

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- a. Documentation has been provided from City Staff or the Board of Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.

- b. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- c. The City Attorney recommends an amendment to respond to significant case law.
- d. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- e. Other factors deemed appropriate by the Planning Commission and City Council.

Section 5.2906 *Restrictions on Resubmittal of a Rezoning Request*

An application for an amendment to the Official Zoning Map (i.e. a rezoning request) that has been denied, shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.

Sections 5.2907 through 5.2924 *Reserved for Future Use*

Section 5.2925 *Conditional Rezoning*

An owner of land may voluntarily offer in writing, and the City Council may approve, certain uses and development of land as a condition to a rezoning of that land and/or amendment to a zoning map.

- a. The Planning Commission or City Council shall not unilaterally demand, add to, or alter the conditions formally volunteered or offered in writing by the landowner during the approval process or during the time set forth in subsection (b) below.
- b. In approving the rezoning of land with conditions, the City Council may establish a time period by which the conditions shall be met. If the conditions are not met to the satisfaction of the City, and no extensions of the time to comply are given to the landowner, the land shall revert to its former zoning classification at the sole discretion of City Council.
- c. Standards for Evaluation of Rezoning Conditions. The following standards may be used by the City in considering a request for conditional rezoning:
 - i. The conditions shall be offered voluntarily by the landowner.
 - ii. The conditions shall be submitted in writing, signed by the landowner, and in a form acceptable to the City Attorney.
 - iii. The conditions shall include a legal description of the part of the site to which the conditions apply.
 - iv. The conditions shall specify a reasonable time period for fulfillment and/or completion.
 - v. The conditions shall be reasonably related to the permitted uses and off-site impacts of the rezoning request.
 - vi. The conditions shall be beneficial to the public welfare and compatible with adjacent land uses.
 - vii. The conditions shall not result in any violation of basic planning, engineering, architectural, or other life safety standards.
 - viii. The conditions shall be appropriate for all other similarly located and zoned sites in the City.
 - ix. The conditions shall not result in special privileges unavailable to other landowners.
 - x. The conditions shall not unreasonably preclude future planning and zoning options which are in the public interest.
 - xi. The conditions shall be reasonably enforceable and recordable.

ARTICLE XXX

Board of Appeals and Adjustments

Section 5.3000 Creation and Membership

There is hereby established a Board of Appeals and Adjustments which shall perform its duties and exercise its powers as provided in Article VII, Sections 601-607 of Act 110 of the Public Acts of Michigan of 2006 and in such a way that the objectives of this Chapter shall be observed, public safety secured, and substantial justice done.

- a. **Membership.** The Board shall consist of five (5) members. One (1) member shall be a member of the Planning Commission, and not less than three (3) shall be the remainder appointed by the Mayor, with the approval of City Council. One (1) regular member may be a member of City Council but shall not serve as chairperson of the Zoning Board of Appeals.
- b. **Alternate Members.** City Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Board in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- c. **Terms.** Appointments, except for members serving ex officio as Planning Commission or City Council liaisons, shall be for a period of three (3) years. When members are first appointed, the appointments may be for less than three years to provide for staggered terms.
- d. **Criteria for Membership.** Each member of the Zoning Board of Appeals shall be a resident of the City of Rockwood. An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals.
- e. **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance of office.
- f. **Removal and Vacancies.** Appointed members may be removed for misfeasance, malfeasance, or nonfeasance by the City Council only after consideration of written charges and a public hearing. Any appointive vacancies in the Board shall be filled in the same manner as new appointments and shall be filled for the remainder of the term.
- g. **Officers and Compensation.** The Zoning Board of Appeals shall annually elect its own Chairperson and Vice Chairperson. The compensation of the appointed members of the Board shall be fixed by City Council.

Section 5.3001 Meetings

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Chairperson's designee shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. A simple majority of the current membership of the Board shall constitute a quorum to conduct its business provided that there shall be at minimum of three (3) members to conduct business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Section 5.3002 Appeal

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau of the state or local unit of government affected by a decision of the Administrative Official charged with enforcement of the Ordinance.

Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals, by filing with the Administrative Official and with the Board of Appeals, an application and/or a Notice of Appeal, specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board of Appeals all the documents and records pertaining to the action being appealed. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Official certifies to the Board of Appeals, after notice of appeal has been filed with the Administrative Official, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

Following receipt of a written request concerning a request for a dimensional or use variance as described below, the Zoning Board of Appeals shall fix a reasonable time and place for the hearing of the request and give notice as provided in Section 5.2810, Notice, of this Ordinance.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the City and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing on the request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a dimensional variance from the zoning ordinance. A two-thirds (2/3) majority vote of the members of the Zoning Board of Appeals is required to grant a use variance.

A fee, as established by the City Council, shall be paid to the City Clerk at the time the notice of appeal is filed.

Section 5.3003 Jurisdiction

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in terms of this Ordinance, but shall have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

- a. **Administrative Appeals:** The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance including interpretation of the text of the zoning ordinance and zoning maps. The zoning board of appeals shall also hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with the administration and enforcement of the zoning ordinance. Said appeal shall be filed with the zoning board of appeals, upon a form provided, and within the time specified by the zoning board of appeals.
- b. **Dimensional Variance:** The zoning board of appeals shall have the authority to grant nonuse or dimensional variances for practical difficulties relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance. The authority of the Board of Appeals may include, but is not limited to, the following:

- i. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - ii. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is shaped such or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - iii. Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- c. **Use Variance:** The zoning board of appeals may vary the strict application of the provisions of zoning ordinance where the strict application of the provisions hereof will result in unnecessary hardship that would deprive the owner of reasonable use of land or building involved. Such variances shall be granted only in cases of property having unique characteristics not general to the neighborhood which would prevent reasonable use of the property as zoned and without substantial detriment to the public good or impairing the intent and purpose of the zoning ordinance.
- d. **Temporary Uses.** The zoning board of appeals may permit, upon proper application, temporary uses not otherwise permitted by Section 5.330, Temporary Uses and Seasonal or Special Events, and not to exceed twelve (12) months, with the granting of one (1) twelve-month extension being permissible for uses which do not require the erection of any capital improvement of a structural nature.

Section 5.3004 Standards for Variances and Appeals

Decisions of the Zoning Board of Appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the Board of Appeals, however, at least one of the applicable criteria must be found by the Board of Appeals.

- a. **Criteria Applicable to Administrative Appeals:** The Board of Appeals may interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Master Plan and the adopted zoning plan of the City, as shown upon the official Zoning Map.

The Board of Appeals shall reverse an order of the Administrative Official or other enforcement official only if it finds that the action or decision appealed:

- i. was arbitrary or capricious, or
- ii. was based on an erroneous finding of a material fact, or
- iii. constituted an abuse of discretion, or
- iv. was based on erroneous interpretation of the Zoning Ordinance or zoning law.

- b. **Criteria for Dimensional Variances:** The zoning board of appeals may grant a dimensional variance where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties for the use of the property for a permitted use, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is not sufficient to justify a variance.

The Board of Appeals, in considering a dimensional variance, shall consider the following criteria:

- i. Granting of the variance will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the residents of the city; and
- ii. Granting of the variance will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
- iii. Granting of the variance will not impede the normal and orderly development and improvement of surrounding property for use permitted in that district; and

- iv. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.
 - v. Adequate measures have been or will be taken to provide ingress and egress designed so as to minimize traffic congestion in the public streets.
- c. **Criteria for Use Variances:** A variance regarding the use of land shall not be granted unless the zoning board of appeals finds, on the basis of substantial evidence placed on the record, that the property cannot reasonably be used in a manner consistent with existing zoning.
- Before the zoning board of appeals may exercise its discretion and grant a use variance it shall make a finding of unnecessary hardship based on the following criteria:
- i. The property in question cannot be reasonably used for a use permitted in the current zoning district.
 - ii. The plight of the owner is due to unique circumstances and not to general conditions of the neighborhood.
 - iii. The use to be authorized will not alter the essential character of the neighborhood or be detrimental to the health, safety or welfare of the locality.
 - iv. The plight of the owner is not self created by the owner.
 - v. The owner is unable to secure a reasonable return on his or her investment due to the circumstances set forth in i through iv above.
- d. **Criteria for Temporary Uses.** The Board of Appeals, in granting permits for temporary uses as noted in Section 5.3003(d) above, shall do so under the following conditions:
- i. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - ii. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - iii. All setbacks, land coverage, off street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City, shall be made at the discretion of the Board of Appeals.
 - iv. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land or structures which do not require foundations, heating systems or sanitary connections.
 - v. The use shall be in harmony with the general character of the district.
- No temporary use permit shall be granted without first giving due notice of the request as provided for in Section 5.2810, Notice, of this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- e. **Votes required:** The concurring votes of a simple majority (2/3 in cases involving a use variance) of the current membership of the Board of Appeals shall be necessary to render a decision on the matters described in this Article, provided that there shall be at least three (3) members voting on the matter.

Section 5.3005 Orders

In exercising the above powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the Administrative Official from whom the appeal is taken. Any decision or order of the Zoning Board of Appeals shall be final.

Section 5.3006 Notice

The Board of Appeals shall make no determination, except in a specific case, and after a public hearing which shall be set no earlier than 15 days from the date of publication of the appeal. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the Board of Appeals, may be affected by any matter brought before it, in all cases including all owners of record of real property within three hundred (300) feet of the premises in question and all occupants of single and two-family dwellings within three hundred (300) feet, such notices to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The Board of Appeals may require any party applying to the Board of Appeals for relief to give notice to such other interested parties as it shall prescribe.

Section 5.3007 Miscellaneous

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

The Board of Appeals shall not have any jurisdiction to consider any decision by the City Council regarding a request for Special Land Use Approval.

A party aggrieved by the decision of the Zoning Board of Appeals may appeal to the circuit court for the county in which the property is located. An appeal of the decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. Appeals of decisions of the Zoning Board of Appeals shall be subject to the provisions of Section 606 of Act 110 of the Public Acts of Michigan of 2006, as amended.

