CITY OF ROCKFORD

ZONING ORDINANCE

As Approved by Codes and Regulations Committee, February 25, 2008

As Approved by City Council, March 24, 2008

Effective Date: April 3, 2008

As Amended through April 29, 2011

Ordinance Amendments

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6th Amendment 03/28/11 (Ord. 2011-037-O)

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Article 10 | LEGAL FRAMEWORK

10-001 TITLE

The official title of this chapter is the "Zoning Ordinance of the City of Rockford, Illinois." For convenience, it is referred to throughout this chapter as the "zoning ordinance."

10-002 EFFECTIVE DATE

The provisions of this zoning ordinance become effective on April 3, 2008, except as otherwise expressly stated.

10-003 AUTHORITY

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law.

10-004 APPLICABILITY

The regulations of this zoning ordinance apply to all development, public or private, within the corporate limits of the City of Rockford unless otherwise expressly stated in this zoning ordinance.

10-005 PURPOSES

This zoning ordinance is adopted for the purposes of:

10-005-A. protecting and promoting the public health, safety, and general welfare;

10-005-B. implementing adopted plans and policies;

10-005-C. enhancing residents' quality of life;

10-005-D. protecting the character of established residential neighborhoods;

10-005-E. maintaining economically vibrant as well as visually attractive business and commercial areas;

10-005-F. retaining and expanding the city's business and employment base;

10-005-G. promoting mixed-use, pedestrian-oriented development patterns;

10-005-H. accommodating pedestrian, bicycle, and transit use;

10-005-I. maintaining orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values;

10-005-J. ensuring adequate light, air, privacy, and access to property;

10-005-K. promoting environmentally responsible development practices;

10-005-L. promoting rehabilitation and reuse of older *buildings*;

10-005-M. maintaining a range of housing choices and options;

10-005-N. establishing clear, efficient, and timely development review and approval procedures under which decisions of the City Council ordinarily will be made within 60 days after receipt of a recommendation from the Zoning Board of Appeals; and

10-005-O. accommodating the orderly and beneficial development of all parts of the city in accordance with the preceding purposes.

10-006 MINIMUM REQUIREMENTS; COMPLIANCE WITH OTHER APPLICABLE REGULATIONS

10-006-A. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purpose and intent.

10-006-B. In addition to the requirements of the zoning ordinance, all uses and development must comply with all other applicable city, state, and federal regulations.

10-006-C. All references in the zoning ordinance to other city, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce state or federal regulations.

10-007 CONFLICTING PROVISIONS

10-007-A. CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls as determined by the City.

10-007-B. CONFLICT WITH OTHER CITY REGULATIONS

If the provisions of this zoning ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls as determined by the City.

10-007-C. CONFLICT WITH PRIVATE AGREEMENTS AND COVENANTS

This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.

10-007-D. CONFLICT WITH ANNEXATION AGREEMENTS OR COURT ORDERS

This zoning ordinance is not intended to interfere with, abrogate, or annul the terms and conditions contained in an annexation agreement between the City of Rockford and a property owner. Where there is a conflict between the annexation agreement and the terms of the zoning ordinance, the annexation agreement will govern so long as such annexation agreement is in full force and effect. Unless otherwise expressly provided, where this ordinance is amended to establish a higher standard for all new development including without limitation residential character standards, landscaping, screening, parking requirements such standards will apply to properties that are the subject of annexation agreements. The final order of a court that is in full force and effect will govern over the terms of the zoning ordinance.

10-007-E. CONFLICTS BETWEEN ANNEXATION AGREEMENTS AND REVIEW PROCEDURES

This zoning ordinance is not intended to interfere with, abrogate, or annul permitted uses within zoning districts approved within an annexation agreement at the time or the execution of said agreement. If the terms of Section 30-004 are more restrictive than the permitted uses of the zoning districts approved within an annexation agreement, the mandatory Planned Unit Development requirements of Section 30-004 of this ordinance shall not apply throughout the term of said agreement.

10-008 SEVERABILITY

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning ordinance, and in no way affects the validity of the remainder of the zoning ordinance.

Article 11 | General Rules of Language and Interpretation

11-001 Meanings and Intent

The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words defined in Article 91 (General Terms) have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in Article 91 have the meaning given in the latest edition of Merriam-Webster's Collegiate Dictionary.

11-002 Tenses and Usage

11-002-A. Words used in the singular include the plural. The reverse is also true.

11-002-B. Words used in the present tense include the future tense. The reverse is also true.

11-002-C. The words "must," "will," "shall," and "may not" are mandatory.

11-002-D. The word "may" is permissive, and "should" is advisory, not mandatory or required.

11-002-E. When used with numbers, "up to X," "not more than X," and "a maximum of X" all include X.

11-003 Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

11-003-A. "And" indicates that all connected items or provisions apply; and

11-003-B. "Or" indicates that the connected items or provisions may apply singularly or in combination.

11-004 Fractions

The following rules apply to factional number unless otherwise expressly stated.

11-004-A. Minimum Requirements

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 50 linear feet of frontage is applied to a 80-foot dimension, the resulting fraction of 1.6 is rounded up to 2 required trees.

11-004-B. Maximum Limits

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one *dwelling unit* for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed *dwelling units*).

11-005 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure, or illustration, the text controls.

11-006 References to Other Regulations

All references in the zoning ordinance to other city, county, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations.

11-007 CURRENT VERSIONS AND CITATIONS

All references to other city, county, state, or federal regulations in the zoning ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

11-008 LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

11-009 DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation.

11-010 PUBLIC OFFICIALS AND AGENCIES

All employees, public officials, bodies, and agencies to which references are made are those of the City of Rockford unless otherwise expressly stated.

11-011 COMMENTARIES

Commentaries are sometimes included in the zoning ordinance as a means of clarifying certain provisions or providing supplemental information. Text marked as "Commentary" has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the zoning ordinance by the Zoning Officer without the need for a formal ordinance amendment.

Commentary: When commentaries are provided, they will appear in this manner.

Article 12 | ZONING MAP

12-001 OFFICIAL ZONING MAP

12-001-A. ESTABLISHMENT

The location and boundaries of the zoning districts established by this zoning ordinance are shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the city's geographic information system (GIS) under the direction of the Community Development Director. This "Zoning" geographic coverage layer constitutes the City of Rockford's official zoning map. The official zoning map—together with all notations, references, data, and other information shown on the map— is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as if actually depicted within its pages.

12-001-B. MAINTENANCE AND UPDATES

The Community Development Director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map. The Community Development Director may authorize printed copies of the official zoning map to be produced and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

12-001-C. DISTRICT BOUNDARIES

When the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when entering the zoning boundary.

12-001-D. INTERPRETATIONS OF DISTRICT BOUNDARIES

Where any uncertainty exists about a zoning boundary, the actual location of the boundary will be determined by the Zoning Officer using the following rules of interpretation:

1. A boundary shown on the zoning map as approximately following a river, stream, lake, or other watercourse will be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the centerline of the watercourse.
2. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.
3. A boundary shown on the zoning map as approximately following a lot line or parcel boundary will be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established.
4. A boundary shown on the zoning map as approximately following a *street* or railroad line will be construed as following the centerline of the *street* or railroad *right-of-way*.

5. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
6. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

12-001-E. TREATMENT OF SPLIT ZONING

As of the effective date of this ordinance, when a parcel is shown to be located in two separate zoning districts, then the entire lot is construed to be in the less intense district and shall be subject to the more restrictive zoning regulations. This provision is not intended to apply to parcels with distinctive zoning on one or more sub-parcels, which have been legally described. Furthermore, this provision is not intended to restrict the establishment of an approved special use on a portion of an existing parcel.

12-001-F. ZONING OF ANNEXED LAND

All annexed parcels of land will be designated as R-1, Single-Family District unless otherwise specified in an annexation agreement that has been entered into between the landowners and the City of Rockford pursuant to the provisions of the Illinois Compiled Statutes. Any existing use at the time of annexation may be considered a non-conforming use as provided in Section 80-003.

Article 13 | TRANSITIONAL PROVISIONS

13-001 TRANSITIONAL PROVISIONS

13-001-A. COMPLETED BUILDING PERMIT APPLICATIONS

Complete building permit applications submitted prior to August 1, 2008 may be reviewed wholly under the terms of the previous zoning ordinance or wholly under the terms of this ordinance. Whether such review takes place wholly under the provisions of the previous zoning ordinance or under this zoning ordinance is at the applicant's discretion.

13-001-B. OTHER ZONING APPLICATIONS SUBMITTED BEFORE APRIL 3, 2008

Applications for parking lots and discretionary approvals such as special use and variance applications that were submitted in complete form and are pending approval before April 3, 2008 may be reviewed wholly under the terms of the zoning ordinance in effect immediately before April 3, 2008, or they may be reviewed wholly under the terms of this zoning ordinance. Whether such review takes place under the provisions of the previous zoning ordinance or under this zoning ordinance is applicant's option. The applicant's decision about which ordinance applies, once submitted, may not be changed. All development applications submitted on or after April 3, 2008 will be reviewed wholly under the terms of this zoning ordinance.

13-001-C. PERMITS ISSUED BEFORE APRIL 3, 2008

Any *building*, development, or structure for which a final *building* permit was issued before April 3, 2008 may be completed in conformance with the issued *building* permit and other applicable permits and conditions, even if such *building*, development, or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the *building*, development, or structure must be constructed, completed, and occupied only in strict compliance with the standards of this zoning ordinance.

13-001-D. PREVIOUSLY APPROVED SPECIAL USE PERMITS

All special use permits (including planned developments) granted prior to the effective date of this ordinance shall remain in full force an effect under the terms and conditions of the special use approval and the zoning ordinance in effect immediately before this zoning ordinance subject to the expiration limitations of Section 63-012. Any change of use in a previously approved special use will require compliance with this zoning ordinance.

13-001-E. PREVIOUSLY APPROVED VARIANCES

All variances granted prior to the effective date of this ordinance shall remain in full force and effect under the terms and conditions of the special use approval and the zoning ordinance in effect immediately before this zoning ordinance. However, the rights and privileges afforded such a variation will apply only to the specific variation granted.

13-001-F. VIOLATIONS CONTINUE

Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under Article 71 (| Violations, Penalties and Enforcement). If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Section 10-002. The adoption of this zoning ordinance does not affect nor

prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in Section 10-002.

13-001-G. NONCONFORMITIES

Any nonconformity under the previous zoning ordinance will also be nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that was unauthorized and did not constitute a nonconforming situation under the previously adopted zoning ordinance does not achieve nonconforming status under this zoning ordinance merely by repeal of the previous zoning ordinance.

13-001-H. ZONING DISTRICT CONVERSIONS

The zoning district classifications in effect before the effective dates specified in Section 10-002 are converted as follows:

Previous Zoning District		New Zoning District	
	Residential Districts ►►►►		
R-E	Rural Estate	R-E	Rural Estate
R-1	Single-Family	R-1	Single-Family
---	---------- (new)	R-1U	Single-Family Urban
R-2	Two-Family	R-2	Two-Family
RM	Multifamily Residential	R-2	Two-Family Residential
R-3	Multifamily Residential	R-3	Multifamily Residential
R-4	Multifamily Residential	R-4	Multifamily Residential
	Commercial Districts ►►►►		
C-1	Limited Office District	C-1	Limited Office District
C-2	Commercial District	C-2	Limited Commercial
C-3	Commercial District	C-3	General Commercial
C-4	Commercial District	C-4	Urban Mixed Use District
CBD	CBD Overlay	C-4	Urban Mixed Use District
	Industrial Districts ►►►►		
I-1	Light Industrial	I-1	Light Industrial
I-2	Industrial Park	I-2	General Industrial
---	----------(new)	I-3	Airport Industrial
	Special Purpose Districts ►►		
PRD, PMUD	Planned Unit Development	PUD	Planned Unit Development
RC	Residential Conservation District	HDO	Historic District and National Register Overlay
----	--------(New)	RRO	Rock River Overlay
	Wellhead Setback Overlay Districts		Wellhead Setback Overlay Districts

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Article 20 | Residential Districts

20-001 Purpose

Rockford's residential "R" zoning districts are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods and developing areas consistent with the city's *official comprehensive plan*. These regulations are intended to ensure that permitted and special uses are compatible within each district. They are intended to maintain and protect residential property values and to promote the peace, quiet, and enjoyment of the city's residential areas by requiring setbacks and open spaces on the same lot as the residential development. While these districts primarily accommodate residential use types, some nonresidential use types are also allowed.

20-002 Districts Established

The city's residential zoning districts are listed below. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to these districts:

Map Symbol	District Name
RE	Rural Estate
R-1	Single-Family Residential
R-1U	Single-Family Residential, Urban
R-2	Two-Family Residential
R-3	Multifamily Residential
R-4	Multifamily Residential

20-003 Names and Map Symbols

The "R" district names and map symbols are intended to provide a general indication of what is allowed in the district, with the "R" denoting the residential orientation of the district and the numeral or second letter providing a general indication of increasing density and intensity of use. For example, the R-4 district allows *multiple family dwellings* at a higher density than the R-3 district.

20-004 Uses

20-004-A. Use Table

Uses are allowed in R zoning districts in accordance with Table 20-1, below.

20-004-B. Use Classification System

For the purpose of this zoning ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 90. The first column of Table 20-1 lists the groups, categories, and types allowed in one or more R districts.

20-004-C. Permitted Uses

Uses identified with a "P" in Table 20-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this zoning ordinance.

20-004-D. Special Uses

Uses identified with an "S" in Table 20-1 may be allowed if reviewed and approved in accordance with the special use procedures of Section 63-002.

20-004-E. Performance Requirement Uses

Uses identified with a "PR" are permitted as performance requirement uses in the subject zoning district, subject to compliance with the performance and development standards of Article 40.

20-004-F. PLANNED UNIT DEVELOPMENTS

Uses identified with a "PUD" may be allowed if reviewed and approved in accordance with the planned unit development procedures of Section 30-001. Other uses and development activities may also require review and approval as a planned unit development based on their size, *height*, or other threshold criteria. (See the mandatory planned unit development thresholds of Section 30-004.)

20-004-G. PROHIBITED USES

Uses not listed and those identified with a "–"in are expressly prohibited.

20-004-H. USE STANDARDS

The "use standards" column of Table 20-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Uses that do not or cannot comply with applicable use standards require review and approval in accordance with the special use procedures of Section 63-002.

20-004-I. PARKING STANDARDS

The "parking standard" column of the following use table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Section 50-002.

Table 20-1 Use Classification Table

USE GROUP	Zoning District						Use Standard	Parking Standard
Use Category └specific use type	RE	R-1	R-1U	R-2	R-3	R-4		
P=Permitted Use; S= Special Use; PR=Performance Review; PUD= Planned Unit Development; - = Prohibited Use								
RESIDENTIAL								
└Detached house	P	P	P	P	P	P		50-003-F, Group A
└Townhouse	-	-	-	P	P	P	40-002-H	50-003-F, Group A
└Two-unit house	-	-	-	P	P	P		50-003-F, Group A
└Multifamily	-	-	-	-	P	P		50-003-F, Group A
Mobile Home Park	-	-	-	-	S	S		50-003-F, Group A
Mobile Home Subdivisions	S	S	S	S	S	S		50-003-F, Group A
Single Room Occupancy (SRO)	-	-	-	-	-	P		50-003-F
Group Living								
└Boarding house	-	-	-	-	-	P		50-003-F, Group B
└Community-based housing (6 or fewer)	P	P	P	P	P	P	40-002-B	50-003-F, Group Q
└Community-based housing (8 or fewer residents)	-	-	-	P	P	P	40-002-B	50-003-F, Group Q
└Community-based housing (9 to 15 persons)	-	-	-	-	P	P	40-002-B	50-003-F, Group Q
└Group home for adjustment	-	-	-	-	S	S		50-003-F, Group Q
Group Living Not Otherwise Classified	-	-	-	-	S	S		50-003-F, Group Q
Homeless Shelter	-	-	-	-	-	S		50-003-F, Group Q
Independent Living					P	P		50-003-F, Group C
Assisted Living/Elderly Housing					P	P		50-003-F, Group C
Nursing / Convalescent Homes	S	S	S	S	S	S		50-003-F, Group C
PUBLIC / CIVIC								50-003-F, Group C
College/University, Public	P	P	P	P	P	P		50-003-F, Group D
College/University, Private	S	-	-	-	S	S		50-003-F, Group D
Community Center / Community Service	S	-	-	-	S	S		50-003-F, Group D
Home Day Care (State licensed)	P	P	P	P	P	P		50-003-F, Group D
Hospital	S	-	-	-	-	S		50-003-F, Group F

USE GROUP	Zoning District						Use Standard	Parking Standard
Use Category └specific use type	RE	R-1	R-1U	R-2	R-3	R-4		
P=Permitted Use; S= Special Use; PR=Performance Review; PUD= Planned Unit Development; - = Prohibited Use								
Library/Cultural Exhibit, Public	S	S	S	S	S	S		50-003-F, Group E
Park/Recreation (Publicly Owned)	P	P	P	P	P	P		50-003-F, Group D
└Recreation Buildings and Similar Assembly Uses	S	-	-	-	S	S		50-003-F, Group H
Private Club	S	-	-	-	-	S		50-003-F, Group G
Private Golf Course	S	S	S	S	S	S		50-003-F, Group L
Religious Assembly	S	S	S	S	S	S		50-003-F, Group H
Safety Service, Public	P	P	P	P	P	P		50-003-F, Group D
School, Private	S	S	S	S	S	S		50-003-F, Group D
School, Public	P	P	P	P	P	P		50-003-F, Group D
Public Utility and Services								
└Basic, minor	P	P	P	P	P	P		50-003-F, Group D
└All other utilities and services	S	S	S	S	S	S		50-003-F, Group D
COMMERCIAL								
└Cemetery/columbarium/mausoleum	S	S	S	S	S	S		50-003-F, Group Q
└Crematory	S	-	-	-	-	S		50-003-F, Group Q
└Bed and breakfast	S	S	S	S	S	S	40-002-A	50-003-F
Offices, Charitable and Non-Profit	S	S	S	S	S	S		50-003-F, Group K
Parking for Non-Residential Uses When Located Off-Site	-	-	-	-	S	S		50-003-F
Temporary Trailer for Real-Estate Sales	S	S	S	S	S	S		50-003-F
Model Homes/Office	P	P	P	P	P	P		50-003-F
OTHER								50-003-F
Agriculture, Crop	P	-	-	-	-	-		50-003-F
Agriculture, Animal	-	-	-	-	-	-		50-003-F
Tree/Play House (under 120 sq ft)	P	P	P	P	P	P		
Tree/Play House (over 120 sq ft)	S	S	S	S	S	S		
Wireless Communication Facility								
└Co-located wireless facility on existing building or tower	P	P	P	P	P	P	40-002-J	50-003-F
└Free-standing tower	S	S	S	S	S	S	40-002-J	50-003-F
Wind Energy								
Wind Energy Conversion System	PUD	PUD	PUD	PUD	PUD	PUD		
Wind Energy Conversion System Small	S	S	S	S	S	S		
Wind Energy Conversion System Mini	PR	PR	PR	PR	PR	PR		
Meteorological Tower	P	P	P	P	P	P		
Solar								
Solar Collector	PR	PR	PR	PR	PR	PR		
Two-family Structures – Legally established and originally constructed as evidenced by the original building permit, prior to March 28, 2011, with a minimum lot size of 7,700 square feet to be continued as permitted uses in the R-1, Single-family Residential Zoning District	-	P	-	-	-	-		

20-005 LOT AND BUILDING STANDARDS

20-005-A. LOT AREA

1. MINIMUM LOT AREA STANDARDS

All development in R districts is subject to the following minimum lot area standards except as expressly allowed in 20-005-A.2.

District	Minimum Lot Area (sq. feet)
RE	21,780
R-1	7,700
R-1U	6,000
R-2	8,800
R-3	8,800
R-4	8,800

2. LOT AREA EXCEPTIONS

(a) CONTEXTUAL STANDARD FOR R-1, R-1U, AND R-2 DISTRICTS

In the R-1, R-1U and R-2 districts, when more than 50% of similarly zoned lots on a *block face* have a lot area less than prescribed in 20-005-A.1 the minimum lot area standard will be established based on the average lot area of all *zoning lots* fronting on the *block face* as determined by the mean value of lot sizes. The zoning officer may issue a zoning certification based on the average minimum lot area requirement. In no circumstance, however, may the minimum lot area established pursuant to this contextual standard be less than 4,356 square feet.

(b) LOTS OF RECORD

A detached house may be established on any *lot of record* that is at least 4,356 square feet, provided that all other requirements of this zoning ordinance are met.

20-005-B. LOT WIDTH

1. MINIMUM LOT WIDTH STANDARDS

Except as expressly allowed in 20-005-B.2 all lots must have a minimum lot width at the required *building setback line* as provided below:

District	Minimum Lot Width At Building Setback (feet)
RE	125
R-1	70
R-1U	50
R-2	80
R-3	80
R-4	80

2. LOT WIDTH EXCEPTION

A detached house may be established on any *lot of record* regardless of its lot width, provided that all other requirements of this zoning ordinance are met. This exemption also applies if a *lot of record* is increased in area and still does not comply with applicable minimum lot frontage standards.

20-005-C. LOT AREA PER DWELLING UNIT (DENSITY)

1. MINIMUM LOT AREA PER UNIT STANDARDS

All development in R districts is subject to the following minimum lot area per unit standards. These standards are not to be interpreted as a guarantee that allowed densities can be achieved on every lot. Other factors, such as off-street parking, *height* limits, *dwelling unit* sizes, and lot configuration may work to limit density more than these standards.

District	Minimum Lot Area Per Unit (square feet)
RE	21,780
R-1	7,700
R-1U	6,000
R-2	3,850
R-3	2,900
R-4	1,450

2. MINIMUM LOT AREA EXCEPTION

In the R-1, R-1U, and R-2 districts, when more than 50% of similarly zoned lots on a *block face* have a minimum lot area per dwelling less than that prescribed by Section 20-005-C.1, the minimum lot area requirement may be reduced to the average lot area per dwelling (as determined by a mean value) of the *zoning lots* fronting on the same *block face*. In no circumstance, shall the "average/mean" value allow a minimum lot area per dwelling to be reduced to less than 4,356 square feet in an R-1 and R-1U district.

20-005-D. MAXIMUM IMPERVIOUS SURFACE RATIO

1. STANDARDS

All development in R districts is subject to the following maximum *impervious surface ratio* standards:

District	Maximum Impervious Surface Ratio
RE	0.40
R-1	0.40
R-1U	0.50
R-2	0.40
R-3	0.60
R-4	0.70

2. ADJUSTMENT TO THE MAXIMUM IMPERVIOUS SURFACE RATIOS

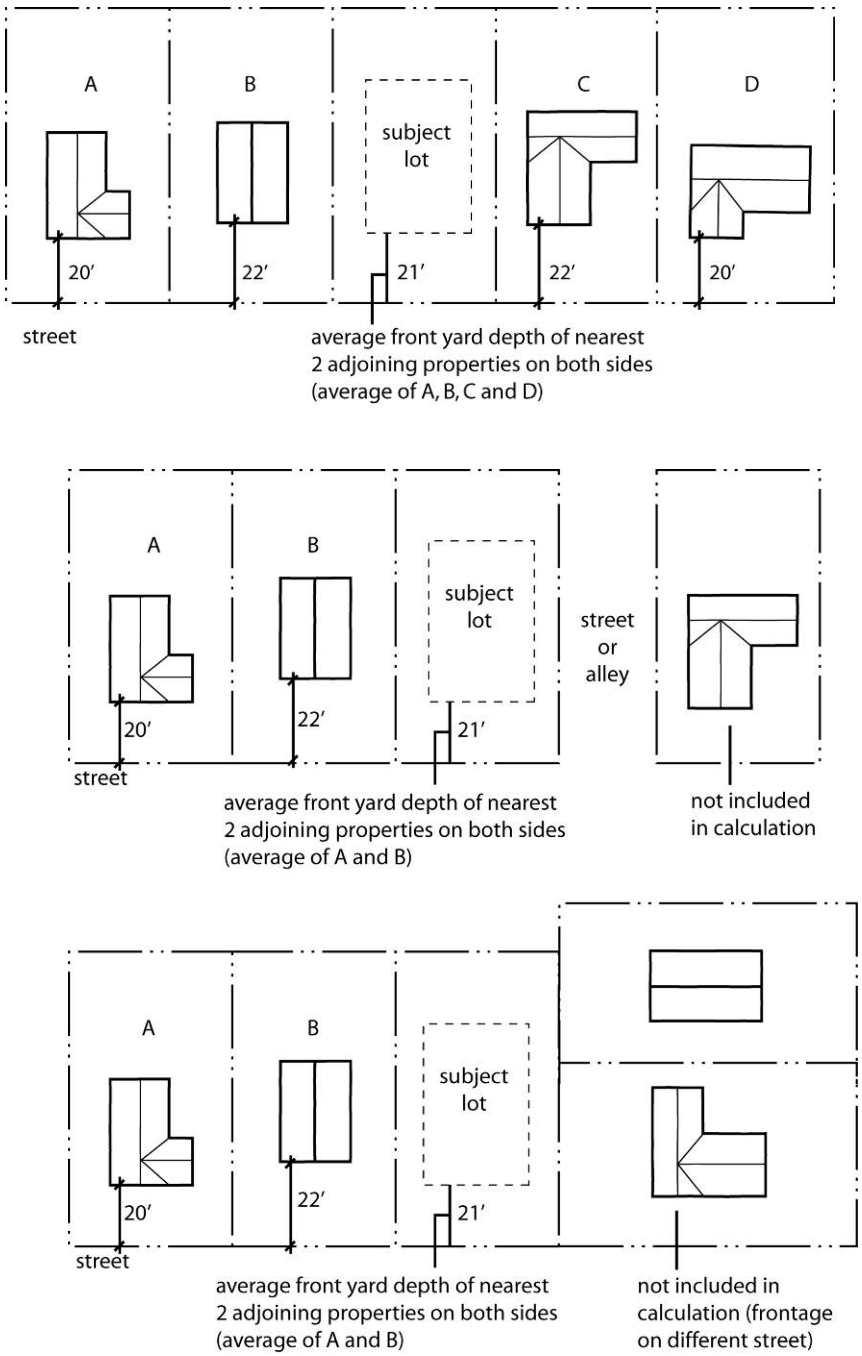
The zoning officer may permit a 25% increase in the maximum *impervious surface ratio* for a single-family home on any lot that is a legally established *lot of record* that does not satisfy the minimum lot area requirements of Section 20-005-A.1 where the zoning officer find that compliance with these standards would create a hardship due to the lot size or configuration.

20-005-E. FRONT SETBACKS

1. *Buildings* and structures in R districts must be set back from the front property line a distance equal to the average *front yard* depth that exists on the nearest 2 lots on either side of the subject lot as described and illustrated below. The zoning officer may issue a

zoning certification based on a determination that the proposed development complies with the depth of the average front setback.

Figure 1: Calculating Average Front Yards



(a) Lots that front on a different *street* than the subject lot or that are separated from the subject lot by a *street* or *alley* may not be used in computing the average.

(b) When the subject lot is a corner lot, the average setback will be computed on the basis of the nearest 2 lots that front on the same *street* as the subject lot.

(c) When the subject lot abuts a corner lot fronting on the same *street*, the average setback will be computed on the basis of the abutting corner lot and the nearest 2 lots that front on the same *street* as the subject lot.

2. Where no average front setback exists, the front façade of a residential structure must be set back a minimum of 25 feet and any parking garage including an attached garage must be set back a minimum of 30 feet. However, where a residential structure is constructed on a *street* designated as an arterial *street* by the Rockford Area Transportation Study the setback must be consistent with the setback indicated on the recorded lot, or equal to one-half the width of the adjoining *right-of-way*, or 30 feet, whichever of these is greater.

3. No front setback is required to exceed 60 feet.

4. If one or more of the lots required to be included in the averaging calculation are vacant, the vacant lots will be deemed to have a front setback depth of 30 feet.

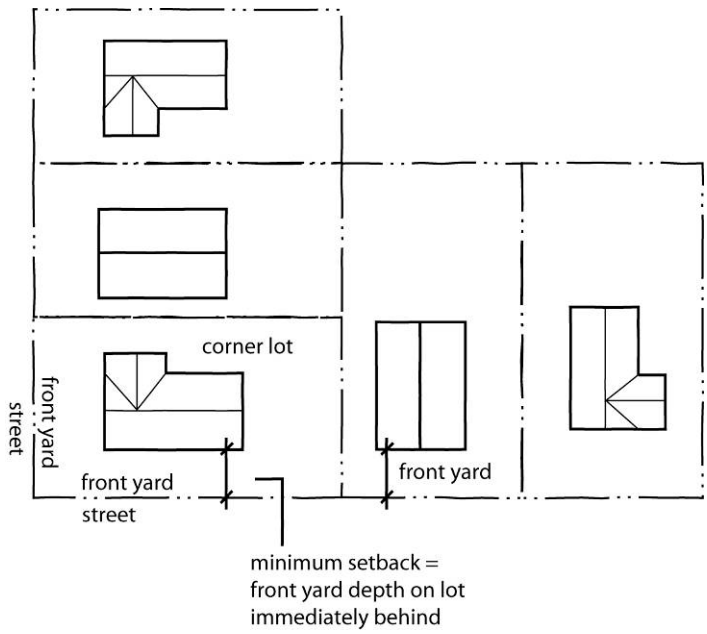
5. On lots that have opposite property lines abutting more or less parallel public *streets* (i.e. through lots), both lot lines abutting the public *streets* are considered front property lines and the front setback standards of this Section apply.

6. The setback provisions of this section, Section 20-005-E, do not apply to townhouses. Townhouses are subject to the standards of Section 40-002-H.

20-005-F. SETBACK STANDARDS FOR LOTS WITH TWO FRONT YARDS

In all R districts, the minimum setback on a lot with two front yards must be equal to at least the depth of the front setback that exists on the lot abutting the rear of the corner lot. If the abutting lot to the rear is vacant, then the minimum setback will be 30 feet. Moreover, no *accessory building* on a corner lot may be located within 2.5 feet of a rear lot line that abuts a side lot line of an R-1, R-1U, R-2, or R-3-zoned lot.

Figure 2: Side Yard Setbacks on Corner Lots



20-005-G. REAR SETBACKS

1. In all RE districts, the minimum rear setback for *principal buildings* is 75 feet.

2. In all other R districts, the required rear setback for *principal buildings* other than detached accessory structures is 30 feet.

20-005-H. SIDE SETBACKS

1. STANDARDS

All development in R districts is subject to the following minimum side setback standards, except as expressly allowed under the townhouse development standards of Section 40-002-H. Lots with two front yards are subject to Section 20-005-F.

District	Minimum Side Setback (feet)
RE	**Detached House:** 20 feet **Permitted/Special Nonresidential Uses** (e.g. religious assembly, school, college, hospital): 20 feet or 50% of the building height whichever is greater.
R-1, R-1U, and R-2	**Detached House:** Combined total width of side setbacks must equal 20% of lot width at the building setback line. No side setbacks shall be required to be more than 20 feet combined and no side setback shall be less than 6 feet. **Townhouse: See Section 40-002-H** **Permitted/Special Nonresidential Uses** (e.g. religious assembly, school, college, hospital): Combined total width of side setbacks must equal 20% of lot width at the building setback line or 50% of the building height whichever is greater.
R-3 and R-4	**Permitted Residential Uses:** Combined total width of side setbacks must equal 20% of lot width at the building setback line. No side setbacks shall be required to be more than 20 feet combined and no side setback shall be less than 6 feet. For buildings exceeding 25 feet in height add 1 foot of side setback for every 4 feet of building height above 25 feet. **Townhouse: See Section 40-002-H** **Permitted/Special Nonresidential Uses** (e.g. religious assembly, school, college, hospital): Combined total width of side setbacks must equal 20% of lot width at the building setback line or 50% of the building height whichever is greater.

2. ADJUSTMENT TO THE SIDE YARD REQUIREMENTS

The zoning officer may permit a 25% reduction in the *side yard* requirements for a single-family home on any lot that is a legally established *lot of record* that does not satisfy the minimum lot width requirements of Section 20-005-B where the zoning officer finds that compliance would create a hardship due to the lot size or configuration.

20-005-I. SETBACKS FROM STORMWATER DETENTION FACILITIES

All residential *buildings*, *decks*, *patios*, and detached accessory structures must be set back a minimum of 10 feet from any on-site stormwater detention facilities. The zoning officer will determine the boundaries of any on-site stormwater detention facilities based on the detention area needed for the 100 year storm.

20-006 BUILDING HEIGHT

20-006-A. All residential *buildings* in R districts are subject to the following maximum *building height* standards:

District	Maximum Building Height
RE, R-1, R-1U, R-2	35 feet
R-3	40 feet
R-4	50 feet

20-006-B. Article 30 allows residential development exceeding the *height* limits of this Section when such development is approved as a planned unit development.

20-007 CHARACTER STANDARDS

20-007-A. APPLICABILITY

The character standards established by this Section will apply to all new residential development as provided with the following exceptions:

1. The limitations of this Section will not apply to existing residential developments where the tentative plat was approved after 1973 and is at least 50% built out (i.e. homes have been constructed or building permits have been issued) on the effective date of this ordinance.
2. The limitations of this Section shall not apply for a period of 5 years from the effective date of this ordinance to a tentative plat approved prior to the effective date of this ordinance, or the subsequent final plat(s) from the same tentative plat.
3. The limitations of Section 20-007-E and Section 20-007-G.1 regarding rear or side loaded garages shall not apply to a final plat that has been recorded prior to the effective date of this ordinance.

20-007-B. BLANK WALLS IN ALL RESIDENTIAL DISTRICTS

To avoid the appearance of blank walls and ensure visibility from a residence to the *street*, windows, and/or main entrance doors must comprise at least 15% of the area of each residential *building* façade that faces a *street*. On corner lots this requirement for windows and doors will apply to the building frontage with the longest street-facing façade abutting a street.

1. For purposes of this provision, the façade includes the entire exterior plane of the *building* measured from grade to the top of the parapet on a flat roof or to the eave line on a pitched-roof *building*.
2. Generally, no openings or windows within a garage door shall be counted. However, the zoning officer shall allow up to 10% of the garage door facades to be counted toward meeting the requirements of this Section if the proposed garage doors.
   - **(a)** are wood doors compatible in appearance with doors on the main structure;
   - **(b)** incorporate *building* materials that mimic the main structure and include decorative valance windows;
   - **(c)** incorporate a design that splits all double car garage doors into two single doors; or
   - **(d)** incorporate recessed garage doors (a minimum of 2 feet) and decorative valence windows.

Figure 3: Calculating Area of Façade Devoted to Windows and Doors

The area devoted to doors and windows on the front elevation must represent 15% of the house's front façade. (Front façade does not include roof areas.)

20-007-C. DRIVEWAY WIDTHS

The *driveway* width standard of this Section applies to all *driveways* from the *street* or *alley* to a parking garage or parking surface not within a *front yard* in R-1, R-1U, and R-2 Districts or that leads to a garage, indoor parking area, approved loading dock, or an approved *parking lot* in all other zoning districts. The standard will also apply in the case of a circular *driveway* in an R-1, R-1U and R-2 district. However, a circular driveway shall not be permitted unless the zoning lot has a *street* frontage of at least 125 feet or for a corner lot at least 200 feet of street frontage.

1. DRIVEWAY WIDTH STANDARD

The width of any *driveway* may not exceed 24 feet as measured at the *street right-of-way* and must be designed in compliance with the requirements of the "Engineering Design Criteria" adopted by the Rockford Department of Public Works. The width of any *driveway* on a *zoning lot* may not exceed 24 feet except where the *driveway* flares or widens to accommodate parking in a 3 car parking garage. The zoning officer may approve *driveway* widths consistent with this section and consistent with the *impervious surface area* standards of Section 20-005-D. The standards of this Section shall not apply to the reconstruction of existing shared driveways that exceed the maximum driveway width provided that these pre-existing driveways are not widened during reconstruction.

20-007-D. SPECIFIC STANDARDS FOR DETACHED AND ATTACHED HOUSES AND TWO-UNIT STRUCTURES

1. GARAGE DOOR WIDTHS

In all districts, the length of the garage door(s) for a detached house, attached house, or two unit structures facing the street may not exceed 50% of the length of the residential building's street-facing façade. This standard shall not apply to structures on corner lots where the garage door(s) faces a different street than the front door.

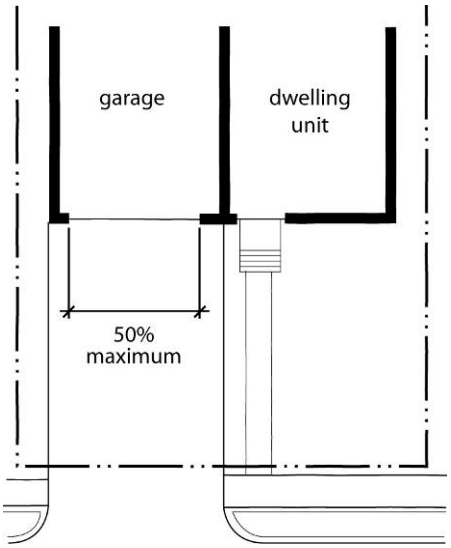
2. ALTERNATIVE TO GARAGE WIDTH STANDARD

The maximum garage door width established in Section 20-007-D may be increased from 50% to 60% of the building's front façade when:

(a) A minimum of 50% of the building façade facing the street is brick and/or stone; or

(b) The building is a minimum of two stories in height and includes a covered porch a minimum of 15 feet in length.

Figure 4: Percentage of Front Façade Devoted to a Garage Door



The length of the garage door facing the street may not exceed 50% of the residential building's street façade except as provided in Section 20-007-D.2 or 20-007-D.3.

3. EXCEPTION TO GARAGE WIDTH STANDARD

Where the street facing façade of the building is less than 24 feet long (such as in the case of a townhouse), the garage's wall facing the street may be up to 12 feet wide regardless of the requirements of Section 20-007-D.

20-007-E. REAR OR SIDE LOADED GARAGES

This section shall apply in all districts with developments of 40 or more detached houses, attached houses, two-unit homes or combinations thereof under single ownership. Plans illustrating rear and side loaded parking garages are provided in Appendix B.

1. Twenty-five percent (25%) of the total number of units with garages shall have garage doors that do not face the same street as the front door of the residence (i.e. the garages are located at the rear of the building or located so that the garage door faces a side property line). For detached homes this requirement will apply to 25% of the total number of units.

2. Residential structures with multiple garage doors that have at least one of the garage doors facing a side or rear yard shall be credited toward the satisfaction of the 25% requirement.

3. On corner lots where garage doors face the "side" street (i.e. the street opposite building façade's front door) such locations shall be credited toward compliance with the 25% requirement.

4. ALTERNATIVE TO REAR OF SIDE LOADED GARAGE STANDARD

The percentage of garage doors required to be located at the rear of the building or required to have garage doors facing a side-property line consistent with this Section may be reduced from 25% to 15% where:

(a) A minimum of 50% of the building façade facing the street right-of-way is brick and/or stone for all structures within the development;or

(b) A minimum of 50% of the building façade facing the street is brick and/or stone for 75% of the structures in the development with the remaining 25% of the homes having gables that face the street and include windows in the garage and have garage doors that:

(1) are wood doors comparable in appearance with the doors of the main structure; or

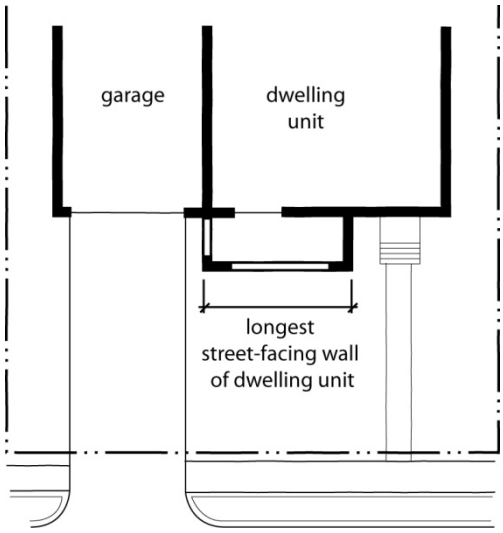
(2) are doors constructed of materials that are compatible in appearance with the doors of the main structure and include decorative valance windows; or

(3) are doors that incorporate a design that splits all double doors into single garage doors.

20-007-F. GARAGE SETBACKS

In all districts, where detached houses, attached houses, or two unit structures have garage doors facing the street such garage doors shall not extend closer to the street than the longest street-facing wall of the dwelling(s) except as provided in Section 20-007-F.1. A porch may be considered the longest facing street wall when a porch is at least 15 feet in width and covered. In the case of a corner lot where the garage door faces one street right-of-way and the front door of the dwelling faces another, then the setback requirement of this Section shall not apply.

Figure 5: Relationship of Garage Setback to Front Facade Setback



The garage must be set back a distance equal to or greater than the street façade of the building.

1. ALTERNATIVE TO GARAGE SETBACK STANDARD

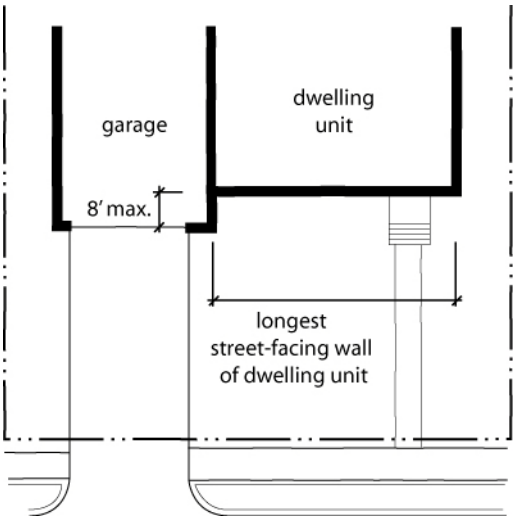
A minor projection of the wall containing the garage door(s) from the longest street-facing wall of the dwelling(s) shall be permitted provided that the garage door(s) does not project more than 8 feet closer to the street and provided the garage door(s):

(a) Are wood doors compatible in appearance with the doors of the main structure; or

(b) Are constructed of building materials that are compatible in appearance with the doors of the main structure and include decorative valance windows; or

(c) Incorporate a design that splits all double garage doors into single garage doors;

Figure 6a: Relationship of Garage Setback to Front Facade Setback



The alternative standard allows a minor projection such that a garage may not be more than 8 feet closer to the street than the longest street-facing wall of the building.

20-007-G. SPECIFIC STANDARDS FOR MULTI-UNIT STRUCTURES

1. REAR OR SIDE LOADED GARAGES

In all districts, developments of 40 or more multi-family dwellings that are under single ownership must have at least 25% of the total number of dwelling units with garages in which the garage door does not face the street (i.e. the garages are located at the rear of the building or located so that the garage door faces a side property line). This way, at least 25% of new development will retain the historical city pattern of front doors, windows, and front-yards facing the street.

2. GARAGE SETBACKS

In all districts, multi-family developments that are under single ownership and that involve the construction of 40 or more units shall be designed so that a minimum of at least 50% of the garage doors facing the street being are setback so that they are located no closer to the street than the longest street-facing wall of the multi-family building. Where the lot has more than one lot line abutting a street, this setback shall be met only on that street-facing façade upon which the garage entrance is located.

Article 21 | COMMERCIAL DISTRICTS

21-001 DISTRICT DESCRIPTIONS

21-001-A. GENERALLY

The "C" (Commercial) districts are intended to accommodate retail, service, and commercial uses and to ensure that business and commercial-zoned areas are compatible with the character of existing neighborhoods.

21-001-B. C-1, LIMITED OFFICE DISTRICT

1. The C-1, Limited Office district is intended to accommodate low-intensity office development in close proximity to residential uses.
2. The C-1 district is intended to serve as a *buffer* between established commercial uses and residential neighborhoods.
3. The C-1 district is intended to allow the conversion of structures built for residential purposes to be converted to limited office use as a means to preserve these structures.
4. The C-1 district permits limited business service uses in addition to offices provided such services are low traffic generators.
5. The C-1 district does not permit outdoor storage, outdoor sales, or outdoor displays.

21-001-C. C-2, LIMITED COMMERCIAL DISTRICT

1. The purpose of the C-2, Limited Commercial district is to provide a wide range of development options for the retail sale of goods and for professional and commercial services
2. The C-2 district limits certain commercial uses that may cause undue traffic congestion or uses that may have detrimental impacts on neighboring properties.
3. The C-2 district does not permit outdoor storage, and outdoor sales and displays are limited to private sidewalks that abut the principal structure and areas adjacent to the main customer entrance.

21-001-D. C-3, GENERAL COMMERCIAL DISTRICT

1. The primary purpose of the C-3, General Commercial district is to accommodate a very broad range of business, service, and commercial uses. In terms of allowed uses, C-3 represents the highest intensity business or commercial zoning district. It allows nearly any type of business, service, or commercial use, including those involving outdoor operations and storage. Like the C-2 district, the C-3 district, development will generally be destination-oriented; a very large percentage of customers will arrive by automobile.
2. The C-3 district is distinguished from C-2 district by the range of use types allowed: C-3 permits more intensive, more auto-oriented commercial use types than does C-2.
3. The C-3 district is intended to be applied to large sites that have primary access to major thoroughfares.

21-002 ALLOWED USES

Uses are allowed in the "C" Zoning Districts in accordance with the Use Table of this section.

21-002-A. USE GROUPS AND CATEGORIES
Use Groups and Use Categories are described in Section 90-001-A.

21-002-B. PERMITTED USES
Uses identified with a "P" are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

21-002-C. PERFORMANCE REQUIREMENT USES
Uses identified with a "PR" are permitted as performance requirement uses in the subject zoning district, subject to compliance with the performance and development standards of Article 40.

21-002-D. SPECIAL USES
Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special use procedures of Section 63-002, and subject to compliance with all other applicable standards of this Zoning Ordinance.

21-002-E. PLANNED UNIT DEVELOPMENTS
Uses identified with a "PUD" may be allowed if reviewed and approved in accordance with the planned unit development procedures of Section 30-001. Other uses and development activities may also require review and approval as a planned unit development based on their size, *height*, or other threshold criteria. (See the mandatory planned unit development thresholds of Section 30-004.)

21-002-F. PROHIBITED USES
Uses identified with a "–" are expressly prohibited. Uses that are not listed in the table are also prohibited.

21-002-G. USE STANDARDS
The "Use Standard" column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a permitted (P) or special use (S).

21-002-H. PARKING STANDARDS
The "Parking Standard" column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Section 50-003.

Table 21-1 Use Classification Table

USE GROUP	Zoning District			Use Standard	Parking Standard
Use Category └specific use type	**C-1**	**C-2**	**C-3**		
P=Permitted Use, S=Special Use, PR=Performance Review, PUD= Planned Unit Development, - = Prohibited Use					
RESIDENTIAL					
Household Living					
└Artist Live/Work Space located on the ground floor	S	S	S		50-003-F-B
└Artist Live/Work Space located above the ground floor	P	P	P		50-003-F-B
└Dwelling Units located above the ground floor	P	P	P		50-003-F-B
└Dwelling Units located on the ground floor (as follows)					
└Detached house	S	S	S		50-003-F-A

USE GROUP	Zoning District			Use	Parking
└Attached house	S	S	S		50-003-F-A
└Two-unit house	S	S	S		50-003-F-B
└Apartment/condo (3+ units)	S	S	S		50-003-F-B
Group Living					
└Community-based housing	S	S	S	40-002-B	50-003-F-P
└Group Home for Adjustment	S	S	S		50-003-F-P
Group Living Not Otherwise Classified	S	S	S		
Single-Room Occupancy	S	S	S		
PUBLIC / CIVIC					
Child Care Facility (State licensed)	P	P	P		
College/University, Public or Private	P	P	P		50-003-F-D
Homeless Shelter	S	S	S		50-003-F-P
Hospital	PUD	PUD	PUD		50-003-F-P
Library/Cultural Exhibit	P	P	P		50-003-F-E
Public Park/Recreation	P	P	P		50-003-F-D
Religious Assembly	P	P	P		50-003-F-H
Safety Service	P	P	P		50-003-F-D
School, Public or Private	P	P	P		50-003-F-D
Utilities and Services					
└Basic, minor	P	P	P		50-003-F-D
└All other utilities and services	S	S	S		50-003-F-D
COMMERCIAL					
Animal Services					
└Shelter/Boarding Kennel	-	-	PR	40-001	50-003-F-J
└Sales and Grooming	S	P	P		50-003-F-K
└Veterinary	S	P	P		50-003-F-J
Artist Work or Sales Space	P	P	P		50-003-F-L
Body Art Services	S	S	S		50-003-F-L
Building Maintenance Services	-	P	P		50-003-F-M
Business Equipment Sales and Service	-	P	P		50-003-F-M
Business Support Services (except as more specifically regulated)	P	P	P		50-003-F-K
└Day Laborer Agency	-	P	P		50-003-F-K
└Employment Agency	P	P	P		50-003-F-K
Communication Service Establishments	-	P	P		50-003-F-K
Construction Sales and Service					
└Building Material Sales	-	S	PR	40-001	50-003-F-N
└Contractor/Construction Storage Yards	-	-	PR	40-001	50-003-F-N
Drive-Through Restaurant, Drug Stores, Dry Cleaners and Other Services	-	S	PR	40-001 and 40-002-C	
Eating and Drinking Establishments	-	P	P		50-003-F-L
Entertainment and Spectator Sports					50-003-F-O
└Inter-Track Wagering Facility	-	P	P		50-003-F-O
└Small Venues	P	P	P		50-003-F-O
└Medium Venues	-	S	S		50-003-F-O
└Large Venue	-	-	PUD		50-003-F-O
└Banquet or Meeting Hall	-	S	S		50-003-F-O
└Entertainment Nightclub	-	S	S		50-003-F-L
Outdoor Entertainment Facilities (amusement parks, go-cart tracks, etc)			S		
Financial Services (except as more specifically regulated)	P	P	P		50-003-F-K
└Drive-Through Bank	S	S	PR		
└Payday Loan Store	-	S	S		50-003-F-K

USE GROUP	Zoning District			Use	Parking
└Pawn Shop	-	S	S		50-003-F-K
Flea Market and Auction House	-	-	PR		50-003-F-Q
Food and Beverage Retail Sales	-	P	P		50-003-F-L
Fortune Telling Service	S	S	P		50-003-F-L
Funeral and Interment Service	S	P	P		50-003-F-P
└Cemetery/columbarium/mausoleum	-	S	S		50-003-F-P
└Undertaking	S	P	P		50-003-F-P
└ Crematory	-	S	S		50-003-F-Q
Gas Station	-	S	PR	40-001 and 40-002-D	50-003-F-Q
Lodging					
└Bed and breakfast	S	PR	PR	40-001 and 40-002-A	50-003-F-R
└Hotel/Motel	-	PR	PR	40-001	50-003-F-R
Medical and Dental Clinic	P	P	P		50-003-F-S
└Methadone and Needle Exchange Clinics	S	S	S		
Office	P	P	P		50-003-F-R
Parking, Non-Accessory	S	P	P	40-002-E	
Personal Service	P	P	P		50-003-F-L
Repair or Laundry Service, Consumer (except as more specifically regulated)	-	P	P		50-003-F-M
└Dry cleaning drop-off or pick up	-	P	P		50-003-F-M
└Coin-operated laundromat	-	P	P		50-003-F-M
Residential Storage Warehouse	-	S	S		50-003-F-P
Retail Sales, General	-	P	P		50-003-F-L
Sexually-Oriented Business	-	-	PR	40-001 and 40-002-G	50-003-F-I
Sports and Recreation, Participants					50-003-F-L
└Outdoor (Publicly Owned)	-	P	P		50-003-F-L
└Outdoor (Privately Owned)	-	S	S		
└Indoor	S	P	P		50-003-F-L
└Amusement Arcades	-	P	P		50-003-F-L
Vehicle Sales and Service					
└Auto Supply/Accessory Sales	-	P	P		50-003-F-M
└Car Wash or Cleaning Service	-	S	PR	40-001	50-003-F-M
└Heavy Equipment Sales/Rental	-	-	PR		50-003-F-M
└Light/Equipment Sales/Rental, Indoor (e.g. auto, motorcycle, and boat sales)	-	P	P		50-003-F-M
└Light/Equipment Sales/Rental, Outdoor (e.g. auto, motorcycle, and boat sales)	-	S	PR	40-001	50-003-F-M
└Motor Vehicle Repair Shop not including body work, painting, or commercial vehicle repairs	-	S	PR		50-003-F-M
└Motor Vehicle Repair Shop that may include body work, painting, or commercial vehicle repairs	-	S	PR	40-001	50-003-F-M
└RV and Boat Sales and Storage	-	S	PR	40-001	50-003-F-M
└Vehicle Storage and Towing (indoor storage)	-	-	P		50-003-F-M
└Vehicle Storage and Towing (outdoor storage)	-	-	PR	40-001	50-003-F-M

USE GROUP	Zoning District			Use	Parking
INDUSTRIAL					
Manufacturing, Production and Industrial Services					
└Artisan	P	P	P		50-003-F-T
└Limited	-	-	P		50-003-F-T
└General	-	-	PR	40-001	50-003-F-T
└Research and Development Facilities			PR	40-001	50-003-F-T
└Laundry Facilities with plant on premises	-	-	PR	40-001	50-003-F-T
Recycling Facilities					
└Limited-manual separation of paper, plastic, glass	-	S	S		50-003-F-T
└Commercial-mechanical separation of paper, plastic, or glass	-	-	S	40-001	50-003-F-T
Warehousing, Wholesaling, and Freight Movement	-	-	PR		50-003-F-T
OTHER					
Radio and Television Towers			PR		
Wireless Communication Facility				40-002-J	
└Co-located on a building or existing tower	P	P	P	40-002-J	None Required
└Freestanding tower	-	S	S	40-002-J	None Required
Drop Box	-	-	S		
Wind Energy					
Wind Energy Conversion System	PUD	PUD	PUD		
Wind Energy Conversion System Small	S	S	S		
Wind Energy Conversion System Mini	PR	PR	PR		
Meteorological Tower	P	P	P		
Solar					
Solar Collector	PR	PR	PR		

21-003 GENERAL DISTRICT STANDARDS

21-003-A. COMMERCIAL ESTABLISHMENT SIZE LIMITS

Commercial establishments in the commercial districts are not subject to any size limits; however, any new development project in a commercial district that exceeds 15 acres in lot area must be processed in accordance with the planned unit development review procedures of Section 30-001. Furthermore, this provision is not intended to restrict the development of properties recognized as exceptions to Section 30-004 including:

1. Building additions, expansions or the rehabilitation and redevelopment of existing commercial developments with a lot area of 15 acres or more; or
2. Unimproved, commercially zoned property with a lot area of 15 acres or more unless the commercial zoning classification (excluding variations or special use requests) of the property is changed.

21-003-B. COMPLIANCE WITH RESIDENTIAL CHARACTER STANDARDS

Residential development projects within commercial zoning designation must comply with the character standards of Section 20-007.

21-004 INDOOR/OUTDOOR OPERATIONS

21-004-A. C-1 DISTRICTS

All allowed business, service, and commercial activities in the C-1 districts must be conducted within completely enclosed *buildings* unless otherwise expressly stated. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas allowed in such districts.

21-004-B. C-2 AND C-3 DISTRICTS

1. OUTDOOR DISPLAY AND STORAGE

Outdoor display and storage is permitted in C-2 district but is limited to "sidewalk" sales or "sidewalk" cafes where activities are limited to the private sidewalks and open areas abutting the principal structure and main customer entrance. Within a C-2 district any other type of outdoor storage or display may be permitted if approved by the City Council as a special use. In the C-3 districts outdoor display and storage associated with uses such as *building* material sales, equipment sales and rental, and garden centers is permitted as a performance review use subject to the *screening* requirements of this section.

2. SCREENING

Outdoor storage or display areas that abut R districts along a side property line or rear property line or are separated from an R district by only an *alley* along a side property line or rear property line must be set back a minimum of 20 feet from the property line and must be effectively *screened* from view of the R district by a solid wall, solid *fence*, or dense vegetative *screen* not less than 6 feet in *height* and not more than 8 feet in *height*. All setbacks, fencing, and landscaping must meet the buffer yard requirements of Section 52-002-E. *Fences* and walls must be constructed of materials that are consistent with those used in the *building* and must be landscaped and planted with vines. Chain-link fencing is prohibited. All fencing must comply with the *fence* regulations of Section 55-001.

(a) The view of outdoor areas used to store goods and materials that are not available for retail sale to the general public must be visually *screened* from all contiguous *streets* other than *alleys* either by permitted structures or by a vegetative *buffer* that is at least 6 feet in *height* or by a combination of such features. All setbacks, fencing, and landscaping must meet the buffer yard requirements of Section 52-002-E. Required *screening* must be located between the perimeter of the outdoor storage area and any property line abutting a public *street*, other than an *alley*. This *screening* requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.

21-005 BULK AND DENSITY STANDARDS

21-005-A. GENERAL

Bulk and density standards in the "C" districts vary according to the following *bulk* and density designations.

21-005-B. LOT AREA PER UNIT (DENSITY)

Where allowed, all residential development in C districts is subject to the minimum lot-area-per-unit standards identified in the following table. Each artist live-work space will be considered a dwelling unit.

Zoning District	Maximum Permitted Residential Density for Exclusively Residential Buildings	Maximum Permitted Residential Density in Vertical Mixed-Use Buildings
C-1	15 dwellings/acre	18 dwellings/acre
C-2	15 dwellings/acre	18 dwellings/acre
C-3	30 dwellings/acre	36 dwellings/acre

21-005-C. BUILDING HEIGHT LIMITATIONS

1. STANDARDS

All development in C districts is subject to the following maximum *building height* limitations:

Zoning District	Permitted Building Height
C-1	35 feet
C-2	50 feet
C-3	No height limit; Maximum floor area ratio of 4:1

21-005-D. FRONT SETBACKS

A *building* setback of 15 feet is required in any C district. Parking area and lots must be set back a minimum of 20 feet from the property line adjacent to any public street. Parking lots with setbacks of less than 20 feet that are in existence on the effective date of this ordinance shall not be required to comply with this Section. However, when a new principal structure is constructed upon the zoning lot, the existing parking lot shall be brought into compliance with this ordinance.

21-005-E. REAR SETBACKS

All development in C districts is subject to a 20 foot rear yard setback unless the buffer yard requirements establish a higher requirement. The rear yard setback requirement will increase by 1 foot of every 4 feet that any building exceeds a height of 50 feet.

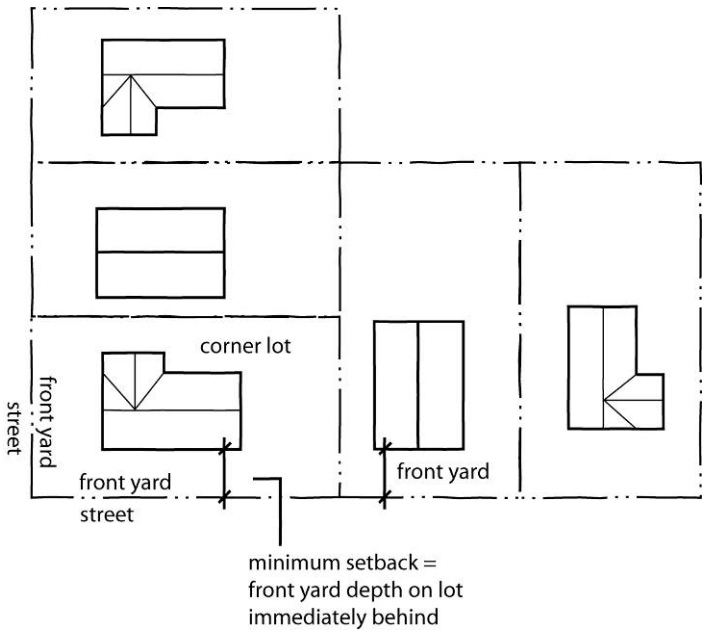
21-005-F. SIDE SETBACKS

In any C-zoned district a *building* setback of 6 feet is required from any side property line. The side yard setback requirement will increase by 1 foot of every 4 feet that any building exceeds a height of 50 feet. Townhouse developments, where allowed, are subject to the townhouse development standards of Section 40-002-H.

21-005-G. SETBACK STANDARDS FOR CORNER LOTS

In all C districts, the minimum setback on a corner lot must be equal to the front setback that exists on any R-zoned lot abutting the rear of the corner lot. If the abutting R-zoned lot to the rear is vacant, the setback is to be calculated on the basis of the abutting lot's required front setback. Moreover, no *accessory building* on a corner lot may be located within 6 feet of any part of a rear lot line that coincides with a side lot line of property in a residential zoning district. Where the abutting lot is zoned for commercial or industrial use, the minimum setback for buildings or parking will be 15 feet.

Figure 7: Side Yard Setback on Reverse Corner Lots



Article 22 | C-4, Urban Mixed-Use District

22-001 Purpose

The purposes of the C-4, Urban Mixed-Use district are to:

22-001-A. maintain and promote a compact, pedestrian-oriented, mixed-use district with a diverse mix of residential, office, business, government, cultural, and entertainment uses;

22-001-B. promote a walkable environment by protecting those *streets* with "intact" streetwalls;

22-001-C. encourage residential living environments that provide a broad range of housing types such as lofts, town homes, and condominiums;

22-001-D. promote these districts as viable and vital residential areas by permitting residential uses in a wide variety of densities and locations; and

22-001-E. promote the continued use and/or redevelopment of historically significant *buildings* and older *buildings* that contribute to the character of these districts.

22-002 Allowed Uses

Uses are allowed in the C-4 district in accordance with the use table of this section.

22-002-A. Use Groups and Categories

Use Groups and Use Categories are described in Section 90-001.

22-002-B. Permitted Uses

Uses identified with a "P" are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

22-002-C. Performance Requirements

Uses identified with a "PR" are permitted as performance requirement uses in the subject zoning district, subject to compliance with the performance and development standards of Article 40.

22-002-D. Special Uses

Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special use procedures of Section 63-002 and subject to compliance with all other applicable standards of this Zoning Ordinance.

22-002-E. Planned Unit Developments

Uses identified with a "PUD" may be allowed if reviewed and approved in accordance with the planned unit development procedures of Section 30-008.

22-002-F. Prohibited Uses

Uses identified with a "–" are expressly prohibited. Uses that are not listed in the table are also prohibited.

22-002-G. Use Standards

The "Use Standard" column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a permitted (P), performance (PR) or special use (S).

USE GROUP	C-4 District	
Use Category └specific use type	**Urban Streets (see Section 22-007)**	**Designated Pedestrian Streets (see Section 22-006)**
P = Permitted Use; PR = Performance Requirement Use; S = Special Use; PUD= Planned Unit Development; - = Prohibited Use		
RESIDENTIAL		
Household Living		
└Artist Live-Work Space located above the ground floor	P	P
└Artist Live-Work Space, ground floor	PR	PR
└Dwelling Units located above the ground floor	P	P
└Detached Houses	-	-
└Dwelling Units located on the ground floor (as follows):		
└Two-Flat	PR	S
└Townhouse	PR	S
└Multi-Unit (3+) Residential	PR	S
└Single-Room Occupancy	S	S
Group Living		
└Community-based housing	S	S
└Group home for adjustment	S	S
└Housing for the Elderly	PR	S
└Student Housing	PR	S
└Independent Living Facility	S	S
└Nursing Homes/Convalescing Home	S	S
PUBLIC / CIVIC		
Private College/University	S	S
Child Care Facilities (State licensed)	P	P
Detention and Correctional Facilities	S	-
Lodge or Private Club	S	S
Publicly-Owned Museums and Libraries	S	S
Privately-Owned Museums and Libraries	S	S
Parks and Recreation	P	P
└Community Centers, Recreation Buildings, and Similar Assembly Uses	S	S
Postal Service	P	P
Public Safety Services	P	P
Religious Assembly	S	S
Private Schools, High School and Elementary	S	S
Utilities and Services, Minor	P	P
Utilities and Services, Major	S	S
COMMERCIAL		
Animal Services		
└Shelter/Boarding Kennel	-	-
└Sales and Grooming	P	P
└Veterinary	P	P
Artist Work and Sales Space	P	P
Body Art Services	S	S
Building Maintenance Services	P	P
Business Equipment Sales and Services	P	P
Business Support Services	P	P

USE GROUP	C-4 District	
Use Category └specific use type	**Urban Streets (see Section 22-007)**	**Designated Pedestrian Streets (see Section 22-006)**
P = Permitted Use; PR = Performance Requirement Use; S = Special Use; PUD= Planned Unit Development; - = Prohibited Use		
Communication Service Establishments	P	P
Construction Sales and Service	-	-
Drive-Through Facilities	S	-
└Drive-Through Banks and Restaurants	S	
└Drive-Through Retail (e.g. Drug Stores)	S	
Eating and Drinking Establishments	P	P
Entertainment Facilities and Spectator Sports		
└Small	P	P
└Medium	P	P
└Large	PUD	PUD
└Inter-Track Wagering Facility	P	P
└Entertainment Nightclub	S	S
Financial Services	P	P
└Pawn Shops	S	S
Food and Beverage Retail Sales	P	P
Funeral and Internment Services		
└Cemetery/Mausoleum	-	-
└Cremating	-	-
└Undertaking	P	P
Gas Stations	S	-
Hotels and Lodging	P	P
Medical and Dental Clinic	P	P
└Methadone and Needle Exchange Clinics	S	S
Offices	P	P
Parking, Non-Accessory-Municipal Parking Lot	P	P
Parking, Non-Accessory	S	-
Personal Services including health clubs, gyms, yoga centers	P	P
Repair Services, Consumer (appliance repair, locksmith, shoe repair, musical instrument repair)	P	P
Residential Storage Warehouse above the ground floor	S	S
Retail Sales, General	P	P
Sexually-Oriented Business	PR	PR
Sports and Recreation, Participants		
└Indoor	P	P
└Outdoor (Publicly Owned)	P	-
└Outdoor (Privately Owned)		
Strip Shopping Centers	P	-
Vehicle Sales, Service, and Repair		
└Auto Supply/Accessory Sales	P	P
└Car Wash or Cleaning Service	-	-
└Heavy Equipment Sales/Rental	-	-
└Light Equipment Sales/Rental, Indoors (e.g. auto, motorcycle, boats)	S	S
└Light Equipment Sales/Rental, Outdoors (e.g.	S	-

USE GROUP	C-4 District	
Use Category └specific use type	**Urban Streets (see Section 22-007)**	**Designated Pedestrian Streets (see Section 22-006)**
P = Permitted Use; PR = Performance Requirement Use; S = Special Use; PUD= Planned Unit Development; - = Prohibited Use		
auto, motorcycle, boats)		
└Motor Vehicle Repair Shop (may include those offering body work, painting, or commercial vehicle repair.)	S	-
INDUSTRIAL		
Artisan Shops (e.g. making of jewelry, ceramics, etc.)	P	P
Limited Industrial	-	-
Recycling Facilities		
└Limited-manual separation of paper, plastic, glass	S	_
└Commercial-mechanical separation of paper, plastic, or glass.	-	–
Wireless Communication Facilities		
└Co-located on a building or existing tower	P	P
└Freestanding tower	-	-
OTHER		
Wind Energy		
Wind Energy Conversion System	-	-
Wind Energy Conversion System Small	S	S
Wind Energy Conversion System Mini	PR	PR
Meteorological Tower	P	P
Solar		
Solar Collector	PR	PR

*Ground-floor residential or group living uses are not permitted on Main Street between Elm Street and Park Avenue or on State Street between Church and Third Street.

22-003 FLOOR AREA RATIO

The maximum *floor area ratio* for the C-4 district is 4.0.

22-004 LOT AREA PER DWELLING UNIT (DENSITY)

The minimum lot area per dwelling in the C-4 district is 1000 square feet per dwelling with a maximum density of 40 units per acre.

22-005 FRONT, SIDE, AND REAR SETBACKS

No setbacks are permitted along designated pedestrian *streets* (Section 22-006-B), except as authorized in Section 22-006-C. No front, side, or rear setbacks are required in the C-4, Urban Mixed-Use district except where a property abuts a residential zoning district. When a property in the C-4 district abuts a residential zoning district then the minimum setback is 20 feet along any property line abutting the residential zoning district.

22-006 DESIGN STANDARDS FOR C-4 "PEDESTRIAN" STREETS

22-006-A. APPLICABILITY

The standards of this section apply to all new construction on lots that abut the *right-of-way* of designated "pedestrian" *streets*.

22-006-B. DESIGNATED PEDESTRIAN STREETS

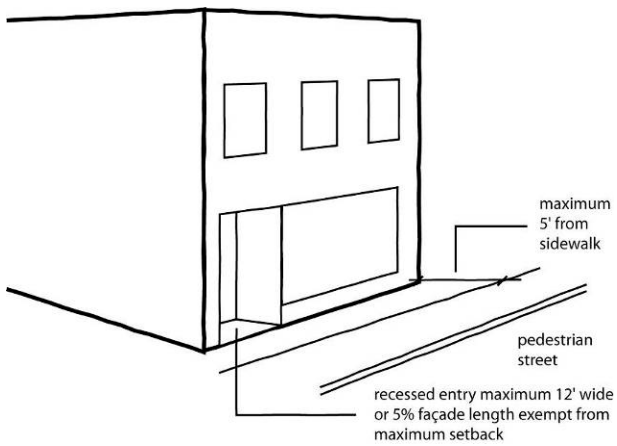
The following *streets* are designated as pedestrian *streets*:

1. Main Street between Elm Street and Park Avenue
2. Mulberry Street between North Main Street and North Court Street
3. West State Street between Wyman Street and Church Street
4. Elm Street between South Wyman Street and South Church Street
5. East State Street between Water Street and 6th Street
6. 7th Street between Charles Street and 6th Avenue
7. Broadway between 6th Street and 9th Street

22-006-C. BUILDING LOCATION

1. The entire *building* façade of a *building* that faces a designated pedestrian *street* must abut the sidewalk or be located within 5 feet of the sidewalk.
2. These *building* location standards do not apply to permitted arcades, public plazas or parks, outdoor cafes or seating areas, or recessed entries. Recessed entries are subject to the following standards:
   - **(a)** The entrance width may not exceed 12 feet or 5% of the *building's street*-facing façade width;
   - **(b)** The entrance depth may not exceed the entrance width; and
   - **(c)** The entrance may not exceed 2 stories in *height*.

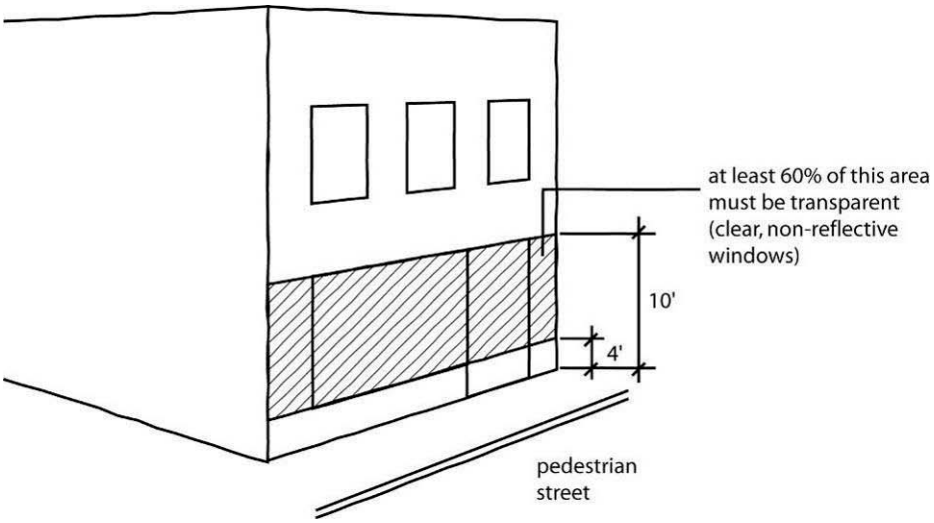
Figure 8: Building Location Relative to the Sidewalk



22-006-D. TRANSPARENCY

1. A minimum of 60% of the *street*-facing *building* façade between a *height* of 4 feet and 10 feet above the sidewalk must be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. This standard applies to *building* façades that face those pedestrian *streets* identified in Section 22-006-B.

Figure 9: Windows and Display Areas at Street Level



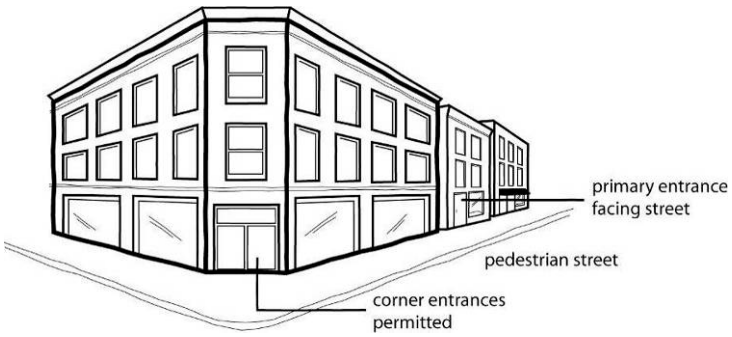
2. The bottom of any window or product display window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.

3. Product display windows used to satisfy these requirements must have a minimum *height* of 4 feet and be internally illuminated.

22-006-E. DOORS AND ENTRANCES

1. On lots abutting pedestrian *streets*, *buildings* must have a primary entrance door facing the pedestrian *street*. Entrances at *building* corners facing a pedestrian *street* may be used to satisfy this requirement.

Figure 10: Doors and Entrances Along the Street



2. *Building* entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

22-006-F. LOCATION AND DESIGN OF OFF-STREET PARKING

1. Wherever an *alley* exists, *parking lots* shall be located behind a *building* such that *buildings* separate parking areas from the *street*. In cases where *alleys* do not exist, parking may be located to the side of a *building*, but in no case shall the parking area be wider than 50% of the lot frontage and in no circumstance shall the parking be located in front of the *building*. Where parking is permitted to be located at the side of a building, it must be setback from any adjoining street right-of-way a minimum of 10 feet.

2. Where an *alley* exists, the access to any parking must be through the *alley*. Where no *alley* exists, the Zoning Officer may allow driveway access to parking so long as such driveway is located the maximum practical distance from the intersection of two nearest public *streets*.

22-007 DESIGN STANDARDS FOR C-4 "URBAN" STREETS

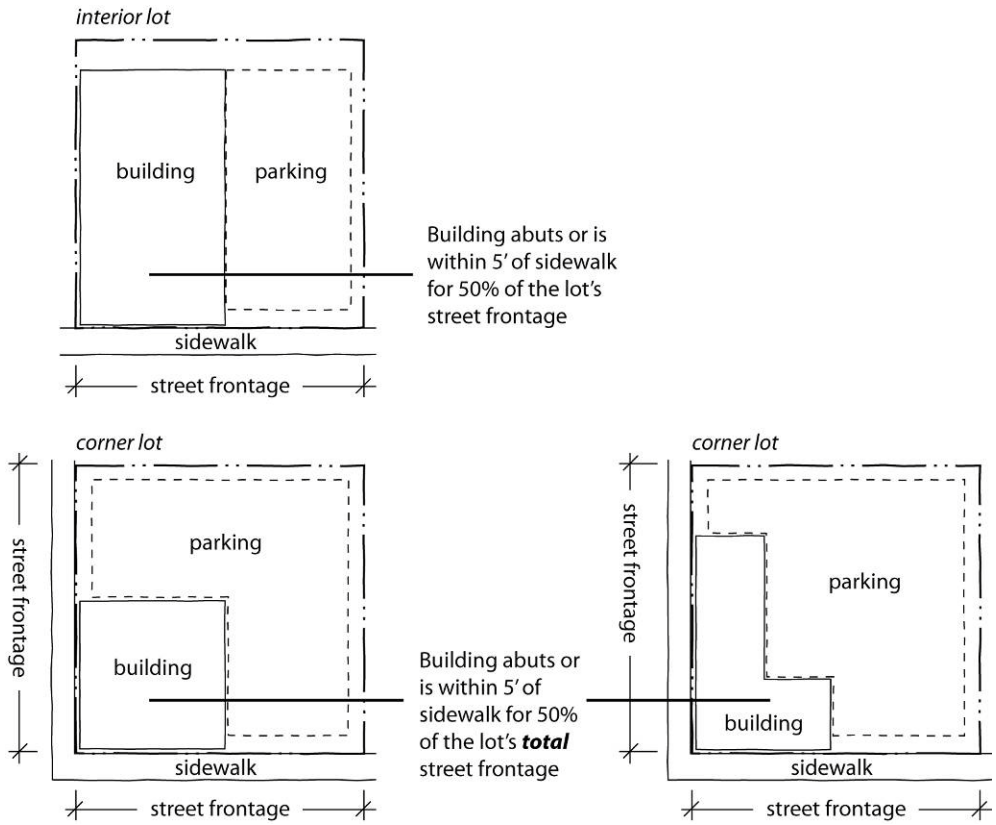
22-007-A. APPLICABILITY

The standards of this section apply to all new construction on lots that abut the *right-of-way* on *streets* other than designated "pedestrian" *streets*.

22-007-B. BUILDING LOCATION

1. The *building* façade must abut the sidewalk or be located within 5 feet of the sidewalk for at least 50% of the lot's *street* frontage. All new construction on corner lots must be located so that the *building* façade abuts the sidewalk or is located within 5 feet of the sidewalk for at least 50% of the lot frontage as measured along both *street* frontages.

Figure 11: Buildings Abutting the Sidewalk for at Least 50% of Frontage



2. These *building* location standards do not apply to permitted arcades, public plazas or parks, outdoor cafes or seating areas, or recessed entries. Recessed entries are subject to the following standards:

(a) The entrance width may not exceed 12 feet or 5% of the *building's street*-facing façade width;

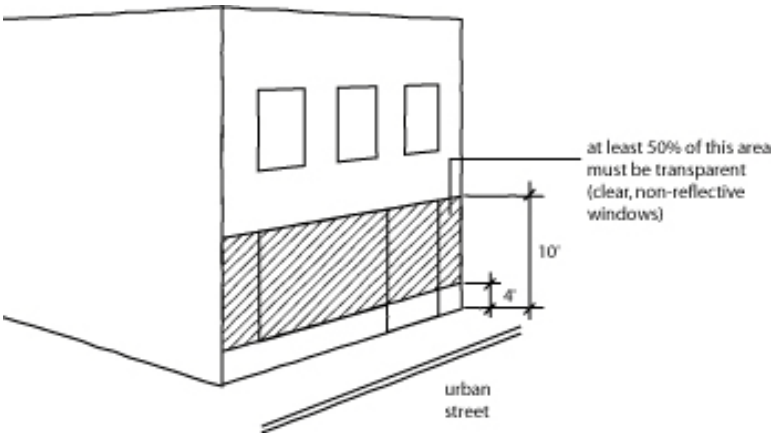
(b) The entrance depth may not exceed the entrance width; and

(c) The entrance may not exceed 2 stories in *height*.

22-007-C. TRANSPARENCY

1. A minimum of 50% of the *street*-facing *building* façade between a *height* of 4 feet and 10 feet above the sidewalk must be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas.

Figure 12: Windows and Display Areas at Street Level



2. The bottom of any window or product display window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk.

3. Product display windows used to satisfy these requirements must have a minimum *height* of 4 feet and be internally illuminated.

22-007-D. DOORS AND ENTRANCES

1. *Buildings* must have a primary entrance door facing the urban *street*. Entrances at *building* corners facing an urban *street* may be used to satisfy this requirement.

2. *Building* entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

22-007-E. LOCATION AND DESIGN OF OFF-STREET PARKING

1. The parking area may not be wider than 50% of the lot frontage and in no circumstance shall the parking be located in front of the *building*. Where parking is permitted to be located at the side of a building, it must be setback from any adjoining street right-of-way a minimum of 10 feet.

2. Where an *alley* exists, the access to any parking must be through the *alley*. Where no *alley* exists, the Zoning Officer may allow driveway access to parking so long as such driveway is located the maximum practical distance from the intersection of two nearest public *streets*.

3. *Parking lots* that abut urban *streets* must meet the parking lot landscaping requirements of Sections 52-002-B and 52-002-E.4(g) .

22-008 DEMOLITIONS AND SCREENING OF VACANT LOTS

Any lots left vacant after demolition shall be landscaped including the addition of top soil and seeding over the entire lot and the planting of an effective *screen* that shields the vacant lot from any sidewalk

or public right of way. The *screening* and landscaping will be consistent with the parking lot landscaping requirements of Sections 52-002-B and 52-002-E.4(g) . The *landscaping* shall be installed within 60 days of the date of demolition, unless the zoning officer approves a longer time period so that planting may coincide with the planting season. Once installed, the *landscaping* shall be continuously maintained and any dying or dead *landscaping* shall be replaced.

Article 23 | INDUSTRIAL DISTRICTS

23-001 PURPOSE

The "I" Industrial districts are intended to accommodate manufacturing, shipping and warehousing, distribution, wholesale, and other industrial uses within the City of Rockford. The district regulations are intended to:

23-001-A. promote the economic viability of manufacturing and industrial uses;

23-001-B. encourage employment growth;

23-001-C. promote the development of high-technology centers; and

23-001-D. encourage the expansion of shipping, handling, and air cargo facilities in the vicinity of the Rockford Airport.

23-002 DISTRICT DESCRIPTIONS

23-002-A. I-1, LIGHT INDUSTRIAL DISTRICT

The primary purpose of the I-1, Light Industrial/Business Park district is to accommodate low-impact manufacturing, wholesaling, warehousing, and distribution activities that occur within enclosed *buildings*. The district is intended to promote new industrial development within a "park like" environment.

23-002-B. I-2, GENERAL INDUSTRIAL DISTRICT

The primary purpose of the I-2, General Industrial district is to accommodate moderate-impact manufacturing, wholesaling, warehousing, and distribution uses, including storage and work-related activities that occur outside of enclosed *buildings*. The I-2 district is intended to accommodate more land-intensive industrial activities than the I-1 district.

23-002-C. I-3, AIRPORT INDUSTRIAL DISTRICT

The primary purpose of the I-3, Airport Industrial district is to accommodate businesses and industry that benefit from locations in close proximity to the Chicago/Rockford International Airport (RFD). This includes shipping and distribution facilities, warehousing, cargo handling facilities, and car and *truck* rental businesses.

23-003 ALLOWED USES

Uses are allowed in the "I" zoning districts in accordance with the use table of this section.

23-003-A. USE GROUPS AND CATEGORIES

Use groups and use categories are described in Section 90-001.

23-003-B. PERMITTED USES

Uses identified with a "P" are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

23-003-C. SPECIAL USES

Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special use procedures of Section 63-002, subject to compliance with all other applicable standards of this Zoning Ordinance.

23-003-D. USES WITH PERFORMANCE REQUIREMENTS

Uses identified with a "PR" are permitted so long as they are authorized in the zoning district, comply with district requirements, and comply with the performance and development standards of Article 40.

23-003-E. PLANNED UNIT DEVELOPMENT

Uses identified with a "PUD" may be allowed if reviewed and approved in accordance with the planned unit development procedures of Section 30-008.

23-003-F. PROHIBITED USES

Uses identified with a "–" are expressly prohibited. Uses that are not listed in the table are also prohibited.

23-003-G. USE STANDARDS

The "Use Standard" column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a permitted (P) or special use (S).

23-003-H. PARKING STANDARDS

The "Parking Standard" column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in 50-003-F.

USE GROUP	Zoning District			Use Standard	Parking Standard
Use Category └specific use type	I-1	I-2	I-3		
P = Permitted Use; PR = Performance Review; S = Special Use; - = Prohibited Use					
INDUSTRIAL					
Manufacturing					
└Artisan	P	P	P		50-003-F-T
└Limited	P	P	P		50-003-F-T
└General	P	P	P		50-003-F-T
└Intensive	S	P	S		50-003-F-T
└Outdoor Storage, Display, or Work Areas (Principal Use)	S	S	S		
└Outdoor Storage of Raw Materials	-	S	S		
Warehousing, Wholesaling, and Freight Movement	P	P	P		50-003-F-T
└Container Storage	S	P	S		50-003-F-T
└Freight Terminals	S	P	P		50-003-F-T
└Cargo Handling	P	P	P		50-003-F-T
Airport Related Facilities					
└Air Carrier Facilities	-	-	P		50-003-F-T
└Air Craft Maintenance Facilities	-	-	P		50-003-F-T
└Air Freight Warehousing with Outdoor Storage	-	-	P		50-003-F-T
└Intermodal Cargo Transfer Facilities	-	P	P		50-003-F-T
└Air Transport Packaging and Packing Facilities	-	P	P		50-003-F-T
High-Technology Industry					
└Computer Equipment Manufacture	P	P	P		50-003-F-T
└Consumer/Communication Electronics	P	P	P		50-003-F-T
└Software Services/Development	P	P	P		50-003-F-R

USE GROUP Use Category └specific use type	Zoning District I-1	 I-2	 I-3	Use Standard	Parking Standard
P = Permitted Use; PR = Performance Review; S = Special Use; - = Prohibited Use					
Junk/Salvage Yard					
└Junk Yard	-	S	-		50-003-F
└Storage or Sales Yards	-	S	-		50-003-F
Mining/Excavation	-	S	S	40-002-I	50-003-F
Recycling Facilities					
└Newspaper, plastic, cans and glass with manual separation	P	P	P		50-003-F-T
└Mechanical separation, bundling, compacting, or packing.	P	P	P		50-003-F-T
└Composting	-	S	-		50-003-F-T
Waste-Related Uses					
└Hazardous Materials Disposal or Storage	-	S	-	40-002-I	50-003-F-T
└Incinerators	-	S	-	40-002-I	50-003-F-T
└Liquid Waste Handling Facilities	-	S	-	40-002-I	50-003-F-T
└Construction and Demolition Debris Reprocessing	-	S	-	40-002-I	50-003-F-T
└Resource Recovery Facility	-	S	-	40-002-I	50-003-F-T
└Sanitary landfills	-	S	-	40-002-I	50-003-F-T
└Waste Transfer Stations	-	S	-	40-002-I	50-003-F-T
C O M M E R C I A L					
Adult Uses	PR	PR	PR	40-002-G	50-003-F-I
Animal Services					
└Shelters and Boarding Kennels	P	P	P		50-003-F-K
└Veterinary	P	P	P		50-003-F-J
Building Maintenance Service	P	P	P		50-003-F-M
Business Support Service	P	P	P		50-003-F-K
└Copying and Reproduction	P	P	P		50-003-F-K
└Business/Trade School	P	P	P		50-003-F-
└Day Laborer Employment Agency	P	P	P		50-003-F-K
└Employment Agency	P	P	P		50-003-F-K
Communication Service Establishments	P	P	P		50-003-F-K
Construction Sales and Service					
└Building Materials Sales	P	P	P		50-003-F-N
└Contractor/Construction Storage Yards	S	P	P		50-003-F-N
Crematory	P	P	P		50-003-F-Q
Drive-Through Facility(restaurants, banks, drug stores)	S	S	S	40-002-C	50-003-F-L
Eating and Drinking Establishments	P	P	P	Max. GFA: 5,000 sq. ft.	50-003-F-L
Financial Services	P	P	P	Max. GFA: 5,000 sq. ft.	50-003-F-K
Food and Beverage Retail Sales	P	P	P	Max. GFA: 5,000 sq. ft.	50-003-F-L
Gas Station	PR	P	P	40-002-D	50-003-F-Q
Offices	P	P	P		50-003-F-R
Personal Service (e.g. barber shops, beauty salons, and driving schools)	P	P	P	Max. GFA: 5,000 sq. ft.	50-003-F-L
Repair or Laundry Service, Consumer	P	P	P		50-003-F-M
Residential Storage Warehouse	P	P	-		50-003-F-P
Retail Sales, General	P	P	P	Max. GFA:	50-003-F-L

USE GROUP Use Category └specific use type	Zoning District I-1	I-2	I-3	Use Standard	Parking Standard
P = Permitted Use; PR = Performance Review; S = Special Use; - = Prohibited Use					
				5,000 sq. ft.	
Vehicle Sales and Service					
└Auto Supply/Accessory Sales	P	P	P	Max. GFA: 5,000 sq. ft.	50-003-F-M
└Car Wash or Cleaning Service	P	P	P		50-003-F-M
└Heavy Equipment Sales/Rental	S	P	P		50-003-F-M
└Light/Equipment Sales/Rentals, Indoor (e.g. auto, motorcycle, and boat sales)	P	P	P		50-003-F-M
└Light/Equipment Sales/Rentals, Outdoor (e.g. auto, motorcycle, and boat sales)	-	PR	PR		
└Motor Vehicle Repair Shop that may include body work, painting, or commercial vehicle repair	P	P	P		50-003-F-M
└RV and Boat Sales and Storage	-	S	S		50-003-F-M
└Vehicle Storage and Towing (Indoor storage)	P	P	P		50-003-F-M
└Vehicle Storage and Towing (Outdoor storage)	-	S	S		
PUBLIC AND CIVIC					
Day Care	S	S	S	Max. GFA: 5,000 sq. ft.	50-003-F-D
Detention and Correctional Facilities	S	S	S		50-003-F-
Health Clinics/ Methadone Clinics	S	-	-		50-003-F
Parks and Recreation	P	P	P		50-003-F-D
Postal Services	P	P	P		50-003-F
Public Safety Services	P	P	P		50-003-F-D
Utilities and Services, Minor	P	P	P		50-003-F-D
Utilities and Services, Major	S	S	S		50-003-F-D
OTHER					
Wireless Communication Facilities					
└Co-located on a building or existing tower	P	P	P	40-002-J	None Required
└Free-standing tower	S	P	S	40-002-J	None Required
Outdoor Storage, Display, or Work Areas (Accessory Use)	PR	P	P	40-002-J	
Caretaker's Apartment	P	P	P		50-003-F
Wind Energy					
Wind Energy Conversion System	PUD	PUD	PUD		
Wind Energy Conversion System Small	PR	PR	PR		
Wind Energy Conversion System Mini	PR	PR	PR		
Meteorological Tower	P	P	P		
Solar					
Solar Collector	PR	PR	PR		

23-004 BULK AND DENSITY STANDARDS

23-004-A. GENERAL

The height limitations in the I districts vary according to the district classification. The *building* setback standards are intended to give these districts a "park like" character. In addition, special setback standards apply for industry that is adjacent to residential zoning districts.

23-004-B. LOT AREA

There are no minimum lot area standards in the I districts.

23-004-C. LOT FRONTAGE

There are no minimum lot frontage standards in the I districts.

23-004-D. BUILDING HEIGHT LIMITS IN I DISTRICTS

All development in I districts is subject to the following maximum *height* limitations:

District	Building Height Limit
I-1	45 feet*
I-2	75 feet*
I-3	75 feet*

*Buildings in I districts are subject FAA height limits established for the protection of airport flight paths.

23-004-E. SETBACKS

1. FRONT AND SIDE SETBACKS

Front setbacks or side setbacks are required in I districts as provided:

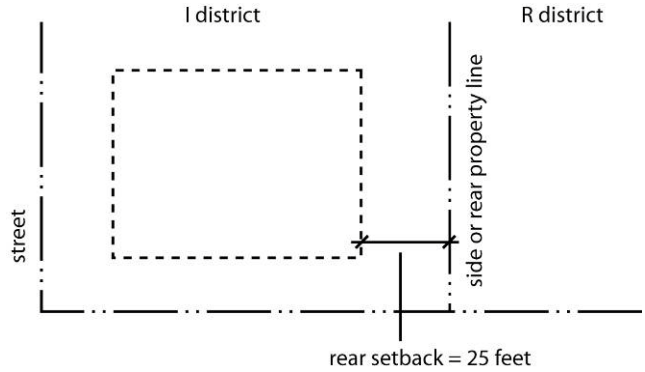
(a) FRONT YARDS

All *buildings* and structures in I districts shall provide a setback of at least 30 feet in width along the front property line. Parking spaces must be set back a minimum of 10 feet from the front property line in accordance with Section 52-002-B.

(b) SIDE AND REAR YARDS

I-zoned lots must have setbacks along the side and rear property lines of at least 10 feet. However, where the property line of an I-zoned site abuts the side or rear property line of a lot in an R district or is separated from an R district by only an *alley*, the minimum rear setback on the I-zoned property is 25 feet.

Figure 13: Required Side Yard When an Industrial Use Abuts Residential



23-005 OUTDOOR STORAGE, DISPLAY, AND WORK AREAS

23-005-A. OUTDOOR STORAGE, DISPLAY, OR WORK AREAS

1. Outdoor storage, display, or work areas are allowed as an *accessory use* in the I-2 and I-3 districts, if such areas are clearly incidental and subordinate to the *principal use* on the site. Accessory outdoor storage, display, or work areas are permitted in the I-1 district if such storage is clearly incidental and subordinate to the *principal use* and if the applicant complies with the performance requirements of Section 40-001.

2. Outdoor storage, display, or work areas as the *principal use* of property may be allowed in the I-2 and I-3 districts, if approved in accordance with the special use procedures of Section 63-002.

3. Outdoor storage, display, or work areas must be *screened* in accordance with the standards of Section 23-005-B. All outdoor storage, display, or work areas in the I-1, I-2 and I-3 districts must be paved.

4. No outdoor storage, display, or work area, whether an accessory or *principal use*, may be located within a required *front yard*.

23-005-B. SCREENING AND BUFFERING OF OUTDOOR STORAGE, DISPLAY, OR WORK AREAS

1. SCREENING FROM R AND C DISTRICTS

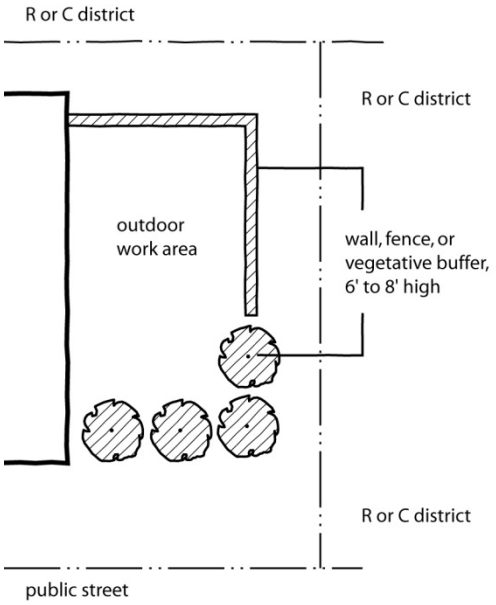
Outdoor storage, display, or work areas that abut R or C districts along a side property line or rear property line or are separated from an R or C district by only an *alley* must meet the bufferyard requirements of Section 52-002-E.4(c) and must be effectively *screened* from view of the R or C district by a solid wall, solid *fence*, or dense vegetative *screen* not less than 6 feet in *height* and not more than 8 feet in *height*. *Fences* and walls must be *sight-obstructing fencing* and must be constructed of materials that are consistent with those materials used in the *building* (masonry, brick, pre-cast panels) and must be landscaped and planted with vines. Chain-link or metal fencing is not permitted.

2. SCREENING FROM PUBLIC STREETS

All outdoor storage, display, or work areas must be *screened* from view of public *streets*, as follows:

(a) The view of outdoor storage areas from all contiguous *streets* must be visually *screened* by buildings or by landscaping consistent with the bufferyard requirements of Section 52-002-E.4(c).

Figure 14: Screening and Landscaping for Outdoor Storage



(b) Such *screening* must be located between the perimeter of the outdoor storage area and any property line abutting a public *street*, other than an *alley*.

(c) This *screening* requirement is not intended to prohibit openings reasonably necessary for access drives and walkways.

Part 3 | OVERLAY AND SPECIAL PURPOSE DISTRICTS

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Article 30 | PLANNED UNIT DEVELOPMENTS

30-001 PURPOSE

The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the planned unit development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the *official comprehensive plan* and planning policies of the city while departing from the strict application of the use and *bulk* regulations of the zoning ordinance and the design standards of the subdivision control regulations. The planned unit development is intended to permit and encourage such flexibility and to accomplish the following purposes:

30-001-A. To stimulate creative approaches to the residential, commercial, and industrial development of land.

30-001-B. To provide more efficient use of land.

30-001-C. To preserve natural features and provide open space and recreational areas in excess of that required under existing zoning regulations.

30-001-D. To develop new approaches to a more compact, mixed-use living environment through variety in type, design and layout of residential structures, commercial and industrial *buildings*, transportation systems, and public facilities.

30-001-E. To unify *building* and structures through design.

30-002 NUMBER OF BUILDINGS AND USES

Planned unit developments may include one or more *principal building*s and one or more *principal uses*.

30-003 OWNERSHIP AND CONTROL

A proposed planned unit development shall be under single ownership or unified control at the time of filing an application for approval of the planned unit development, or the applicant shall provide written evidence of the applicant's ability to gain unified control of the property if the planned unit development is approved.

30-004 MANDATORY PLANNED UNIT DEVELOPMENTS

Planned unit development review and approval, in accordance with the requirements of this section, is required for the following:

30-004-A. Airports or heliports;

30-004-B. *Hospitals*, colleges, universities, and similar institutional uses on sites with a net site area of 3 acres or more;

30-004-C. Places of religious assembly, community centers, and other assembly uses on sites with a net site area of 3 acres or more;

30-004-D. Schools (private), and government *buildings* on sites with a net site area of 3 acres or more;

30-004-E. Power generation plants, or wastewater treatment plants;

30-004-F. Movie theaters, live theaters, cultural facilities, or sports stadiums with a net site area of 3 acres or more or a seating capacity of 500 or more persons, whichever is more restrictive;

30-004-G. *Night clubs* and banquet halls with a net site area of 3 acres or more or an occupancy or seating capacity of 300 or more persons, whichever is more restrictive;

30-004-H. Commercial developments including malls, retail stores, and office parks located in a C zoning district where the net site area of the development is 15 acres or more but not including: 1) building additions, expansions, rehabilitation or redevelopment of existing commercial developments with a lot area of 15 acres or more; or 2) to existing unimproved, commercially zoned property with a lot area of 15 acres or more as of April 3, 2008.

30-004-I. Residential developments with multiple *buildings* on a lot excluding town home developments with less than 50 units that conform with Section 40-002-H; and

30-004-J. Residential developments that meet or exceed the following in terms of the number of *dwelling units* except for residential projects where there is an existing tentative plat and the subsequent final plats are approved by City Council and such plats remain in effect.

30-004-K. Wind Energy Conversion System.

Zoning District	Thresholds		
	Single-Family Detached	Single-Family Attached (Townhomes)	Multifamily
Residential or Commercial Districts	100 units	50 units	60 units

Where a project includes a mix of single-family, townhouses, and multifamily housing the most restrictive threshold will apply.

30-005 ELECTIVE PLANNED UNIT DEVELOPMENTS

Developments that do not meet the minimum criteria for a mandatory planned unit development may nonetheless elect to follow the planned unit development review and approval procedures if the proposed development is at least one acre in area, if the number of units exceeds 35 dwelling units, or if the proposed building or buildings exceed the height limitations within the applicable zoning district.

30-006 PLANNED UNIT DEVELOPMENTS MEETING UNIQUE LAYOUT AND DESIGN CRITERIA

Developments that meet a higher standard of design or that provide significant benefits in terms of natural resource protection may be approved as planned unit developments if they meet the specific criteria and standards of Section 30-007. These planned unit developments may include "traditional neighborhood developments", "conservation subdivisions", or "activity centers".

30-007 DESIGN STANDARDS AND CRITERIA

Planned unit developments shall be designed to comply with the following general standards and criteria or the specific criteria for those types of planned unit developments identified below.

30-007-A. GENERAL STANDARDS THAT APPLY TO ALL PLANNED UNIT DEVELOPMENTS

Applicants for planned unit development approvals other than applications for "wind energy conversion system", "traditional neighborhood developments", "conservation subdivisions," or "activity centers" will demonstrate compliance with the general standards of this Section and will further demonstrate that the proposed development will provide specifically identified benefits that clearly outweigh any adverse impacts or undesirable effects of the proposed planned unit development. Applicants must demonstrate that:

1. Unless otherwise approved as part of the planned unit development, all *buildings*, structures, and uses of land within the planned unit development shall conform to the area, lot width, *yard*, *height*, *bulk* and character standards of the zoning district in which the planned unit development is located or, for those uses which are not allowed in that zoning district but are allowed as part of the planned unit development, the area, lot width, *yard*, *height*, and *bulk* regulations of the most restrictive district in which they are permitted. A planned unit development application may be combined with (or may consolidate) applications for special use approvals. Regulations otherwise applicable under this ordinance including the character standards of Section 20-007 may be modified as part of the planned unit development approval by the city council in cases where the city council determines that the changes will not negatively affect the value or enjoyment of surrounding property, the provision of municipal services, or the flow of traffic on local *streets* and that the changes are justified by the standards set forth in this Section.

2. Common open space or recreation facilities must be provided in large useable areas and may be designed to provide either active or passive recreation. For residential projects, the open space provided must be equal to or greater in size than the total square footage of any lot size reductions from the underlying zoning requirements. For multifamily or mixed-use development projects with more than 40 *dwelling units*, open space, or recreation facilities must be provided at a rate equal to 50 square feet per *dwelling unit*.

3. Commercial and retail projects with more than 50,000 square feet of floor space must provide pedestrian amenities and facilities at a rate equal in square footage to 1% of the total lot area plus 1% of the total *building* area. Pedestrian amenities may include: paved walking surfaces from *parking lots* to storefronts; plaza spaces that incorporate outdoor seating and *landscaping*; or open spaces that can be used for festivals or special events.

4. The project incorporates coordinated architectural design elements in terms of *building* materials, *building* styles, scale, mass, and character. This standard is not intended to restrict innovation or creative variation in *building* materials, architectural detailing, *building* orientation, or *building* types.

5. A planned unit development must be developed with connections to adjoining properties. Designs should emphasize accessibility, open views, and connections with the larger community and discourage development that divides neighborhoods or restricts access to adjacent property. The design of lots, *streets*, sidewalks, and paths within a planned unit development must make provisions for the continuation of roads, sidewalks, trails, or paths to adjoining areas.

30-007-B. SPECIFIC STANDARDS FOR PLANNED UNIT DEVELOPMENTS BUILT AS TRADITIONAL NEIGHBORHOOD DEVELOPMENTS

The Zoning Board of Appeals may recommend approval of a *planned residential development* that modifies the density, lot size, setback, and other requirements of the underlying zoning districts if the applicant meets all of the following standards and criteria for a traditional neighborhood development. These standards include:

1. Consistency with the design principles of traditional neighborhoods including compact, walkable blocks; low-rise *buildings* that maintain a human scale; mix of land uses; variety in housing types; a high degree of interconnected *streets*; a complete system of sidewalks and/or bike paths; and the establishment of a central open space or recreation space.

2. Establishment of a neighborhood center that includes commercial, service, civic, or institutional uses that can serve the surrounding residences. These uses may include food and beverage sales; retail uses; business services; municipal offices; *educational facilities*; and/or central open spaces or recreation facilities.
3. *Single-family* detached units built to densities of no more than 8 units per acre; *single-family* attached units (townhouses) built to densities of no more than 15 units per acre; and *multifamily* units built to densities of no more than 20 units per acre.
4. Open space provided at a rate of at least 20 percent of the gross acreage of the Traditional Neighborhood Development.
5. Block layouts that follow a "grid" pattern where blocks are approximately 400-800 feet in length and 200-400 feet in depth.
6. *Building* layouts such that front doors and windows face the *street* and where front *porches* and front steps are in close proximity to the sidewalk.
7. Front, side, and rear setbacks may be reduced by up to one-half of that required in the underlying zoning district if this alteration of the setbacks contributes to the design of a Traditional Neighborhood Development with *buildings* closer to the *street* and a more compact, pedestrian form.
8. The construction of sidewalks throughout the project area or the construction of a system of sidewalks combined with bike paths.
9. Establishment of a system of private drives for access to parking located behind the principal residential structures so that sidewalks and other pedestrian improvements are not interrupted by front-loaded parking and curb cuts.

30-007-C. SPECIFIC STANDARDS FOR PLANNED UNIT DEVELOPMENTS BUILT AS CONSERVATION SUBDIVISIONS

The Zoning Board of Appeals may recommend approval of a *planned residential development* that modifies the density, lot size, setback, and other requirements of the underlying zoning districts if the applicant meets all of the following standards and criteria for a conservation subdivision. These standards include that:

1. The site plan provides for a permanent preservation of open space, woodlands, wetlands, or flood plain areas.
2. The open space is preserved and maintained by a homeowners association, by a Land Trust through a conservation easement or by dedication that is accepted by the Park District or Forest Preserve District and, where possible, is connected or linked to adjoining park facilities, trails, or open spaces.
3. All residential lots and dwellings are grouped in clusters. Each cluster shall contain no more than 20 *dwelling units* and no less than 5 *dwelling units*.
4. All residential clusters must be located to minimize and negative impacts on the natural resources of the site.
5. Open space represents no less than 40% of the total acreage of the site.
6. The density achieved is no more than the maximum number of *dwelling units* that would be permitted under the property's zoning classification if such density was calculated on the basis of the entire site. Builders must provide a written comparison of the total number of units achieved to the number that could be achieve if the project complied

with the minimum lot size, lot width, setback, or other requirements of the zoning ordinance.

7. *Planned residential developments* built as conservation subdivisions may use private *streets* provided the design and improvement of these *streets* is approved by the City Engineer and provided that the private *streets* have adequate capacity to handle the traffic generated by the proposed project.

30-007-D. SPECIFIC STANDARDS FOR PLANNED COMMERCIAL DEVELOPMENTS BUILT AS ACTIVITY CENTERS

The Zoning Board of Appeals may recommend approval of a planned unit development in a Commercial zoning district that modifies the permitted land uses, densities, parking requirements, and setbacks if the applicant meets all of the following standards and criteria for an activity center. These standards are intended primarily for the redevelopment of older *shopping centers*, strip malls, and "power centers". The planned unit development for the activity center will be approved if:

1. The activity center includes a mix of land uses including commercial, residential, institutional, and civic uses. This mix of uses may be achieved through a vertical mixing of uses within a *building* or a horizontal mixing throughout the site.
2. The activity center includes a significant portion of the site devoted to housing (i.e. market-rate housing, affordable housing, or specialized housing for groups such as the elderly) so that the activity center itself generates pedestrian traffic and the shoppers who patronize the center's commercial businesses.
3. The activity center creates a series of *street* connections with the surrounding neighborhood so that people are not forced to use the adjoining arterials or highways for local trips.
4. The activity center incorporates elements such as "gateway" *landscaping*, uniform or "themed" signage, and/or uniform *street* furnishings and lighting that help to create a sense of place.
5. The activity center incorporates land uses that can share parking including retail and service uses that operate primarily during the day and theaters and restaurants that are busiest in the evening.
6. The activity center *buildings* incorporate distinctive design elements and *landscaping* that contribute to a strong sense of place. The architectural treatments of the *buildings* should reinforce the appearance and quality of other elements such as the *landscaping* or signage.
7. The activity center incorporates cultural or civic uses that can be used for festivals or public events and/or public open space that can become a focal point for special events at the center.

30-007-E. SPECIFIC STANDARDS OF PLANNED WIND ENERGY CONVERSION SYSTEM

The Zoning Board of Appeals may recommend approval of a planned unit development for Wind Energy Conversion System for energy production in any zoning classification. The standards are intended to protect the public health and safety and community welfare while allowing development of wind energy resources for commercial purposes. The planned unit development for the Wind Energy Conversion System may be approved if the following is satisified:

1. The Wind Energy Conversion System Site if forty (40) acres or more in size. An existing principal structure does not preclude placement of a WECS.

2. The written summary of the project includes: a general description of the project, its approximate name plate generating capacity; potential equipment manufacturer (s) and type (s) of WECS; number of WECS towers, and name plat generating capacity of each WECS; the WECS height, diameter or fhte WECS (s) rotor(s) and description by the applicant, owner and operator includgin their previous WECS experience.

3. The site plan of the WECS site shows: boundaries of the project; location of each WECS tower guy lines and anchor bases (if any): all WECS structures including but not limited to the project substation, interconnect substation, and location and voltage of any overhead transmission lines; property lines; setback lines; public access roads; location of all existing structures with their uses identified and land use, zoning, public roads and structures within one thousand feet (1,000) of the WECS site.

4. The WECS meets the requirements of the Federal Aviation Administration or other state of federal laws.

5. The WECS provide for the minimum setbacks as follows:

(a) From Principal Structure(s): One thousand (1,000) feet from any Principal Structure. The distance shall be measured from the point of the Principal Structure foundation to the WECS tower closest to the center of the WECS tower foundation. The owner of the Principal Structure may waive this setback requirement but in no case shall a WECS tower be located closer to a Principal Structure than 1.10 times the WECS tower's height.

(b) From public Roads, third party transmission lines and communitcation towers: 1.10 times from the WECS tower's height.

(c) From the property lines not part of the WECS site: All WECS towers shall be setback a distance of a least 1.10 times the WECS tower's height. The City may waive this setback requirement.

6. Submittal of a noise assessment including average and maximum noise levels at WECS perimeter. The WECS noise levels shall not exceed standards set by the Illlinois Pollution Control Board for noise emissions. The applicant shall demonstrate compliance with noise requirements as part of the application.

7. The WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from the Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germainscher Lloyd Wind Energie (GL) or an equivalent third party.

8. The appearance of the WECS surface shall be non-reflective, unobtrusive white or grey color. No advertising signs or graphic design shall be permitted on the WECS.

9. The WECS shall have the following safety measures:

(a) All wiring between wind turbines and the wind energy facility substation shall be underground whenever possible.

(b) WECS tower shall not be climbable up to fifteen (15) feet above ground level.

(c) All access doors to WECS tower and electrical equipment shall be lockable.

(d) Signs shall be posted warning of high voltage on WECS tower, electrical equipment and WECS site entrances.

(e) All WECS shall be equipped with a redundant banking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

10. The WECS lighting shall not be lighted except as required by the Federal Aviation Administration of other state of federal law.

11. The use of public roads shall be identified to be used for transportoin WECS or substation parts and/or equipment for construction, operation or maintenance of WECS or substation(s) and shall:

(a) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and

(b) Submit an acceptable financial security in an amount determined to be appropriated to the City to be used for the purpose of repairing any damage to public roads caused by constructin, operating or maintain the WECS if not done by the WECS owner/operaton when construction of the project is completed.

12. The WECS is not installed in any location where its proximity with the existing fixed broadcasting, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.

13. The applicant shall demonstrate that the WECS will not interfere with the communications of the local emergency service providers, the City of Rockford and Winnebago County Emergency Telephone System.

14. The applicant shall conduct and submit a shadow flicker study. The study shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations. The study shall identify problem areas where shadow flicker may interfere more than one (1) hour per day with residences and other existing uses and describe measures that shall be taken to eliminate or mitigate the problems. Any safety problems identified by the City Engineer caused by shadow flicker on roads shall be eliminated or mitigated.

15. The applicant must provide a decommission plan to ensure that the WECS equipment is removed and land is restored to its previous use upon the end of the project's life. The decommission plan shall include:

(a) Provisions describing the triggering events for decommissioning the WECS project.

(b) Provision for the removal of structures, debris and cabling, including hose below surface.

(c) Provision for the restoration of soil and vegetation.

(d) An estimage of the cost of the decommission cost certified by a professional engineer or structural engineer.

(e) Financial assurance, acceptable to the City of Rockford, secured by the owner or operation, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissiong cost.

(f) Identification of and procedures for the City of Rockford to access the financial assurances.

(g) A provision that the terms of the decommission plan shall be binding upon the owner or operator and any successors, assigns or heirs.

(h) A provision that the City of Rockford shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

16. Submittal of an avian habitat study from a qualified professional, such as an omithologist or wildlife biologist to determine if the WECS will have a substantial adverse imact on birds. Reasonable actions to mitigate such adverse impacts shall be identified.

30-008 PROCEDURE

A planned unit development may be granted as a special use in the zoning district in which it is located. The following procedures and requirements shall be applicable to any request for approval of a planned unit development/tentative plat:

30-008-A. PRE-APPLICATION

Prior to the filing of an application for the approval of a planned unit development/tentative plat, the applicant shall meet and consult with the zoning officer. The Zoning Officer will review the proposed planned unit development with staff of the Department of Public Works, Fire Department and Department of Law. The city staff will provide written comments and recommendations to the applicant regarding any areas of concern. The applicant shall address these concerns either in writing or in overall design of the project. After receipt of written comments and input from the Zoning Officer the applicant may proceed with tentative plat review or proceed to final plat review in accordance with the public notice requirements for a special use consistent with Article 63 and all the required information and requirements of a PUD/Final Plat as set forth within this ordinance.

30-008-B. PUD/ TENTATIVE PLAT

An application for approval of a tentative plat of a planned unit development shall be filed in writing with the zoning officer. Application for tentative plat review will trigger the public hearing and public notice requirements for a special use consistent with Article 63. The application shall contain a project description and conceptual plan that explains the character of the planned unit development, the reasons why the applicant needs the flexibility of the planned unit development, how the project complies with the underlying zoning, how it accomplishes the purposes of the planned unit development regulations, a written description of how the applicant is addressing concerns raised by the city staff in the pre-application stage, and any other information required by the city. The city staff shall transmit the application to the Zoning Board of Appeals for review and public hearing. All information and data required by this Section shall be submitted to the city before the application will be referred to the Zoning Board of Appeals. The Zoning Board of Appeals must hold a public hearing and forward its recommendation to the city council for special use permit and tentative plat approval. Following receipt of the recommendation of Zoning Board of Appeals, the city council may, by ordinance, approve or approve with modifications, the proposed tentative plat of planned unit development and approve an ordinance authorizing the planned unit development as a special use. If the city council does not approve a planned unit development after recommendation by the Zoning Board of Appeals, it may deny the planned unit development or refer the planned unit development back to the Zoning Board of Appeals for further consideration. The tentative plat of planned unit development and supporting documents must be attached to the ordinance approving the special use, and it must be conditioned on the completion of the final plat process under this Section.

30-008-C. PUD/FINAL PLAT

A planned unit development may be platted in phases. The final plat or plats of the planned unit development shall conform substantially to the tentative plat of planned unit development as approved and all applicable conditions of the planned unit development special use permit. While the tentative plat of the planned unit development shall generally specify uses of land and locations of *buildings* or buildable area, the final plat of planned unit development shall designate in detail the uses of land and the location of *buildings*.

1. An application for approval of a final plat of a planned unit development shall be filed in writing with the zoning officer. The zoning officer is authorized to recommend approval of a final plat of planned unit development to the city council without referring the final plat to the Zoning Board of Appeals if it is determined that the final plat is in substantial conformance to the tentative plat of the planned unit development as approved in the planned unit development special use permit. In approving a final plat of a planned unit development, the city council is required to adopt an ordinance setting forth applicable conditions and attaching the final plat of planned unit development and supporting documents.
2. If it is determined that the final plat is not in substantial conformance to the tentative plat of planned unit development, the final plat shall be referred to the Zoning Board of Appeals for review and recommendation as provided for a special use consistent with Article 63.
3. If a final plat of planned unit development is referred to the Zoning Board of Appeals, the Board will review the proposed changes to the tentative plat of planned unit development as set forth in the final plat. The Zoning Board of Appeals will review the final plat consistent with the review procedures for special use permits consistent with Section 63-002.
4. The Zoning Board of Appeals will submit its recommendation on the proposed final plat of planned unit development to the city council.
5. After receipt of the recommendation of the zoning officer or the Zoning Board of Appeals in accordance with this Section, the city council may, by ordinance, approve or approve with modifications, the proposed final plat of planned unit development. If the city council does not approve a planned unit development after recommendation by the Zoning Board of Appeals, it may deny the planned unit development or refer the planned unit development back to the Zoning Board of Appeals for further consideration. The final plat of planned unit development and supporting documents must be attached to the ordinance approving the final plat.

30-008-D. CONTENT OF PLANNED UNIT DEVELOPMENT SUBMITTALS

For each stage in the planned unit development review process, the following information and data shall be submitted. In certain circumstances, the zoning officer may accept submittals without all of the required plans and documentation if it is determined that certain submittals are not needed because of the size, character, or limited nature of the planned unit development. In addition, for phased development projects, the zoning officer may allow the submission of required plans and documentation to correspond to the timing of different phases of the project.

1. **PRE-APPLICATION**

   (a) Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land within one-half (1/2) mile of the subject parcel of land.

(b) Sketch drawing showing the proposed location of the uses of land, major *streets*, and other features.

(c) Property survey and legal description of the subject parcel of land.

(d) A written statement justifying the need for a planned unit development.

(e) A description of the type and scale of the project including elevation drawings.

2. TENTATIVE PLAT

(a) A drawing of the planned unit development, at a scale of one hundred feet to one inch (1" = 100'), composed of one or more sheets showing the following information:

(b) Title by which the proposed planned unit development is to be referred.

(c) Legal description of the property and total acreage included.

(d) Scale, north point, and date of preparation.

(e) Name and address of the owner, applicant, engineer, and land surveyor.

(f) Location dimensions, and acreage of proposed land uses including *single-family* residential, multifamily residential, business areas, industrial areas, and open spaces, common open spaces, and school sites. The maximum *building* envelope for proposed *buildings* will be illustrated.

(g) Location and dimensions of proposed *streets*, *alleys*, easements, and storm water control areas.

(h) Dimensions of the lots into which the property is proposed to be subdivided.

(i) Density of the planned unit development for both the entire development and any sub areas.

(j) Location and dimensions of existing *streets*, *alleys*, easements, stormwater control areas, *buildings*, structures, and public utilities within the planned unit development.

(k) Plan for sidewalks or pedestrian access and circulation and bicycle circulation systems.

(l) Flood plain lines as to be delineated by the applicable USGS flood quadrangle or other documents adopted by the city as part of the flood plain regulations.

(m) A project description for planned unit development including the reasons why it needs the flexibility of the planned unit development regulations, how the *official* comprehensive *plan* affects the property, and how it accomplishes the purposes of the planned unit development regulations. This statement shall be in writing and shall address the substance of each of the factors set forth in Section 30-008-F of this chapter explaining why the proposed project fulfills each of the criteria for approval.

3. TENTATIVE DESIGN SCHEDULE

The following shall be included with the tentative plat. In certain circumstances, the zoning officer may accept a tentative design schedule without all of the required information if it is determined that certain submittals are not needed because of the size, character, or limited nature of the planned unit development. In addition, for phased

development projects, the zoning officer may allow the submission of required information to correspond to the timing of different phases of the project.

(a) A listing of the area, lot width, *yard*, *height*, and *bulk* requirements including density applicable to the planned unit development.

(b) Number of parking spaces.

(c) Total square footage for any nonresidential structures other than accessory structures.

(d) Square footage of commonly owned and maintained open space by type.

(e) Preliminary *building* elevations for all *buildings*.

(f) A preliminary landscape plan that meets the minimum requirements of Section 52-001 of this ordinance.

(g) A statement is required describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that the residents will use the space either actively or passively.

(h) The city may require the submittal of a sketch plan that illustrates the maximum number of lots and *dwelling units* that could be achieved through a conventional subdivision of the site including the location of public *streets* that would provide access to such lots or *dwelling units*. The design and layout of all lots and *streets* in such subdivision sketch plan shall comply with all standards and requirements found in the underlying zoning district.

(i) Information on the availability of *public service facilities* and off-street parking facilities.

(j) Engineering in sufficient detail that will convey the general basis of design of the sanitary sewer, water, storm water control, flood control, and *street* facilities.

(k) An analysis of the natural features and drainage patterns of the property.

4. FINAL PLAT

A drawing of the planned unit development, suitable for recording with the county recorder, showing the following information:

(a) Designation with particularity the uses of the land and the location of *buildings* and structures.

(b) Title under which the proposed planned unit development is to be recorded.

(c) Legal description of the property and total acreage included.

(d) Scale, north point, and date of preparation.

(e) Location, dimensions, and acreage of proposed land uses including *single-family* residential, *multifamily* residential, business areas, industrial areas, open spaces, and school sites.

(f) Location and dimensions of proposed *streets*, *alleys*, easements, and storm water control areas.

(g) Dimensions of the lots into which the property is proposed to be subdivided.

(h) Plan for sidewalks or pedestrian access and circulation and bicycle circulation systems.

(i) A planned unit development that will result in the subdivision of land must have its final plat comply with the provisions of the Rockford subdivision ordinance.

5. FINAL DESIGN SCHEDULE

The following shall be included:

(a) A listing of the area, lot width, *yard*, *height*, and *bulk* requirements including density applicable to the planned unit development.

(b) Number of parking spaces.

(c) Total and footprint square footage for nonresidential principal structures.

(d) Square footage of commonly owned and maintained open space and common open space.

(e) If the development is to be constructed in phases, the design schedule shall include designations of the phase components.

(f) Complete and detailed engineering which shows the design of the sanitary sewer, water, storm water control, flood control, and *street* facilities including specifications.

(g) Plans which meet the minimum requirements of Section 52-001 of this code.

6. Final *building* elevations for all *buildings*.

7. Recordable covenants acceptable to the City and its attorney for ensuring the long-term maintenance of private elements of the planned unit development.

8. The city may require other plans or data at any stage of the review process for full and complete consideration of the planned unit development. In addition, the zoning officer may allow for the serial submission of portions of the application when the zoning officer determines that such submissions would promote efficiency and minimize costs.

30-008-E. CHANGES TO PLANNED UNIT DEVELOPMENTS

A planned unit development shall be constructed in accordance with the approved final plat of planned unit development and all supporting data. The final plat will control and limit the use of the parcel of land (including the general internal use of *buildings* and structures) and the location of *buildings* and structures in the planned unit development as indicated on the plat. The Zoning Officer may permit minor changes in a planned development based on a determination that such change is consistent with the overall plan of development and consistent with the goals and objectives of the planned development ordinance. Major changes will require approval by the Zoning Board of Appeals and will include any change that significantly alters the character or scale of the development.

30-008-F. CRITERIA FOR APPROVAL

The Zoning Board of Appeals will not recommend approval of nor shall the city council approve a special use for a planned unit development or a major change to the planned unit development unless the proposed development or change complies with all of the following criteria:

1. The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.

2. The planned unit development meets the requirements and standards of the planned unit development regulations.

3. The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.
4. Open space, common open space, and recreational facilities are provided as required.
5. The modifications in design standards from the subdivision control regulations and the waivers in *bulk* regulations from the zoning regulations fulfill the intent of those regulations.
6. The planned unit development is compatible with the adjacent properties and nearby land uses.
7. The planned unit development fulfills the objectives of the *official comprehensive plan* and planning policies of the city.
8. The Zoning Board of Appeals shall be required to make written findings of fact based on the criteria for approval on a planned unit development application or any changes to a planned unit development.

30-008-G. LAPSE AND REVOCATION OF PLANNED UNIT DEVELOPMENT APPROVALS

The planned unit development shall be constructed in a timely manner. The planned unit development shall be subject to revocation under the following conditions:

1. Final platting does not occur within one year from the date of approval of the tentative plat of a planned unit development.
2. Construction does not commence and proceed within 2 years from the date of approval of the final plat of a planned unit development.
3. The city council may extend the time limits in up to one year increments.
4. The city council may initiate or the owner of the parcel of land on which the planned unit development is to be constructed may apply for the revocation of the planned unit development. The owner shall be notified, in writing, at least 30 days prior to the city council's consideration of the revocation if initiated by the city council.
5. Upon revocation of a planned unit development, the parcel of land shall conform to the permitted uses and other regulations of the underlying zoning district of which it is a special use unless an amendment or other special use is initiated by the city council or is applied for by the owner of the parcel of land on which the planned unit development was to be constructed and granted by the city council.

30-008-H. EXPANSIONS OF EXISTING DEVELOPMENT

The proposed expansion of any existing development that will result in an increase in lot area, occupancy levels, or number of *dwelling units* must be reviewed and approved in accordance with the planned unit development procedures of this Section and the special use permit procedures of Article 63 if the expanded development meets the threshold for a mandatory planned unit development as established in Section 30-004.

1. The mandatory planned unit development requirements of this Section do not apply if the Zoning Officer finds that:
   - **(a)** The proposed expansion will not result in a significant increase in adverse impacts on the surrounding area in terms of traffic congestion, incompatible *building* size, scale or density, or other measurable land-use impacts; [and] [or}
   - **(b)** The development involves only the reuse of an existing *building*.

30-008-I. PERFORMANCE GUARANTEE

The applicant for planned unit development approvals that require the installation of public improvements such as streets, sidewalks, street lights, street trees, or certain private improvements such as private open space or other common amenities must provide for such installation of such facilities within a time frame established by the planned development approval or must deliver to the department of public works a duplicate signed contract covering all of said improvements and an irrevocable letter of credit in a form acceptable to the legal director guaranteeing the completion of said improvements contracted for within one (1) year from the date of said contract in the amount of one hundred ten (110) per cent of the estimated construction costs. Letters of credit for a term of less than one (1) year will not be accepted.

Article 31 | Historic Preservation and National Register Overlay Districts

31-001 Purpose

The purpose of these districts is to ensure the preservation of *buildings* and structures which, in their aggregate or individually, are of special community significance. These districts will overlay properties in areas already classified in other districts and they must meet one of the following criteria:

31-001-A. Properties that have been included within the boundaries of a historic district designated by the City of Rockford pursuant to the provisions of Chapter 13.5 of the Rockford Code of Ordinances;

31-001-B. Properties that have been designated individually as landmarks by the City of Rockford pursuant to the provisions of Chapter 13.5 of the Rockford Code of Ordinances;

31-001-C. Properties that have been listed individually on the National Register of Historic Places or that have been listed as contributing properties in a historic district listed on the National Register of Historic Places.

31-002 Permitted Uses: Rockford Historic Districts or Designated Landmarks

Permitted uses, special uses, *bulk*, and parking regulations shall be those applicable for the underlying zoning district. *Height* limitations of the underlying zoning district including the *height* limits for accessory structures may be exceeded when required by the Rockford Historic Preservation Commission in the grant of a Certificate of Appropriateness.

31-003 Permitted Uses: Buildings on the National Register and Contributing Buildings within National Register Districts

Permitted uses, special uses, *bulk*, and parking regulations shall be those applicable for the underlying zoning district. The Zoning Officer must grant an administrative adjustment to the h*eight* limitations of the underlying zoning district including the *height* limits for accessory structures when recommended by the Rockford Historic Preservation Commission.

31-004 Zoning Application

Where a “Certificate of Appropriateness” is required, all zoning applications must obtain such Certificate from the Rockford Historic Preservation Commission prior to the Zoning Board of Appeals hearing. For buildings on the National Register of Historic Places or within the boundaries of a National Register Historic District, the Zoning Officer will refer the application to the Historic Preservation Commission for a non-binding recommendation before the Zoning Board of Appeals hearing on the application.

31-005 External Changes

Any external changes not requiring action by the Zoning Board of Appeals, but which do require a "Certificate of Appropriateness" from the Rockford Historic Preservation Commission, shall have said Certificate prior to granting zoning clearance.

31-006 Lot Sizes

31-006-A. All existing lots of record as of the date of the 1981 Residential Conservation Combining District (Ord. 1981-44-0) shall be considered conforming and may be used for a permitted use, provided it is developed in conformance with all other provisions of this district.

31-006-B. All lots created after the date of the 1981 Combining District Ordinance shall provide the minimum lot area and width as required in the pre-fixed district.

31-007 REQUIRED YARDS

31-007-A. NEW CONSTRUCTION IN CITY HISTORIC DISTRICTS

All new construction must meet the required *yards* of the underlying district unless the Rockford Historic Preservation Commission recommends to the Zoning Officer a modification of the yards so that the new construction is compatible and consistent with the yards of adjoining historic structures. The Commission may recommend a yard modification when such alteration would help the new *building* contribute to the historic character of the district. The Zoning Officer will make a final decision regarding the proposed yards consistent with the standards of Section 65-007-B.

31-007-B. NEW CONSTRUCTION IN NATIONAL REGISTER HISTORIC DISTRICTS

1. All new construction must meet the required *yards* of the underlying district however, the Zoning Officer must grant an administrative adjustment to the yard requirements when such adjustment is recommended by the Rockford Historic Preservation Commission. Recommended adjustments to the yards should ensure that the new construction is compatible and consistent with the yards of adjoining historic structures. The Commission may recommend a yard modification when such alteration would help the new *building* contribute to the historic character of the district. The Zoning Officer will make a final decision on the setbacks consistent with the standards of Section 65-007-B.Existing Buildings
2. Major repair and remodeling to an existing *building* is permitted provided that there is no enlargement to any existing nonconforming setbacks and no new nonconformities created.

Article 32 | RRO, Rock River Overlay

32-001 Purpose

The RRO, Rock River Overlay district is intended to protect and enhance the aesthetic and natural resource values of the Rock River. The purpose of this overlay is to establish a special setback and to achieve the following objectives:

32-001-A. To protect and preserve the river and related natural resources;

32-001-B. To increase public access to the river; and

32-001-C. To minimize flood hazards, protect environmentally sensitive areas, and protect open space resources.

32-002 District Description

The Rock River Overlay applies to all properties located within 100 feet of the top of the bank of the Rock River.

32-003 Setback Requirement

A minimum 50-foot riverfront setback is required for any new development- including *buildings*, structures, and parking areas on any lot or parcel within 100 feet of the Rock River. *Buildings*, structures, or parking areas that do not provide the 50 foot setback may only be approved when a variation is approved by the Zoning Board of Appeals consistent with the requirements of Section 32-007. The following types of development shall be exempt from the 50-foot setback requirement and the mandatory variation approval:

32-003-A. Additions to existing structures or existing parking facilities where such additions do not exceed a 50% increase in the structure's floor area or do not exceed a 50% increase in the land area devoted to parking. To qualify for this exemption the addition or *parking lot* expansion may not encroach any further into the existing setback provided by the existing structure or parking.

32-003-B. Any addition or new accessory structure where the addition or new accessory structure was setback a minimum of 30 feet from the top of the river bank.

32-003-C. River-dependent uses that require direct access, either on, in, or adjacent to the river. Such uses include:

1. Marina facilities but not including boat storage or boat repair;
2. Recreational and commercial boating facilities;
3. Waterfront dock and port facilities;
4. Navigation aids, basins, and channels;
5. Bridge abutments;
6. Recreational parks and open spaces; and
7. Other uses that require waterborne transportation or the river as a source of water.

32-004 Structures Encouraged within Setback Area

Nothing in this Article will be interpreted to prevent the construction of plazas, overlooks, esplanades, access points, benches, or park or recreation facilities within the required 50-foot setback. Walkways, trails, bike paths, or shared use (e.g. skating, running, etc) paths are encouraged within the setback area.

Pedestrian amenities such as lighting and *landscaping* are permitted, and recreational facilities such as boat access improvements are allowed.

32-005 SETBACK MEASUREMENT

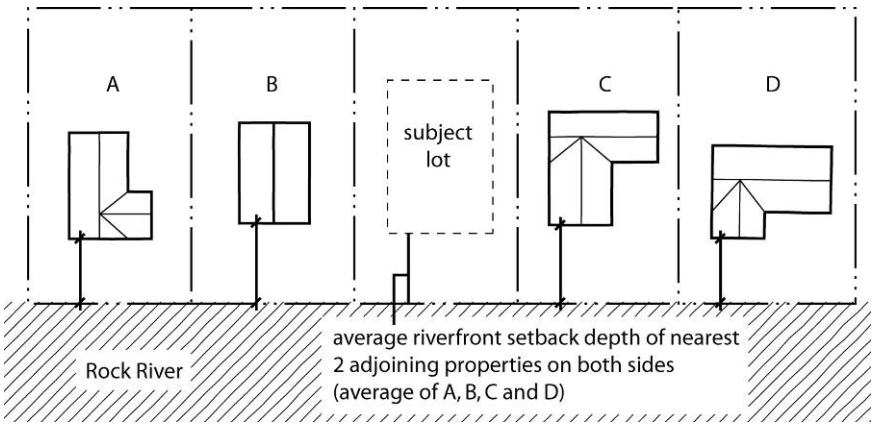
The 50-foot setback will be measured from the top of the bank. The bank will be identified on the basis of flood plain maps maintained by the City of Rockford and survey data from the Water Reclamation District. The Zoning Officer may allow the 50-foot setback to be averaged over the width of a lot or development parcel; however, all portions of the site must provide a minimum setback of 30 feet. The top of the river bank shall be considered to be the top of the sloped portion of the bank at that point where the slope ceases to be 10% or greater.

32-006 ADJUSTMENTS FOR SINGLE-FAMILY HOMES ON INFILL LOTS

The Zoning Officer may permit an adjustment from the 50 foot setback requirement for new *single-family* homes that are constructed as "infill" homes (homes built in existing residential neighborhoods that have an established pattern of setbacks from the river).

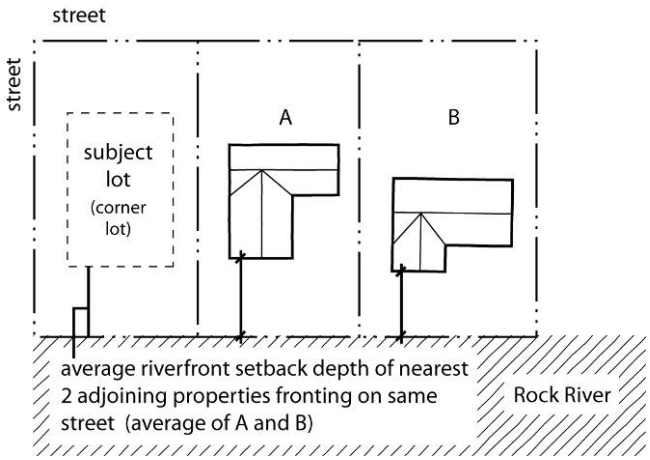
32-006-A. New infill homes must be set back a distance equal to the average riverfront setback depth that exists on the nearest 2 lots on either side of the subject lot. Where a lot is vacant the riverfront setback on the vacant lot will be assumed to be 50 feet.

Figure 15: Setback Averaging for Homes Along the Rock River



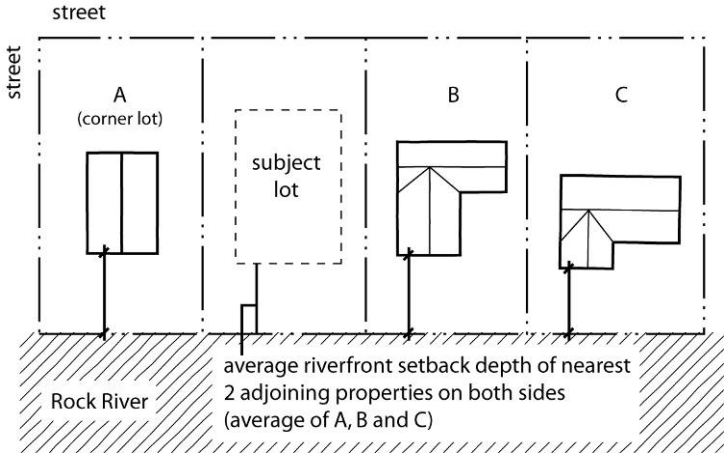
32-006-B. When the subject lot is a corner lot, the average riverfront setback will be computed on the basis of the nearest 2 lots that front on the same *street* as the subject lot.

Figure 16: Setback Averaging for Corner Lots Along the Rock River



32-006-C. When the subject lot abuts a corner lot fronting on the same *street*, the average riverfront setback will be computed on the basis of the abutting corner lot and the nearest 2 lots that front on the same *street* as the subject lot.

Figure 17: Rules for Setback Averaging for Homes Along the Rock River



32-006-D. Where an existing home is demolished and rebuilt, the zoning officer may authorize an adjustment that permits the new home to be rebuilt on the same footprint as the demolished home. Applicants shall submit a survey of the existing property illustrating the existing riverfront setback and shall submit *building* plans that demonstrate that the new home does not encroach toward the river's edge any further than the existing home.

32-006-E. No adjustment will be authorized in violation of the requirements of the 100 year flood plain protection standards. Any request for a setback adjustment will be accompanied by proof of compliance with flood plain protection requirements or copies of the flood plain maps demonstrating that the property is not located within a designated flood plain.

32-007 ZONING BOARD OF APPEALS REVIEW OF SETBACK VARIATIONS

The Zoning Board of Appeals may grant a variation from the required setback on the basis of the following standards:

32-007-A. Whether the encroachment is necessary because of a shallow, narrow, or odd lot configuration.

32-007-B. Whether the encroachment is necessary for *buildings* or structures associated with docks, marinas, and other facilities that increase the recreational opportunities along the Rock River. Or whether the encroachment is necessary for *buildings* or structures associated with barge slips and other industrial facilities whose business is dependant on water traffic for the delivery or shipping of *bulk* materials.

32-007-C. Whether the proposed encroachment is located in a C-4 district and intended for a public or institutional *building* that, by its design, is intended to bring the public in close contact with the river and that, by its design, will encourage public use and enjoyment of the riverfront.

32-007-D. Whether the proposed development would foreclose future opportunities for a continuous pathway or bikeway along the riverfront. In all circumstances, the decision of the Zoning Board of Appeals should afford some future opportunity to construct a walkway or bike path along the river's edge.

32-007-E. Whether the proposed project incorporates *landscaping* within the setback area with trees and vegetation compatible with the riparian environment.

32-007-F. Whether the proposed project provides adequate setbacks for *bulk* storage or trash facilities so as to adequately prevent littering or the leaching of pollutants into the river.

32-007-G. No variance will be authorized in violation of the requirements of the 100 year flood plain protection standards.

Article 33 | WELLHEAD SETBACK OVERLAY DISTRICTS

33-001 MAXIMUM WELLHEAD SETBACK OVERLAY DISTRICT

33-001-A. STATEMENT OF PURPOSE

This District is intended to protect wells providing the public water supply from contamination by hazardous wastes or hazardous substances and preserve the quality and quantity of groundwater resources for future generations.

Certain "new" uses are generally prohibited from locating within 1,000 or 2,500 feet of designated public wells if they are within the lateral area of influence for the wells, as confirmed by the Illinois Environmental Protection Agency. This District is created pursuant to the authority of the Illinois Groundwater Protection Act (415 ILCS 5/14 (1994)) due to the particular susceptibility to pollution of groundwater beneath the City of Rockford. This District shall overlay properties in areas already classified into other geographical use districts by this ordinance.

33-001-B. PERMITTED USES

Except as prohibited in Section 33-001-C, permitted uses, special uses, *bulk*, and parking regulations shall be those applicable for the underlying zoning district.

33-001-C. PROHIBITED USES

No *New Potential Primary Source* shall be permitted within the Maximum Wellhead Setback Overlay District and 1,000 feet of a public water supply well unless an exception is granted by the Illinois Pollution Control Board. No *New Potential Route* shall be placed, operated, or utilized in a Maximum Wellhead Protection Setback Overlay District of a well that is within 1,000 feet of public waters.

33-002 MINIMUM WELLHEAD SETBACK OVERLAY DISTRICT

33-002-A. STATEMENT OF PURPOSE

This District is created to incorporate into the Zoning Ordinance the minimum setback zones around wells providing public water supply as established by Section 14.2 of the Illinois Groundwater Protection Act (415 ILCS 5/14.2 (1994). Certain "new" uses are generally prohibited from being established within 400 feet of any existing or permitted water supply well within the city of Rockford. This District is created pursuant to the authority of the Illinois Groundwater Protection Act and the Illinois Municipal Code relating to protection of sources of water supply (65 ILCS 5/11-125-4 (1994)). This District shall overlay properties already classified into other geographical use districts by this ordinance.

33-002-B. PERMITTED USES

Except as provided in Section 33-002-C, permitted uses, special uses, *bulk*, and parking regulations shall be those applicable for the underlying zoning district.

33-002-C. PROHIBITED USES

Except as provided in Section 33-002-D, no *New Potential Primary Source*, *New Potential Secondary Source*, or *New Potential Route* shall be permitted within the Minimum Wellhead Setback Overlay District.

33-002-D. WAIVERS, EXCEPTIONS, CERTIFICATIONS, AND EXCLUSIONS

The uses prohibited under Section 33-002-C shall be deemed permitted uses under the following conditions:

1. If, pursuant to Section 14.2(b) of the Illinois Groundwater Protection Act (415 ILCS 5/14.2(a)), the owner of any prohibited use listed in Section 33-002-C is granted a waiver by the Illinois Environmental Protection Agency, to the extent and under the conditions of such waiver.
2. If, pursuant to Section 14.2(c) of the Illinois Groundwater Protection Act (415 ILCS 5/14.2 (c)) the owner of any prohibited use listed in Section 33-002-C (other than a *New Potential Primary Source* for Industrial Districts, landfill, or land treating) is granted an exception by the Illinois Pollution Control Board, to the extent and under the conditions of such exceptions.
3. If, pursuant to Section 14.5 of the Illinois Groundwater Protection Act (415 ILCS 5/14.2(a)), the owner of any prohibited use listed in Section 33-002-C is issued a certificate of minimal hazard by the Illinois Environmental Protection Agency, to the extent and under the conditions such owner is not subject to Section 14.2(d) of the Illinois Groundwater Protection Act (415 ILCS 5/14.2(d)).
4. Section 33-002-C shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Illinois Groundwater Protection Act (415 ILCS 5/17) and the regulations adopted there under by the Illinois Environmental Protection Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

Article 34 | Arts and Cultural Overlay District

34-001 Purpose

The purpose of the Arts and Cultural District Overlay is to facilitate improvements to land and structures within the district, and to encourage artistic, cultural and creative resources therein. This district overlays properties in areas already classified in other zoning districts. The overlay is designed to achieve the following objectives;

34-001-A. To promote development and interest in the district.

34-001-B. To allow a mix of artistic, cultural and creative uses.

34-001-C. To allow a flexibility of uses and development standards.

34-001-D. To implement and compliment the River District Framework Plan.

34-002 District Description

The Arts and Cultural Overlay District shall apply to all properties located within the District as designated on the City of Rockford Zoning Map as "Arts and Cultural Overlay District".

34-003 Permitted Uses

Permitted uses, special uses, bulk regulations and parking regulations shall be those applicable for the underlying zoning district, except as specifically stated, permitted and/or prohibited within Sections 34-001 to 34-007. Where the use or provision is in conflict with another Overlay District i.e. the Historic Preservation Overlay District, the most restrictive regulation shall apply.

34-004 Additional Permitted Uses

Notwithstanding the prohibitions contained within other sections of this ordinance, the following uses shall be permitted within the Arts Creativity and Overlay District:

34-004-A. Artist Work/Sales Space;

34-004-B. Artist Live/Work Space.

34-005 Special Uses

The City Council may approve a special use permit in accordance with the procedures contained within Article 63 permitting additional use(s), which promote, compliment or encourage the purpose of the District. In making such a determination, the City Council shall consider the following factors:

34-005-A. Hours of operation;

34-005-B. Vehicular traffic;

34-005-C. The number of employees and other persons expected to be attracted to the use;

34-005-D. Other factors likely to affect the neighborhood in which it is located.

34-006 Signage

34-006-A. Authorized uses within the District are permitted to have signage in conformance with Article 51 of this Ordinance.

34-006-B. In addition, and notwithstanding the prohibition contained within Article 51, the commercial uses and permitted uses identified in Section 34-004 shall also be

allowed one sandwich sign not to exceed 6 square feet in size (per side) to be located only upon private property.

34-006-C. Should the underlying zoning district be classified as residential, Artist Work/Sales Spaces and Artist Live/Work Spaces shall be permitted:

1. One freestanding sign no more than 4 feet in height and 8 square feet in size, or one projecting building sign not to exceed 8 square feet in size, and
2. Temporary signs in accordance with section 51-007-A (3) & (4), and
3. All signage shall be of high quality architectural materials with no electronic or internally illuminated signage permitted.

34-007 PARKING AND LOADING

Parking and loading shall be required in conformity with Article 50 of this Ordinance. There shall be no additional parking or loading requirements for Artist Work/Sales Spaces and Artist Live/Work Spaces.

Part 4 PERFORMANCE STANDARDS AND USE-SPECIFIC REGULATIONS

Article 40 | Performance and Development Standards 4-1
40-001 Performance Standards..... 4-1
40-002 Specific Use Standards..... 4-2

Article 40 | Performance and Development Standards

40-001 Performance Standards

Certain land uses that generate significant traffic volumes, that have significant "visual" impacts due to the use's outdoor operations, or those uses that have neighborhood impacts due to their size, scale, and hours of operation are subject to the performance standards of this Section. The land uses subject to this review are identified by the symbol PR in the "Use Table" of Sections 20-004-A, 21-002, 22-002, and 23-003.

40-001-A. General Requirements

The performance standards of this section must be met before the use is established and, to the extent applicable, thereafter maintained for as long as the use continues. Failure to meet any of these performance standards will require that the applicant file for a special use permit consistent with the procedures and standards established in Section 63-002.

40-001-B. Submittal Requirements

The applicant must submit a detailed site plan to the zoning officer for review by the zoning office, the city engineer, and the city traffic engineer. The contents of the site plan will be consistent with the requirements of Section 61-002-B, as well as such additional data as the City may require to establish whether the performance standards have been satisfied.

40-001-C. Performance Criteria

Uses subject to review under this Section shall comply with the following general criteria and any specific criteria of Section 40-002:

1. Traffic Impact

The city traffic engineer will review the proposed land use and site plan to estimate the traffic generation and to evaluate whether the proposed land use will unduly increase traffic congestion or create traffic hazards on adjacent public *streets* or at the point of egress or ingress to the development. The city traffic engineer will also review the site plan and determine if the proposed internal circulation pattern will minimize traffic congestion problems on the site and on the adjacent public *streets*. If the city traffic engineer concludes that traffic or parking study is necessary in order to evaluate a development proposal then the applicant must submit a study addressing the traffic engineer's concerns.

2. Environmental Impact

The city engineer will review the proposed land use and site plan to determine that the proposed use will meet all city requirements for the prevention of soil erosion and for adequate drainage. In addition, the city engineer will certify that the development includes sufficient improvements for stormwater management and the control of stormwater discharge.

3. Architectural Integrity and Design

The city zoning officer will review all proposed *buildings* subject to performance review to insure that all sides of *buildings* that are visible to the public are treated with materials, finishes, and architectural improvements of a high quality and materials that are appropriate for use on the primary *street*-facing façade. Long blank walls lacking windows, doors, or architectural detailing or articulation are discouraged. New *buildings* should include the articulation with windows, varied setbacks, multiple entrances, or

other forms of architectural articulation. Where there are multiple *buildings* within a non-residential center, the zoning officer must determine that there is consistency within the center in terms of architectural design, exterior *building* materials, and other design elements.

4. LANDSCAPING, SCREENING AND BUFFERING

The city zoning officer will review the proposed land use and site plan to determine whether the development meets the requirements of the zoning ordinance and whether the proposed use incorporates adequate landscaping, *screening* and/or *buffering* to minimize the visual impacts of outdoor storage, outdoor display, and any outdoor operations such as *truck* loading and unloading on surrounding properties. The zoning officer may require landscaping, *buffers* and *screening* that exceed those required by Section 52-001 when it is determined that the proposed use will have adverse visual impacts on surrounding properties.

40-002 SPECIFIC USE STANDARDS

The following standards and criteria apply to specific uses in addition to the general performance criteria identified above and the other parking, *landscaping*, setback, or other requirements of this zoning ordinance.

40-002-A. BED AND BREAKFAST

Bed and breakfast facilities must be located above the ground floor in those zoning districts in which *dwelling units* and other residential uses are not permitted (by-right) on the ground floor.

40-002-B. COMMUNITY-BASED HOUSING

Community-based housing must be located above the ground floor in those zoning districts in which *dwelling units* and other residential uses are not permitted (by-right) on the ground floor. In addition, no community-based home may be located within 500 feet of any other legally established community-based home.

40-002-C. DRIVE-THROUGH FACILITY

1. DRIVE-IN AND DRIVE-THROUGH QUEUE AREA

Each facility must provide sufficient queuing area, at a minimum of 20 feet per vehicle, in advance of the service window to accommodate the stacking space required by Section 50-003-F. The queue area may not interfere with other on-site circulation and parking facilities.

2. PEDESTRIAN WALKWAYS

Pedestrian walkways must have clear visibility, and be emphasized by enhanced paving or markings when they intersect the drive-through aisles.

3. SCREENING

All service areas, trash storage areas, and ground- mounted mechanical equipment must be *screened* from ground-level view by *fences* or walls.

40-002-D. GAS STATIONS

1. Gas stations are subject to compliance with the applicable landscape regulations of Section 52-001 including the interior *landscaping* requirements of Section 52-002-E.4(f).
2. No *signs* are allowed on *fences*.

3. All lighting must be directed downward and shielded to prevent illumination of any nearby residential property.

40-002-E. NON-ACCESSORY PARKING

Non-accessory parking is a permitted use in a residential district when located on those grounds of a public elementary or high school that are currently devoted to accessory parking. Such non-accessory parking is permitted only when the school is not in session. All other non-accessory parking in a residential district requires special use approval in accordance with Section 63-002.

40-002-F. OUTSIDE PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

The total number of motor vehicles stored or parked outdoors at any residential *dwelling unit* is limited to no more than four and all such vehicles must be operable and have current year vehicle registration and licensing from the governing authority.

1. Autos, motorcycles, vans, and *trucks* with passenger license plates must be parked on a paved surface not within a *front yard*. They may be parked in a *driveway* located within a *front yard* in any R-1, R-1U, or R-2 district.
2. Motor homes, campers, and travel trailers, up to 30 feet in length, may be stored in side or *rear yards*, providing that any stored in *side yards* are located a minimum of 6 feet from any property line. No motor home, camper, or travel trailer may be stored in any area located between the front property line and the street facing wall of the residential building. *Recreational vehicles* stored within residential districts may not be used for any residential purpose. *Recreational vehicles* stored on residential property must be parked on a paved surface.
3. Boats, snowmobiles, waverunners, jet skis, all-terrain vehicles, and golf carts when stored on trailers for hauling the vehicles or recreational equipment may be stored in the side or *rear yards*, providing those stored in *side yards* are located a minimum of 6 feet from the property line. No boats, snowmobiles, waverunners, jet skis, all-terrain vehicles, or golf carts may be stored in any area located between the front property line and the street facing wall of the residential building. Vehicles or recreational equipment stored on trailers in residential districts must be parked on a paved surface.
4. For the purposes of loading or unloading a *recreational vehicle*, such vehicles may be temporarily stored anywhere on a lot for a period not to exceed 6 hours within any 24 hour time period.
5. All other vehicles including, but not limited to, utility type trailers, car hauling trailers, enclosed box type utility trailers, commercial construction trailers, or any other type of hauling trailer are prohibited from storage on a residential property.
6. No more than one motor home, camper, travel trailer, boat, snowmobile, all terrain vehicle, Jet Ski, or similar type of vehicle or piece of recreational equipment may be permitted to be stored outside.

40-002-G. SEXUALLY-ORIENTED BUSINESSES

Sexually-oriented business uses must comply with all applicable City licensing requirements and may not be located in any of the following areas or locations:

1. within 1,000 feet of another existing sexually-oriented business;
2. within 1,000 feet of any property legally used or zoned for residential use;
3. within 1,000 feet of any pre-existing public or private elementary or high school or a licensed day care facility;

4. within 1,000 feet of any religious assembly establishment; or

5. within 1,000 feet of a *public park*.

40-002-H. TOWNHOUSE DEVELOPMENTS

1. PURPOSE

The purpose of these standards is to establish setback, *building* spacing, *landscaping*, and design standards that are tailored to townhouse developments. Such standards are intended to ensure that townhouse developments are compatible with the traditional character of Rockford's neighborhoods.

2. APPLICABILITY

The townhouse development standards of this section apply in all districts in which townhouses are allowed.

3. NUMBER OF BUILDINGS ON ZONING LOT

Multiple townhouse *buildings* are expressly allowed on a single *zoning lot* in those townhouse developments that comply with the townhouse development standards of this section, provided that each *building* contains no more than 8 townhouse units.

4. LOT FRONTAGE

The minimum lot frontage for a townhouse development is 100 feet.

5. PERMITTED DENSITY

Notwithstanding the other provisions of this zoning ordinance, townhouse development projects are permitted to be built at the following densities:

District	Maximum Permitted Density(units per acre)
R-2	15
R-3	20
R-4	30
C - 1	15
C - 2	30
C - 3	30
C - 4	40

6. BUILDING SETBACKS FOR FRONT AND REAR WALLS

(a) FRONT AND REAR WALLS DEFINED

Front walls and rear walls are those walls that are generally perpendicular to party walls. These walls are typically the primary sources of light and air for a townhouse unit.

(b) FRONT OR REAR WALLS FACING A PUBLIC STREET

Front walls and rear walls that face a public *street* must be set back from the *street* property line as follows:

District	Minimum Setback (feet)
R-2	25
R-3	20
R-4	20
C - 1	25

District	Minimum Setback (feet)
C - 2	20
C - 3	20
C - 4	15

(c) SETBACK AVERAGING

Required front wall and rear wall setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 10 feet is provided in all cases. *Landscaping* must be installed within these required setbacks.

7. FRONT OR REAR WALLS FACING A SIDE OR REAR PROPERTY LINE

(a) When a front wall or rear wall faces the side property line or rear property line of adjoining property, the minimum required *building* setback is as follows:

District	Minimum Setback (feet)
R-2	25
R-3	20
R-4	20
C - 1	25
C - 2	20
C - 3	20
C - 4	20

8. FRONT OR REAR WALLS FACING AN ALLEY

(a) When a front wall (a wall with the principal pedestrian access) faces an *alley*, the minimum required *building* setback is 25 feet.

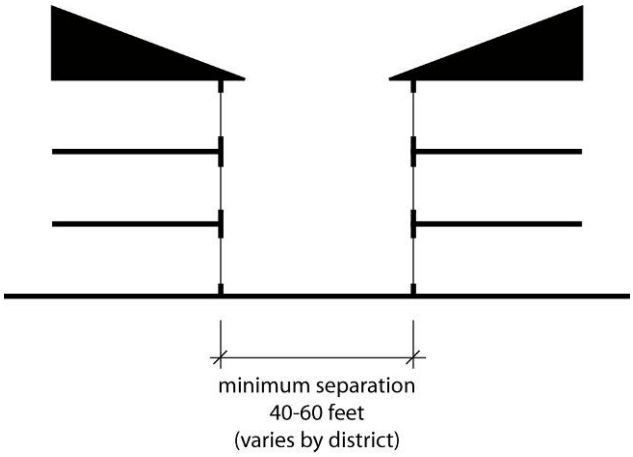
(b) When a rear wall faces an *alley*, a *building* setback of 5 feet is required, provided that an on-site storage area is provided for trash receptacles and clearly identified on *building* plans.

9. SEPARATION BETWEEN FRONT AND REAR WALLS

(a) When the front wall or rear wall of one row of townhouse units faces the front wall or rear wall of another row of townhouse units, the minimum required separation between such *buildings* (excluding minor *building* projections allowed under Section 92-006-B) is as follows:

District	Minimum Separation (feet)
R-2	60
R-3	50
R-4	50
C- 1	40
C - 2	40
C - 3	40
C - 4	40

Figure 18: Required Separation Between Rows of Town Homes



(Required building separations must be unobstructed and unoccupied and must be measured between the furthermost projections of the structures not including the projections allowed in Section 92-009)

(b) *Driveways* and open parking areas may be located within this minimum separation area.

(c) The minimum separation at the ground-floor only may be reduced to 40 feet for interior drives with garages doors facing garage doors, provided the upper-story living spaces comply with the separation requirements of Section 40-002-H.9(a)

10. BUILDING SETBACKS FOR END WALLS

(a) **END WALLS DEFINED**

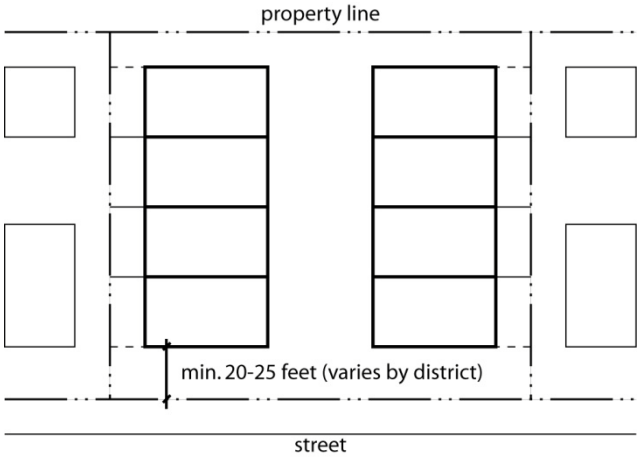
An end wall is a wall that is generally parallel to party walls and located at the end of a row of townhouse units. Such walls are typically a secondary source of light and air for townhouse units.

(b) **END WALL FACING PUBLIC STREET**

End walls that face a public *street* must be set back from the *street* property line as follows:

District	Minimum Setback (feet)
R-2	25
R-3	20
R-4	20
C - 1	25
C - 2	20
C - 3	20
C -4	20

Figure 19: Required Setback for End Walls Facing the Street



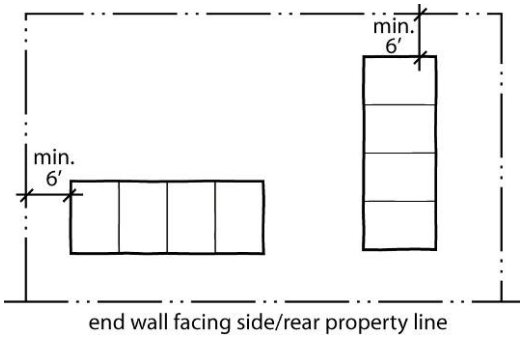
(c) SETBACK AVERAGING

Required end wall setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. *Landscaping* must be installed within these required setbacks.

(d) END WALL FACING SIDE OR REAR PROPERTY LINE

When an end wall adjoins a side property line or rear property line, the minimum required *building* setback is 6 feet. This required setback distance may be reduced to 5 feet if the *building* does not exceed 30 feet in *height*. Secondary stairs required by the Building Code may encroach into this required setback.

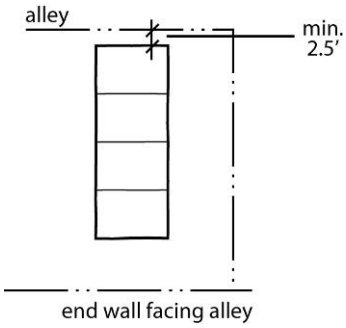
Figure 20: Setbacks When End Walls Face Property Lines



(e) END WALL FACING ALLEY

When an end wall adjoins an *alley*, a setback of 2.5 feet is required. In addition, space for an on-site storage area for trash receptacles must be provided on-site and clearly identified on *building* plans.

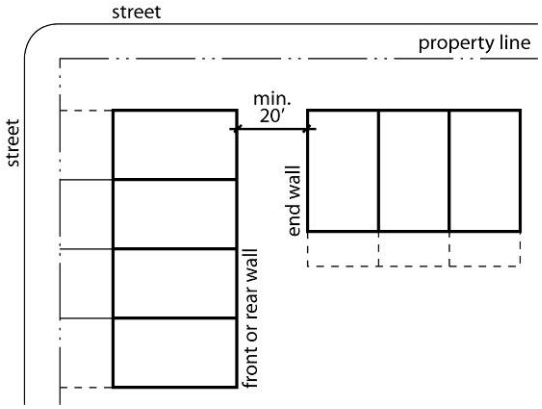
Figure 21: Setback When End Wall Faces Alley



(f) **SEPARATION BETWEEN END WALLS AND FRONT OR REAR WALLS**

When the end wall of a row of townhouse units faces the front wall or rear wall of another row of townhouse units, the minimum required separation between such *buildings* (excluding minor *building* projections allowed under Section 92-006-B) is 20 feet in all districts. (Required building separations must be unobstructed and unoccupied and must be measured between the furthermost projections of the structures, not including the projections allowed in Section 92-009.)

Figure 22: Required Separation When End Wall Faces Rear Wall

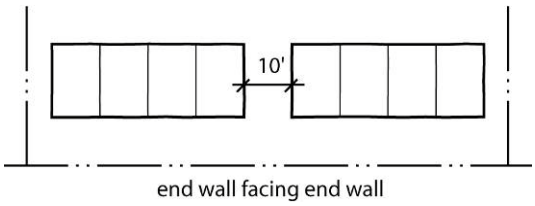


(g) *Driveways* and open parking areas may be located within this minimum separation area, provided that landscaped planting areas with a minimum depth of 4 feet from one *building* face are provided for the entire length of the separation area not interrupted by garage doors.

(h) **END WALLS FACING OTHER END WALLS**

When an end wall of one row of townhouses faces the end wall of another row of townhouses, the minimum required separation between the facing end walls is 10 feet.

Figure 23: Required Separation When End Wall Faces End Wall



(i) BUILDING SETBACKS ON CORNER LOTS

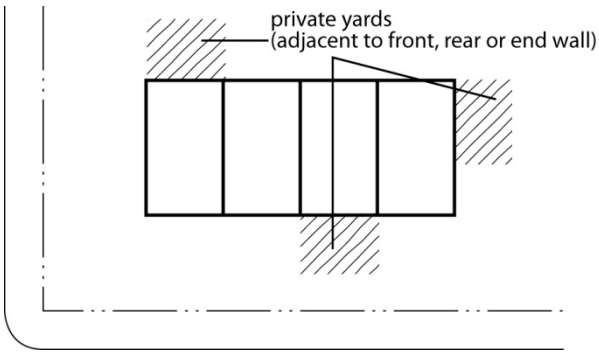
On a corner lot, the required *building* setback on one (*street*-facing) side of the lot may be reduced to 15 feet. This setback may be further reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. *Landscaping* must be installed within these required setbacks.

(j) PRIVATE YARD REQUIREMENT

Private *yards* must be provided for each townhouse unit within a townhouse development. Each required private *yard* must have the following minimum area:

District	Minimum Contiguous Area (square feet)
R-2	300
R-3	250
R-4	250
C-1	300
C-2	250
C-3	200
C-4	200

Figure 24: Private Yards Adjacent to the Front, Side, or Rear of Townhomes.



(1) A required private *yard* may be located adjacent to a front wall, rear wall, or end wall provided that it is immediately adjacent to the townhouse unit it serves and directly accessible from the townhouse unit by way of a door or stair. Required private *yards* must be at grade or, if located on a terrace or *patio*, within 4 feet of grade. All private *yards* provided at grade must be landscaped so that they are substantially covered with grass, ground cover, *shrubs*, plants, trees, or other landscape improvements, such as walkways or *patios*.

(2) The following may encroach into required private *yards*:

a. those encroachments allowed by Section 92-006-B;

b. open stairs exceeding 4 feet in *height*; and

c. multi-story bay windows that project no more than 3 feet.

d. No *driveways* or parking spaces (open or enclosed) may be located within required private *yards*.

(k) COMMON OPEN SPACE

In addition to the required private *yard* (See Section 40-002-H.10(j)), any townhouse development of 40 or more townhouse units must provide a minimum of 150 square feet of common open space per townhouse unit.

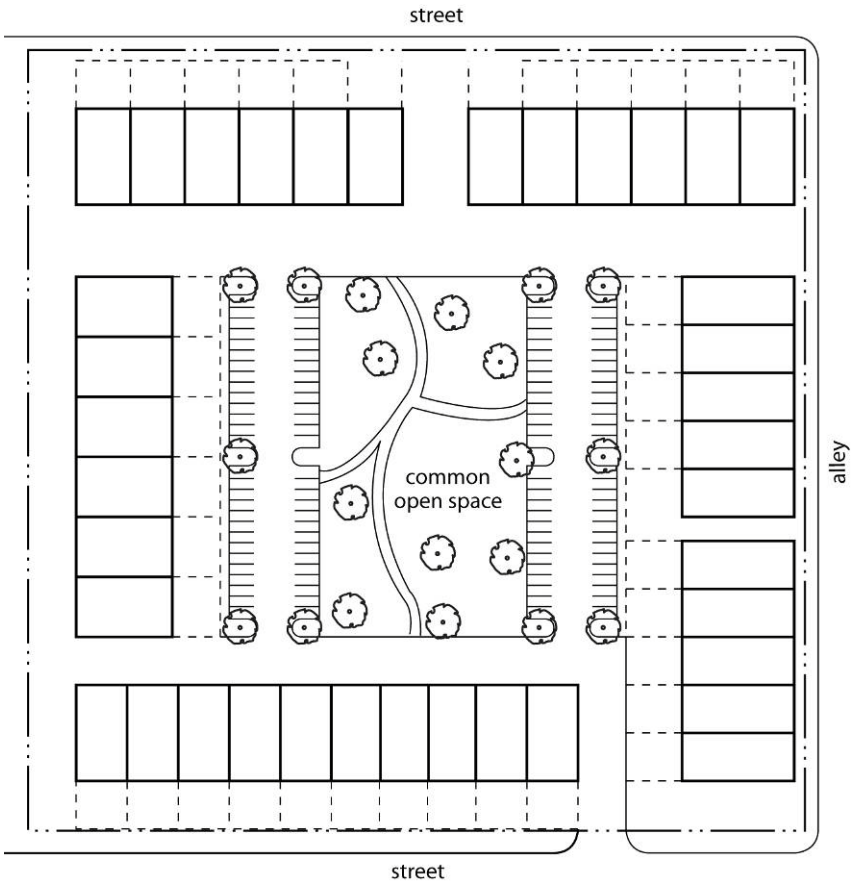
(1) Required common open space must be located in one or more usable, common areas, each with a minimum dimension of 25 feet and a minimum area of 2,000 square feet.

(2) Common open space areas must be accessible to all townhouse units and must be improved with *landscaping*, recreational facilities, and/or walkways.

(3) Trees must be planted within common open space areas at the rate of one tree for every 1,000 square feet of required common open space. Such trees must have a minimum 2.5-inch caliper.

(4) Interior car courts that are at least 36 feet wide may be counted toward satisfying up to 50% of required common open space, provided such car courts include special paving materials (such as bomanite or brick pavers), pedestrian walkways and *landscaping* as required by Section 52-002-E.4(f).

Figure 25: Required Common Open Space In Townhome Development (Dotted lines indicate private yards)



(l) LANDSCAPING OF INTERIOR DRIVES

At least 5% of the vehicular use area in interior *driveways* must be landscaped. Interior *driveway* areas must include at least one tree (minimum 2.5-inch caliper) for every 4 *dwelling units* adjoining the *driveway*. *Landscaping* and trees in private *yards* adjoining interior *driveways* may count toward fulfillment of this requirement.

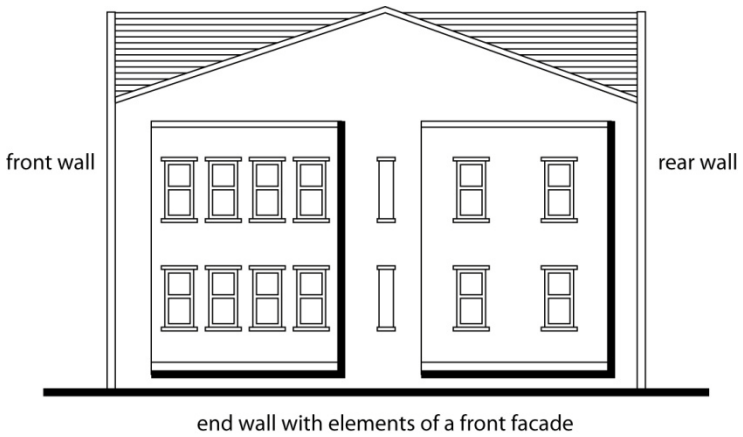
(m) BUILDING MATERIALS ON FRONT FACADES

Building facades that face a public street must be constructed of materials that contribute to the overall quality of the development. Building materials may consist of masonry; stone, brick, stucco, wood, vinyl siding (.045 mm or greater thickness) or a mixture of those materials. At least 50% of those building facades facing a public street must be brick or stone.

(n) BUILDING FAÇADES FACING PUBLIC STREETS

To avoid the appearance of blank walls, *building* façades that face public *streets* must incorporate windows and/or main entrance doors that comprise at least 15% of the area of each townhouse units *building* façade facing a *street.*

Figure 26: Building Façades Facing Public Streets



(1) Garage door entrances for individual townhouses are not allowed to face a public *street* whenever an *alley* exists or when interior *driveways* may be used. This provision is not intended to prohibit garage doors that serve common parking areas for a row of townhouse units.

(2) The Zoning Board of Appeals may authorize a variation permitting garages for individual townhouse units to face a public *street*; however, such garage doors must be set back at least 25 feet from the property line to prevent obstruction of the sidewalk by parked cars.

40-002-I. WASTE-RELATED AND MINING/EXCAVATION USES

Buildings, storage areas, and work areas on the site of all waste-related uses and mining/excavation uses must be located at least 600 feet from all R zoning district boundaries, provided that landfills and hazardous waste disposal/storage facilities must be located at least 1000 feet from R zoning district boundaries.

40-002-J. WIRELESS COMMUNICATION FACILITIES

1. GENERAL STANDARDS

All wireless communication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and any other agency of the federal government with the authority to regulate wireless communication facilities.

(a) If such standards and regulations are changed, then the owners of each wireless communication facility governed by this Zoning Ordinance must bring such facility into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

(b) Failure to bring a wireless communication facility into compliance with the federal standards and regulations, as revised, will constitute grounds for the removal of the wireless communication facility at the owner's expense.

2. Wireless communication facilities must be designed so as not to cause interference with radio, TV, or other electric appliances.

3. Wireless communication facilities must be set back a minimum of 50 feet from the top of the bank of the Rock River.

4. Wireless communication facilities must be designed, constructed, and installed to minimize their aesthetic impact on adjoining properties. The design of wireless communication facilities must, to the maximum extent possible, use materials, colors, textures, *screening*, and *landscaping* that will blend the tower and associated equipment with the natural setting and built environment.

5. Wireless communication towers must maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

6. Towers and antennas may not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Zoning Officer or Zoning Board of Appeals, as appropriate, must review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views, consistent with FAA rules.

7. No off-premise *sign* is allowed on a wireless communication facility, except for co-located facilities attached to an existing and approved *sign* or its support structure. Wireless communication facilities may have safety or warning *signs* in appropriate places.

8. STANDARDS FOR CO-LOCATION ON EXISTING WIRELESS COMMUNICATION FACILITY

Installation of a wireless antenna and associated equipment on an existing wireless communication facility is a permitted use in all zoning districts.

9. STANDARDS FOR CO-LOCATION BY ATTACHMENT TO EXISTING STRUCTURE

This subsection addresses the installation of a tower or antenna on an existing structure, other than a wireless communication facility tower, including but not limited to *buildings*, light poles, water towers, commercial *signs*, *church* steeples, and any other freestanding structures. Where a wireless communication facility is proposed on a City of Rockford landmark or national landmark structure, the Zoning Officer will refer the proposed

facility to the Rockford Historic Preservation Commission for a recommendation. Co-located facilities, including associated equipment and accessory structures, are subject to the following minimum standards:

(a) RESIDENTIAL AND C-1 DISTRICTS
In Residential (R) and C-1 districts, co-located facilities may not extend above the highest point of the structure to which it is attached by more than:

(1) 10 feet, if the structure is up to 40 feet high; or

(2) 15 feet, if the structure is more than 40 feet high.

(b) OTHER C DISTRICTS
In C-2, C-3, and C-4 districts co-located facilities may extend up to 15 feet above the *building's* roof level or the *height* of the supporting structure. Co-located wireless communication facilities exceeding the *height* limits established in this section are allowed only if reviewed and approved as special uses in accordance with the procedures of Section 63-002.

(c) I DISTRICTS
In Industrial co-located facilities may extend up to 25 feet above the *building* roof level or above the maximum *height* of the supporting structure. Co-located wireless communication facilities exceeding the *height* limits established in this section are allowed only if reviewed and approved as special uses in accordance with the procedures of Section 63-002.

10. ANTENNA DIMENSIONS
Antennas on co-located facilities may not be more than:

(a) 4 feet high or wide, if the structure is up to 40 feet high; or

(b) 6 feet high or wide, if the structure is more than 40 feet high.

11. ANTENNA PROJECTION
The antenna of such a co-located facility may not project more than 3 feet from the side of the structure, nor may any equipment shelter or platform or other supporting electrical or mechanical equipment that is mounted on the structure be located within 5 feet of the outer edge of the structure.

12. ANTENNA DESIGN
The antenna and associated equipment of such a co-located facility must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure or *building* so as to make the antenna and associated equipment as visually unobtrusive as possible.

13. FREESTANDING FACILITIES
An application for a freestanding facility must include an affidavit of intent committing the site owner, his successors and assigns, the operator, and his successors and assigns to allow the shared use of the tower and to offer at least one potential additional user reasonable terms and conditions for co-location. Failure to abide by such commitment constitutes a violation of this Zoning Ordinance and may result in revocation of the *building* permit associated with the facility.

(a) When a freestanding facility requires special use approval, it may not be granted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Appeals that no existing facility or structure can accommodate the applicant's proposed facility. Evidence submitted to demonstrate that no existing facility or structure can accommodate the applicant's proposed facility may consist of any of the following:

(1) No existing wireless communication facilities are located within the geographic area required to meet applicant's engineering requirements.

(2) Existing wireless communication facilities are not of sufficient *height* to meet applicant's engineering requirements.

(3) Existing wireless communication facilities do not have sufficient structural strength to support applicant's proposed antenna and associated equipment.

(4) The applicant's proposed facility would cause electromagnetic interference with an antenna on the existing tower, or vice versa

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication facility, or to adapt an existing wireless communication facility for sharing, are unreasonable. Costs exceeding new facility development are presumed to be unreasonable.

(b) No freestanding facility may rise more than 75 feet above curb level, or 150 feet in an Industrial (I) district. The *height* limit may be increased to 100 feet for one additional user and to 120 feet for two additional users.

(c) In Residential (R) or Commercial (C) districts, freestanding facilities must be set back a minimum of 30 feet from the rear or front property line. On a corner lot, the 30-foot setback requirement applies to both property lines fronting on the public way.

(d) In Industrial districts, freestanding facilities must be set back a minimum of:

(1) 100 feet from a property line that serves as a common boundary line between an industrial district and an R district or the *right-of-way* of an *alley* adjacent to an R District; and

(2) 30 feet from any property line adjoining a public way. On a corner lot, the 30-foot setback requirement applies to both property lines fronting on the public way.

(e) There may be no more than one freestanding facility per *zoning lot* except for industrial properties exceeding 10 acres in area.

(f) Except in Industrial districts, no freestanding facility may be located within 1,320 feet of any existing freestanding facility.

(g) Towers must be of monopole construction (cylindrical, tapering steel tubes without guy wires).

(h) Towers must be constructed so that if a failure does occur, the tower will collapse into itself and will not fall onto structures near the site.

(i) Freestanding facilities must be enclosed by security fencing not less than 6 feet high and must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or similar sharp barrier.

(j) Wireless communication facilities must be landscaped with a *buffer* of plant materials that effectively *screens* the view of the tower and associated equipment at ground level from adjacent public rights-of-way or residential properties.

(1) The standard *buffer* must consist of a landscaped strip at least 10 feet wide outside the perimeter of the facility.

(2) In locations where the visual impact of the facility would be minimal, the *landscaping* requirement may be reduced or waived altogether.

(3) Existing mature trees (more than 3 inches in diameter) and natural land forms on the site must be preserved to the maximum extent possible. If mature trees are removed to accommodate the tower, the same number of trees must be planted on the site within 6 months following completion of the tower in accordance with Sections 52-004-F.2 and 52-005. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient *buffer*.

14. ABANDONMENT OF USE

At such time as the operator of a wireless communication facility plans to abandon operation of the facility, the operator must notify the Zoning Officer by certified mail of the proposed date of abandonment of operation. Such notice must be given no less than 30 days before abandonment of operation.

(a) In the event the operator fails to give such notice, the facility will be deemed abandoned upon such discontinuance of operation for a period of 12 consecutive months.

(b) Upon such abandonment or discontinuation of use, the operator must physically remove the wireless communication facility within 120 days from the date of abandonment or discontinuation of use. “Physically remove” includes, but is not limited to:

(1) removal of tower, antennas, mount, equipment shelters or platforms, and security barriers from the subject property;

(2) proper disposal of the waste materials from the site in accordance with applicable solid waste disposal regulations; and

(3) restoration of the location of the wireless communication facility to its natural condition, except that any *landscaping* and grading must remain.

(4) In the event that the operator fails to remove a wireless communication facility in accordance with the provisions of this section, the city or its agents has the authority to enter the subject property and physically remove the facility. Prior to any action by the city, written notice to the operator must be provided at least 30 days prior to any city action. The operator of the facility, or the owner if different from the operator, is liable to the city for all costs associated with entry and removal. This liability will be collectible in the same manner as any other personal liability.

15. REVIEW AND APPROVAL PROCEDURES

A *building* permit and zoning certification is required for each wireless communication facility installation.

(a) When a wireless communication facility requires special use approval, such approval must be obtained before any *building* permit may issue.

(b) If the Zoning Board of Appeals does make a recommendation on a special use application for a wireless communication facility within 120 days after the application is filed, the Zoning Board of Appeals will be deemed to have recommended approval of the special use permit, provided that this limitation does not apply during any period of time during which consideration of the application has been delayed at the request of the applicant. Final decisions on any such special use permit application must be made by the City Council by ordinance.

(c) Each applicant requesting a permit for a wireless communication facility must submit with the application a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing:

(1) the location and dimension of all improvements;

(2) information concerning topography;

(3) radio frequency coverage;

(4) tower *height* requirements and setbacks;

(5) drives, parking, fencing, *landscaping*, and adjacent uses; and

(6) any other information deemed by the Zoning Officer to be necessary to assess compliance with this Zoning Ordinance.

(d) Applications for a wireless communication facility filed before the effective date of this Zoning Ordinance are subject to the requirements of all applicable ordinances in effect at the time the application was filed.

(e) Approved wireless communication facilities may be transferred to successors and assigns of the approved party, subject to all of the conditions that apply to initial approval.

16. VARIANCES/MODIFICATIONS

The Zoning Board of Appeals may recommend, and the City Council may approve, variations to modify any of the non-federally-mandated requirements of this section pertaining to *height* limitations, setback requirements, and *screening* or *landscaping* if it determines that the goals of this section are better served thereby.

(a) Setback requirements may be modified if the applicant shows, to the satisfaction of the Zoning Board of Appeals and City Council, that such modification will result in a reduction of the visual impact of the wireless communication facility.

(b) The *height* increases authorized in Section 40-002-J.13(b) are available only if the applicant shows, to the satisfaction of the Zoning Board of Appeals and City Council, that:

(1) The facility will be constructed to safely and effectively accommodate co-location of one or more wireless communication facilities comparable in weight, size and surface area to the applicant's wireless communication facility; and

(2) Certified letters have been sent to all other wireless carriers licensed to serve the Rockford market notifying them of the construction of the wireless communication facility and its availability for co-location.

40-002-K. WIND ENERGY CONVERSION SYSTEM – SMALL (SWECS)

1. GENERAL STANDARDS

(a) SWECS shall be allowed as an accessory use on parcels of land one (1) acre or larger.

(b) Tower height shall be thirty-five feet (35') to eighty feet (80').

(c) All parts of the SWECS structure shall be set back a distance equal to 1.1 times the system height from the front, side and rear property lines; the principal structure; and any electric or other utility lines.

(d) Noise levels shall not exceed standards set by the Illinois Pollution Control Board.

(e) All SWECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recongnized by the American Wind Energy Associations.

(f) SWECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the SWECS. The manufacturer's identification with ratings is allowed.

(g) All SWECS shall be un-climbable for fifteen feet (15') above ground level. A visible "High Voltage" warning sign shall be placed on the SWECS.

(h) The SWECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.

(i) All county, state and national construction codes shall be followed.

(j) The SWECS shall be intended for on-site electricity use. However, the SWECS may be connected to the commercial grid. Only one SWECS shall be allowed per site.

(k) The applicant shall provide the SWECS manufacturer, name-plate generating capacity and height according to manufacturer.

(l) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator.

(m) Letter from the Federal Aviation Administration (FAA) stating that the SWECS complies with FAA regulations.

(n) Structural and anchoring information certified by a professional structural engineer or design professional licensed by the State of Illinois.

(o) All Small WECS shall be located in the side or rear yards.

(p) All Small WECS not in operation for a period of 12 months shall be removed.

40-002-L. WIND ENERGY CONVERSION SYSTEM – MINI (MWECS)

1. GENERAL STANDARDS

(a) MWECS shall be considered an accessory use.

(b) Tower height shall be less than thirty-five feet (35') when freestanding and no more than twenty-five feet (25') above building roof ni commercial and industrial districts and ten feet (10') above building roof in residential districts when located on the building.

(c) All parts of the Mini WECS structure shall be set back a distance equal to 1.1 times the system height from the property lines. Mini WECS shall not be permitted in the front yard. When located on an existing building there shall be no setback.

(d) Noise levels shall not exceed standards set by the Illinois Pollution Control Board.

(e) All Mini WECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Assocation.

(f) The Mini WECS Surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the Mini WECS. The manufacturer's identification with ratings is allowed.

(g) All Mini WECS shall be un-climbable for fifteen feet (15') above ground level. A visible "High Voltage" warning sign shall be placed on the Mini WECS.

(h) The Mini WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal laws.

(i) The Mini WECS shall provide electricity of on-site use only. However, the Mini WECS may be connected to the commercial grid.

(j) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator, if applicable.

(k) All Mini WECS shall be located in the side or rear yards.

(l) All Mini WECS not in operation for a period of 12 months shall be removed.

40-002-M. SOLAR COLLECTORS

1. GENERAL STANDARDS

(a) Any solar collectors shall be installed either on the roof of the principal structure or accessory structure or shall be otherwise incorporated into and made an integral part of the main building itself. The maximum height and set-back regulations of the zoning district in which it is proposed shall be observed.

(b) No solar collector, solar engine or accessories, pipes or ducts for any solar collector or shall be installed on any roof having a slope of less than one percent (one-eighth of an inch per foot or 1 centimeter per meter).

(c) Installations on low sloped roofs shall compley with the following requirements:

(1) Clearances: All collectors, reflectors, engines, pipes ducts or other components shall have sufficient clearance between the roof and the installation to permit roof repairs to be made and to permit circulation of air to avoid constant dampness, considering the configuration and location of the solar components and the roof. A space of 2 feet or 61 centimeters shall be adequate clearance in all instances, provided that a smaller space shall be permitted if it can be demonstrated that all normal repairs and resurfacings of the roof may be made under the proposed clearances. The clearances

required herein shall not apply to vertical pipes installed through the roof surface or installed outside of the outside walls to provide access to solar components.

(2) Load Capacity: No solar component shall be installed on any roof unless the roof has sufficient capacity to hold the weight of the roof, the weight of the solar components and the anticipated snow load. Load requirements must meet the City of Rockford's adopted building code with amendments. The weight of fluid to be used in any panels, pipes or other components will be included in the calculations of load. In determining the anticipated snow load, the effect of the solar components on causing drifting shall be considered. If the rated capacity of the roof structure is at least one and one-half times the weight of the roof components, the solar components and the anticipated snow load, the roof structure shall be deemed to have sufficient load capacity.

(3) Protection from drifting or sliding snow: On any installation where solar collectors, solar engines and reflectors may cause snow drift on a roof, provisions shall be made by snow fences, chutes or other barriers to prevent snowdrifts from accumulating on the roof. Wherever a solar collector, or other solar component may cause snow to slide, the part of the roof where the snow may accumulate as a result of sliding shal have sufficient capacity to hold the weight of the snow anticipated to accumulate because of sliding. Wherever the location and slope of a solar collector or other solar component may cause snow to slide onto any doorway, sidewalk or other place used by pedestrian traffic, protection in the form of chutes, awnings or other devices shall be provided to prevent any snow from sliding onto any such doorway, sidewalk or other place.

(4) Roof penetration: Whenever any pipe, duct or other solar component penetrates the surface of a roof, the roof shall be protected from leaks in the manner provided for any stack, pipe, or conduit penetrating the roof surface.

(5) Roof preparation: Before any solar component is installed, the roof shall be inspected an any repairs and maintenance work needed shall be done to put the roof in leak proof condition.

(d) All of the requirements for installations on low sloped roofs shall apply to installations on roofs other than low sloped roofs, except that in lieu of clearance from the roof, a solar panel may be attached flush to the roof. Such solar panel may be an integral part of the roof, providing a waterproof cover, with a waterproof seal between the panel and the rest of the roof. If such panel is not made an integral part of the roof but is attached flush with the roof, the top and sides of the panel shall be sealed where they meet the roof surface or shingles, to prevent water from getting under the panel.

(e) Any roof over three stories above the ground shall be provided with a means of access other than an outside ladder against an outside wall. No solar components shall be installed in a location so as to interfere with walkways on the roof.

(f) Each solar component which may contain any liquid or gas shall be designed and constructed to prevent the leakage of any liquid or gas under any combination of temperature and pressure possible either during use or when the system is not in use.

(g) Each solar collector, solar panel and solar engine shall be securely anchored to withstand the maximum wind pressure anticipated, considering the effects, if any, of the solar components in channeling wind, and without considering the weight of any liquid in the components.

(h) Each solar collector, reflector, solar engine and all solar components shall be inspected at least once every two years. Such inspections shall be at the owners expense, and may be made by any qualified person selected by the owner. The inspection shall include looking for any evidence of dampness on the roof due to shading, lack of air circulation or leaks, and shall include examining the structural parts securing all components. The Zoning Officer may request a certified report of such inspection to be provided by the owner/applicant. If such request is required by the Zoning Officer shall be in writing and provided by the owner/applicant within 30 days.

(i) Nothing in this ordinance shall be interpreted as prohibiting any innovative design. Any design not specifically permitted by this ordinance may be installed, upon a showing that the proposed system of solar components will achieve the safetly objectives and structural objectives of the previsions of this ordinance.

(j) Nothing herein contained nor any permit issued hereunder, shall be constructed to restrict or limit the use and development of any adjoining or other premises.

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Article 50 | PARKING AND LOADING

50-001 APPLICABILITY

50-001-A. NEW DEVELOPMENT

Unless otherwise expressly stated, the parking and loading standards of this chapter apply to all new *buildings* constructed and all new uses established in all zoning districts. A zoning certification and parking lot permit (driveway permit for one and two family structures) is required for any construction or reconstruction of parking facilities. The reconstruction of an existing parking area or lot will involve removal, grinding or replacement of existing paving and may involve the expansion or reconfiguration of existing parking.

50-001-B. EXPANSIONS AND INCREASES IN INTENSITY

1. NONRESIDENTIAL USES

(a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply when an existing nonresidential *building* or nonresidential use is expanded or enlarged by 15% or more. This provision applies to the addition of floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking and loading requirements.

(b) In the case of nonresidential *buildings* or nonresidential uses that have been in lawful existence for 50 or more years, the parking and loading standards of this chapter apply when the *building* or use is expanded or enlarged by 25% or more.

(c) In the case of nonresidential *building* or use expansions triggering requirements for additional parking, such additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire *building* or use.

2. RESIDENTIAL USES

(a) Unless otherwise expressly stated, the parking and loading standards of this chapter apply whenever additional *dwelling units* are added to an existing residential *building* or residential use. In such cases, additional off-street parking and loading spaces are required only to serve the added *dwelling units*. While a lawfully existing off-street parking deficit is not required to be eliminated when additional *dwelling units* are added to a *building*, existing accessory parking facilities may not be reduced below, or if already less than, may not be further reduced below minimum required parking ratios. The Zoning Officer is authorized to require that applicants provide reasonable evidence showing the existing number of *dwelling units* and the existing number of off-street parking spaces. The intent of this provision is to ensure that existing parking deficits in residential *buildings* are not increased as a result of additions.

50-001-C. CHANGE OF USE (NONRESIDENTIAL)

1. Unless otherwise expressly stated, when the use of property changes, off-street parking and loading facilities must be provided to serve nonresidential uses only when the number of parking or loading spaces required for the new nonresidential use exceeds the number of spaces required for the use that most recently legally occupied the *building*, based on the minimum parking standards of this Zoning Ordinance. In other words, "credit" is given to the most recent use of the property for the number of parking spaces

that would be required now; a new nonresidential use is not required to "make up" the existing deficit.

2. If the *building* in which the change of use occurs has been in lawful existence for 50 or more years, additional parking and loading facilities must be provided only when the number of parking or loading spaces required for the new nonresidential use exceed by 25% or more the number of spaces that would have been required for the use that most recently occupied the *building* based on the minimum parking standards of this Zoning Ordinance. In such cases, additional parking and loading spaces must be provided only in the amount by which the number of parking or loading spaces required for the new nonresidential use exceeds 125% of the number of spaces that would have been required for the use that most recently occupied the *building* (based on existing parking ratios).

50-002 OFF-STREET PARKING EXEMPTIONS AND REDUCTIONS

50-002-A. LANDMARKS

1. No additional off-street parking or loading spaces are required for rehabilitation or reuse of a landmark *building* designated by the Rockford Historic Preservation Commission or listed on the National Register of Historic Places. Added parking will be required if the rehabilitation or reuse requires a special use permit or involves a change of use triggers an increase in the parking requirement of more than 25%.

2. No additional off-street parking or loading spaces are required for rehabilitation or reuse of an existing "contributing building" within an official Rockford historic district. Added parking will be required if the rehabilitation or reuse requires a special use permit or involves a change of use triggers an increase in the parking requirement of more than 25%.

50-002-B. DAMAGE OR DESTRUCTION

When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this Zoning Ordinance for equivalent new uses or construction. This section shall not apply in cases where buildings or improvements are intentionally demolished or in cases where the re-establishment of a damaged or destroyed structure involves an expansion or enlargement of the use.

50-003 OFF-STREET PARKING RATIOS

50-003-A. GENERAL

Off-street parking spaces must be provided in accordance with the off-street parking schedules of this section.

50-003-B. PARKING GROUPS

Each land use listed in the use tables of Section 20-004-I, Section 21-002-H, Section 22-002-G, and Section 23-003-H, is assigned to a parking group which, in turn, establishes the applicable off-street parking standard for the listed use type. The off-street parking standards that apply of each of the parking groups are listed in the off-street parking schedules of this section.

50-003-C. DISTRICTS

Parking requirements can vary according the district in which the use is located. The first column of the off-street parking requirement table identifies the zoning districts in which the listed standard applies.

50-003-D. MINIMUM AUTOMOBILE PARKING RATIO

The second column of the off-street parking schedules establishes the minimum required off-street automobile parking ratio.

50-003-E. MINIMUM BICYCLE PARKING

The final column of the off-street parking schedules establishes the minimum bicycle parking ratio for the parking group.

50-003-F. OFF-STREET PARKING SCHEDULE: ALL ZONING DISTRICTS

Schedule "1" presents off-street parking standards for uses in all zoning districts (i.e., R, C, and I districts). In the event of conflict between this schedule and zoning district use regulations (e.g., this schedule establishes a parking standard for a use not allowed in the underlying zoning district), the zoning district use regulations govern.

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
Parking Group A (Detached House, Townhouse, Two Flat)		
R-1 and R-1U	2 spaces per unit; 1 space per unit for government subsidized units. At least one of the required parking spaces must be located in a fully enclosed garage.	None
R-2	2 spaces per unit for detached houses, 1.5 spaces per unit for two-flats, and 1.5 spaces per townhouse. At least one of the required parking spaces must be located in a fully enclosed garage.	None
All other R districts	2 spaces per unit for detached houses 1.5 spaces per unit for two-flats and 1 space per townhouse	
C-1, C-2, C-3 districts	2 spaces per unit for detached houses, 1.5 spaces per unit for two-flats, and 1 space per townhouse	
Parking Group B (Multi-unit)		
All R districts	1.5 spaces per unit; fraternities, sororities, and dormitories: 1 space per 2 beds	1 per 4 auto spaces in buildings with more than 2 units.
C-1, C-2, C-3 districts	1.5 spaces per unit; fraternities, sororities, and dormitories: 1 space per 2 beds	1 per 4 auto spaces in buildings with more than 2 units.
Parking Group C (Elderly Housing)		
All districts except C-4	.5 spaces per unit	1 per 8 auto spaces in buildings containing 8 or more units
Parking Group D (Universities, Day Care or Child Care Facilities, Parks and Recreation, Postal Service, Schools, Utilities, Business/Trade School)		
All R and C-1,C-2, and C-3 districts	1 space per 2 employees and additional parking based on the seating capacity or potential occupancy of classrooms or assembly rooms. 1 space for every 10 seats and 1 for every 10 of rated	1 per 20 auto spaces and a minimum of 4

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
	capacity.	
Parking Group E (Cultural Exhibits and Libraries)		
All Districts except C-4	2 spaces for every 1000 square feet of floor area.	1 per 8 auto spaces and a minimum of 4
Parking Group F (Hospitals)		
All Districts except C-4	1 space per 600 square feet	1 per 20 auto spaces
Parking Group G (Lodges and Private Clubs)		
All districts except C-4	1 per 10 persons of rated capacity	1 per 20 auto spaces
Parking Group H (Religious Assembly)		
All districts except C-4	1 per 4 seats in the principal assembly area or 1 space per 200 square feet whichever is greater	1 per 20 auto spaces
Parking Group I (Sexually-Oriented Businesses)		
All C and I districts	Entertainment related: 1 per 4 seats or 1 per 5 persons of rated capacity, whichever is greater Retail Related: 4 spaces per 1000 square feet of floor area	1 per 20 auto spaces
Parking Group J (Shelter/Boarding Kennel, Veterinary)		
C-1, C-2, C-3 and all I Districts	2 spaces per 1000 square feet of floor area excluding those areas devoted to animal pens and other non-public areas	None
Parking Group K (Professional Office, Animal Sales and Grooming, Communication Service, Financial Service, Business Support Services, Employment Agencies)		
C-1, C-2, C-3 and all I Districts	3.3 spaces per 1000 square feet of floor area. Financial services with drive-up facilities: 3.3 parking spaces per 1000 square feet plus 5 stacking spaces per service window and 3 stacking spaces per drive-up ATM.	1 per 20 auto spaces
Parking Group L (Retail Sales, Personal Services, Participant Sports and Recreation, Auto Supply/Accessory Sales, Artist's Work and Sales Space, Copying and Reproduction)		
C-1, C-2, C-3 and all I Districts	Participant Sports and Recreation Facilities including health clubs: 1 per 10 of rated capacity. Furniture, carpet and applicance sales: 1.6 spaces per 1,000 suare feet. All other retail or service uses: 4 spaces per 1000 square feet.	1 per 10 auto spaces
Parking Group M (Eating and Drinking Establishments and Food and Beverage Sales)		
C-1, C-2, C-3 and all I Districts	Restaurants and take-out food stores: 13.3 spaces per 1000 square feet; fast food restaurants: 13.3 spaces per 1000 square feet plus 8 stacking spaces per drive-up window.	1 per 10 auto spaces
Parking Group N (Building Maintenance, Business Equipment Sales and Service, Repair or Laundry Service, Vehicle Sales and Service)		
C-1, C-2, C-3 and all I Districts	1 space per 1000 square feet of sales area excluding storage areas not open to the public	None
Parking Group O (Construction Sales and Service)		
C-1, C-2, C-3 and all I Districts	1.66 spaces per 1000 square feet of area	1 per 20 auto spaces
Parking Group P (Entertainment and Spectator Sports)		
C-1, C-2, C-3 and all I Districts	1 per 4 seats; nightclubs: 1 per 4 seats or 1 per 60 square feet, whichever is greater	1 per 20 auto spaces

District	Minimum Automobile Parking Ratio (per unit or gross floor area)	Minimum Bike Parking
Parking Group Q (Group Living, Funeral Services, Charitable Institutions, Residential Storage Warehouse)		
R, C, and I districts except C-4	As determined by the Zoning Officer based on the number of employees and the amounts of floor space open to the public. However in the case of funeral homes and services no less than 1 space per 10 rated capacity of visitation rooms.	As determined by the Zoning Officer
Parking Group R (Flea Market, Gas Stations ,Quick Service Auto Facilities, and Auto Repair Facilities)		
C-1, C-2, C-3 and all I Districts	Flea market: 1 parking space per employee and parking for the public as determined by the Zoning Officer but no less than 1 space per 250 sq. ft. of floor area; Gas stations: 4 parking spaces per 1000 square feet of retail space; Quick service auto facilities: 3 parking spaces per service bay plus 2 stacking spaces per bay; Auto repair: 6 parking spaces per service bay.	None
Parking Group S (Hotels, motels, bed and breakfast inns)		
C-1, C-2, and C-3 Districts	Bed and Breakfast: 1 per room Hotel/Motel: 1 for every 1 room	1 per 20 auto spaces
Parking Group T (Medical Services)		
All C or I districts except C-4	3,000 sq. ft. or less: 10 spaces per 1000 sq. ft; 3,001 to 10,000 sq ft.: 6.6 spaces per 1,000 sq. ft.; over 10,000 sq. ft.: 5 spaces per 1000 sq. ft.	1 per 20 auto spaces
Parking Group U (Research and Development and Industrial)		
C-1, C-2, C-3 and all I Districts	Research and Development: 2 spaces per 1000 square feet; Warehouses: .5 space per 1000 square feet plus 1 space per employee Industrial uses: 1 space per 1,000 square feet or 1 per 2 employees whichever is less	1 per 20 auto spaces

50-004 PARKING REQUIREMENTS C-4 DISTRICT

No parking is required in the C-4, Urban Mixed-Use District except for Sexually-Oriented Businesses (Parking Group I) and for certain public assembly uses (Parking Group H and Parking Group P). In the case of public assembly uses in Parking Group H and P, the requirement will be 1 parking space per 10 persons of the building's rated capacity. Sexually-Oriented Businesses will meet the parking requirements of the Commercial and Industrial Districts.

50-005 BICYCLE PARKING

50-005-A. SPACES REQUIRED

Except as expressly stated in this section, bicycle parking must be provided in accordance with the off-street parking ratios of Section 50-003-F.

1. Unless otherwise expressly stated, whenever bicycle parking is required, at least 2 bicycle parking spaces must be provided.
2. No use is required to provide more than 6 bicycle parking spaces when the use(s) is served by a parking lot with less than 481 parking spaces, or 12 bicycle parking spaces when the use(s) is served by a parking lot with less than 721 parking spaces, or 24 bicycle

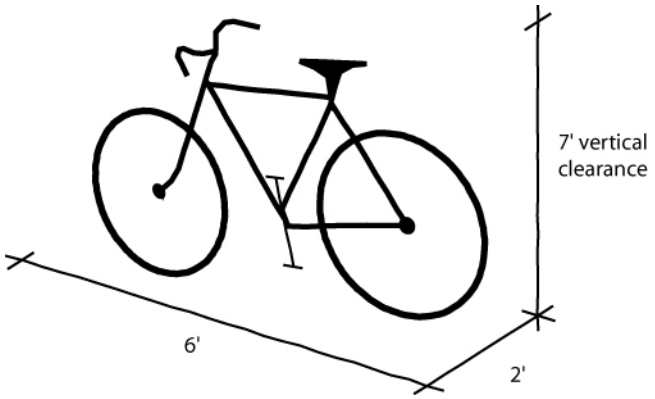
parking spaces when the use(s) is served by a parking lot that exceeds 722 parking spaces.

3. The Zoning Officer is authorized to approve an administrative adjustment reducing the number of bicycle parking spaces required for a particular use in accordance with Section 65-003-J.

50-005-B. DESIGN AND LOCATION

1. Required bicycle parking spaces for nonresidential uses must have minimum dimensions of 6 feet in length, with a minimum overhead vertical clearance of 7 feet. Racks and other fixtures used to provide required bicycle parking for nonresidential uses must be of a design that is approved by the Rockford Department of Public Works. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas.

Figure 27: Dimensions of Bicycle Parking Spaces



2. Required bicycle parking may be located indoors or outdoors. Such spaces must be located on private property unless the Rockford Department of Public Works approves location within the public *right-of-way*. If required bicycle parking facilities are not visible from the *street*, *signs* must be posted indicating their location.

3. A nonresidential use may use up to two vehicle parking spaces required under this Chapter as space for providing bicycle parking.

4. Space within *dwelling units* or on balconies may not be counted toward satisfying bicycle parking requirements.

5. Areas used for required bicycle parking must be:

(a) paved and drained to be reasonably free of mud, dust, and standing water; and

(b) well-lighted.

50-006 CALCULATION RULES

The following rules apply when calculating off-street parking requirements.

50-006-A. MULTIPLE USES

1. Unless otherwise approved, lots containing more than one *principal use* must provide parking in an amount equal to the total of the requirements for all *principal uses*. (See the shared and cooperative parking provisions of Section 50-009 and Section 50-010 for possible exceptions)

2. No parking is required for *accessory uses* unless otherwise expressly stated.

50-006-B. FRACTIONS

When measurements of the number of required spaces result in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. For example, if a minimum ratio of 2 spaces per 1,000 square feet is applied to a use with 1,900 square feet of floor area, the result (3.8) must be rounded up to 4 spaces.

50-006-C. AREA MEASUREMENTS

1. Unless otherwise expressly stated, all area-based (square feet) parking standards must be computed on the basis of *gross floor area*, which is to be measured as the sum of the gross horizontal area devoted to such use.

2. For outdoor areas, calculations will be based on the portion of the lot actually being used for the specified purpose.

3. When open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open use of land must be added to floor space in determining the number of off-street parking spaces required

50-006-D. OCCUPANCY- OR CAPACITY-BASED STANDARDS

For the purpose of calculating parking requirements based on employees, students, or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

50-006-E. BENCH SEATING

Each 20 linear inches of seating space counts as 1 seat when the proposed seating consists of benches, pews, or similar seating arrangements within public assembly uses.

50-006-F. UNLISTED USES

Upon receiving a permit or development application for a use not specifically addressed, the Zoning Officer is authorized to apply the off-street parking standard specified for the use that the Zoning Officer deems most similar to the proposed use or require the applicant to submit a parking study or other evidence that will help Zoning Officer determine the appropriate parking ratio to be applied.

50-007 USE OF OFF-STREET PARKING AREAS; LEASING OF REQUIRED SPACES

1. Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or *recreational vehicles* or *building* materials.

2. Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the *principal use*. Off-street parking spaces that are required by this Zoning Ordinance must be maintained for the life of the *principal use*. The following are deemed non-accessory parking spaces and may not be counted toward satisfaction of minimum off-street parking requirements:

(a) spaces that have been sold to or are owned by persons or entities who do not at the same time also own a *dwelling unit* used as a residence or other permitted *principal*

use, unless the parking space is rented to or is otherwise being used by residents, tenants, patrons, employees, or guests of the *principal use*; and

(b) spaces used by persons who are not residents, tenants, patrons, employees, or guests of the *principal use*.

(c) parking spaces located within a permitted driveway located within a front or side yard.

3. No motor vehicle repair work of any kind is permitted in conjunction with accessory parking facilities located in R, C-1, C-2, C-3, or C-4 district.

4. No motor vehicle repair work of any kind is permitted in conjunction with open (outdoor) accessory parking facilities located in C districts.

5. No motor vehicle repair work of any kind is permitted in conjunction with open (outdoor) accessory parking facilities located in I districts if such parking facilities are located within 500 feet of a residential district.

50-008 LOCATION OF OFF-STREET PARKING

50-008-A. R DISTRICTS

The following standards apply in all R districts.

1. Off-street parking is prohibited in a front setback for residential uses however a driveway needed to access parking is permitted within the required front yard. Off-street parking for nonresidential uses must be set back a minimum of 20 feet from the property line adjacent to any public street.

2. Required off-street parking spaces for residential uses must be located on the same *zoning lot* as the *dwelling units* served unless there is a cross easement recorded with the Winnebago County recorder of deeds.

3. Required off-street parking and non-required accessory parking serving nonresidential uses in R districts (e.g., religious assembly) must be located on the same *zoning lot* as the use served, except that such parking may be located off site if approved as a special use. In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet.

50-008-B. C, C-4, AND I DISTRICTS

The following standards apply in all C, C-4, and I districts.

1. Off-street parking is prohibited in the designated front setback for parking areas per Sections 21-005-D, 22-006-F, and 23-004-E.1(a), however, a driveway, which is required to access parking shall be permitted within the required front yard.

2. Off-street parking spaces required for any residential use must be located on the same *zoning lot* as the dwellings served except in the C-4 district.

3. Required off-street parking and non-required accessory parking serving uses other than detached houses, townhouses, and two-flats in C and I districts must be located on the same *zoning lot* as the use served, except that such parking may be located off site if approved by the Zoning Officer as a shared parking arrangement or by the Zoning Board of Appeals as a special use. In such cases, the distance between the nearest parking space and the entrance to the use served by such parking may not exceed 600 feet. Off-site parking spaces accessory to a use in a C or I district may not be located in RE, R-1, R-1U, or R-2 district. (See the special use procedures of Section 63-002)

50-009 SHARED PARKING

50-009-A. DESCRIPTION

Shared parking represents an arrangement in which two or more nonresidential uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

50-009-B. AUTHORIZATION AND CRITERIA

1. The Zoning Officer is authorized to approve an administrative adjustment allowing shared parking arrangements for nonresidential uses with different hours of operation. (See Section 50-009-C and 50-009-D)
2. The Zoning Officer may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice-versa.
3. In order to approve the administrative adjustment for shared parking, the Zoning Officer must find, based on competent evidence provided by the applicant, that that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

50-009-C. USES WITH PRIMARILY DAYTIME HOURS OF OPERATION

For the purposes of this section, the following uses are considered daytime uses:

1. Office uses;
2. Retail uses,
3. Industrial uses; and
4. Other similar primarily daytime uses, when authorized by the Zoning Officer.

50-009-D. USES WITH PRIMARILY EVENING OR WEEKEND HOURS

1. Auditoriums accessory to schools;
2. Religious assembly facilities;
3. Entertainment uses;
4. Sit down restaurants but not including fast-food or take-out restaurants; and
5. Other similar primarily nighttime or Sunday uses, when authorized by the Zoning Officer.

50-009-E. LOCATION OF SHARED PARKING FACILITY

A use for which an application is being made for shared parking must be located within 600 feet walking distance of the shared parking, measured from the entrance of the use to the nearest parking space within the shared *parking lot*.

50-009-F. AGREEMENT

An agreement providing for the shared use of parking, executed by the parties involved, must be filed with the Zoning Officer, in a form approved by the Zoning Officer. Each such agreement must state that the agreement cannot be amended except upon at least 30 days prior notice to the City. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking,

commensurate with the use served by the parking. If the shared parking agreement is no longer in effect, then parking must be provided as otherwise required by this chapter.

50-010 COOPERATIVE PARKING

50-010-A. DESCRIPTION

Cooperative parking represents an arrangement in which two or more commercial uses provide their required off-street parking in the same *parking lot*, thereby reducing the number of individual *parking lots* and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking. Approval of an administrative adjustment is required. (See Section 65-003-H)

50-010-B. AUTHORIZATION

The Zoning Officer is authorized to approve an administrative adjustment allowing a reduction in the number of off-street parking spaces required when multiple commercial uses provide their off-street parking in the same *parking lot*, as follows:

1. Up to a 20% reduction may be approved when 4 or more commercial uses are involved;
2. Up to a 15% reduction may be approved when 3 commercial uses are involved; and
3. Up to a 10% reduction may be approved when 2 commercial uses are involved.

50-010-C. LOCATION OF COOPERATIVE PARKING FACILITY

A use for which an application is being made for cooperative parking must be located within 600 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative *parking lot*.

50-010-D. AGREEMENT

An agreement providing for cooperative use of parking must be filed with the Zoning Officer, in a form approved by the Zoning Officer. Each such agreement must state that the agreement cannot be amended except upon at least 30 days prior notice to the City. Cooperative parking privileges will continue in effect only as long as the agreement remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If the cooperative parking agreement is no longer in force, then the parking must be provided as otherwise required by this chapter.

50-011 ACCESSIBLE PARKING (FOR PEOPLE WITH DISABILITIES)

50-011-A. COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS

Accessible parking shall be provided consistent with State of Illinois and federal requirements.

50-012 PARKING AREA DESIGN

The parking area design standards of this section apply to all off-street parking areas.

50-012-A. DIMENSIONS

Unless otherwise expressly stated, off-street parking areas must comply with the following standards:

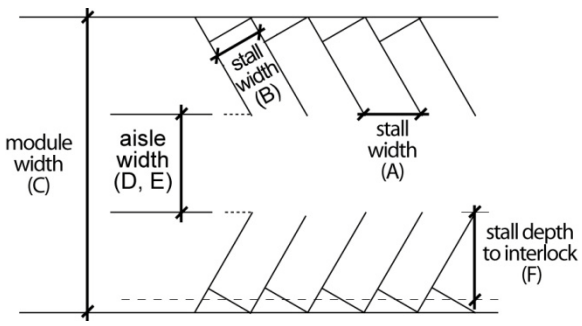
Dimensions (in feet)	Parking Angle		
	45 degree	60 degree	90 degree
A. Stall Width (Parallel to Aisle)	12'.9"	10'.5"	9'
B. Stall Width Perpendicular to Vehicle	9	9	9
C. Module Width	48'	52'6"	60'

Dimensions (in feet)	Parking Angle		
D. Aisle Width (One-Way)	13'2"	15	24
E. Aisle Width (Two-Way)	22	22	24
F. Stall Depth to Interlock	17'5"	18'.9"	18'

Notes:

1. 9'0" wide stalls must be used except that 8'6" wide stalls may be used for parking spaces interior to a building.
2. Light poles and columns may protrude into a parking module a maximum of 2 feet as long as such facilities do not impact more than 25% of the parking stalls.
3. Where parallel parking is used, the required stall length is 21' and the minimum aisle width is 25 feet.

Figure 28: Parking Area Dimensional Standards



50-013 MATERIALS AND SURFACING

The materials used in the design of off-street parking and circulation areas must be easily maintained and indicative of their function.

50-013-A. SURFACING

All off-street parking areas and *driveways* must be improved with asphalt or concrete consistent with the Engineering Design Criteria adopted by the Rockford Department of Public Works. Sand, gravel, or stone is not considered an acceptable material. The Department of Public Works may authorize the use of low impact, permeable surfaces such as "grasscrete" or other pervious surface approved by the City Engineer and Zoning Officer.

50-013-B. CURB AND GUTTER

The perimeter boundary of asphalt or concrete parking areas must be improved with curb and gutter in order to collect and direct stormwater to storms sewers and/or stormwater detention facilities. All *landscaping* must also be protected by curb and gutter unless an alternate design is approved by the Zoning Officer and the City Engineer.

50-013-C. DRAINAGE

All *parking lots* must include stormwater detention facilities and improvements consistent with the requirements of the Engineering Design Criteria adopted by the Rockford Department of Public Works. No run-off will be allowed to drain on adjacent property or across sidewalks.

50-014 VERTICAL CLEARANCE

All off-street parking spaces must have a vertical clearance of at least 7 feet.

50-015 ACCESS

All off-street parking areas must be designed with appropriate means of vehicular access to a *street* or *alley* in a manner that will least interfere with traffic movements. No curb cut or *driveway* serving a property located in a commercial or industrial zoning classification may exceed a width of 24 feet except that *driveways* leading to loading docks or loading zones may measure up to 35 feet in width. All measurements must be taken at the property line. *Driveways* serving properties located in a residential zoning classification may not exceed 24 feet in width as measured at the property line. All access must be improved in a manner consistent with the Engineering Design Criteria adopted by the Rockford Department of Public Works.

50-016 ACCESS LOCATIONS

All access points should be located to provide the maximum separation distance between the *driveway* and the intersections of public *streets*. Where it is not possible to maximize the separation distance, then other traffic management methods (e.g. raised medians, controls for right-in and right-out, or shared *driveways*) should be used as recommended by the City Traffic Engineer.

50-017 STRIPING

All parking spaces must be clearly marked with striping. Stripes must have a minimum width of 4 inches. Parking stall widths may be measured from the center of the stripe.

50-018 PEDESTRIAN CONNECTIONS

Surface *parking lots* containing 300 parking space or more must be designed to provide protected walkways for pedestrians that link business entrances with parking spaces and with public sidewalks along adjacent *streets*.

50-019 LIGHTING

All lighting of *parking lots* shall be shaded and directed away from residential uses and public roadways consistent with the requirements of Article 10.

50-020 LANDSCAPING

Parking lot landscaping must be provided in accordance with Section 52-001-C.

50-021 PLOT PLAN

Any application for a certificate of occupancy for any *parking lot* must include a plot plan—drawn to scale and fully dimensioned—showing all provisions for:

50-021-A. Location of bicycle parking;

50-021-B. Bumper guards;

50-021-C. Markings;

50-021-D. Surfacing;

50-021-E. *Screening* and *landscaping*; and

50-021-F. Lighting, in compliance with the regulations of this Zoning Ordinance.

50-022 OTHER BUILDING PERMITS

Any other application for a *building* permit, or for a certificate of occupancy when no *building* permit is required, must include a plot plan—drawn to scale and fully dimensioned—showing all off-street parking and loading facilities.

50-023 OFF-STREET LOADING

50-023-A. SCHEDULE OF MINIMUM REQUIREMENTS

Minimum off-street loading ratios are as follows:

Use	Gross Floor Area (Square Feet)	Required Loading Spaces	Space Size(feet)
Multi-Unit Residential	0-9,999 10,000+	0 1 per 10,000 square feet	10 x 25
Hospitals	10,000-200,000	1 + 1 for each additional 200,000 sq. ft. or fraction thereof	10 x 25
Lodging, Group Living, and all uses in the Public and Civic Use Group	10,000-19,999 20,000-99,999 100,000+	1 1 + 1 for each additional 100,000 sq. ft. or fraction thereof	10 x 25; 10 x 50 for all buildings with over 20,000 square feet
Industrial (all uses in Industrial Use Group)	5,000-9,999 10,000-39,999 40,000-99,999 100,000+	1 2 3 + 1 for each additional 100,000 sq. ft. or fraction thereof	10 x 25; 10 x 50 for all buildings with over 10,000 square feet
Retail, Food and Beverage Sales, Wholesale Establishment	5,000-9,999 10,000-24,999 25,000-39,999 40,000-99,999 100,000+	1 2 2 3 + 1 for each additional 100,000 sq. ft. or fraction thereof	10 x 25; 10 x 50 for all buildings with over 25,000 square feet
Auditoriums, Convention Halls, Entertainment and Spectator Sports Facilities	10,000-20,000 20,000-99,999 100,000+	1 2 + 1 for each additional 100,000 sq. ft. or fraction thereof	10 x 25; 10 x 50 for all buildings with over 20,00 0 square feet
Theaters	8,000-49,000 50,000+	1 + 1 for each additional 50,000 sq. ft. or fraction thereof	10 x 25; 10 x 50 for all buildings requiring 2 loading spaces
Commercial Uses Not Otherwise Specified	0-9,999 10,000-99,999 100,0000+	1 2 +1 for each additional 100,000 square feet or fraction thereof	10 x 25
Funeral Service	0-7,999 8,000+	0 1	10 x 25

50-023-B. SPECIAL USES

For special uses other than prescribed for hereinafter, loading spaces adequate in number and size to serve such uses as determined by the Zoning Officer must be provided.

50-023-C. CALCULATION RULES

The following rules apply when calculating off-street loading requirements.

1. MULTIPLE USES

Unless otherwise approved, lots containing more than one use must provide loading in an amount equal to the total of the requirements for all uses.

2. FRACTIONS

When measurements of the number of required loading spaces result in a fractional number, any fractional result must be rounded up to the next consecutive whole number.

3. AREA MEASUREMENTS

(a) Unless otherwise expressly stated, all area-based (square feet) loading standards must be computed on the basis of *gross floor area*, which is to be measured as the sum of the gross horizontal area devoted to such use, including accessory storage areas located within sales or working spaces, such as counters, racks, or closets and any *basement* floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. Except as noted in the preceding sentence, "floor area" for purposes of calculating off-street parking requirements does not include: floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or *basement* floor area.

(b) For outdoor areas, calculations will be based on the portion of the lot actually being used for the specified purpose.

(c) When open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open use of land must be added to floor space in determining the number of off-street loading spaces required

50-023-D. UNLISTED USES

Upon receiving a permit or development application for a use not specifically addressed, the Zoning Officer must apply the off-street loading standard specified for the use that the Zoning Officer deems most similar to the proposed use or require that the applicant submit a loading study or other evidence that will help in determining the appropriate loading ratio.

50-023-E. LOCATION

1. All required loading spaces must be located on the same *zoning lot* as the use served.

2. No loading spaces may be located within 25 feet of the nearest point of intersection of any two *streets*.

3. No loading spaces may be located in a required front setback or side setback.

4. Any loading spaces located in a required rear setback must be open to the sky.

50-023-F. USE OF OFF-STREET LOADING AREAS

No motor vehicle repair work or service of any kind is permitted in conjunction with off-street loading facilities provided in any R or C district.

50-023-G. DESIGN OF OFF-STREET LOADING FACILITIES

1. SIZE

Required off-street loading spaces must comply with the space size standards of Section 50-023-A and must have a minimum vertical clearance of 14 feet.

2. ACCESS

Each required off-street loading space must be designed with appropriate means of vehicular access to a *street* or *alley* in a manner which will least interfere with traffic movements, subject to approval by the City Traffic Engineer.

3. SURFACING

All open off-street loading spaces must be improved with a compacted macadam base, not less than 7 inches thick, surfaced with not less than 2 inches of asphaltic concrete or some comparable all-weather dustless material.

Article 51 | SIGN REGULATIONS

51-001 STATEMENT OF PURPOSE AND INTENT

The purpose of this section is to provide a framework for regulating a system of street graphics, thereby promoting pleasant communication between people and their environment. In order to preserve the City of Rockford as a desirable community in which to live, vacation and do business, a pleasing, visually attractive urban environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the city. It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

51-001-A. Enable the identification of places of residence and business.

51-001-B. Allow for the communication of information necessary for the conduct of commerce.

51-001-C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs that compete for the attention of pedestrian and vehicular traffic.

51-001-D. Enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business.

51-001-E. Protect the public from the dangers of unsafe signs.

51-001-F. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

51-001-G. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

51-001-H. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

51-001-I. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

51-001-J. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.

51-001-K. Regulate signs in a manner so as not to interfere with obstruct vision of or distract motorists, bicyclists or pedestrians.

51-001-L. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

51-001-M. Preserve and enhance the natural and scenic characteristics of this riverfront community.

It is further the intent of this section to regulate signs in terms of their location, dimensions and densities, and to not allow signs that are in direct conflict with traffic signals, or resemble any traffic control device, emergency light or railroad designation, and are unshielded or illuminated devices that create a hazard or nuisance to motorists or occupants of adjacent properties.

51-002 SIGNS NOT PERMITTED

The following signs and devices are prohibited:

51-002-A. Rotating signs with a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically-based drives;

51-002-B. Signs that change messages by rotating or swiveling;

51-002-C. Strobe lights - a light source modified electronically or mechanically to produce high-intensity short-duration light pulses;

51-002-D. *Electronic graphic display signs* greater than thirty-six (36) square feet of electronic copy area, or used for off-premise commercial advertising unless otherwise permitted by Section 51-006-A of this Ordinance

51-002-E. Mobile signs - any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building;

51-002-F. Searchlights, except by temporary permit from City Council;

51-002-G. Signs erected on public property other than those erected by the City for public purposes;

51-002-H. Signs posted on fences that are located on property line;

51-002-I. Signs posted on utility poles, trees, or on other natural features;

51-002-J. Signs erected on rooftops.

51-002-K. Sandwich signs, that is, a folding mobile sign;

51-002-L. Signs attached to or painted on a vehicle parked on or adjacent to a public thoroughfare for the sole purpose of advertising.

51-002-M. *Electronic graphic display signs* that change by means of fade, re-pixilation or dissolve modes, or any other change sequence that is not immediate in nature.

51-002-N. *Electronic graphic display signs* with fixed image duration less than 10 seconds for an off-premise *billboard sign* and fixed image duration less than 2 seconds for an on-premise sign.

51-002-O. *Electronic graphic display signs that* display or project moving images or motion pictures.

51-002-P. *Electronic graphic display signs* that project images or messages into the sky, or onto buildings or other objects.

51-002-Q. *Electronic graphic display signs* that shimmer.

51-002-R. *Electronic graphic display signs* that are brighter than a maximum level of 5,000 nits after sunrise and before sundown and 1,000 nits after sundown and before sunrise.

51-002-S. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

51-002-T. Signs that have unshielded illuminating devices or that reflect lighting onto public rights-of way thereby creating a potential traffic or pedestrian hazard.

51-002-U. Signs carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies and similar events.

51-002-V. Any temporary or permanent sign that is not specifically described or enumerated as permitted within the specific zoning district classifications.

51-002-W. Signs not permitted, to include signs that are obscene (i.e. (a) whether the average person, applying contemporary community standards would find the work, taken as a whole ,appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value).

51-003 GENERAL PROVISIONS

51-003-A. No sign permitted under the regulations of this section shall be installed without first obtaining zoning clearance and a sign permit.

51-003-B. Zoning clearance will be issued for freestanding signs only after the location has been spotted and checked by a City staff person.

51-003-C. Zoning clearance will be issued to the property owner or sign company personnel only after all required information is submitted.

51-003-D. Sign installation shall comply with the provisions of Chapter 3, City of Rockford Codes and Ordinances.

51-003-E. No existing sign that is in conformance with this Section shall be enlarged or altered without being in conformance with the provisions of this Section. Existing nonconforming signs are subject to the provisions in Section 51-009.

51-003-F. Combination signs (multiple on-premise *business signs* on a single structure) are permitted, subject to all regulations herein.

51-003-G. All signs must be permanently tagged or labeled with the name of the licensed sign installer prior to inspection.

51-003-H. No off-premise advertising sign, either permanent or temporary, shall be installed or placed within 50 feet of the bank of the Rock River.

51-003-I. All freestanding signs shall be landscaped in accordance with Section 52-003.

51-003-J. All signs and advertising devices shall be reasonably maintained in a clean and safe condition. All signs shall be inspected annually to enforce this provision.

51-003-K. Signs displayed in windows, whether temporary or permanent, shall cover no more that 35% of the square footage of the window surface (See Section 51-007-A.4 "*Inside Signs*").

51-003-L. If a storefront is composed of glass, no part of the glass can be painted to reduce visibility. Alternate means i.e. blinds, shades, etc. must be used to limit visibility.

51-004 REGULATIONS FOR PERMANENT SIGNS, INCLUDING *BUSINESS SIGNS* (ON PREMISE)

51-004-A. LOCATION

1. All sign bases and sign pylons shall be permanently installed in concrete or into the ground below the frost line; they shall be located not closer than 5 feet to the property line and not closer than 25 feet from an intersection corner measured from the corner of the property lines.
2. The face of any freestanding sign shall not project beyond the property line.

3. All *business signs* shall be installed on the same zoning lot on which the business is located.

4. Signs (not freestanding) projecting over any public right-of-way require approval from the Department of Public Works prior to issuance of zoning clearance, except for a business identification sign painted on a canvas awning. Projecting signs, awnings or marquees shall extend no closer to the right-of way than 36 inches inside the curb or the edge of pavement of the street. Vertical clearance shall be not less than 9 feet from grade over any public or private sidewalk; vertical clearance for signs projecting over a public or private street or alley shall be not less than 15 feet from grade.

5. No sign permitted in a commercial or industrial district shall be located any closer than 50 feet to a residential district boundary or a residential use.

6. Residential uses shall be protected from glare or reflection. Illuminated signs shall not produce more than one foot-candle of light 4 feet from the sign.

7. All freestanding *business signs* must be landscaped in accordance with Section 52-003.

51-004-B. NUMBER ALLOWED AND SIZE - COMMERCIAL AND INDUSTRIAL DISTRICTS

1. SHOPPING CENTERS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

(a) Shopping centers: One *landmark style identification sign* that may include the names of the occupants is allowed for up to 2,000 lineal feet of public street frontage, and 1 additional sign is allowed for each additional 2,000 feet of frontage up to a maximum of 240 square feet for each sign. Poles may not be used to increase the height of the sign.

(b) Each establishment within the center is allowed 2 *wall signs* to identify the business and additional wall-mounted signs to identify the general services provided, but not including brand-name identification. *Wall sign* area shall not exceed 3 times the lineal feet of the store frontage, up to a maximum of 240 square feet. There shall be no more than 2 *wall signs* located above the ground floor of the structure. (Ord.1993-345-O)

(c) *Billboards* are not permitted on the same zoning lot with the shopping center.

(d) Each establishment permitted the sale of liquor may substitute one Brand Name Identification Sign for a general services identification sign. (Ord.1996-16-O)

2. FIVE OR FEWER BUSINESSES ON A SINGLE ZONING LOT IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

(a) Internal lots, not including shopping centers, shall be permitted one freestanding sign that shall be of a *landmark style* and not exceed 64 square feet. Poles cannot be used to increase the height of the sign. In addition, 2 wall, mansard, marquee canopy, internally illuminated awning or projecting sign to identify the business shall be permitted on each premise. Additional wall-mounted identification signs to identify the general services provided are permitted, but not including brand-name identification. Aggregate surface area of all *business signs* shall not exceed 1½ square feet for each lineal foot of street frontage of the parcel on which the business is located, or 2 square feet for each lineal foot of building frontage facing a public street, whichever is greater. No business *wall signage* shall exceed the maximum of 240 square feet. There shall be no more than 2 *wall signs* located above the ground floor of the structure. (Ord.1993-345-O; 1996-16-O)

(b) Corner lots, or lots with access to two streets, shall be permitted 2 freestanding signs that shall be of *landmark style* and not exceed 64 square feet, provided the second sign is installed on the second street frontage. In addition, 1 wall, mansard, marquee, canopy, internally illuminated awning or projecting sign shall be permitted on each premise for each street frontage. Additional wall-mounted identification signs to identify the general services provided are permitted, but not including brand name identification. There shall be no more than 2 *wall signs* located above the ground floor of the structure. Each establishment permitted the sale of liquor may substitute one brand name identification sign for a general services identification sign. The square footage may be combined into 1 sign, provided that no business *wall signage* exceeds a maximum of 240 square feet. Aggregate surface area of all *business signs* shall not exceed one and 1½ square feet for each lineal foot of street frontage of the parcel on which the business is located.

51-004-C. DIRECTIONAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

1. Non-advertising, on-site directional signs are permitted (i.e., indicating entrance, exit, caution, restrooms, slow, no trespassing, parking regulations) when located on the same zoning lot and pertaining to a particular business. The business identification face for each sign is limited to 2 square feet, and the total sign face is limited to 10 square feet.

2. Service directories for medical and educational facilities with multiple buildings or pedestrian entrances and multiple parking lots are permitted as follows:

(a) Directions are limited to 6 feet in height and 36 square feet in total directory face and are subject to standard setback requirements;

(b) Only the name of the facility, logo and directional information are permitted on each directory;

(c) Directionals must be accompanied by a site plan demonstrating that they will be used to direct traffic.

3. Drive-through directories for those businesses that have legally established a drive through are permitted as follows:

(a) Directory (menu board) six feet in height and 36 square feet in size.

(b) Directory must be located adjacent to the drive through lane and a minimum of 20 feet from any property line.

51-004-D. HEIGHT (COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS – C-2, C-3, C-4, I-1, I-2 AND I-3 DISTRICTS ONLY)

Maximum height for all freestanding *business signs* is 8 feet for five or fewer business on a single lot in Commercial and Industrial Districts and 20 feet for shopping center signage (see Section 91-0122, Sign Height).

1. **C-1 OFFICE DISTRICT - SPECIAL REGULATIONS**

Maximum height for all freestanding *business signs* is 8 feet, and these signs must be low profile and a maximum of 64 square feet. *Billboards* are prohibited in the C-1 District. All other sign regulations of the Commercial districts are applicable.

2. **OFFICE PARK SUBDIVISION ENTRANCE SIGNS**

One permanent subdivision sign containing only the name and logo of the subdivision is permitted at the subdivision entrance(s), not exceeding 64 square feet with a maximum

height of 8 feet. These signs must be located on or in an easement on the recorded plat of the subdivision.

51-005 SIGNS IN RESIDENTIAL DISTRICTS

1. One permanent subdivision sign containing only the name and logo of the subdivision, is permitted in a residential district not exceeding 25 square feet with a maximum height of 8 feet.

2. One identification sign is permitted for each dwelling unit containing only the name of the occupant and the address, not exceeding 2 square feet. This regulation applies also to licensed home occupations.

3. One *low-profile sign* is permitted for each nonresidential use, such as a public building, public park, and charitable, educational or religious institutions, not exceeding 48 square feet.

51-006 SIGNS AS SPECIAL USES

City Council may, following a hearing by the Zoning Board of Appeals, permit as a Special Use:

51-006-A. An on-premise, *electronic graphic display sign* greater than 36 square feet. If the Council finds that all the findings of fact as outlined in Section 63-005 are met and that the location, size and design of the proposed sign will not have a detrimental effect on the privacy, use, light or enjoyment of any zoning lot and that the sign complies with the size, height, area and other requirements of this article.

51-007 *TEMPORARY SIGNS*

A *temporary sign* permit may be required as per Article III of the Code of Ordinances and/or as outlined below.

51-007-A. COMMERCIAL SIGNS

1. *Development Site Signs*: No permit is required if the proposed sign does not exceed the following limitations:

(a) Commercial or industrial development site: One non-illuminated, unchanging *development site sign*, not exceeding 200 square feet, is permitted for a period of one year on a construction site in a commercial or industrial zoning district. Only one sign is allowed per zoning lot, and the size of the sign shall be limited to 0.5 times the lineal front footage of the zoning lot up to the 200 square feet maximum. The sign is permissible for an additional year, provided construction is diligently pursued. The *development site sign* must be removed prior to the final inspection of the permanent sign.

(b) Residential development site: One non-illuminated *development site sign*, not exceeding 32 square feet, is permitted for a period of 1 year on a construction site. The sign is permissible for an additional year provided construction is diligently pursued.

(c) Subdivision development site: One temporary non-illuminated subdivision sign, not exceeding 32 square feet, located not less than 15 feet from any side lot line, is permitted for a period of 2 years.

(d) New *Business Sign*: One *temporary sign* for a new business not exceeding 32 square feet is permitted for a period of 30 days.

2. *Real-Estate Signs*: No permits are required for signs that meet the restrictions below except as required by Section 51-007-A.3.

(a) In residential districts: "For Sale", "For Rent", or "Open House" signs are permitted up to 5 square feet (24 inches x 30 inches) in size for residential zoning districts. Such signs are limited to one per zoning lot, except corner lots may display one sign visible from each street frontage, and may be displayed as long as the property is for sale or rent. Property directional signs are not larger than 2 square feet (12 inches x 24 inches) may be installed at the head of a cul-de-sac or an arterial street leading to the property during sale or lease period, but must be private property (e.g. not within the parkway between sidewalk and curb) and have that land owner's permission.

(b) In commercial and industrial districts: Signs up to 32 square feet on property up to 5 acres in size and up to 64 square feet on property of 5 acres or more Such signs are limited to one per zoning lot, except corner lots may display one sign visible from each street frontage. Signs must be located in minimum of 5 feet from property line, located outside of the sight triangle and not distract the view of traffic. Signs must be removed within 14 days of sale or lease. The use of banners or *inflatable signs* must be in compliance with Section 51-007-A.3, Banners or Inflatable Signs and Advertising Devices.

3. Banners or Inflatable Signs and other forms of advertisement: A permit is required and applications must be consistent with the following standards:

(a) Banners or *inflatable signs* and other forms of advertisement are permitted in Commercial or Industrial Districts for not more than 7 calendar days in any one, 6 month period. Banners shall be attached to the principal structure only.

(b) Maximum square footage of each sign is 200 square feet; maximum number of signs/advertising devices at one time is 2. They must not exceed 30 feet in height. A *temporary sign* permit is required.

4. *Inside Signs*: No permit is required if the proposed sign does not exceed the following limitations:

(a) Signs inside a business but intended to be viewed from a public right-of-way. *Inside signs* whether permanent or temporary are permitted in the C-2, C-3, C-4, I-1, I-2, and I-3 Districts subject to the following restriction: no more than 35 percent of the window surface of the business may be obscured by signage or other obstructions.

5. *Garage, Yard or Rummage Sale Signs*: No permit is required if the proposed sign does not exceed the following limitations:

(a) *Garage, yard or rummage sale signs* not larger than 2 feet by 2 feet, 4 square feet to be displayed only on private property for no more than 4 days in any 6 month period are permitted. Such signs shall be removed the day following the sale.

(b) *Garage, yard or rummage sale signs* are limited to one per zoning lot in residential districts. Such signs are not permitted on property not used for residential purposes.

6. Light Pole Signs: A permit is required and applications must be consistent with the following standards:

(a) The zoning officer may approve a *temporary sign* permit for up to 365 days for a light pole sign in commercial and industrial districts. Said permit is renewable provided the provisions of this ordinance are maintained.

(b) Sign shall not exceed 15 square feet in size.

(c) No more than 2 signs shall be allowed on any light pole.

(d) The signs shall be placed so that the bottom edge has a minimum clearance of 10 feet from the ground and the top edge does not exceed 30 feet from the ground.

(e) That the sign is securely attached to the light pole on the top and bottom of the sign.

(f) That the sign shall not advertise the name of the business on the property but shall only identify services provided, but not including brand name identification except for brand name identification for new passenger vehicle sales.

(g) Light pole signs are not allowed on properties with off premise advertising (*billboard*).

(h) That the signs are maintained in good condition free of tears, rips, fraying, or fading. In the opinion of the Zoning Officer should the sign(s) not be maintained in good condition then Zoning Officer may require the removal of sign(s). The owner of the property shall have 7 days to remove signs should the Zoning Officer require the removal of signs.

(i) There shall be no more than 30 signs on any zoning lot and there shall be no more than one sign for every 30 parking spaces.

7. Non-Commercial Signs: No permit is required if the proposed sign does not exceed the following limitations:

(a) OUTSIDE SIGNS

(1) One *temporary sign* up to 5 square feet in size is permitted at any time on a zoning lot in a residential district.

(2) Ninety days prior to an event or election, 2 *temporary signs* per candidate, issue or event are permitted on a zoning lot in a residential, commercial or industrial district and shall be removed within 5 days after election or event.

(b) ***INSIDE SIGNS***
Signs no larger than 4 square feet are permitted in residential, commercial and industrial districts, and are limited to 2 per zoning lot.

51-008 *BILLBOARD* REGULATIONS (OFF-PREMISE ADVERTISING SIGNS)

51-008-A. *Billboards* are permitted in the C-2 and C-3 Commercial District, excluding shopping center properties, and in the I-1 and I-2, and I-3 Industrial Districts, on a buildable zoning lot. *Billboards* are not permitted on the same zoning lot with a shopping center.

51-008-B. There are scenic areas and corridors that shall consist of certain specified areas of land or that shall consist of certain strips of land 500 feet on either side of the outermost edge of the right-of-way of all of the streets, roads, routes, highways, rivers, etc. specified in this Ordinance, within which scenic areas and corridors all *billboards* (off-premise advertising signs) are not permitted. Said scenic areas and corridors are identified below and no *billboard* shall be relocated in the following areas:

1. Business U.S. 20, (West State Street) from the city limits west to the city limits east.

2. IL 251 (N. 2nd Street) from the city limits north to Jefferson Street on the south.

3. IL 2 (S. Main Street) from the city limits south to Chestnut Street on the north.

4. Perryville Road from the city limits north to the city limits on the south.

5. Riverside Blvd from the city limits west to the city limits on the east.

6. Spring Creek Road from the city limits west to the city limits on the east.

7. All of the municipal territory east of I-90 and north of East State Street.

8. East State Street from I-90 to the city limits on the east.

9. Historic Districts: areas designated as a historic district by the City of Rockford under the provisions Chapter 133 of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places including:…….

(a) Haight Village

(b) Brown's Hills/Knightsville

(c) Indian Terrace

(d) Garfield Avenue

(e) Northeast State and Main

(f) East Rockford

(g) 7th Street Commercial District

51-008-C. The total number of *billboards* shall not exceed the total number of *billboards* legally existing in Commercial and Industrial Districts on the adoption date of this Ordinance. All replacement *billboards* shall comply with the regulations of this Ordinance.

51-008-D. *Billboards* are permitted to be replaced on a *billboard*-by-*billboard* basis. The total square foot area of a proposed *billboard* shall not exceed the total square foot area of a removed billboard.

51-008-E. Upon removal of an existing *billboard*, excluding those *billboards* located within Residential and Historical Districts, the City shall credit the *billboard* owner the right to obtain one replacement *billboard*. Said credited replacement *billboard* shall not exceed the number of sign faces and the amount of square footage of the removed *billboard*. The removal of two single sign face billboards may be credited towards obtaining a double face *billboard*.

51-008-F. *Billboard* structures, installed after the adoption date of this Ordinance, shall be installed at grade and shall be landscaped as specified in Section 52-003. Roof installation is prohibited.

51-008-G. Maximum height of sign structure including sign face shall be 30 feet with a minimum ground clearance of 10 feet.

51-008-H. Maximum size is 382 square feet. *Billboards* shall be a minimum of 72 square feet.

51-008-I. LOCATION/SEPARATION REQUIREMENTS

1. Only one, double-faced *billboard* is permitted per zoning lot. A double-faced (back to back) sign, where the faces are parallel shall be considered as one sign for the purposes of this requirement.

2. Signs must be spaced a minimum of one mile apart, as measured in any direction from where a *billboard* is proposed or located, and one mile as measured along the same side of street from where a *billboard* is proposed or located.

3. *Billboards* shall be placed so as not to be in a direct line to block the view of signage on adjacent property from adjacent right-of-ways. All applications for *billboard* alteration or relocation shall be certified by the applicant as meeting this provision.

4. Required setback for any *billboard* is 5 feet, and it shall not project beyond the property line. *Billboards* shall not be located closer than 25 feet from an intersection corner measured from the corner of the property lines.

5. *Billboards* may not be located closer than 500 feet to a residential district or any public park measured in any direction from where the *billboard* is proposed or located.

6. No *billboard* shall be located within 500 feet of any area designated as a historic district by the City of Rockford under the provisions of Article III of Chapter 13½ and listed under Section 13½-17 of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places, or an Landmark as designated by the City of Rockford under the provisions of Article II of Chapter 13½ and listed under Section 13½-10.1 of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places in any direction as measured from where the *billboard* is proposed or located.

7. All permit applications for the construction and erection of a *billboard* shall be accompanied by a survey prepared by a registered land surveyor identifying the placement of the proposed *billboard* and location of all structures and signage located on the property.

51-008-J. *BILLBOARDS* AS SPECIAL USES

City Council may, following a hearing by the Zoning Board of Appeals, permit, as a Special Use. Such special use permits may allow for:

1. *Billboard* greater than 382 square feet up to 680 feet.

2. *Billboard* located between 150 and 500 feet from a Residential District, Historic District or Public Park. If the Council finds that all the findings of fact as outlined in Section 63-005 are met and that the location, size and design of the proposed *billboard* will not have a detrimental effect on the privacy, use, light or enjoyment of any zoning lot. A Special Use may not be approved to vary or eliminate any other provision of this Ordinance.

3. The modification of an existing, legally nonconforming or conforming *billboard* to an *electronic graphic display billboard* should the council find that the findings of fact in Section 63-005 have been satisfied, and the location, size and design of the proposed *billboard* will not have a detrimental effect on the privacy, use, light or enjoyment of any nearby properties.

51-008-K. SEVERABILITY OF PROHIBITION ON *BILLBOARDS*

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Article 51 and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibitions on *billboards* as contained herein.

51-009 NONCONFORMING *BUSINESS SIGNS* AND *BILLBOARDS*

All signs existing at the time of adoption of this Ordinance that do not conform to the provisions herein shall be considered nonconforming and may continue in use until:

51-009-A. The sign suffers more than 50 percent damage or deterioration, as based on inspection, at which time the sign must be brought into compliance with the Ordinance or removed; or

51-009-B. The structure or size of the sign is altered in any way. The alterations must be made toward compliance with this Ordinance.

51-009-C. NONCONFORMING *BILLBOARDS* (OFF-PREMISE ADVERTISING SIGNS)

All *billboards* existing at the time of adoption of this Ordinance that do not conform to the provisions herein shall be considered nonconforming and may continue as hereinafter prescribed:

1. If the *billboard* suffers more than 50 percent damage or deterioration, as based on inspection, at which time the *billboard* must be brought into compliance with the Ordinance or removed.
2. If the structure or size of the *billboard* is altered in any way, the alterations must be made toward compliance with this Ordinance.
3. Nonconforming *billboards* that are not illuminated at the time of adoption of this Ordinance shall not be permitted to be illuminated.

51-009-D. REMOVAL OF ABANDONED *BILLBOARDS* (OFF-PREMISE ADVERTISING SIGNS) AND *BILLBOARDS* (OFF-PREMISE ADVERTISING SIGNS) IN DISREPAIR

1. Whenever the Zoning Officer finds that any *billboard* on the authorized list is abandoned and whether or not it has deteriorated more than 50 percent, the Zoning Officer shall notify the owner thereof and order said *billboard* be removed within 30 days. Said order may be appealed pursuant to Article 66 of this Ordinance. All *billboards* ordered to be removed shall be stricken from the authorized list of *billboards* and shall not be credited a replacement *billboard*. The term abandoned shall include sign faces that have not had active advertising for a period of 6 months or greater, (active advertising does not include the self-advertising of the *billboard* owner or company). The property for which the *billboard* was abandoned and removed shall be prohibited from constructing a *billboard* for a period of 12 months. Any new *billboard* shall comply with the requirements of this Ordinance.
2. Whenever the Zoning Officer finds that any *billboard* on the authorized list is in disrepair and whether or not it has deteriorated more than 50 percent, the Zoning Officer shall notify the owner thereof and order him to repair the *billboard* within a specified amount of time not less than 10 calendar days. If the Zoning Officer finds that the *billboard* has not been repaired within the specified time in the repair notice, the Zoning Officer shall notify the owner of the *billboard* and the owner of real property on which said *billboard* is located to remove the *billboard* from the property within 30 days. Said order may be appealed pursuant to Article 66 of this Ordinance. All *billboards* ordered to be removed shall be stricken from the authorized list of *billboards* and shall not be credited a replacement *billboard*.

51-009-E. *BILLBOARD* LICENSE REQUIRED

1. All *billboards* are required to be licensed with the City and the *billboard* owner shall file a license application annually with the Zoning Officer on a form prescribed by the Zoning Office and said application shall be accompanied by a payment in accordance to the Zoning fee schedule ordinance.

2. All *billboards* shall renew said license annually in accordance to the regulations above by January 31st of each subsequent year.
3. Upon the approval of a *billboard* permit, construction of the *billboard* and final inspection with approval by the City of each relocated *billboard*, the *billboard* owner, within 15 days, shall apply for a *billboard* license for said *billboard*.
4. All *billboards* licensed by the City of Rockford shall be required to post an identification tag provided by the City with the corresponding license number on the tag.
5. Failure to obtain a current license will result in the *billboard* being determined as abandoned.
6. The City will compile and maintain an authorized list of *billboards* within the City. The City will inspect each *billboard* annually and as needed to ensure that the provisions of this Ordinance are enforced.

51-010 *MURALS*

Murals are allowed in the C-4 Districts by means of a Special Use Permit provided that positive findings of fact are made by the City Council.

51-011 CONTENT NEUTRALITY, MESSAGE SUBSTITUTION

Any sign allowed under this article may contain, in lieu of any other message or copy, any or all types of lawful non-commercial message, that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity. The sign must also comply with the size, height, area and other requirements of this article.

Article 52 | LANDSCAPING

52-001 LANDSCAPING, BUFFERING, AND TREE PRESERVATION

52-001-A. PURPOSE

It is the intent and purpose of these *landscaping* provisions:

1. To minimize the adverse aesthetic and unattractive views created by certain land uses (e.g. outdoor storage *yards*, junkyards, recycling facilities) that are sometimes unsightly but still necessary to support the City of Rockford by providing products, jobs, and/or services needed by the community.
2. To encourage tree and *shrub* planting, to foster the preservation and stabilization of the community's ecological balance, and to establish a more healthy environment. Trees, *shrubs*, and plants will be used to mitigate the ill effects associated with some land uses, such as to filter noise, dust, and fumes, to buffer winds, to modify the rate of storm water runoff and soil erosion to adjacent properties, to reduce glare from the sun, vehicle headlights and *parking lot* area lighting, and to provide shade and noise attenuation.
3. To enhance the environment and visual character of the City of Rockford and to safeguard property values of adjacent properties, to protect public and private investments, and to promote high-quality development within the City of Rockford. This will generally add to the beauty and worth of the entire City of Rockford by distributing plantings in and around *parking lots* and outside storage areas.
4. To reduce the incompatibility between zoning districts of different intensities and type. To lessen the adverse impacts of more intense land uses upon adjacent residential areas and other areas of less intense land use, thereby reducing the ill effects of large expanses of paved areas, outside storage *yards*, and *parking lots* within the City of Rockford.
5. To establish regulations limiting the removal of existing trees and ensuring the replacement of trees removed from public non-rights-of-way and private property within the City of Rockford. In so doing, this will safeguard the ecological and aesthetic environment of the community. These regulations are further intended to discourage and limit the unnecessary clearing and disturbing of land so as to preserve, wherever practical, the existing natural vegetation that is indigenous to the region.

52-001-B. STREET TERRACE OR PARKWAY PLANTING

New single-family subdivisions of 5 or more dwelling units must install one street terrace/parkway tree per zoning lot. Consistent with Chapter 29 of the Municipal Code the street terrace means the area along a street or avenue between the public sidewalk and the curb line.

1. Anyone seeking approval of a subdivision of 5 or more single-family homes must install and maintain street terrace/parkway trees within that portion of the public right-of-way contiguous to the zoning lot in accordance with the provisions of Chapter 29 of the Municipal Code and the following requirements:
   - **(a)** One street terrace/parkway tree is required per zoning lot.
   - **(b)** Street terrace/parkway trees must have a minimum caliper size of 2.5 inches at the time of planting.
   - **(c)** No shade or canopy tree is required in any street or avenue terrace that is less than 6 feet in width measured from the edge of the sidewalk to the curb, however, smaller ornamental trees must be planted consistent with the recommendation of the City

Forester. No trees (canopy or ornamental trees) are required to be planted in street terraces measuring 4 feet or less.

2. All street terrace/parkway trees must be installed in accordance with standard practices of horticultural professionals and in a good and workmanlike manner and must be maintained by the property owner in good condition for a period of not less than 5 years. All installation and maintenance of street terrace trees must be consistent with the requirements of Chapter 29 of the Municipal Code.

52-001-C. APPLICABILITY

The "General *Landscaping* Requirements," as stated in Section 52-002 apply to:

1. All privately-owned multiple-family residential, commercial, and industrially-zoned properties that have parking areas;

2. All *open sales lots*, outside storage lots, *truck* storage and equipment *yards*, terminals, and other vehicular maneuvering areas greater than 2,500 square feet in area; and

3. All publicly-owned property (excepting rights-of-way) such as municipal *parking lots*, public *buildings*, and public works facilities. Paved areas for recreational uses, such as tennis courts, playgrounds, and basketball courts, are not be subject to these requirements, but may require *landscaping* as a condition of a special use permit or a variation.

4. A landscape *buffer* will also be required to be placed along the boundaries of the *zoning lot* that abuts properties in a different zoning district, as determined by Section 52-002-E.

5. Properties that are nonconforming with regard to this Section must be brought into conformity when:

(a) A new *building* or new *parking lot* or new paved area is proposed;

(b) An addition to an existing *building*, *parking lot*, or outside storage *yard* where such addition represents an expansion of 1,000 square feet or a 10% increase in the existing floor area, whichever is greater or where a parking lot or storage yard is expanded by and area that exceeds 10% or more of the existing land area except as provided in Section 52-001-C.5(c);

(c) An addition to an existing *building*, *parking lot*, or outside storage *yard* within an industrial zoning district where such addition represents 20% increase in the existing floor area or a 30% increase in the land area devoted to parking or outdoor storage;

(d) When a zoning application for a special use permit or a variation is filed, approval may be granted which includes a condition that requires the entire property to be brought into compliance with the minimum *landscaping* requirements of this Ordinance; in addition, *landscaping* over and above the minimums may also be required.

(e) When an existing parking lot is reconstructed where such reconstruction involves the removal, grinding, or replacement of existing paving, asphalt, concrete, or other pavement devoted to parking, loading, or driving aisles. This provision does not apply to the resurfacing of asphalt or concrete where paving, asphalt, or other materials are not removed. Furthermore, this subsection will not apply to developments with landscaping approved under the terms of the zoning ordinance that immediately preceded this ordinance provided that the landscaping previously required is properly maintained in a healthy condition.

52-002 GENERAL LANDSCAPE REQUIREMENTS

All areas that require *landscaping*, as per Section 52-001-C, must meet the minimum requirements for "Shade Trees" (Section 52-002-A), “Street Frontage Landscaping" (Section 52-002-B), “Landscape Buffer” (Section 52-002-E) and "Interior Landscaping" (Section 52-002-E.4(f)), as stated herein. Where any of the landscape requirements of this Article conflict, the stricter provisions will apply. Also, existing mature trees on all *zoning lots* in the City of Rockford are required to be preserved and protected and must remain in their natural setting, undisturbed, as specified in Section 52-002-F until a plan for development, including a "Tree Protection and Preservation Plan" is approved by the Zoning Officer or a tree removal permit is obtained.

52-002-A. SHADE TREES

Shade trees are required to be planted and maintained on the *zoning lot* in addition to the required street frontage *landscaping*, interior *landscaping*, and/or landscape *buffer*, as follows:

1. One *shade tree* must be planted for every 10 parking spaces, or fraction thereof, or for every 2,500 square feet of paved land area, or fraction thereof. (Example: a paved area with 32 parking spaces, or approximately 10,000 square feet, would require four *shade trees*.) *Shade trees* must be dispersed within the paved area and no more than 50% of the required plantings may be located around the edges of the paved areas within 20 feet of the edge of the paved surface.

2. In addition to the requirements of paragraph "1" above, 1 *shade tree* must be planted for every 50 lineal feet of frontage a property has on a *street right-of-way*. When application of this requirement results in a fraction of 0.5 or more then this requirement must be rounded up to the next consecutive whole number. Said tree(s) must be planted within 20 feet of the property line that is adjacent to a *street right-of-way* line. If overhead utilities would interfere with the growth of these trees, an alternate plan can be approved by the Zoning Officer. (Example: If a lot has 150 lineal feet of frontage, then three *shade trees* are required.)

3. *Shade trees* must be planted in a *planting bed* of a minimum of 140 square feet in land area per tree, and no less than 8 feet in width.

4. Existing mature trees located on the subject property that are a minimum of 6 inches in size or larger, may be counted as part of the *shade tree* requirements if they are located in close proximity to the area requiring *shade trees* and are of a desirable quality and variety. This is subject to the approval of the Zoning Officer and acceptable only if the existing trees are satisfactorily protected, as specified in Section 52-002-G.1, during any construction or grading activities. Each 6 inches in diameter of existing trees preserved (as measured 12 inches above grade) may be counted as equal to 1 new required *shade tree*, as determined by the Zoning Officer.

52-002-B. FRONTAGE/RIGHT-OF-WAY LANDSCAPING

The frontage *landscaping* requirements must consist of landscape strips and/or landscape *buffering* and must be located on the subject property adjacent to the street or public right-of-way. .

1. FRONTAGE LANDSCAPE STRIP

Any multiple-family residential, commercial or industrial property that has a parking/storage use that is required to be landscaped, as per Section 52-001-C, must install street frontage landscape strips as specified in the following sections in addition to the other *landscaping* requirements on the *zoning lot*. The street frontage landscape strip must be installed between the use to be *screened* and the property line adjacent to any

street and/or along that portion of an alley right-of-way within 50 feet of the intersection of the alley and a public street.

(a) The required street frontage landscape strip must be comprised of a combination of the following: *shade trees*, *evergreen trees*, *ornamental trees*, *evergreen* and *deciduous shrubs*, *perennial plants*, *ground cover plants*, *lawns*, *berms*, *fences* and walls.

(b) The quantity, size and spacing of these elements must be measured by *landscape units (LUs)* which is a value assigned to landscape elements based on their cost relative to each other, the land area they cover, and the *screening* characteristics they possess. (See Table 52-002-C for landscape unit values.) The frontage landscaping must meet the minimum requirement of 10 *landscape units* per lineal foot of *street* frontage along rights-of-way. (Example: A *zoning lot* which has a *parking lot* with 60 lineal feet of frontage, including *driveways*, on a *street* would require a landscape strip with 600 *landscape units*.)

(c) The *landscaping* must be designed so that the land use will be effectively *screened* from view from the public *right-of-way*.

52-002-C. SCHEDULE OF LANDSCAPE UNITS

Landscape Units	Plant Type Requirements	Minimum Size	Height	Recommended Spacing (on center)
225	Shade Tree	2" cal.	27'-90'	1/10 spaces
225	Evergreen Trees	6'-7'	9'-54'	
150	Ornamental Trees	6'- 7'	9'-45'	
30	Evergreen Shrubs	18"-24"	3'-6'	
15	Deciduous Shrubs	18"-24"	3'-6'	
4	Perennial Plants	1 qt. pot	2'-3'	
1	Ground Cover Plants	2" pot	1'-2'	
0.2 per square foot	Earth Berm & Lawn	3'-6'		Slope is 3:1 maximum
0.1 per square foot	Lawn Only	N/A		3"-6" height. max
4 per linear foot	Fence or Wall*	3"		At least 50% opaque

**This will be counted as "Evergreen" landscape units.*

52-002-D. METHODS OF COMPLIANCE WITH FRONTAGE LANDSCAPING

The requirements of the landscape strip may be achieved by using one of the following methods or a combination of these methods, subject to the approval of the Zoning Officer.

1. STREET FRONTAGE LANDSCAPE STRIP

The street front landscaping must be a minimum of 10 feet wide except where a larger setback is required (See Section 21-005-D) and may be planted with any combination of plant material to meet the landscape unit requirements. However, shade and *evergreen trees* must first be counted toward the *shade tree* requirements of Section 52-002-A before their landscape unit values can be used in the landscape unit requirements for frontage *landscaping*. Twenty-five percent of the required *landscape units* must be *evergreen* plant material.

52-002-E. LANDSCAPE BUFFERS

Landscape *buffers* are required for all *buildings*, structures and uses of land that consist of multiple-family residential, commercial or industrial uses that have a property line that is also a boundary line of a zoning district.

1. The *buffers* that are required to be placed along the boundaries of the *zoning lot* abutting properties in a different zoning district are determined by reference to Table 53-002-E, "Schedule of *Buffer* Requirements," as follows:

(a) Identify the existing or proposed district in the column titled "Subject Property."

(b) For each boundary abutting property in another zoning district, identify the column headed by the zoning classification of the adjacent property.

(c) Read across the row of the "Subject Property" and down the column of the "Zoning of Adjacent Property" to determine the type of *buffer* required.

(d) Refer to Section 52-002-E.4 for the complete description of the required *buffer*.

Table 53-002-E Schedule of Buffer Requirements

Subject Property	Zoning or Use of Adjacent Property							
Zoning Classification	**R-E, R-1, R-1U**	**R-2**	**R-3, R-4, C-1**	**C-2, C-4**	**C-3, I-1**	**I-2, I-3**	**I-90 and IL-39 Highway Bypasses & Interchanges**	**Arterial/ Collector Streets***
R-E, R-1, R-1U	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	D	C
R-2	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	D	C
R-3, R-4, C-1	A	A	N.A.	N.A.	N.A.	N.A.	C	C
C-2, C-4	B	B	A	N.A.	N.A.	N.A.	A; n.a for C-4	A; n.a for C-4
C-3, I-1	C	C	B	A	N.A.	N.A.	A	A
I-2, I-3	D	D	C	B	A	N.A.	N.A	N.A.

*Arterial and collector streets as identified in the Rockford Area Transportation Study.

2. Developments that include the granting of a special use permit for a Planned Unit Development will be assigned a Type "A" *buffer* as a minimum requirement unless a more intense *buffer* is specified during the zoning application and approval process. The granting of any other special use permit in any zoning district will require *buffers* as determined by Table 53-002-E. However, as a condition of the special use permit, a more extensive *buffer* may be required.

3. Nothing in this section repeals or modifies the requirements of Section 52-002-A ("Shade Trees"), Section 52-002-B ("Street frontage landscaping"), or Section 52-002-E.4(f) ("Interior Landscaping").

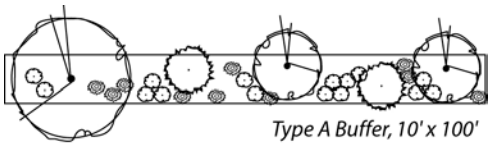
4. **DESCRIPTION OF BUFFERS**

(a) Type "A" *buffer*: The standard Type "A" *buffer* is 10 feet wide and must consist of 15 *landscape units* per lineal foot of a zoning district boundary line, with *evergreens* comprising 50% of the *landscape units*. The following plant list and quantities represents an example of the plantings required per 100 lineal feet:

Sample Plantings and Values

Planting	Landscape Units
1-Shade Tree	225 LUs
2-Ornamental Trees	300 LUs
15-Deciduous Shrubs	225 LUs
10-Evergreen Shrubs	300 LUs
2-Evergreen Trees	450 LUs
TOTAL:	**1,500 LUs**

Figure 29: Type A Buffer



Depending on the space available, the applicant may choose one of several alternative *buffer* widths to provide a Type "A" *buffer*, each with a different amount of required plantings reflected as a multiplier of the required *landscape units* per 100 feet. These alternatives include the following:

(1) Twenty foot wide *buffer* with 80% of the required *landscape units* per 100 feet.

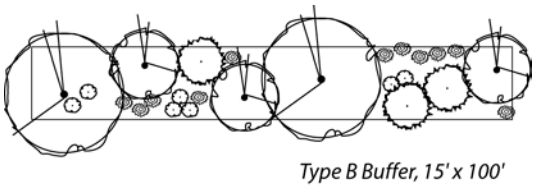
(2) Ten foot wide *buffer* with 50% of the required *landscape units* and a continuous hedge or wood *sight-obstructing fence*, the *height* of which will be determined by the Zoning Officer as per Section 55-001-C.

(b) Type "B" *buffer*: The standard Type "B" *buffer* is 15 feet wide and must consist of 20 *landscape units* per lineal foot of a zoning district boundary line, with *evergreens* comprising 50% of the *landscape units*. The following plant list and quantities represents an example of the plantings required per 100 lineal feet:

Sample Plantings and Values

Planting	Landscape Units
2-Shade Trees	450 LUs
3-Ornamental Trees	450 LUs
7-Deciduous Shrubs	150 LUs
11-Evergreen Shrubs	330 LUs
3-Evergreen Trees	675 LUs
TOTAL:	**2,010 LUs**

Figure 30: Type B Buffer



Depending on the space available, the applicant may choose one of several alternative *buffer* widths to provide a Type "B" *buffer*, each with a different amount of required plantings reflected as a multiplier of the required *landscape units* per 100 feet. These alternatives include the following:

(1) Twenty-five foot wide *buffer* with 80% of the required *landscape units* per 100 feet.

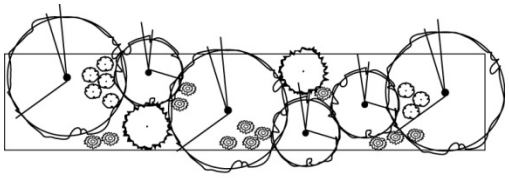
(2) Ten foot wide *buffer* with 50% of the required *landscape units* and a continuous hedge or wood *sight-obstructing fence*, the *height* of which will be determined by the Zoning Officer as per Section 55-001-C.

(c) Type "C" *buffer*: The standard Type "C" *buffer* is 20 feet wide and must consist of 25 *landscape units* per lineal foot of a zoning district boundary line, with *evergreens* comprising 50% of the *landscape units*. The following plant list and quantities represents an example of the plantings required per 100 lineal feet:

Sample Plantings and Values

Planting	Landscape Units
3-Shade Trees	675 LUs
3-Ornamental Trees	450 LUs
8-Deciduous Shrubs	120 LUs
12-Evergreen Shrubs	360 LUs
2-Evergreen Trees	900 LUs
TOTAL:	**2,505 LUs**

Figure 31: Type C Buffer



Type C Buffer, 20' x 100'

Depending on the space available, the applicant may choose one of several alternative *buffer* widths to provide a Type "C" *buffer*, each with a different amount of required plantings reflected as a multiplier of the required *landscape units* per 100 feet. These alternatives include the following:

(1) Thirty foot wide *buffer* with 80% of the required *landscape units* per 100 feet.

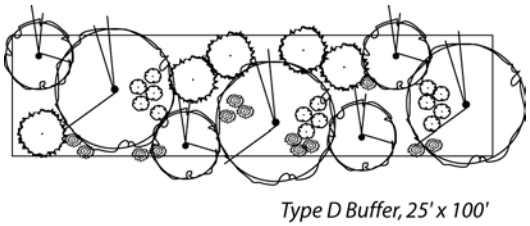
(2) Fifteen foot wide *buffer* with 50% of the required *landscape units* and a continuous hedge or wood *sight-obstructing fence*, the *height* of which is to be determined by the Zoning Officer as per Section 55-001-C.

(d) Type "D" *buffer*: The standard Type "D" *buffer* is 25 feet wide and must consist of 30 *landscape units* per lineal foot of a zoning district boundary line, with *evergreens* comprising 50% of the *landscape units*. The following plant list and quantities represents an example of the plantings required per 100 lineal feet:

Sample Plantings and Values

Planting	Landscape Units
3-Shade Trees	225 LUs
4-Ornamental Trees	600 LUs
14-Deciduous Shrubs	210 LUs
13-Evergreen Shrubs	390 LUs
5-Evergreen Trees	1,125 LUs
TOTAL:	**3,000 LUs**

Figure 32: Type D Buffer



(e) Alternate "D" *buffer*: Depending on the space available, the applicant may choose one of several alternative *buffer* widths to provide a Type "D" *buffer*, each with a different amount of required *landscape units* per 100 feet. These alternatives include the following:

(1) Thirty-five foot wide *buffer* with 80% of the required *landscape units* per 100 feet.

(2) Twenty foot wide *buffer* with 50% of the required *landscape units* and a continuous hedge or wood *sight-obstructing fence*, the *height* of which is to be determined by the Zoning Officer as per Section 55-001-C.

(f) OPEN GREEN SPACE

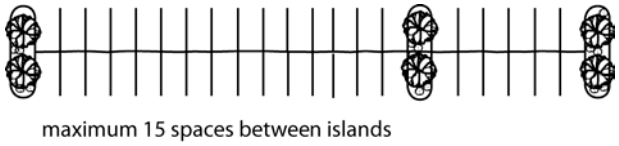
This requirement is intended to prevent large expanses of pavement that flow uninterrupted from one *zoning lot* to another and create a continuous sea of asphalt. At a minimum, an open green area must be provided between *zoning lots* where neither the street frontage landscape strip nor the landscape *buffer* is required. This area is required to be a minimum of 4 feet wide on each property.

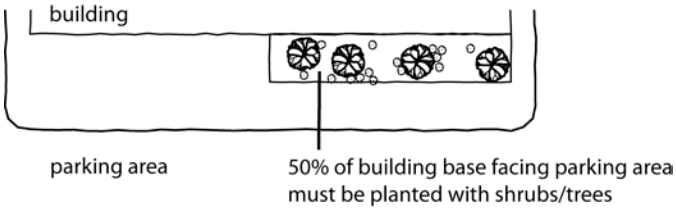
(g) INTERIOR LANDSCAPING

The land area devoted to interior *landscaping* will be a minimum of 5% of the total land area devoted to any use requiring *landscaping* where the paved area exceeds 3,000 square feet. If the paved land area exceeds 5,000 square feet but not more than 30,000 square feet then 8% of the total land area will be devoted to interior *landscaping*. If the paved land area exceeds 30,000 square feet then 10% of the total land area will be devoted to interior *landscaping*.

(1) The interior landscaping within parking lots will be used to break up long stretches of parking spaces. No row of parking spaces will exceed 20 spaces before landscaping is used to break up the expanse of paved area. In addition, a portion of the interior landscaping requirement will be used adjacent to the building such that at least 50% of the building base or foundation facing the parking area is planted with shrubs or trees.

Figure 33: Parking Area Interior Landscaping





(2) The interior *planting beds* must be edged with 6 inch high concrete curbing to protect the *planting beds* from vehicular traffic and snow plows, and must be planted with plant materials that equal one landscape unit per square foot of *planting bed*. Decomposing materials, such as wood landscape timbers or railroad ties, may not be used in place of the required concrete curbing.

(3) The interior *planting beds* must be located and designed so as to protect parked vehicles and assist with vehicular traffic circulation, snow removal and drainage. Interior *planting beds*, or traffic islands, should be located at intersections of traffic aisles for this purpose.

(4) The minimum size for all interior *planting beds* shall be 70 square feet with a minimum width of 4 feet. Also, if an interior *planting bed* is to include a shade or *evergreen tree*, the minimum size must be 140 square feet, with a minimum width of 8 feet. These dimensions will not include curbing.

(5) An interior *planting bed* is one which is surrounded on 3 or more sides with pavement.

52-002-F. WOODLAND PRESERVATION

A permit will be required to cut or harvest trees within designated woodlands. Designated woodlands will include stands of trees of at least two contiguous acres of area or properties where a stand of trees creates a canopy coverage over more than one acre in area or areas where the there is an average tree density of thirty square feet of tree trunk area per acre. The zoning administrator may grant a permit only if the applicant can demonstrate that:

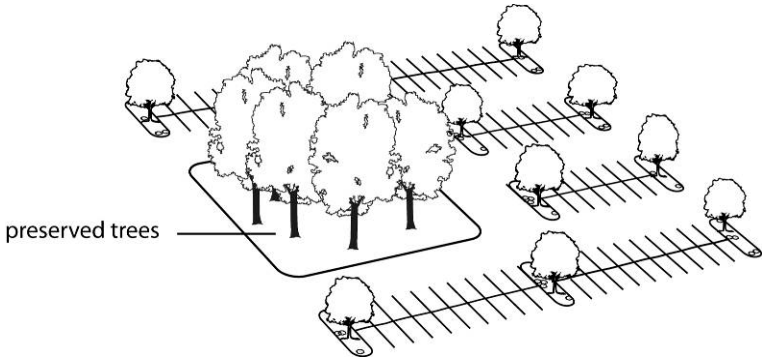
1. Proposed development plans maximize the preservation of existing trees by restricting any tree cutting to those locations necessary and logical as building sites.
2. Proposed landscape plans mitigate the woodland losses by the replacement of cut or harvested trees.
3. The preservation of existing tree stands is unreasonable or infeasible and that tree planting will replace at least 50% of cut or harvested trees.
4. Issues of public health, safety, and welfare (e.g. diseased or infested trees) that require the removal of stands of trees.

52-002-G. TREE PRESERVATION

Existing mature trees of 6 inches or greater in diameter, as measured 12 inches above grade when preserved, may be used to meet the new *shade tree* requirement. For each two-inch diameter of existing mature trees being preserved, a credit will be granted equal to one new *shade tree* requirement (Section 52-002-A.1). When existing trees are designated by the property owner for preservation, the existing soil and/or grade must not be disturbed or altered within 50 feet of the trunk of said tree(s) except according to a “tree protection and preservation plan” submitted to and

approved by the Zoning Officer. When tree preservation is not possible, the removal of existing mature trees (of 6 inches or greater in diameter) will require a tree removal permit.

Figure 34: Tree Preservation



1. TREE PROTECTION AND PRESERVATION PLAN

To receive credit for preservation of mature trees in the development process, a "tree protection and preservation plan" will be submitted that shows the location, size and variety of all trees, 6 inches or greater in size, existing on subject property. This plan must also indicate which trees are to be removed, which trees are to be saved, and what preservation techniques will be used to preserve the trees that remain. Preservation techniques consist of the following:

(a) Snow fencing, or other type of approved fencing, is to be installed around the trunk of any tree to be preserved a minimum distance of 1 foot from the trunk of the tree for every 1 inch of a tree's trunk diameter measured 12 inches above grade. This fencing must be installed prior to the start of work on any development.

(b) Cut or fill of soil and trenching is forbidden inside the area required to be fenced off from construction. The existing grade, at the base of any tree to be preserved and within the specified area around the trunk, must not be altered in any manner not specifically approved by the Zoning Officer in the "protection and preservation plan".

(c) *Building* or road construction materials or equipment may not be stored within any area required to be fenced off from construction activities for tree protection.

2. REMOVAL OF TREES DESIGNATED FOR PRESERVATION

In the event a tree designated for preservation and preservation credit is removed or destroyed without a tree removal permit, then it must be replaced with new trees or the equivalent fee paid to the City Zoning Division according to Table 53-002-F 2, below:

Table 53-002-F 2. Tree Replacement or Removal Fees

Diameter of Tree Removed	Number of Replacement Trees	Fee Amount
6-9 inches	3-3" trees	$900.00
9+-12 inches	4-3" trees	$1,200.00
12+-18 inches	6-3" trees	$1,800.00
18+-24 inches	8-3" trees	$2,400.00
24+-30 inches	10-3" trees	$3,000.00
30+-36 inches	12-3" trees	$3,600.00
36+-42 inches	14-3" trees	$4,200.00
42+-48 inches	16-3" trees	$4,800.00
Over 48 inches	18-3" trees	$5,500.00

(a) The minimum size of replacement trees must be 3 inches in diameter as measured 6 inches above grade.

(b) Replacement trees must be of a variety which meets with the approval of the Zoning Officer and includes those listed in Appendix A. Silver Maple and other similar softwood species are excluded and shall not be permitted.

(c) A landscaping plan must be submitted and approved by the Zoning Officer prior to planting of the replacement trees.

52-002-H. TREE REMOVAL PERMIT REQUIRED

No mature tree (i.e. trees 6 inches or greater in diameter) may be removed from any publicly-owned property, excluding public rights-of-way, or private property located in the Multifamily, Commercial or Industrial Zoning Districts within the city limits of Rockford without first obtaining a tree removal permit from the Zoning Officer. The Zoning Officer must determine if said tree has been used to meet any of the requirements of this Zoning Ordinance before issuing any tree removal permit. If the tree has been used to meet the requirements of the Zoning Ordinance, then it must be replaced, if removed, in accordance with Table 53-002-F 2.

52-002-I. TREE REMOVAL PERMIT APPLICATION AND APPROVAL

An application must be accompanied by a written statement indicating reasons for removal of tree(s), and a description and photo of the tree(s) proposed for removal. A permit may be issued if one or more of the following conditions are present:

1. A safety hazard to pedestrians, *buildings* or vehicular traffic exists according to the Zoning Officer.
2. A tree is diseased, storm damaged, or weakened and should be removed in the opinion of the Zoning Officer.
3. Removal is necessary to observe good forestry practice due to crowding, as determined by the Zoning Officer.
4. A development plan, as per Section 52-004-A, including an "existing tree survey", a detailed *landscaping* plan, and a "tree protection and preservation plan", is submitted for review and meets with the approval of the Zoning Officer prior to the issuance of a tree removal permit.

52-003 LANDSCAPING OF FREESTANDING SIGNS

The base of all freestanding *signs* greater than 100 square feet and/or greater than 15 feet in *height* must be landscaped with *evergreen* and *deciduous shrubs* as follows: square footage of *sign* face times 0.75 equals number of required *landscape units*. These *landscape units* are in addition to other *landscaping* requirements.

52-004 APPROVAL PROCESS, ENFORCEMENT, AND MAINTENANCE

52-004-A. SUBMITTING OF PLANS

A site plan or *landscaping* plan, when required, must be submitted to the Zoning Officer with every application for zoning clearance for a *building* or *parking lot* permit for any proposed use or structure, or an addition to a use or structure, and prior to the start of work on development of any land area to be used for *multifamily* residential, commercial, or industrial uses. Site plans should be prepared by an architect or landscape architect, and *landscaping* plans should be prepared by a landscape architect and must meet all the requirements of Section 52-002 and include the following information:

1. The site plan must be drawn to scale and show *building* location, dimensions, setbacks, ingress and egress, *street* curbs, access ways, parking spaces, vehicular maneuvering areas, existing vegetation to remain, new landscape areas, paving, grading, fencing, curb cuts, lighting, and other improvements as may be required.
2. The *landscaping* plan must be drawn to scale and indicate the variety, quantity, size and location of all existing and proposed plant materials, as well as other landscape improvements such as earth *berms*, walls, *fences*, *screens*, lighting and paved areas, *parking lots*, *driveways* and protective barriers or curbing as required and proposed. Plans should include calculations of the required amount of interior landscaping and should indicate the interior planting areas used to comply with these requirements. Trees proposed for removal must be documented (see Section 52-002-H).
3. The *landscaping* plan must also contain a plant list which includes the plant materials by species and their size, quantity, root type and special characteristics.
4. The landscaping plan must illustrate a source of watering acceptable to the Zoning Officer that may include an irrigation system or a working hose bib connected to an active water supply within 150 feet of all landscaped areas.
5. A "tree protection and preservation plan" must be included which indicates methods and details for protecting existing trees, *shrubs* and other vegetation that are to remain and are to be protected during construction.
6. The landscape design will be subject to the following provisions:
   - **(a)** Wherever *landscaping* may interfere with traffic vision, the *height* must be maintained at or under 3 feet in *height*; placement must meet the approval of the Zoning Officer and the City Traffic Engineer.
   - **(b)** If location and circumstances dictate, plant material to be used should be resistant to salt damage and resistant to the fumes and emissions of automobiles.

52-004-B. APPROVAL OR DISAPPROVAL

The Zoning Officer must review the submitted plans and determine whether or not the minimum requirements and intent of this Ordinance have been met, prior to granting zoning clearance. The Zoning Officer has the right to approve or disapprove any landscape design which does not reasonably meet the requirements of this section. The granting of approval by the Zoning Officer may include such conditions deemed reasonable and necessary to carry out the intent of this Ordinance. In evaluating the *landscaping*/site plans, the Zoning Officer may consult other City officials such as the City Engineer and the City Forester. When consultation requests are made by the Zoning Officer, the consulted City official must respond with a written statement of findings.

52-004-C. ISSUANCE OF PERMITS

No certificate of zoning compliance may be issued by the Zoning Officer, and no certificate of occupancy may be issued by the Building Official unless the parking and *landscaping* improvements have been completed or a completion bond, a cash deposit, or a certified check to cover the cost of the approved improvements, as estimated by the City Engineer, has been deposited with the Finance Department.

52-004-D. COMPLETION OF IMPROVEMENTS

All *landscaping* and off-street parking and loading space improvements must be completed prior to the occupancy of any *building* or the commencement of use of the land. In the event of adverse weather conditions, the Zoning Officer may authorize a one-time extension of not more than 6

months, provided the property owner shows intent to complete the improvements as evidenced by a valid contract for completion of the required improvements.

52-004-E. MAINTENANCE

It is the owner's responsibility to maintain landscaped areas in a neat, clean and orderly manner, and to keep plant materials in a healthy condition. Any plants of any kind that die must be replaced within the same growing season with the same variety and size unless a change is approved by the Zoning Officer. Maintenance must include, among other things, adequate watering, pruning, mowing, and removal of litter not only of the owner's property, but also the area between the property line and the *street* curb or edge of pavement. At no time may plowed snow be deposited on woody plant materials or on the trunks of trees.

52-004-F. SUBSTITUTIONS, MINIMUM STANDARDS, AND RECOMMENDED PLANT LIST

1. SUBSTITUTIONS

If, due to seasonal planting problems or availability of plant material, plant substitutions are necessary, plant substitutions may be made after approval has been granted for a specific plan by the Zoning Officer, provided the following conditions are maintained:

(a) Any plant substitutions must meet the requirements for *evergreen* plant materials.

(b) Minor revisions to planting plans are acceptable if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, *ornamental*, or *evergreen trees*) and have the same general design characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth.

(c) If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed anew.

2. MINIMUM STANDARDS

Plant materials must conform to the requirements described in the latest edition of "American Standards for Nursery Stock," which is published by the American Association of Nurserymen.

(a) SIZE

Plants used for *screening* purposes must reach a minimum *height* of 36 inches within 3 years of installation unless otherwise approved by the Zoning Officer. All plants must be at least as large as the minimum size set forth below at the time of planting.

(1) *Shade trees* must be a minimum of 2 inches in diameter, measured 6 inches above grade and a minimum of 12 feet or greater in *height* when planted. *Shade trees* required for replacement of trees removed without a tree removal permit and in violation of Section 52-002-G.2 must be three 3 inches in diameter, measured 6 inches above grade and 14 feet in *height*, or greater.

(2) *Ornamental trees* must be one 1 inch in diameter, measured 6 inches above grade, and 6 feet in *height* or greater when planted.

(3) *Evergreen trees* must be 6 to 7 feet or greater in *height* when planted.

(4) *Evergreen shrubs* must be 18 to 24 inches or greater in *height* or spread, depending on the variety, when planted.

(5) *Deciduous shrubs*, dwarf and semi-dwarf *shrubs* must be 18 to 24 inches or greater in *height* or spread, depending on the variety, at the time of planting. Slow growing *shrubs* must be 3 to 4 feet in *height* or greater when planted.

(b) GRADE

Unless otherwise allowed for specific reasons, all trees must have comparatively straight trunks, well developed leaders and tops, and roots characteristic of the species, cultivar or variety showing evidence of proper nursery pruning. All plants must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.

(c) SPACING

Trees may not be grouped, but instead must be dispersed among the parking spaces or around the edges of the paved areas. All other plant materials should follow the spacing recommendations in Table 52-002-C.

(d) PROTECTIVE MEASURES

All landscape *planting beds* must be protected from damage by vehicular traffic, snow plows or other hazards with 6 inch high continuous concrete curbing, concrete parking blocks, stone curbing, or other similar permanent protective barriers as approved by the Zoning Officer. Decomposing materials, such as wooden railroad ties or landscape timbers are not be allowed as a substitute for this requirement as they have a short useful life and require frequent replacement as compared with stone and concrete.

52-005 RECOMMENDED PLANT SPECIES LIST

1. Appendix A lists recommendations for *Shade Trees*, *Evergreen Trees*, *Ornamental Trees*, *Evergreen Shrubs*, *Deciduous Shrubs*, *Perennial Plants* and Groundcover Plants suited for use in required landscape plantings of this ordinance. Applicants for zoning certifications and landscape approvals must make reference to this list.

Article 53 | HOME BUSINESSES

53-001 PURPOSE

This section provides for certain types of restricted home businesses within residential districts that are a benefit to both the community and the resident but that are incidental to the use of the home as a residence. The restrictions are intended to preserve the residential character of a neighborhood.

53-002 EXEMPTIONS FOR CERTAIN BUSINESSES

Home businesses in which the business consists entirely of communication via correspondence, telephone, fax or computer modem, and that involve no deliveries to the property by semi-tractor/trailer *trucks*, and where no clients, customers or students come to the premises for goods and services, shall not be required to obtain a *home business* permit.

53-003 GENERAL REGULATIONS

53-003-A. *Home businesses* may be conducted only within the residence and not in accessory structures.

53-003-B. No more than 20% of the total floor area of the *dwelling unit* may be used for both the business and related storage.

53-003-C. Retail sales are prohibited except for the sale of goods or products produced on the premises.

53-003-D. Only permanent residents of the home may be employed in the conduct of the business. Department of Children and Family Services-licensed group and *family* day- care homes are exempt from this limitation.

53-003-E. Business hours for customer services are limited to between 8:00 A.M. and 8:00 P.M.

53-003-F. There shall be no exterior indication of a *home business* and no exterior storage of materials to be used in conjunction with a *home business*.

53-003-G. Any *sign* is limited to a 2 square-foot *sign* indicating only the name of the resident and the address.

53-003-H. Deliveries by semi-tractor/trailer *trucks* are prohibited.

53-003-I. *Home businesses* shall produce no offensive noise, vibration, smoke, dust, odors, heat, electrical interference or stray lighting beyond the walls of the *dwelling unit*.

53-003-J. *Home businesses* that attract clients or students for services are not permitted in *multifamily dwelling* units of 3 units or more.

53-003-K. Total traffic generation for *home businesses* is limited to 20 vehicles per day.

53-004 USES PROHIBITED AS HOME BUSINESSES

Home businesses that fail to meet the requirements of Section 53-003 are not permitted and the following activities are expressly prohibited:

53-004-A. any repair of motorized vehicles, including the painting or repair of automobiles, *trucks*, trailers, boats, or small engine repair;

53-004-B. animal hospitals;

53-004-C. *kennels* and stables;

53-004-D. bird keeping facilities;

53-004-E. barber shops or beauty shops with more than one chair;

53-004-F. dancing schools;

53-004-G. restaurants;

53-004-H. funeral chapels or homes;

53-004-I. crematoria;

53-004-J. mausoleums;

53-004-K. *medical or dental clinics*;

53-004-L. any entertainment or assembly use;

53-004-M. the sale of firearms or ammunition;

53-004-N. construction businesses or *landscaping* businesses that provide the storage of goods and materials to be used in the operation of the business;

53-004-O. warehousing; and

53-004-P. welding or machine shops.

53-005 HOME BUSINESS PERMITS AND FEES

53-005-A. Permits are required and application may be made in the Zoning Office of the City of Rockford. A period of 15 days should be allowed for staff review of the request for a permit. Should the Zoning Officer make an unfavorable decision, the applicant may appeal this decision in accordance with the appeal procedures set forth in Article 66 of this ordinance.

53-006 INSPECTIONS

Home businesses are subject to annual inspections by the city staff personnel. Inspections will be conducted during the working day. The person to whom the permit was issued shall be present when the inspection takes place.

53-007 REVOCATION OF PERMITS AND FINES

53-007-A. Revocation of a *home business* permit may be made for the following reasons:

1. Any change in the use for which the permit was issued;
2. Failure to allow annual inspections;
3. Failure to remit the annual renewal fee within 30 days of the date due;
4. Noncompliance with any of the provisions herein; or
5. Violation of any city ordinance or State or federal law.

Article 54 | MOBILE HOMES

54-001 PURPOSE

The purpose of this section is to promote the placement of *mobile homes* only within *mobile home parks* or in *mobile home subdivisions* within the City of Rockford and to provide adequate standards to protect the public health, safety, convenience, and general welfare of the inhabitants thereof, and to provide regulations and standards for the development of a well designed community for permanent *mobile home* living.

54-002 GENERAL PROVISIONS AND REGULATIONS

54-002-A. Mobile homes shall be used for residential purposes only.

54-002-B. All mobile homes shall be served with a public water supply and sanitary sewer.

54-002-C. Maximum density shall be 6 units per acre with a minimum of 5,000 square feet of ground area per unit; units shall be at least 20 feet apart.

54-002-D. Each unit shall have a garage, or an accessory storage *building*, and an enclosed trash receptacle *screened* from view from the internal *driveways* and public *streets*.

54-002-E. *Driveways* and parking pads shall be hard-surfaced.

54-002-F. Each mobile home park or subdivision shall include outdoor recreation areas with playground equipment equal to 5 percent of the gross acreage of the development; a community *building* is required for a *mobile home park* of 100 or more units.

54-002-G. Each mobile home park or subdivision may have one *low-profile identification sign* 64 square feet in size.

54-003 REGULATIONS FOR A MOBILE HOME PARK

54-003-A. *Mobile home parks* may be located in the R-3 or R-4 Zoning districts by means of a special use permit.

54-003-B. Minimum parcel size is 5 acres.

54-003-C. A one-lot plat shall be recorded to provide utility easements and shall include 60 foot wide circulation easements.

54-003-D. Private roads shall be improved to the Department of Public Works standards for streets. Once established as private roads, the City of Rockford shall not accept ownership or maintain these roads.

54-003-E. Installation of a Type A *landscaping buffer* on all boundaries of a mobile home park.

54-004 REGULATIONS FOR A MOBILE HOME SUBDIVISION

54-004-A. *Mobile home subdivisions* may be located in R-1, R-2, R-3, and R-4 Zoning districts by means of a Special Use Permit.

54-004-B. A subdivision plat shall be recorded to establish lots, utility easements, and public or private *streets*.

54-004-C. Lots shall be a minimum of 5,000 square feet with a maximum density of 6 units per acre.

54-005 SPECIAL USE PERMIT FILING PROCEDURE

54-005-A. A pre-application conference must be scheduled with the Planning staff 15 days prior to the filing deadline for the next ZBA public hearing. At this time, a preliminary site plan shall be submitted for review that includes the following:

1. Boundaries and dimensions;
2. Land characteristics;
3. Proposed sites (or lots), roads, recreational areas;
4. Available utilities and easements for them;
5. Soils Report;
6. Tentative *landscaping* plan; and
7. Tentative drainage plan for the entire site.

54-005-B. An application for a special use permit may be placed on file for public hearing when a final site plan is submitted that meets all regulations of this Section.

Article 55 | FENCES AND DUMPSTER ENCLOSURES

55-001 FENCING REGULATIONS

55-001-A. REQUIRED FENCING OF DUMPSTERS

All *dumpsters* used to service multi-unit residential *buildings* and commercial and industrial uses must be *screened* on all sides by materials that are consistent with the materials used in the principal structure or alternative materials approved by the Zoning Officer excluding wood fencing but including and not limited to finished masonry block, trex board, or steel deck with frame to create a permanent *sight obstructing fence* with a minimum *height* of 6 feet. One side of the storage area may be furnished with an opaque, lockable gate. No fencing is required when the applicant can demonstrate to the Zoning Officer that all trash facilities will be enclosed within a *principal building* or within an accessory structure such as a garage. Where feasible, all *dumpsters* and trash facilities must be located behind a *building* and setback so that refuse *trucks* are completely off the public *right-of-way* when servicing the facility.

55-001-B. GENERAL FENCING REGULATIONS

1. *Fence* Permit: No *fence* shall be erected unless the property owner or his/her authorized agent has first obtained a permit therefore from the Zoning Officer. A detailed *fence* plan, including construction and elevation details drawn to scale, must be submitted with the *fence* permit application form to the Zoning Officer. If any *fence* is erected prior to obtaining a *fence* permit, the *fence* shall be removed if it is in violation of this Ordinance; or, if the *fence* meets all the restrictions of this Ordinance, it may remain only if a *fence* permit is obtained within 30 days after notice from the City at double the regular fee. All *fence* permits shall be valid for 120 days from the date of approval by zoning staff. If any *fence* permit expires prior to the completion of construction of the *fence*, then another *fence* permit must be obtained and another fee paid. It shall be unlawful for any person to erect or maintain a *fence* of any type not in full compliance with the applicable provisions of this Ordinance. (See Section 71-003 for violation penalties.)

2. All *fences* shall be installed with the finished side facing the adjacent property or public *right-of-way*, and the *fence* posts must be located on the inside of the *fence* facing the property on which the *fence* is located, unless the *fence* is designed and constructed to look the same on both sides of the *fence*.

3. There shall be no *height* restrictions for *non-sight-obstructing fencing* located on publicly-owned parkland or school property that is used to enclose publicly-owned parks, recreation areas or school sites. *Sight-obstructing fencing* shall meet all the restrictions of the zoning district in which the property is located.

4. It shall be unlawful for any person to erect or maintain in any residential or commercial zoning district (except around utility installations or substations) within the City any barbed wire *fence* or spiked railing, or any guard or barricade to which there is attached any barbed wire or any sharp or pointed instrument, device or thing of any kind or description that is designed, intended or liable to injure any person coming in contact therewith. Barbed wire shall be permitted on industrially-zoned property. However, the use of barbed wire on industrial-zoned property will be limited to the top portions of any *fence* and must be located a minimum 6 feet above grade.

5. *Fences* of any material with pointed pickets of any kind that have an angle less than ninety (90) degrees must be terminated at the point with at least a one-quarter inch (1/4")flat surface or one-quarter inch (1/4") ball or radius.

6. It shall be unlawful for any person to erect or maintain any electric *fence* within the City.

7. All *fences* must be constructed and maintained in a safe and secure condition. The fencing materials used must be those customarily used: chain link/metal (not less than 11 gauge thickness), wrought iron, aluminum, wood (chemically treated or naturally resistant to decay), polyvinyl chloride (PVC), concrete, masonry. Alternate materials may be used if the Zoning Officer determines they are safe and attractive. All other materials are prohibited including: chicken wire, welded mesh wire, corrugated or sheet metal, solid plywood, scrap lumber, common concrete, cinder block, and construction, snow and other temporary fencing as permanent fencing.

55-001-C. FENCE HEIGHT IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS

1. HEIGHT IN FRONT YARDS

(a) *Fences* measuring a maximum of 4 feet in *height*, as measured from existing grade, are permitted in the *front yard* up to the property line. However, any fence located within a front yard must be a decorative fence—wood, masonry, wrought iron but not chain link. However, only a 3 foot high, *sight-obstructing fence* or a 4 foot high *non-sight-obstructing fence* is allowed within the area of a *sight-triangle* at any intersection of *streets* or *alleys*.

(b) *Fences* measuring a maximum of 6 feet in *height*, as measured from existing grade, are permitted up to the property line along an arterial *street* (as designated in the *Rockford 2020 Plan* or the Rockford Area Transportations Study), if the lot has frontage on both an arterial *street* and a second parallel *street* and the residence faces the second *street* then the 6 foot tall *fence* will be limited to the arterial *street* frontage. However, any fence located within a front yard must be a decorative fence—wood, masonry, wrought iron but not chain link..

2. HEIGHT IN SIDE AND REAR YARDS

(a) *Fences* measuring a maximum of 6 feet in *height*, as measured from existing grade, are permitted up to the property line in a side or *rear yard*, except that no *sight-obstructing fence* over 4 feet high may be located within 2.5 feet of an *alley* and no *sight-obstructing fence* of any height may be located within a *sight-triangle* of intersecting *streets* and/or *alleys*. The side or *rear yard* begins at the *front yard* setback line required by this Ordinance, or the existing setback of the principal structure located on the lot, whichever is less.

55-001-D. FENCE HEIGHT IN INDUSTRIAL DISTRICTS

1. HEIGHT IN FRONT YARDS

(a) *Fences* measuring a maximum of 4 feet in *height*, as measured from existing grade, are permitted in the *front yard* up to the property line. However, only a 3 foot high, *sight-obstructing fence* or a 4 foot high *non-sight-obstructing fence* is allowed within the area of a *sight-triangle* at any intersection of two *streets*.

(b) *Fences* measuring over 4 foot and up to 6 feet in *height*, as measured from existing grade, are permitted in the *front yard* if set back from any *street right-of-way* line at least 10 feet.

(c) *Fences* measuring over 6 feet and up to 8 feet in *height*, as measured from existing grade, are permitted in the *front yard* if set back from any *street right-of-way* line at least 20 feet.

(d) *Fences* measuring over 8 feet and up to 10 feet in *height*, as measured from existing grade, are permitted in the *front yard* if set back from any *street right-of-way* line at least 30 feet. (Ord. 1994-27-O)

2. HEIGHT IN SIDE AND REAR YARDS

(a) *Fences* measuring a maximum of 10 feet in *height*, as measured from existing grade, are permitted in side and *rear yards* up to the property line, except when adjacent to an *alley*; then, any *sight-obstructing fence* over 4 feet in *height* must be set back a minimum of 2.5 feet from the *right-of-way* line of any *alley*.

Article 56 | LIGHTING

56-001 LIGHTING STANDARD

Any outside lighting of structures, *yards* or *parking lots* shall be shaded and/or directed away from residential uses or public roadways. Only luminaries with less than 75 degree cutoff shall be allowed, and the direct light sources shall not be visible from any adjacent residential districts or public streets. The *Maximum Permitted Illumination*, measured in foot-candles, shall be allowed in accordance with the following schedule of *Maximum Permitted Illumination* (See definition of *Maximum Permitted Illumination*). The Zoning Officer will require plans illustrating the levels of illumination in case where new parking lots, car sales lots, gas stations, convenience stores, and other similar uses are proposed to be located adjacent to residential properties. In addition, when the Zoning Officer takes enforcement actions related to these standards the measurements of the level of illumination will be taken at the property line.

Subject Property	Zoning of Adjacent Property					
	RE, R-1, R-1U	R-2	R-3, R-4, C-1	C-2, C-4	C-3, I-1	I-2, I-3
RE, R-1, R-1U	.5	.5	.5	.5	.5	.5
R-2	.5	.5	.5	.5	.5	.5
R-3, R-4. C-1	.5	.5	.5	1.0	2.0	2.0
C-2, C-4	.5	.5	1.0	2.0	3.0	3.0
C-3. I-1	.5	.5	1.0	2.0	3.0	3.0
I-2, I-3	.5	.5	1.0	2.0	3.0	3.0

Article 57 | Accessory Uses, Buildings, and Structures

57-001 Purpose

Unless otherwise expressly stated in this Zoning Ordinance, it is the intent of this ordinance to allow *accessory uses, buildings,* and structures when clearly subordinate to the *principal use*.

57-002 Zoning Officer's Determination

The Zoning Officer is authorized to determine when a use, *building,* or structure meets the definition of an *accessory use*, *accessory building,* or accessory structures. In order to classify a use, *building,* or structure as "accessory," the Zoning Officer must determine that the use, *building,* or structure:

57-002-A. is subordinate to the *principal building* or *principal use* in terms of area, extent, and purpose;

57-002-B. in residential districts, it contributes to the comfort, convenience, or necessity of occupants of the *principal building* or *principal use* served; and

57-002-C. is located on the same *zoning lot* as the *principal building* or *principal use* served, and that the accessory structure is not intended for habitation or business use in residential districts.

57-003 General Standards

57-003-A. An *accessory building* or structure may not be constructed on any lot before the construction of the *principal building* to which it is accessory.

57-003-B. The total floor area of detached *accessory buildings* in an R-1 or R-1U districts may not exceed 720 square feet or occupy more than 30% of the area of a required rear setback, whichever is greater.

57-003-C. The total floor area of detached accessory structures in other residential districts shall be based on the total number of required parking spaces and the typical size of a parking garage with limited storage. For each required parking space, there may be 264 square feet of *accessory building* space. For example, if six (6) parking spaces are required, then 1,584 square feet of accessory structure space is permitted. (6 x 264 square feet)

57-003-D. In Commercial and Industrial Districts, an accessory structure may occupy up to 60% of the required *rear yard*.

57-003-E. No detached *accessory building* or structure located in a residential district may exceed 18 feet in *height*. In commercial and industrial districts, accessory structures are limited to a *height* of 20 feet.

57-003-F. Detached accessory structures must comply with the *front yard* requirements of the principal structure. Where the principal structure encroaches within the required *front yard*, the accessory structure must be set back at least the same distance as the principal structure.

57-003-G. Detached accessory structures are required to have side and *rear yards* of at least 2 ½ feet; the gutters and eaves of accessory structures may overhang up to one foot into the 2.5 foot *yards*.

57-003-H. Detached accessory structures located adjacent to an existing public *alley* must be set back a minimum of 2.5 feet from the *alley right-of-way* line. Detached accessory

structures in new residential development projects that incorporate private alleys must have an 8 foot setback from the alley right-of-way line.

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Article 60 | General/Common Procedures

60-001 Zoning Clearance, Certificate of Zoning Compliance, and Building Permit Review

60-001-A. Purpose

As provided in this Article, any construction or alteration of a *building* or other structure and any new use of land or a *building* must be cleared with the Zoning Officer to make certain that it is in compliance with this Ordinance. The purpose of this requirement is to assure effective enforcement of zoning and also to afford protection to owners and users of property by providing for an advanced determination of whether a proposed development or use will be in compliance with this Ordinance. In order to lessen the burden upon property owners and to avoid unnecessary administrative duplication, the procedures under this Article are, wherever possible, combined with already existing procedures.

60-001-B. Definitions

1. Zoning Clearance

A zoning clearance is a statement issued by the Zoning Officer stating the existing zoning provisions that apply to a given parcel or parcels of property. The following should be specifically stated in the zoning clearance:

(a) The zoning district(s) within which the property is located.

(b) Any additional regulations which apply to the subject property, such as those specified by special use permit, variation, or other action by the Zoning Board of Appeals or the City Council, and also including judiciary action.

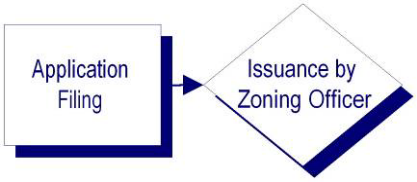
(c) Status of any non-conformity that exist on the subject property.

(d) If a specific use is proposed and the extent of the proposed use is indicated and accompanied by plans and additional information as necessary, then applicable parking, *sign* and other regulations should be stipulated.

2. Certificate of Zoning Compliance

A Certificate of Zoning Compliance is a written statement issued by the Zoning Officer stating to the best of the Officer's ability that existing *buildings* or structures and the proposed use of said *buildings* or structures and/or the proposed use of subject property is in compliance with all of the provisions of this Zoning Ordinance and any amendments, variations, special use permits granted, or any other Zoning Board of Appeals, City Council or court action related thereto.

60-001-C. Application and Issuance of a Zoning Clearance



Application for a zoning clearance shall be made on a form prescribed by the Zoning Officer and shall be accompanied by plans and additional information that is necessary to demonstrate conformity with this Ordinance. The Zoning Officer shall determine the information and plans necessary to demonstrate compliance with the ordinance. The Zoning Officer shall, upon receipt of

all necessary information, check the application and all data submitted with it to see that all provisions of the Ordinance will be complied with. In the event a proposed development does not comply with the provisions of the Ordinance, a zoning clearance shall not be issued; however, the aspects of the proposed development or use that do not comply shall be specified.

1. DEVIATIONS IN PLANS

A plot plan containing minor deviations from the plan previously approved as part of an application for a special use permit, including a modification or renewal thereof, variation, or zoning map amendment, may be approved by the Zoning Officer, subject to all of the following limitations and provisions:

(a) The end result of all such deviations will be a development that is in substantial compliance with the previously approved plot plan and all the conditions imposed at the time of approval by the Zoning Board of Appeals or City Council, whichever is appropriate.

(b) All proposed deviations are considered by the applicant to be necessary and, in the determination of the Zoning Officer, will result in a use of the property that is consistent with the objectives of this Ordinance and the purposes for which the underlying approval was granted.

(c) The specific location of *buildings* or structures may be altered, provided they will be substantially in the same general location on the property as shown on the previously approved plan, and will not infringe upon or extend into any required *building* setback or *yard*, off-street parking or loading space, or required distance between *buildings*.

(d) The shape or size of the *buildings* or structures may be altered, provided the amount of land to be occupied is increased not more than ten percent (10%) of the amount proposed to be occupied as shown on the previously approved plan.

(e) The off-street parking or loading space arrangement may be redesigned or relocated, provided the new arrangement complies with all applicable requirements

(f) Any proposed deviation shall not result in a change in any previously imposed condition, nor shall it result in an enlargement or increase in any previously approved variation.

(g) The type of land use shall remain the same as was considered and approved by the Zoning Board of Appeals or City Council, whichever is appropriate.

(h) All construction of new *buildings* requires the installation of sidewalks on the adjoining public *right-of-way*.

60-001-D. ISSUANCE OF CONSTRUCTION PERMITS

No *building* permit or other permit pertaining to the construction of new *buildings* or structures, or to the enlargement or change in use of *buildings* or structures, or the use of land or *buildings* shall be issued by an officer, department, or employee of the City of Rockford unless the application for such permit has been examined by the Zoning Officer and has affixed to it a zoning clearance stating that the proposed *building* or structure and use thereof complies with all the provisions of this Ordinance.

Application for a certificate of zoning compliance shall be made on a form prescribed by the Zoning Officer and shall be accompanied by a plat and plot plan as specified below.

60-001-E. TIMING OF CERTIFICATE OF ZONING COMPLIANCE

No certificate of zoning compliance shall be issued until construction has been completed or the use has been established but not initiated and has been inspected and certified by the Zoning Officer to be in compliance with all provisions of this Ordinance. A certificate of zoning compliance shall be issued or written notice shall be given to the applicant stating the reasons why the Zoning Officer will not issue a certificate of zoning compliance.

60-001-F. CERTIFICATE OF ZONING COMPLIANCE REQUIRED

No *building* or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing *building* shall be occupied, and no land that is vacant on the effective date of this Ordinance shall be used for any purpose until a certificate of zoning compliance has been issued by the Zoning Officer. No change in use to the production, processing or storage of materials or goods, and no change in use from the production, processing, or storage of one kind of materials or goods to another kind shall be made until a certificate of zoning compliance has been issued by the Zoning Officer. Every certificate of zoning compliance shall state that the intended use or occupancy of the property complies with this Ordinance.

60-001-G. PLAT

Every application for a certificate of zoning compliance shall be accompanied by a plat legally recorded under the laws of the State of Illinois and Winnebago County giving a legal description, including a reference to a piece or parcel of land, lot or lots, block or blocks, or parts or portions thereof, legally recorded pursuant to the laws of the State of Illinois and Winnebago County.

60-001-H. PLOT PLAN

Every application for a certificate of zoning compliance shall be accompanied by a plot plan drawn to scale in such form as may, from time to time, be prescribed by the Zoning Officer. Such plot plan shall show the location of the *building*, lot area, *height* and *bulk* of the *building* or structure, the *building setback lines* in relation to lot lines, the use to be made of the *building* or structure or land, and such other information as may be required by the Zoning Officer for the proper enforcement of this ordinance. The property owner shall be responsible for locating and identifying the property identification numbers if required by the Zoning Officer.

60-002 ISSUANCE OF A CERTIFICATE OF OCCUPANCY

No certificate of occupancy, as required in the Building Codes, shall be issued by the Building Official until a certificate of zoning compliance has been issued.

Article 61 | SITE PLAN REVIEW

61-001 PURPOSE

Site plans and elevation drawings are required in some (specified) cases to ensure that proposed development complies with all applicable standards of this Zoning Ordinance and is compatible with the physical character and existing pattern of development in the neighborhood in which it is to be located. Site plan review is also required for projects listed in the use tables as performance requirement uses. Where a site plan is required by another article or section of this ordinance then nothing in this Article will require submission of a separate or distinct site plan.

61-002 APPLICATIONS

61-002-A. FILING

Applications for site plan review must be filed with the Zoning Officer. All site plans must be drawn to scale and they must identify the property lines that identify the boundaries of the parcel.

61-002-B. CONTENTS

1. Site plans must illustrate:

(a) *building* location;

(b) curb cuts;

(c) sidewalks;

(d) parking and loading areas;

(e) *landscaping*, lighting and *signs*;

(f) fencing and outdoor storage areas; and

(g) waste storage and compacting facilities.

2. A map of surrounding land uses and *buildings* for a distance of one block in all directions also must be provided.

3. Elevations must be provided for all of the proposed *building* façades.

4. *Building* materials for the proposed *building* must be specified.

61-003 REVIEW AND ACTION—ZONING OFFICER

The Zoning Officer must review the site plan application in a timely fashion. All applications must be complete and in a form acceptable to the Zoning Officer in order for an applicant to initiate the site plan review process. .

61-004 REVIEW AND DECISION-MAKING CRITERIA

In reviewing and making decisions on site plans, the Zoning Officer must consider whether the proposed development complies with all applicable standards of this Zoning Ordinance. The Zoning

Officer is required to issue a decision on the site plan application in writing and such decision must thereafter be served upon the applicant.

61-005 APPEALS OF DISAPPROVED SITE PLANS

61-005-A. A site plan review application that is denied by the Zoning Officer may be appealed by the applicant to the Zoning Board of Appeals by filing a written appeal with the Zoning Officer within 45 days of the date of the disapproval. Appeals will be heard consistent with Article 66.

61-005-B. In the event a written appeal is received within the time required, the Zoning Officer must transmit to the Zoning Board of Appeals the appeal request and the written decision disapproving the site plan application. The Zoning Board of Appeals shall schedule a hearing on the appeal at its next regular meeting provided that such hearing shall be held more than 15 days after the filing of the appeal.

The hearing must be conducted and a record of the proceedings must be made in such manner and according to such procedures as prescribed in Section 66-003. Following such hearing, the Zoning Board of Appeals shall prepare written findings and a decision on the site plan appeal, which findings and decision shall be transmitted to the applicant and the City Council.

Article 62 | ZONING MAP AND TEXT AMENDMENTS

62-001 PURPOSE

This ordinance may be amended by changing the boundaries of any district or by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception, or other provisions thereof in accordance with the procedures required in this Article.

62-002 INITIATION

62-002-A. BOUNDARY AMENDMENTS

1. A change in the boundaries of any district may be initiated by application of any person, firm or corporation owning or leasing property in the City of Rockford. If a proposed change of a district is for a property or properties under multiple ownership then all the owners, or their authorized agents, shall join in filing the application.
2. A change in the boundaries of any district may be initiated by the City Council by adoption of a resolution instructing the Zoning Officer to file an application that is subject to the notice and hearing requirements described in Section 62-005-A.

62-002-B. REGULATION OR TEXT AMENDMENTS

1. A change in the regulations affecting any district may be initiated by any resident of the City of Rockford or any person, firm or corporation owning or leasing property in the City of Rockford.
2. A change in the regulations affecting any district may be initiated by the City Council by adoption of a resolution instructing the Zoning Officer to file an application that is subject to the notice and hearing requirements described in Section 62-005-B.

62-003 APPLICATION PROCEDURE FOR A TEXT AMENDMENT

Any person desiring to propose a change in regulations, or his authorized agent, may file with the Zoning Officer an application thereof on a form prescribed by the Zoning Officer stating clearly the nature of the proposed change. The Zoning Officer will refer the proposed text amendment to the Zoning Board of Appeals for a hearing and recommendation and to the City Council.

62-004 APPLICATION PROCEDURE FOR A BOUNDARY AMENDMENT

A property owner desiring to propose a change in the boundaries of the district in which his property is located, or his authorized agent, may file with the Zoning Officer an application for a change in district boundaries on a form prescribed by the Zoning Officer which shall include the following information and material:

62-004-A. Name and address of applicant.

62-004-B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in regulations is proposed. If an authorized agent of the owner is the applicant, the agent shall also submit the written statement of the owner authorizing the agent to submit the application.

62-004-C. Address, property tax code number and accurate legal description of the property.

62-004-D. An accurate scaled drawing of the site showing existing and proposed locations of *streets*, property lines, setback lines, uses, structures, *driveways*, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.

62-004-E. A list of the names and addresses of the owner of record of each property located adjacent to and/or directly across a *street* or *alley* from the property and the property tax code number for each property.

62-004-F. The application shall be accompanied by the prescribed fee as established in a fee ordinance adopted by City Council.

62-004-G. A Soil and Water Conservation District report.

62-004-H. A statement setting forth the nature and extent of this request.

62-004-I. Such other information as the zoning officer may determine to be relevant to the request.

62-005 PUBLIC HEARING NOTICE

The Zoning Board of Appeals shall hold a public hearing on each application for a change in district boundaries or for a change in regulations. The hearing shall be conducted and a record filed in the Zoning Office.

62-005-A. NOTICE OF BOUNDARY AMENDMENTS

Notice of the date, time, place and subject matter of the hearing shall be given by:

1. Posting notice on the property not less than 10 days prior to the hearing; and
2. Sending written notice by the United States mail, first class, addressed to the owners listed by the applicant under Section 62-004-E above and by delivering notice to the alderman of the ward. Failure of property owners to receive said notice because of change of mailing address, or other reasons beyond the Zoning Officer's control, shall not invalidate the proceedings; and
3. Publishing notice at least once in one or more newspaper published in the City of Rockford, not more than 30 or less than 15 days before the hearing.

62-005-B. NOTICE OF REGULATION (TEXT) AMENDMENTS

Notice of the public hearing to be held on proposed changes in district regulations or any provision of the Zoning Ordinance text shall be given by publication or a suitable notice in a newspaper of general circulation in the City of Rockford. Such notice shall be published not more than 30 or less than 15 days prior to the hearing date and the contents of the notice need be only of a general nature referring only to the general subject matter and the appropriate articles or sections of the zoning ordinance affected.

62-006 STAFF REPORT AND RECOMMENDATION

The Zoning Officer, or his designated staff, shall submit a report and recommendation to the Zoning Board of Appeals on the proposed amendment at the time of public hearing.

62-007 FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

Within 35 days following the close of the public hearing on an application for a zoning map amendment, the Zoning Board of Appeals must make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Ordinance as prescribed in Article 10 and Rockford's *official comprehensive plan*. If the Zoning Board of Appeals fails to make findings and a

recommendation within 35 days, then it will be assumed that the Board's recommendation is denial of the application. The Zoning Officer shall forward the report and recommendations to the City Council and the Mayor within 10 days after action by the Zoning Board of Appeals.

62-008 DISPOSITION BY COUNCIL

Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee, and thereafter, the City Council shall, without further public hearing, approve, reverse, or modify the recommendation of the Zoning Board of Appeals or refer it back to the Zoning Board of Appeals for further consideration. An amendment to this ordinance shall be passed by a majority vote of the City Council present. In the following cases, an amendment shall be passed only by the favorable vote of 2/3 of all of the aldermen on City Council:

62-008-A. If a written protest against the proposed amendment is filed with the Legal Director prior to the commencement of the meeting at which the City Council votes on the amendment and is signed and acknowledged by the owners of record of 20% or more of:

1. The lineal footage of property immediately adjoining or directly across an *alley* from the property for which an amendment has been proposed; or
2. The frontage or lineal footage directly opposite and across a *street* from the property for which an amendment has been proposed; or
3. The footage for which the amendment has been proposed.

62-008-B. Said protest must be served upon the applicant and his attorney in the manner provided by 65 ILCS 5/11-13-14.

62-009 EFFECT OF DENIAL ON AN AMENDMENT

No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of 1 year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Officer.

Article 63 | SPECIAL USE PERMITS

63-001 PURPOSE

The formulation and enactment of a comprehensive Zoning Ordinance is based on the division of the entire City into districts, within which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which may be necessary or desirable to allow in a given district, but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated in terms of location and/or operation for the purposes of protecting the community. Such uses are classified in this ordinance as "special uses" and fall into the following general categories:

63-001-A. Uses that have special impacts, unique characteristics, or potentially adverse effects on the neighborhood surrounding the subject site.

63-001-B. Uses that because of their unique characteristics benefit from a case-by- case review of their compatibility with both the existing and planned land uses in the area. This case-by- case assessment allows for review of the design, location, size, and operating characteristics of the proposed use. The process allows the City to judge whether the proposed use will create significant noise, traffic, environmental, or other impacts that may be objectionable or detrimental to other permitted uses in the vicinity.

63-001-C. Uses that have significant visual impacts (e.g. outdoor storage or operations), unique traffic impacts (e.g. drive-through businesses or entertainment facilities), significant environmental impacts (e.g. waste-handling facilities and certain heavy industrial uses) that benefit from an individual assessment of whether the proposed site is suitable for the development and whether the proposed location would have any adverse impacts on adjoining roads or other *public services* or facilities.

63-001-D. It is the presumption of this Ordinance that special uses are not appropriate in a location unless the City determines that all criteria for granting a special use permit have been satisfied either with or without conditions.

63-002 APPLICATION FOR A SPECIAL USE

An application for a special use permit shall be filed on a prescribed form with the Zoning Office. The applicant must include a written description of the proposed use and statements describing how the proposed use conforms to the standards set forth in this Ordinance. In addition, each application must include the following information and material:

63-002-A. Name and address of applicant.

63-002-B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the special use permit is proposed. If an authorized agent of the owner is the applicant, the agent must also submit the written statement of the owner authorizing the agent to submit the application.

63-002-C. Address, property tax code number and accurate legal description of the property.

63-002-D. An accurate scale drawing of the site showing existing and proposed locations of *streets*, property lines, setback lines, uses, structures, *driveways*, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.

63-002-E. A list of the names and addresses of the owner of record of each property located adjacent to and/or directly across a *street* or *alley* from the property and the property tax code number for each property.

63-002-F. The application shall be accompanied by the prescribed fee as adopted by the Rockford City Council.

63-002-G. Detailed *landscaping* plans whenever the use involves a parking area which is required to be landscaped; such plans must identified the required landscape areas and should specify plant materials, trees, and other improvements planned. The submission of any landscape plan will be at the discretion of the Zoning Officer and such plans will not be required for projects where the Zoning Officer determines there is a minimal landscaping requirement or in the case of projects where the City is providing financial assistance for redevelopment, and for other projects where the City has the necessary guarantees or assurances that the required landscaping will be installed.

63-002-H. Soil and Water Conservation District report.

63-002-I. An application for a *bed and breakfast* establishment shall also include the following: a floor plan drawn to customary engineering or architectural scale of the proposed *bed and breakfast* establishment showing all rooms and a designation of the room's use, including guest rooms, owners rooms, kitchen and common use rooms; and photographs of the proposed *bed and breakfast building*, *accessory buildings* and the *zoning lot*.

63-002-J. A statement setting forth the nature and extent of this request and explaining how the request satisfies the standards for a special use permit.

63-002-K. Such other information as the zoning officer may determine to be relevant to the request.

63-003 HEARING OF APPLICATION

Upon receipt in proper form of the application and statement, the Zoning Board of Appeals shall hold at least 1 public hearing on the proposed special use permit. The hearing shall be conducted and a record filed in the Zoning Office. Hearings will be conducted in compliance with the rules of procedure adopted by the Zoning Board of Appeals. Notice of the date, time, place and subject matter of the hearing shall be given by:

63-003-A. Posting notice on the property not less than 10 days prior to the hearing; and

63-003-B. Sending written notice via the United States mail, first class, addressed to the person or persons to whom the general real estate taxes for the last preceding year were billed for each lot or tract adjacent to the subject property and delivering notice to the alderman of the ward. Failure of property owners to receive said notice because of change of mailing address, or other reasons beyond the Zoning Officer's control, will not invalidate the proceedings; and

63-003-C. Publishing a notice at least once in one or more newspapers published in the City of Rockford, not more than 30 nor less than 15 days before the hearing, containing the particular location for the request and a brief statement of what the special use permit request consists.

63-004 STAFF REPORT AND RECOMMENDATION

The Zoning Officer or his designated staff shall submit a report and recommendation to the Zoning Board of Appeals on the proposed special use at the time of the public hearing.

63-005 FINDINGS OF FACT AND RECOMMENDATION BY ZONING BOARD OF APPEALS

For the Zoning Board of Appeals to recommend approval of an application for any requested special use permit, it must find that each of the following items is met:

63-005-A. The establishment, maintenance or operation of the special use permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

63-005-B. The special use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the neighborhood.

63-005-C. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

63-005-D. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

63-005-E. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public *streets*.

63-005-F. The special use must, in all other respects, conform to the applicable regulations of the district in which it is located, except in those instances wherein either the use of the property is nonconforming, in which case, exceptions may be made as appropriate to result in the *nonconforming use*, or property becoming more compatible with the existing character of the area.

63-006 ZONING BOARD OF APPEALS MAY CONDITION ITS RECOMMENDATIONS FOR APPROVAL OF A SPECIAL USE PERMIT

The Zoning Board of Appeals may include as part of its recommendation such conditions or restrictions upon the construction, location and operation of a special use as deemed necessary to secure the general objective of this Ordinance. Such conditions or restrictions shall include, but not be limited to, provisions for the protection of adjacent property, the expiration of said special use permit after a specified period of time, and off-street parking and loading provisions. Any special use permit approved with a condition limiting the period during which the special use permit will remain in force will automatically be subject to the renewal provisions of 63-013.

63-007 DEADLINE FOR ZONING BOARD OF APPEALS RECOMMENDATIONS

Within 35 days after the close of a public hearing on a proposed special use permit, the Zoning Board of Appeals shall make a recommendation accompanied by findings of fact in accordance with the provisions of Section 63-005 of this Ordinance and submit it to the Zoning Officer. If the Zoning Board of Appeals fails to make findings and a recommendation within 35 days, then it will be assumed that the Board's recommendation is denial of the application.

63-008 SUBMISSION TO COUNCIL

Within 10 days following the date of a recommendation by the Zoning Board of Appeals on a special use permit application, the Zoning Officer shall transmit, or cause to be transmitted, written notice of said recommendation with findings of fact to the City Council and the Mayor.

63-009 DISPOSITION BY COUNCIL

Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee and thereafter, the City Council shall, without further public hearing, approve, reverse or modify the recommendation of the Zoning Board of Appeals, or refer it back to the Zoning Board of Appeals for further consideration. Every approval of a special use permit shall be made by ordinance and shall be accompanied by a written finding of fact based on the factors listed in Section 63-005. The ordinance approving the special use permit may include any conditions recommended by the Zoning Board of Appeals or such other conditions that the City Council may establish. In addition, as a condition of approval of a special use permit, the applicant (or designated representative) for a special use permit may be required to sign an acknowledgement and acceptance of the terms and conditions imposed by the special use permit ordinance. Disposition of an application for a special use permit shall be made by majority vote, except any application for a special use permit which fails to receive recommendation of approval of the Zoning Board of Appeals shall not be approved by the City Council, except by the favorable vote of 2/3 of the aldermen. A copy of the action taken on an application for a special use permit shall be supplied to the Zoning Office within 10 days of the date on which City Council acted on it. A special use permit shall be effective upon the passage, approval and publication of the Ordinance approving it, as provided by law.

63-010 SPECIAL USE PERMITS TO RUN WITH THE LAND

A special use permit granted pursuant to the provisions of this Article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which is the subject of the special use permit application. However, any special use permit is subject to Section 63-012 regarding the lapse of a special use permit and to the provisions of this ordinance related to the expiration and Section 63-016 related to the revocation of permits.

63-011 EFFECT OF DENIAL OF A SPECIAL USE PERMIT

No application for a special use permit that has been denied wholly or partly by the City Council shall be resubmitted for a period of 1 year from the date of said denial by the City Council, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Officer.

63-012 LAPSE OF A SPECIAL USE PERMIT

The approval of an application for a special use permit, including modification or renewal of such permit will lapse and become void under the following conditions:

63-012-A. If there is no *building* or construction-type work involved and if use of the property has not commenced within 2 years of the effective date of the special use approval or the approval of a permit modification or renewal then the special use permit shall lapse. However, that whenever the property involved is located in such an area that it cannot be used until public *streets* and/or utility lines have been installed, then the special use permit shall lapse if the use on the property has not commenced within 2 years of the date on which the necessary public *street* and/or utility lines were installed and available for use.

63-012-B. If there is some type of *building* or construction work involved and if any necessary *building* permit has not been obtained within 2 years of the effective date of the special use approval or the approval of a permit modification or renewal or the use of the property is not commenced within 3 years from the date upon which the appropriate application was approved then the special use permit shall lapse. However, whenever the property involved is located in such an area that it cannot be used until public *streets* and/or utility lines have been installed, then the special use permit shall lapse if the necessary *building* permit has not been obtained within 2 years of the date that the necessary public *street* and/or utility lines have been

installed, and the use of the property is not commenced within 3 years of the date on which the public *street* and/or utility lines have been installed and available for use.

63-012-C. If the use of the property as authorized by the special use permit, or modification or renewal, is commenced and, at a later date, is discontinued for a period of 24 consecutive months or there is evidence of a clear intent on the part of the owner to abandon the special use on the property prior to such 24-month discontinuance, then the special use permit shall lapse. If the use of the property as authorized by the special use permit, or modification or renewal, is commenced and, at a later date, discontinued for a period of 12 to 23 consecutive months, the special use permit, including a modification or renewal of such special use permit will require staff review and a "finding of fact" by the Zoning Officer before the special use can be reestablished. In this case, staff shall perform a review using the six standard "findings of fact" criteria listed in Section 63-005 of this Ordinance. If a positive review is made to all six criteria and there is evidence that all conditions on the approval have been or will be satisfied, a zoning clearance shall be issued to reestablish the special use. If a negative review is made for one or more of the six criteria, the Zoning Officer shall deny the request to reestablish the special use and the special use permit shall lapse. In this event, the applicant may appeal the Zoning Officer's decision and/or file an application for a special use permit. Anytime within the 24 month period provided for in this Section an applicant may apply for the renewal of a special use permit from the Zoning Officer; after the 24 month period a new application must be submitted to the Zoning Board of Appeals.

63-013 RENEWAL OF A SPECIAL USE PERMIT

63-013-A. LIMITATIONS

A special use permit granted for a limited period of time may be renewed for an additional period of 2 years, provided that, prior to the end of the period for which the special use permit had been authorized, an application for renewal of the special use permit is filed with the Zoning Board of Appeals.

1. APPLICATION

An application for renewal of a special use permit shall be submitted on a form provided for that purpose and shall be filed in such time that it may be scheduled to be acted upon by the Zoning Board of Appeals prior to the scheduled expiration date of the special use permit. No site plan, list of adjacent property owners or public hearing is required but notice of a renewal application must be published in one or more newspapers published in the City of Rockford not more than 30 nor less than 15 days before the date scheduled for the ZBA's review of the renewal application.

2. NO MODIFICATION

The Zoning Board of Appeals shall recommend that City Council grant or deny an application for renewal of a special use permit. In recommending approval of such application, the Zoning Board of Appeals shall not modify, delete, or add to any previously imposed conditions.

3. SUBMISSION TO COUNCIL

Within 10 days following the date of a recommendation by the Zoning Board of Appeals on a renewal of a special use permit application, the Zoning Officer shall transmit, or cause to be transmitted, written notice of said decision to the City Council and to the Mayor.

4. DISPOSITION BY COUNCIL

Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee and, thereafter the City Council shall approve or reverse, but not modify, the recommendation by the Zoning Board of Appeals or will refer it back to the Zoning Board of Appeals for further consideration. Every renewal of a special use permit shall be made by ordinance. Disposition of an application for renewal of a special use permit shall be made by majority vote except any application for a renewal of a special use permit that fails to receive the approval of the Zoning Board of Appeals shall not be approved by the City Council except by the favorable vote of 2/3 of the aldermen. A copy of the action taken on an application for renewal of a special use permit shall be supplied to the Zoning Office within 10 days of the date on which City Council acted on it. A renewal of a special use permit shall be effective upon the passage, approval, and publication of the ordinance approving it, as provided by law.

63-014 MODIFICATION OF SPECIAL USE PERMIT

The following general rules apply to requests for modifications of existing special use permits:

63-014-A. Modification of a valid special use permit may be applied for in the same manner as for an application for an original special use permit as provided for in Section 63-002. Any such application shall be scheduled for a public hearing and referred to the Office of the Zoning Officer as provided for in Section 63-002 and Section 63-003.

63-014-B. An approved modification of a special use permit shall be subject to the same provisions relative to the lapse after 2 years and renewal as an original special use permit and as provided for in Section 63-012-A and Section 63-012-B.

63-014-C. Whenever an application for a modification of a special use permit has been denied, a similar application for the same property shall not be resubmitted for a period of 1 year from the date of said denial except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Officer.

63-014-D. The Zoning Board of Appeals may recommend conditions or restrictions upon the construction, location and operation of the use for which the application for modification of a special use permit has been filed, as deemed necessary to secure the general objectives of this Ordinance. Such conditions or restrictions may include, but not be limited to, provisions for the protection of adjacent property, a time limit for when the special use permit expires, and off-street parking and loading. The Zoning Board of Appeals may recommend such conditions or restrictions upon the construction, location and operation of the use for which the application for modification of a special use permit has been filed, as deemed necessary to secure the general objectives of this Ordinance.

63-014-E. Within 35 days after the close of a public hearing on an application for a modification of a special use permit, the Zoning Board of Appeals shall make a decision accompanied by findings of fact in the same manner as for an application for the original special use permit as provided for in Section 63-005.

63-014-F. Within 10 days following the date of recommendation by the Zoning Board of Appeals on an application for a modification of a special use permit, the Zoning Office shall transmit, or cause to be transmitted, written notice of said recommendation to the City Council and the Mayor.

63-014-G. Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee and the City

Council shall approve, reverse or modify the recommendation of the Zoning Board of Appeals, or refer it back to the Zoning Board of Appeals for further consideration. Every approval of a modification of a special use permit shall be made by ordinance and shall be accompanied by a written finding of fact based on the factors listed in Section 63-005. Disposition of an application for a modification of a special use permit shall be made by majority vote, except any application for a modification of a special use permit that fails to receive the approval of the Zoning Board of Appeals shall not be approved by the City Council except by the favorable vote of two-thirds (2/3) of the aldermen. A copy of the action taken on an application for a modification of a special use permit shall be supplied to the Zoning Office within 10 days of the date on which City Council acted on it. A modification of a special use permit shall be effective upon the passage, approval, and publication of the ordinance approving it, as provided by law.

63-015 STRUCTURAL CHANGE ON PROPERTY GOVERNED BY A SPECIAL USE PERMIT

Whenever a property owner or occupant of property that contains an approved special use and that property owner wants to make a change to a *building* or structure located on the property, then such a change may be acted upon by the Zoning Officer by means of an application for a zoning clearance and without the necessity of obtaining a modification of the special use permit for the property, provided the proposed change complies with all of the following limitations and provisions:

63-015-A. The result of the proposed change will be that the property is still in substantial compliance with the previously approved plot plan and that none of the conditions previously imposed at the time of approval of the special use permit by City Council will be negated or changed.

63-015-B. The proposed change will, in the determination of the Zoning Officer, result in a use of the property that is consistent with the objectives of this ordinance and the purposes for which the underlying approval was granted.

63-015-C. The proposed addition, enlargement, or change of any *building* or structure on the property will not infringe upon or extend into any required *building* setback or *yard* area, off-street parking or loading space, or distance between *buildings*.

63-015-D. The amount of land to be covered by the proposed addition, enlargement or change will be not more than 10% of the amount of land covered by all existing *buildings* or structures on the property; and the floor area added because of the proposed addition, enlargement or change will not be more than 10% of the total floor area of all existing *buildings* on the property.

63-015-E. If the proposed addition, enlargement or change will result in requirement for additional off-street parking or loading spaces then such spaces shall be provided as required by the applicable Zoning Ordinance provisions.

63-015-F. The proposed addition, enlargement or change will not result in a change in any previously imposed condition, nor will it result in an enlargement or increase of any previously approved variation.

63-015-G. The type of land use shall remain the same as was approved by the special use permit approved for the property.

63-016 APPLICATION FOR REVOCATION OF A SPECIAL USE PERMIT

63-016-A. INITIATION

A revocation of a special use permit may be initiated by the City Council by adoption of a resolution instructing the Legal Director to file an application on a prescribed form with the Zoning Office. The application shall include the following information and material:

1. Address, property tax code number, and accurate legal description of the property.
2. Name and address of the subject property's owner, and if different, the name and last known address of the special use permit applicant and the name of the occupant of the property.
3. A list of the names and addresses of the owner of record of each property located adjacent to and/or directly across a *street* or *alley* from the property and the property tax code number for each property.
4. The reason revocation of the special use permit is being requested.
5. A copy of the ordinance granting the special use permit.

63-016-B. HEARING OF REVOCATION APPLICATION

Upon receipt in proper form of the application, the Zoning Board of Appeals shall hold at least 1 public hearing on the proposed revocation of the special use permit. The hearing shall be conducted and a record filed in the Zoning Office. Notice of the date, time, place and subject matter of the hearing shall be given as provided for in Section 63-003.

63-016-C. STAFF REPORT AND RECOMMENDATION

The Zoning Officer or his designated staff shall submit a report and recommendation to the Zoning Board of Appeals on the proposed revocation of the special use permit at the time of the public hearing.

63-016-D. FINDINGS OF FACT AND RECOMMENDATION BY ZONING BOARD OF APPEALS

For the Zoning Board of Appeals to recommend revocation of a special use permit, it must find that each of the following items is met:

1. The special use permit has been or is being conducted in violation with any condition or restriction upon which it was granted or is not in conformance with the applicable regulations of the district in which it is located (except to the extent the special use permit approved the nonconformance).
2. The owner and occupant of the property have been notified of the violation or nonconformance prior to the filing of the revocation application, have been given a reasonable time in which to correct it, and have failed to correct it within such time.

63-016-E. NO EXTENSIONS ALLOWED

The Zoning Board of Appeals may not recommend the granting of an extension of time to comply with the special use permit conditions or restrictions or with district regulations as part of a recommendation on an application to revoke a special use permit.

63-016-F. DEADLINE FOR ZONING BOARD OF APPEALS RECOMMENDATIONS

Within 35 days after the close of a public hearing on a proposed revocation of a special use permit, the Zoning Board of Appeals shall make a decision accompanied by findings of fact in accordance with the provisions of Section 63-005 of this Ordinance and submit it to the Zoning Officer.

63-016-G. SUBMISSION TO COUNCIL

Within 10 days following the date of a recommendation by the Zoning Board of Appeals on a revocation of a special use permit application, the Zoning Officer shall transmit, or cause to be transmitted, written notice of said recommendation with findings of fact to the City Council and the Mayor.

63-016-H. DISPOSITION BY COUNCIL

Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee and thereafter, the City Council shall, without further public hearing, approve, reverse or modify the recommendation of the Zoning Board of Appeals, or refer it back to the Zoning Board of Appeals for further consideration. Every revocation of a special use permit shall be made by ordinance and shall be accompanied by a written finding of fact based on the factors listed in Section 63-016-D . Disposition of an application for a revocation of special use permit shall be made by majority vote. A copy of the action taken on an application for revocation of a special use permit shall be supplied to the Zoning Office within 10 days of the date on which City Council acted on it. Revocation of a special use permit shall be effective upon the passage approval and publication of the Ordinance approving it, as provided by law.

Article 64 | ZONING VARIATIONS

64-001 PURPOSE

The Zoning Board of Appeals, with final decision by City Council, shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent only in specific instances where the Zoning Board of Appeals makes a finding of fact, based upon the standards prescribed in this Section, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance and that the granting of a variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty. Nothing in this Section shall be construed in such a manner as to permit a variation to be used in lieu of a special use permit or zoning map amendment, but a variation may be used to complement a special use permit or a zoning map amendment as authorized in various provisions of this Zoning Ordinance.

64-002 APPLICATION FOR A VARIATION

An application for a variation shall be filed with the Zoning Officer. The application shall contain information as prescribed by the Zoning Officer, plus the following information and material:

64-002-A. Name and address of applicant.

64-002-B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the application for a variation is proposed. If an authorized agent of the owner is the applicant, the agent shall also submit the written statement of the owner authorizing the agent to submit the application.

64-002-C. Address, property tax code number and accurate legal description of the property.

64-002-D. An accurate scale drawing of the site showing existing and proposed locations of *streets*, property lines, setback lines, uses, structures, *driveways*, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.

64-002-E. A list of the names and addresses of the owner of record of each property located adjacent to and/or directly across a *street* or *alley* from the property and the property tax code number for each property.

64-002-F. The application shall be accompanied by the prescribed fee as adopted from time to time by City Council.

64-002-G. Detailed *landscaping* plans whenever the use involves a parking area which is required to be landscaped, and such other information as may be appropriate and desirable to assist in evaluating the application. The submission of any landscape plan will be at the discretion of the Zoning Officer and such plans will not be required for projects where the Zoning Officer determines there is a minimal landscaping requirement, in the case of projects where the City is providing financial assistance for redevelopment, and for other projects where the City has the necessary guarantees or assurances that the required landscaping will be installed.

64-002-H. Soil and Water Conservation District report.

64-002-I. A statement setting forth the nature and extent of this request and explaining how the request satisfies the standards for a variation.

64-002-J. Such other information as the zoning officer may determine to be relevant to the request.

64-003 HEARING AND APPLICATION

Upon receipt in proper form of the application and statement, the Zoning Board of Appeals shall hold at least 1 public hearing on the proposed variation. The hearing shall be conducted and a record filed in the Zoning Office. Hearings will be conducted consistent with the rules of procedure adopted by the Zoning Board of Appeals. Notice of the date, time, place and subject matter of the hearing shall be given by:

64-003-A. Posting notice on the property not less than 10 days prior to the hearing; and

64-003-B. Placing written notice in the United States mail, first class, addressed to the owners listed by the applicant under 64-002-E, and delivering notice to the alderman of the ward. Failure of property owners to receive said notice because of change of mailing address or other reasons beyond the Zoning Officer's control shall not invalidate the proceedings; and

64-003-C. Publishing notice at least once in one or more newspapers published in the City of Rockford, not more than 30 nor less than 15 days before the hearing containing the particular location for the request and a brief statement of what the variation request consists.

64-004 STAFF REPORT AND RECOMMENDATION

The Zoning Officer, or his designated staff, shall submit a report and recommendation to the Zoning Board of Appeals on the proposed variation prior to or at the time of the public hearing.

64-005 FINDINGS OF FACT AND RECOMMENDATION BY ZONING BOARD OF APPEALS

For the Zoning Board of Appeals to recommend approval of an application for any proposed Variation, it must find that each of the following items is met:

64-005-A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

64-005-B. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.

64-005-C. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

64-005-D. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.

64-005-E. The granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

64-005-F. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public *streets*, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.

64-005-G. The proposed variation complies with the spirit and intent of restrictions imposed by this Ordinance.

64-006 CONDITIONS WHICH THE ZONING BOARD OF APPEALS MAY ATTACH TO VARIATIONS

The Zoning Board of Appeals may recommend requirement of such conditions or restrictions upon the construction, location and operation of a variation as deemed necessary to secure the general objectives of this Ordinance. Such conditions or restrictions shall include, but not be limited to, provisions for the protection of adjacent property, the expiration of said variation after a specified period of time, and off-street parking and loading provisions.

64-007 DEADLINE FOR ZONING BOARD OF APPEALS RECOMMENDATION

Within 35 days after the close of a public hearing on a proposed variation, the Zoning Board of Appeals shall make a recommendation accompanied by findings of fact in accordance with the provisions of Section 64-005 of this Ordinance and submit it to the Zoning Officer.

64-008 SUBMISSION TO COUNCIL

Within 10 days following the date of a recommendation by the Zoning Board of Appeals on a variation application, the Zoning Officer shall transmit, or cause to be transmitted, written notice of said recommendation with findings of fact to the City Council and the Mayor.

64-009 DISPOSITION BY COUNCIL

Upon receipt of the recommendation of the Zoning Board of Appeals, the recommendation shall be referred to the appropriate standing committee and thereafter, the City Council shall, without further public hearing, approve, reverse or modify the recommendation of the Zoning Board of Appeals, or refer it back to the Zoning Board of Appeals for further consideration. Every approval of a variation shall be made by ordinance and shall be accompanied by a written finding of fact based on the factors listed in Section 64-005. Disposition of an application for a Variation shall be made by majority vote, except any application for a variation which fails to receive the approval of the Zoning Board of Appeals shall not be approved by the City Council except by the favorable 2/3 vote of the aldermen. Any approval of a variation may be subject to conditions, either as recommended by the Zoning Board of Appeals or otherwise imposed by the City Council; such conditions may include a requirement that the applicant (or designated representative for the variation sign an acknowledgement and acceptance of the terms and conditions imposed by the variation ordinance. A copy of the action taken on an application for a variation shall be supplied to the Zoning Office within 10 days of the date on which City Council acted on it. A variation shall be effective upon the passage, approval and publication of the ordinance approving it, as provided by law.

64-010 EFFECT OF A DENIAL OF A VARIATION

No application for a variation that has been wholly or partly denied by the City Council shall be resubmitted for a period of 1 year from date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Officer.

64-011 LAPSE OF A VARIATION

The approval of an application for a variation shall lapse and become void under certain conditions outlined below:

64-011-A. If there is no *building* or construction type work involved, and if the use of the property has not commenced within 2 years of the effective date of a variance application approval, the variation shall lapse. However, whenever the property involved is located in an area that it cannot be used until public *streets* and/or utility lines have been installed, then the use on the property must commence within 2 years

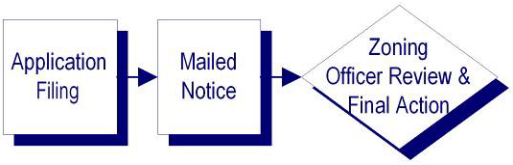
of when the necessary public *street* and/or utility lines were installed or became operational or else the variation will lapse.

64-011-B. If there is some type of *building* or construction work involved, and if any necessary *building* permit has not been obtained within 2 years from the effective date of the variation application approval or the use of the property has not commenced within 3 years from the date that the variation application was approved, the variation shall lapse. However, whenever the property involved is located in such an area that it cannot be used until public *streets* and/or utility lines have been installed, then the variation shall lapse if the necessary *building* permit has not been obtained within 2 years of the date upon which the necessary public *street* and/or utility lines were installed, or the use of the property has not commenced within 3 years after the date upon which the necessary public *street* and/or utility lines were installed or became operational.

64-011-C. If the use of the property, as authorized by the variation, has commenced and, at a later date, is discontinued for a period of 4 consecutive months, or there is evidence of a clear intent on the part of the owner to abandon the property, then the variation shall lapse.

64-011-D. Whenever a variation has lapsed and become void for any of the reasons outlined in Subsections 1, 2 or 3, above, then another application for a variation for the same use or a different use may be submitted at the discretion of the property owner.

Article 65 | ADMINISTRATIVE ADJUSTMENTS



65-001 PURPOSE

The administrative adjustment procedures of this section are intended to provide a streamlined approval procedure for minor modifications of selected zoning standards. Administrative adjustments are intended to:

65-001-A. allow development that is more in keeping with the established character of the neighborhood, as opposed to development that is in strict compliance with zoning standards;

65-001-B. provide flexibility that will help promote rehabilitation and reuse of existing *buildings* when such flexibility will not adversely affect nearby properties or neighborhood character; and

65-001-C. provide limited flexibility for new construction when necessary to address unusual development conditions when such flexibility will not adversely affect nearby properties or neighborhood character.

65-002 APPLICABILITY

The administrative adjustment procedures of this section may be used as expressly authorized in Section 65-003 provided that, in the case of new development, any request for more than 2 administrative adjustments must be reviewed as variations, in accordance with Section 64-002. The Zoning Officer may require the submission of a plat of the property, site plan, landscape plan, or other documentation that is necessary to render a determination on a proposed administrative adjustment.

65-003 AUTHORIZED ADMINISTRATIVE ADJUSTMENTS

The Zoning Officer has the authority to review and approve the following administrative adjustments:

65-003-A. PORCH ENCLOSURES

1. The Zoning Officer is authorized to approve an administrative adjustment to allow the enclosure of any existing rear open *porch* for residential *buildings* that were legally established but that would otherwise be prohibited solely because of applicable rear or side setback requirements.
2. Such an administrative adjustment may be approved only when the Zoning Officer determines that the proposed adjustment meets the general approval criteria of Section 65-007.

65-003-B. SETBACKS IN HISTORIC PRESERVATION DISTRICTS

1. The Zoning Officer is authorized to approve an administrative adjustment to reduce the depth of a front setback, rear setback or side setback for *buildings* in official Rockford Landmark Districts.
2. Such an administrative adjustment may be approved only when the Zoning Officer determines that such a reduction would match the predominate *yard* depth of *buildings*

contributing to the district's character when such setback reduction is recommended by the Rockford Historic Preservation Commission.

65-003-C. RESERVED

65-003-D. PEDESTRIAN STREETS—BUILDING LOCATION STANDARDS

1. The Zoning Officer is authorized to approve an administrative adjustment to the Building Location standards of Section 22-006-C and Section 22-007-B.

2. Such an administrative adjustment may be approved only when the Zoning Officer determines that:

(a) useable public spaces or pedestrian amenities (e.g., extra-wide sidewalk, plaza with seating or outdoor dining area) are provided between the *building* and the pedestrian or urban *street* property line and

(b) the proposed adjustment meets the general approval criteria of Section 65-007.

65-003-E. PEDESTRIAN STREETS—TRANSPARENT WINDOW STANDARDS

1. The Zoning Officer is authorized to approve an administrative adjustment to the transparent window area standards of Section 22-006-D and Section 22-007-C to allow up to a 25% reduction in the amount of transparent window area required.

2. Such an administrative adjustment may be approved only when the Zoning Officer determines that (1) such a reduction will be offset by the provision of other pedestrian amenities or *building* or site design features that are not otherwise required and (2) the proposed adjustment meets the general approval criteria of Section 65-007.

65-003-F. PEDESTRIAN STREETS—DOOR AND ENTRANCE STANDARDS

1. The Zoning Officer is authorized to approve an administrative adjustment to the Door and Entrance standards of Section 22-006-E and Section 22-007-D to allow a side *building* entrance.

2. Such an administrative adjustment may be approved only when the Zoning Officer determines that:

(a) a safe pedestrian walkway not exceeding 20 feet in length is provided between the *building* entrance and the sidewalk abutting the pedestrian *street* and

65-003-G. TOWNHOUSES

1. SPACING BETWEEN ROWS OF TOWNHOUSES

(a) The Zoning Officer is authorized to approve an administrative adjustment to permit a reduction of up to 10% in the depth of required spacing between rows of townhouses as required under Section 40-002-H.9 or Section 40-002-H.10(f).

(b) Such an administrative adjustment may be approved only when the Zoning Officer determines that the proposed adjustment meets the general approval criteria of Section 65-007.

2. DEPTH OF PRIVATE YARDS

(a) The Zoning Officer is authorized to approve an administrative adjustment to permit a reduction of up to 2 feet in the depth of any *yard* required by Section 40-002-H.6(b).

(b) Such an administrative adjustment may be approved only when the Zoning Officer determines that (1) any such reduction does not violate the private *yard* requirements of Section 40-002-H.10(j); (2) such reduction is required because the lot has substandard lot depth; and (3) the proposed adjustment meets the general approval criteria of Section 65-007.

65-003-H. COOPERATIVE PARKING

1. The Zoning Officer is authorized to approve an administrative adjustment to permit cooperative as expressly authorized in Section 50-009 and Section 50-010.

2. Such an administrative adjustment may be approved only when the Zoning Officer determines that the cooperative parking arrangement complies with the standards of Section 65-007.

65-003-I. SHARED PARKING

1. The Zoning Officer is authorized to approve an administrative adjustment for shared or cooperative parking arrangements consistent with Section 50-009 and Section 50-010.

65-003-J. BICYCLE PARKING

1. The Zoning Officer is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under Section 50-005-A.

2. Such an administrative adjustment may be approved only when the Zoning Officer determines that use will not generate any bicycle traffic or that it would be impracticable to provide bicycle parking at the subject location.

65-003-K. PARKING REDUCTION FOR RECONSTRUCTED PARKING AREAS

The Zoning Officer may approve an administrative adjustment reducing the required number of off-street parking spaces and/or existing off-street parking by 10% after a parking lot is reconstructed per the requirements of Sections 50-001-A and 52-001-C.5(e).

65-004 APPLICATIONS

An application for an administrative adjustment must be filed with the Zoning Officer.

65-005 PUBLIC NOTICE

Unless otherwise expressly provided in this Article, written notice of the filing of an administrative adjustment request must be provided to all adjoining property owners and to the Alderman of the ward via first class mail.

65-006 REVIEW AND DECISION—ZONING OFFICER

The Zoning Officer must review each application for an administrative adjustment and act to approve, approve with conditions, or deny the application based on the General Approval Criteria of Section 65-007 and any other specific approval criteria expressly established in this Zoning Ordinance. The Zoning Officer may not take final action on an administrative adjustment application until at least 15 days after the date that notices were mailed to abutting property owners. Upon reaching a decision, the Zoning Officer is required to commit such decision to writing, serve a copy of the decision on the applicant,

adjoining property owners, and all the alderman in whose ward the property is located. All decisions under this Article 65 are subject to appeal pursuant to Article 66.

65-007 APPROVAL CRITERIA

65-007-A. SPECIFIC CRITERIA

Administrative adjustments may be approved by the Zoning Officer only when the Zoning Officer determines that any specific approval criteria associated with the authorized administrative adjustment have been met, as well as the general criteria.

65-007-B. GENERAL CRITERIA

When the approval criteria associated with authorized administrative adjustments require compliance with the General Criteria of this paragraph, the Zoning Officer may approve such adjustment only upon determining that all of the following criteria have been met:

1. the requested administrative adjustment is consistent with the stated purpose and intent of this Zoning Ordinance (See Section 10-005);
2. the requested administrative adjustment eliminates an unnecessary inconvenience to the applicant and will have no appreciable adverse impact on the health, safety, or general welfare of surrounding property owners or the general public; and
3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

65-008 CONDITIONS OF APPROVAL

In granting an administrative adjustment, the Zoning Officer may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the neighborhood, and to carry out the stated purpose and intent of this Zoning Ordinance (See Section 10-005).

Article 66 | APPEALS OF ADMINISTRATIVE DECISIONS

66-001 SCOPE OF APPEAL

An appeal to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Rockford. The appeal shall be taken within 45 days of the alleged grievance or judgment in question. The appeal shall be filed in the Zoning Office on forms furnished by the Officer. Within 10 days of filing, the Officer shall, forthwith, transmit the appeal to the Zoning Board of Appeals, along with all papers constituting the record upon which the action appealed was taken.

66-002 STAY OF PROCEEDINGS

The appeal shall stay all proceedings and furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such a case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a Circuit Court on the application, with notice to the Officer from whom the appeal is taken and on due cause shown.

66-003 HEARING OF APPEALS

The Zoning Board of Appeals shall fix a reasonable time, not more than 45 days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. At the hearing, any person, including elected officials, may appear in person, or by agent or by attorney. Hearings will be conducted consistent with the rules of procedure adopted by the Zoning Board of Appeals.

66-004 DISPOSITION OF APPEALS

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as it deems necessary. The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official. In all cases, the Zoning Board of Appeals shall render its decision within 35 days of the hearing adjournment. If the Zoning Board of Appeals fails to make findings and a recommendation within 35 days, then it will be assumed that the Board's recommendation is denial of the application. All dispositions must be in writing and served upon the parties that participated in the appeal.

66-005 SERVICE OF DECISION ON APPEAL

After the Zoning Board of Appeals has reached decision and issued it, the Zoning Officer shall notify all parties of the Board's decision within 10 days after action by the Zoning Board of Appeals.

66-006 REVIEW OF BOARD'S DECISION

The Zoning Board of Appeals' decision is a final administrative decision and shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, as provided by 65 ILCS 5/11-13-13.

Part 7 | ADMINISTRATION AND ENFORCEMENT

Article 70 | Review and Decision-Making Bodies 7-1
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Article 70 | Review and Decision-Making Bodies

70-001 Zoning Board of Appeals

70-001-A. Creation of the Zoning Board of Appeals

A Zoning Board of Appeals is hereby created, such Board to consist of 7 members appointed by the Mayor, by and with the consent of the City Council. The word "Board," when used in this Section shall be construed to mean the Zoning Board of Appeals. All members of the Zoning Board of Appeals shall be residents of the City of Rockford. No members of the Zoning Board of Appeals shall hold an elective office in the City or County government. The members of the Zoning Board of Appeals shall serve the following terms, or until their respective successors are appointed and qualified:

1. One for a term of one year;
2. One for a term of two years;
3. One for a term of three years;
4. One for a term of four years;
5. One for a term of five years;
6. One for a term of six years; and
7. One for a term of seven years.

70-001-B. New Appointments or Reappointments

As terms expire for Zoning Board of Appeals members, each new appointment shall be for a term of five (5) years. One of the members of the Zoning Board of Appeals shall be designated by the Mayor, with the consent of the City Council, as chairman and shall hold office as chairman until his successor is appointed. The Mayor shall have the power to remove any member of the Board for cause and after a public hearing, with consent of the City Council. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such members.

70-001-C. Meetings and Rules

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by said Board shall be open to the public in accord with applicable law. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney, subject to the Board's rules of procedure. All testimony by witnesses at a hearing shall be given under oath. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the Zoning Office and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this Ordinance, or with the applicable Illinois Statutes. A copy of said rules of procedure shall be filed in the Zoning Office. All regularly scheduled meetings of the Board shall be held at such time as established in the Board’s rules of procedure.

70-001-D. MEETING ACCOMMODATIONS

The City Council shall provide suitable meeting accommodations for the holding of hearings and the presentation of records, documents and accounts.

70-001-E. APPROPRIATIONS

The City Council shall appropriate funds to carry out the duties of the Board, and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized herein.

70-001-F. COMPENSATION

Compensation to the members of the Board shall be determined by Ordinance by the City Council.

70-001-G. JURISDICTION

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

1. To hear and make decisions on appeals from any order, requirement, decision or determination made by the Zoning Officer under this Ordinance. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from, to the extent and in the manner that the Board may decide to be fitting and proper on the premises, and to that end, the Board shall also have all the powers of the Zoning Officer from whom the appeals are taken.
2. To hear and make recommendations to City Council on all matters referred to it or upon which it is required to pass under this Ordinance, including applications for variations, special use permits and ordinance amendments.

70-001-H. DECISIONS OF THE ZONING BOARD OF APPEALS

The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer; or to recommend for approval any application or matter upon which the Board is authorized by this Ordinance to make recommendations. Regardless of the motion made, whenever there are fewer than 4 members who concur or vote in favor of the motion, then the decision of the item shall be deemed a denial or a recommendation to deny by the Board, as the case may be.

70-002 OFFICE OF ZONING OFFICER

70-002-A. CREATION

The Office of the Zoning Officer is hereby created and shall be contained within the Construction and Development Services division of the Department of Community and Economic Development. The Zoning Officer shall be the either the Manager of the Construction Services Division or Manager of the Planning and Zoning Section of that division or such person delegated the authority by the zoning officer.

70-002-B. POWERS AND DUTIES

The Zoning Officer shall enforce the provisions of this Ordinance and, in addition thereto, and furtherance of said authority, shall:

1. Examine and approve any application pertaining to the use of land, *buildings*, or structures to determine if the application conforms to the provisions of this Ordinance.
2. Issue all zoning clearances and keep permanent records thereof.
3. Issue all certificates of zoning compliance and keep permanent records thereof.

4. Conduct such inspections of *buildings*, structures, and uses of land as are necessary to determine compliance with the terms of this Ordinance.

5. Receive, file, and prepare staff recommendations for all applications for appeals, variations, special uses, and amendments to this Ordinance which are filed in the Zoning Office.

6. Initiate, direct, and review, from time to time, a study of the provisions of this Ordinance and make reports of these recommendations to the Planning Division, Department of Community Development, Zoning Board of Appeals, and the City Council.

7. Revoke certificates of zoning compliance where provisions of this Ordinance are being violated.

8. Issue a certificate of zoning compliance upon request for *nonconforming uses* existing at the time of passage of this Ordinance or any amendment thereto.

9. Maintain permanent and current records of the Zoning Ordinance, including all maps, amendments, special uses, and variations.

10. Provide and maintain public information relative to all matters arising out of this Ordinance.

Article 71 | VIOLATIONS, PENALTIES AND ENFORCEMENT

71-001 PERMITS, CERTIFICATES, AND LICENSES

All officials, departments and employees of the City of Rockford vested with the authority or duty to issue permits, certificates and licenses must comply with the provisions of this Ordinance and must issue no permit, certificate or license that conflicts with the provisions of this Ordinance. Any permit, certificate or license issued in conflict with the provisions of this Ordinance is void.

71-002 DUTIES OF THE ZONING OFFICER

The Zoning Officer shall be the official responsible for the enforcement of this Ordinance. The Zoning Officer may serve notice requiring the removal of any structure or use in violation of this Ordinance on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Zoning Officer may call upon the Legal Department to institute necessary legal proceedings to enforce the provisions of this Ordinance, and the Legal Department is hereby authorized to institute appropriate actions to that end. The Zoning Officer may call upon the Chief of Police and his authorized agents to assist in the enforcement of this Ordinance.

71-003 VIOLATION PENALTIES

Failure to comply with any of the requirements of this Ordinance shall constitute a violation and any person, upon conviction thereof, shall be fined not less than 50 dollars, nor more than 500 dollars for each offense.

71-003-A. Proceedings may be commenced by a notice to appear or a summons. Proceedings may also be commenced by the Zoning Officer or his designee forwarding a report form to the Code Hearing Division, as provided for in Article XVIII of Chapter 6 of the City of Rockford Code of Ordinances. Each day the violation continues shall be considered a separate offense.

71-003-B. Any structure or *sign* erected, moved, altered, enlarged or maintained, and any use of a site contrary to the provisions of this Ordinance, shall be and is hereby declared to be unlawful and a public nuisance, and the Legal Department may immediately institute necessary legal proceedings for the abatement, removal and enjoyment thereof in the manner provided by law, and shall take such other steps as may be necessary to accomplish these ends and shall apply to the court of competent jurisdiction to grant such relief as will remove or abate the structure, *sign* or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or *sign*, or using the site contrary to the provisions of this Ordinance.

71-003-C. Any person who erects a *fence* in violation of Section 55-001 shall be subject to a fine of not less than $5.00 nor more than $500.00 for the first offense, a fine of not less than $50.00 nor more than $500.00 for a second offense, and a fine of not less than $250.00 nor more than $500.00 for a third and subsequent offenses. Each day a third or subsequent offense remains unabated shall be deemed a separate offense, and for the second and subsequent days the offense remains unabated, the penalty shall be a fine of not less than $50.00 and not more than $500.00.

Part 8 | NONCONFORMITIES

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Article 80 | NONCONFORMITIES

80-001 STATEMENT OF INTENT

It is the intent of this Ordinance to permit uses of structures and land which were lawfully established under previous regulations, but which do not meet the use and/or *bulk* regulations of this Ordinance, to continue until they are removed subject to the limitations as provided in this Article. It is further the intent of this Ordinance that nonconformities shall not be structurally expanded except for changes required by law, nor shall the intensity of use be increased.

80-001-A. RIGHT TO CONTINUE

Any legally established nonconforming lot, structure/development, or use may be continued in accordance with the rules and regulations of this chapter.

80-001-B. BURDEN OF PROOF

The burden of proving that nonconformity was legally established (as opposed to being established in violation of this ordinance) rests with the owner or the subject property.

80-001-C. REPAIRS AND MAINTENANCE

1. Nonconformities must be maintained in a safe and sound condition.
2. Incidental repairs and normal maintenance necessary to keep nonconformity in sound condition are permitted unless otherwise expressly prohibited by this zoning ordinance.
3. Nonconformities may be restored or repaired to a safe condition in accordance with any order of the Rockford Building Code Official except as otherwise provided in this ordinance.

80-001-D. CHANGE OF TENANCY OR OWNERSHIP

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or maintenance.

80-002 NONCONFORMING LOTS

80-002-A. DEFINITION

A nonconforming lot or tract of land lawfully established and recorded with the Recorder of Deed in Winnebago County that does not comply with the minimum lot area or lot width requirements of the district that it is now located.

80-002-B. USE OF NONCONFORMING LOTS

1. In a residential zoning district any vacant, unimproved nonconforming lot with at least 4,356 square feet of lot area may be developed with a detached house. Nonconforming lots less than 4,356 square feet must be combined with adjoining lots or parcels in order to make a buildable lot.
2. Any development on a nonconforming lot must comply with the height limits and density standards of the subject zoning classification (except as authorized in this Section) and must comply with required setbacks unless smaller setbacks are authorized by a variation consistent with Article 64.

80-003 NONCONFORMING USES AND CONTINUANCE OF NONCONFORMING USES

80-003-A. DEFINITION

Any use of a structure or land lawfully established prior to the effective date of this Ordinance that does not conform to the use regulations of the district in which it is located, is considered a legally *nonconforming use* and may be continued except as otherwise provided herein.

80-003-B. CHANGE OF USE

1. The City Council may approve special use permit in accordance with the procedures of Article 63 allowing a nonconforming use to be changed to another nonconforming use that is classified in the same use category or similar use provided that City Council determines that the substituted use will create no greater impacts on the surrounding area than the previous use. In making such a determination, City Council must consider the following factors:

(a) Hours of operation;

(b) Vehicular traffic;

(c) The number of employees and other people expected to be attracted to the use; and

(d) Other factors likely to affect the neighborhood in which it is located.

2. A nonconforming use of open land may not be changed to any other nonconforming use of open land.

80-003-C. EXPANSION OF A NONCONFORMING USE

1. Except as otherwise expressly prohibited, the Zoning Administrator is authorized to approve an administrative adjustment allowing an existing nonconforming use to be expanded into another part of the same building, provided that the Zoning Administrator determines that such expansion:

(a) Will not result in a violation of off-street parking or loading requirements;

(b) Will not violate any applicable bulk or density regulations;

(c) Will not result in greater adverse impacts on the surrounding area; and

(d) Is not expressly prohibited by Section 80-003-C.2.

2. The following nonconforming uses may not be expanded:

(a) a nonconforming use of open land;

(b) a nonconforming adult use or night club;

(c) a use that is allowed under this zoning ordinance only as a special use. (Special uses may only be expanded when approved in a manner consistent with the original special use)

(d) a nonconforming commercial or industrial use in a residential district with the exception of the RE, Residential Estate District.

(e) a nonconforming residential or commercial use in an Industrial district if such expansion increases the number of dwelling units; increases the area of the zoning lot; and/or increases the existing floor area by more than 20%.

80-004 DISCONTINUANCE OF A NONCONFORMING USE

80-004-A. Whenever a *nonconforming use* has been discontinued for a period of twelve (12) months, then all grandfathered rights are forfeited and any use thereafter shall conform to the district in which the property is located.

80-004-B. Whenever the *nonconforming use* is a *mobile home* which is not located in a *mobile home subdivision* or a *mobile home park*, then the use may continue for the life of the unit but may not be replaced with another *mobile home*.

80-004-C. Any use not legally established that is in existence at the time this Ordinance becomes effective is considered a violation and shall be discontinued unless the use is brought into conformity with all the regulations of this ordinance.

80-005 INTENTIONAL DESTRUCTION

Whenever a structure containing a nonconforming use is intentionally demolished or otherwise damaged by the property owner or their agents then any reestablishment of the nonconforming use is prohibited.

80-006 DAMAGE AND DESTRUCTION OF A NONCONFORMING USE

80-006-A. If there is damage to a structure by any means outside the control of the property owner to the extent of fifty percent (50%) or more of the replacement value, as determined by the City Building Official, then all future use of the property must be in conformance with the original use of the property as evidenced by the original building permit. However, if the damage of the structure is deemed to be less than fifty percent (50%) of the replacement value, then the *building* may be restored and the *nonconforming use* may be continued. The restoration work authorized in this Section must be started within a period of six months of the date of damage or destruction and must be diligently pursued to completion within 2 years of the date of destruction or damage. The Zoning Officer may grant a one year, written extension to these time limits to allow for pending insurance settlements or other legal considerations.

80-007 NONCONFORMING STRUCTURES/DEVELOPMENTS

80-007-A. DEFINITION

A nonconforming structure or development is any nonconformity –other than a nonconforming lot, nonconforming use, or nonconforming sign—that was lawfully established in accordance with the zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Zoning Ordinance. Common examples are buildings that do not comply with current setback or height regulations, which do not comply with off-street parking or loading standards, or properties that do not meet current landscaping standards.

80-007-B. CONTINUATION

Nonconforming structures or developments may be continued, maintained, or repaired consistent with the provision of this Section.

80-007-C. ALTERATIONS OR EXPANSIONS

Unless otherwise expressly stated in this Zoning Ordinance, nonconforming structures/developments may be altered or expanded as long as the alteration or expansion does not increase the extent of the nonconformity. A building addition to an existing nonconforming structure that encroaches further into a required setback or extends further above a maximum height limitation is an example of a

structure increasing the extent of nonconformity. Furthermore, second story or higher additions that extend over all or part of an existing structure that encroaches into a required yard or setback would be considered an expansion of the non-conforming structure. Building additions that do not further encroach within required yards; do not exceed height limits; do not trigger added parking; or do not alter the classification of the use are examples of alterations or expansions that do not increase the degree of nonconformity.

80-007-D. DAMAGE OR DESTRUCTION

1. When a nonconforming structure/development is removed or intentionally demolished or destroyed then the structure/development may only be rebuilt in compliance with the requirements of this Zoning Ordinance.
2. When a nonconforming structure/development is partially damaged to an extent that represents 50% or more of the structure's replacement value, as determined by the Building Official, the structure may be rebuilt in compliance with the original building permits provided that such rebuilding does not result in a building that is more out of compliance than the building being replaced and provided that restoration is initiated within six months of the date of damage or destruction and that it is diligently pursued to completion within 2 years of the date of destruction or damage. The Zoning Officer may grant a one year, written extension to these time limits to allow for pending insurance settlements or other legal considerations.

80-008 NONCONFORMING USES AND REUSE OF EXISTING STRUCTURES IN THE C-4 DISTRICT

80-008-A. Any *nonconforming use* or any use of any *nonconforming structure* or *building* may continue without restriction provided the *building* does not become a public safety hazard or unsafe *building*.

80-008-B. A *nonconforming use* may be changed to a conforming use and the applicable floor area limitations, minimum lot area requirements, and off-street parking requirements shall not apply to such change of use or to the alterations made in order to accommodate such conforming use. For example, an existing *building* used for general industrial uses (a prohibited use) may be reused for residential purposes without having to comply with floor area limitations, density restrictions, or off-street parking requirements.

80-008-C. A nonconforming *building* or structure may be enlarged or extended in the C-4 district provided such enlargement or extension does not increase the existing floor area or space in existence as of [date] by more than 25%.

80-008-D. If a nonconforming *building* or structure in the C-4 district is damaged or destroyed by fire, lighting, or other act beyond the control of the property owner, the *building* may be reconstructed to the size and scale that existed prior to the damage or destruction.

80-009 MISCELLANEOUS NONCONFORMING USES

80-009-A. All signage lawfully established, which does not conform to the regulations of this ordinance, may continue in use for the periods of time specified in Article 51 of this Ordinance.

80-009-B. Any structure for which a *building* permit has been lawfully granted prior to the effective date of this ordinance may be completed according to the approved plans

providing construction is begun within ninety (90) days of issuance of the *building* permit and diligently pursued.

80-009-C. All properties with *dumpsters* shall conform to the regulations contained in Section 55-001-A of this Ordinance unless said dumpster was established before April 3, 2008, in which case the dumpster shall be enclosed, but a wooden structure may be used for the enclosure. However, properties with dumpsters existing on or before December 18, 2000 do not need to be enclosed if in the opinion of the Zoning Officer the following criteria are met:

1. Within the C-4, Urban Mixed Use District, property owners may petition the Zoning Officer for a waiver from compliance with Section , providing each of the following criteria are satisfied as determined by the Zoning Officer:

(a) There is not an adequate area on the property to enclose the *dumpster*

(b) The area surrounding the *dumpster* is kept clean and free of rubbish and debris

(c) The unenclosed *dumpster* will not be detrimental to or endanger other properties in the immediate vicinity of the subject property, nor be injurious to the use and enjoyment of other properties in the immediate vicinity of the subject property. Factors to be considered by the Zoning Officer include: whether the unenclosed *dumpster* is visible from other properties in the immediate vicinity of the subject property, and the proximity of any *buildings* or uses on other properties in the immediate vicinity of the subject property to the unenclosed *dumpster*.

(d) Within all other zoning districts a property owner may petition the Zoning Officer for a waiver from compliance with Section 55-001-A, provided each of the following criteria are satisfied as determined by the Zoning Officer:

(1) The *dumpster* is not visible from any residential district or use

(2) The *dumpster* is not visible from the *front yard* of any commercial or industrial use

(3) The *dumpster* is not visible from any public *right-of-way*

(4) The area surrounding the *dumpster* is kept clean and free of rubbish and debris

(e) Said petition for waiver must be made on a form provided by the Planning Office. As part of the Zoning Officer's approval of the waiver from Section 55-001-A, the Zoning Officer may require additional means of mitigation by the applicant, including *landscaping*, fencing or other means deemed necessary by the Zoning Officer. Should the Zoning Officer find that all criteria are not satisfied and deny the waiver; the applicant may apply for a Variation as provided in this Zoning Ordinance.

(f) Any waiver granted by the Zoning Officer may be revoked by the Zoning Officer should the property or *dumpster* no longer comply with any of the criteria stated above, or with any required condition or mitigation. The Zoning Officer shall notify the property owner in writing 30 days prior to the effective date of the revocation.

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Article 90 | USE GROUPS AND CATEGORIES

90-001 GENERAL

90-001-A. USE GROUPS

This zoning ordinance classifies land uses into 5 major groupings: "residential," "public and civic," "commercial," "industrial" and "other." These are referred to as "use groups."

90-001-B. USE CATEGORIES

Each use group is further divided into more specific "use categories." use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

90-001-C. TYPICAL USES

Typical uses cited in the description of use categories are not intended to be exclusive or restrictive.

90-001-D. DETERMINATION OF MOST SIMILAR USE CATEGORY

When a specific use type cannot be readily classified into a use category or appears to fit into two or more use categories, the Zoning Officer is authorized to determine the most similar, thus most appropriate, use category based on the following considerations:

1. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
2. the relative amount of site area or floor space and equipment devoted to the activity;
3. relative amounts of sales from each activity;
4. the customer type for each activity;
5. the relative number of employees in each activity;
6. hours of operation;
7. *building* and site arrangement;
8. vehicles used with the activity;
9. the relative number of vehicle trips generated by the use;
10. *signs*;
11. how the use advertises itself; and
12. whether the activity is likely to be found independent of the other activities on the site.

90-002 RESIDENTIAL USE GROUP

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: group living and household living.

90-002-A. GROUP LIVING

Residential occupancy of a dwelling by other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, *nursing homes* and the following specific use types:

1. ASSISTED LIVING
Residences for the elderly that provide rooms, meals, personal care, and limited medical supervision and support. Such residences may also provide other services such as recreational activities, financial services, and transportation. All facilities must meet the definition of "assisted living" established in the Illinois Administrative Code (Title 77, Chapter I, Part 295)

2. BOARDING HOUSE
An owner-occupied residential structure providing sleeping rooms for compensation.

3. COMMUNITY-BASED HOUSING
Housing for more than three unrelated individuals with disabilities per *dwelling unit* plus related staff. The term disability will be defined in accordance with the federal statute, the "Americans with Disabilities Act".

4. ELDERLY HOUSING UNIT
A *dwelling unit* intended for and solely occupied by persons 62 years of age or older, or housing provided under any State or federal program that the Zoning Officer determines is specifically designed to assist elderly persons (as defined in a State or federal program).

5. ELDERLY HOUSING, INDEPENDENT LIVING
A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. In such facilities seniors live independently with their own kitchen facilities and with only limited or incidental health care services in contrast to assisted living facilities.

6. GROUP HOME FOR ADJUSTMENT
A residence for those under court supervision while on probation, pre-release, or work release wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society enabling them to live independently.

7. NURSING OR CONVALESCENT HOME
A residence which provides lodging, meals, nursing and other personal services for those who are unable to care for themselves or otherwise requires assistance for certain essential functions.

90-002-B. HOUSEHOLD LIVING CATEGORY

Residential occupancy of a *dwelling unit* by a household with tenancy arranged on a monthly or longer basis. Household living occurs in the following types of residential *buildings*:

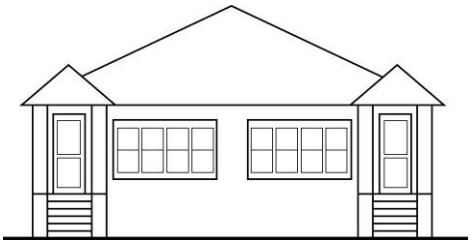
1. DETACHED HOUSE
A *building* containing one *dwelling unit* located on a single lot with private *yards* on all sides. Typically referred to as a single-family home.

2. ATTACHED HOUSE
A *building* containing multiple *dwelling units*, each located on its own lot with a common or abutting wall along shared lot lines. Each *dwelling unit* has its own external entrance. Typically referred to as a townhome or townhouse.

3. TWO-UNIT HOUSE

A *building* containing 2 *dwelling units*, both of which are located on a single lot or parcel (also referred to as a "duplex" or "two-flat"). The *dwelling units* are attached and may be located on separate floors or side-by-side.

Figure 35: Two-unit House Definition



4. MOBILE HOME

A manufactured *single-family dwelling* without motive power, which may be equipped with wheels for transporting purposes, but located on a semi-permanent foundation when lived in.

5. MOBILE HOME PARK

A parcel of land with sites either leased or free of charge, used for the location of two or more *mobile homes*.

6. MOBILE HOME SUBDIVISION

A subdivision of record with lots that are sold, intended for semi-permanent installation of *mobile homes*.

7. MODULAR UNIT

A manufactured structure or portion of a structure that meets local building code and that is designed to be assembled or located on a permanent foundation and used for residential purposes.

8. MULTI-UNIT BUILDING

A *building* containing 3 or more *dwelling units* located on a single lot.

90-003 COMMERCIAL USE GROUP

The commercial use group includes uses that provide a business service, entertainment, or that involve the selling, leasing, or renting of merchandise to the general public. The commercial use group includes the following use categories:

90-003-A. ANIMAL SERVICES

The following are animal services use types:

1. SHELTER AND BOARDING KENNELS

Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.

2. SALES AND GROOMING

Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.

3. VETERINARY
Typical uses include pet clinics, dog and cat hospitals, and animal hospitals.

4. STABLES
Stables and boarding facilities for horses and similar large animals.

90-003-B. ARTIST WORK OR SALES SPACE
Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the "Cultural Exhibits and Libraries" use category.

90-003-C. BED AND BREAKFAST
An owner-occupied residence with 4 or fewer guest rooms provided for compensation for a period not to exceed 3 consecutive weeks in which the only meal served is breakfast

90-003-D. BODY ART SERVICES
Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Illinois Medical Board, which may not be performed in a body art services establishment.

90-003-E. BUILDING MAINTENANCE SERVICES
Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

90-003-F. BUSINESS EQUIPMENT SALES AND SERVICES
Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

90-003-G. BUSINESS SUPPORT SERVICES
The provision of clerical, employment, protective, or minor processing services to firms rather than individuals. These businesses provide services rather than goods. Typical uses include secretarial services, temporary employment services, telephone answering services, and blueprint services. This category also includes business or trade schools that do not involve any outdoor storage, training or manufacturing activities. Business or trade schools that include outdoor storage, training or manufacturing processes must be located within an industrial zoning district.

90-003-H. CLINIC, MEDICAL OR DENTAL
An office building or complex for the care, diagnosis and treatment of out-patients; may include laboratory facilities.

90-003-I. COMMERCIAL ACTIVITY CENTER
A mixed-use development containing residential, retail, office, and public uses within a center designed to promote walkability and pedestrian activity. Commercial activity centers may involve the redevelopment of existing retail shopping centers with moderate density housing including senior housing.

90-003-J. COMMUNICATION SERVICE ESTABLISHMENTS
Broadcasting and other information relay services accomplished through the use of electronic or telephonic mechanisms. Excludes services classified as major or minor utilities. Typical uses include

recording studios, television and radio studios, telecommunication service centers, and telegraph service centers.

90-003-K. DRIVE-IN OR DRIVE-THROUGH:
Any use that allows for service to customers waiting in vehicles and any use that allows customers to pick up and/or pay for goods or services while waiting in vehicles.

90-003-L. EATING AND DRINKING ESTABLISHMENTS
Provision of prepared food or beverages for on-or off-premise consumption. The following are examples of eating and drinking establishments: sit-down restaurants, coffee shops and take-out restaurants.

90-003-M. ENTERTAINMENT AND SPECTATOR SPORTS
A facility or use for cultural, entertainment, athletic, and other events for spectators. The following are entertainment and spectator sport type uses:

1. **INTER-TRACK WAGERING FACILITY**
   A state-licensed facility, other than a race track, at which pari-mutuel wagering is conducted with respect to the outcome of a simultaneously televised horse race taking place at an Illinois race track or a race track in another state or country.

2. **SMALL VENUE**
   Entertainment and spectator sports establishments, other than inter-track wagering facilities, conducted within an enclosed building with a capacity of less than 150 persons. Typical uses include small theaters, meeting halls, banquet facilities.

3. **MEDIUM VENUE**
   Entertainment and spectator sports establishments, other than inter-track wagering facilities, conducted within an enclosed building with a capacity of at least 150 and not greater than 500 persons. Typical uses include theaters, meeting halls, banquet facilities.

4. **LARGE VENUE**
   Entertainment and spectator sports establishments, other than inter-track wagering facilities, conducted within an enclosed building with a capacity of more than 500 persons. Typical uses include theaters, meeting halls, banquet facilities.

90-003-N. FAST-FOOD AND DRIVE-IN RESTAURANT
An eating establishment that serves food only in disposable containers, either at a counter or at a *drive-up window* or walk-up window.

90-003-O. FINANCIAL SERVICES
Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions and consumer investment businesses.

90-003-P. FLEA MARKET
A site or building (either indoors or outdoors) where vendors display, buy, sell, or exchange of new or used goods at individual stalls or spaces where such stalls are provided on a short-term basis.

90-003-Q. FOOD AND BEVERAGE RETAIL SALES
Retail sale of food and beverages for home consumption. Typical uses include groceries, convenience stores and specialty food stores.

90-003-R. FORTUNE TELLING SERVICE

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

90-003-S. FUNERAL AND INTERMENT SERVICES

Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:

1. **CEMETERY/MAUSOLEUM/COLUMBARIUM**
   Land or facilities used for burial of the dead.

2. **CREMATING**
   Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

3. **UNDERTAKING**
   Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

90-003-T. GAS STATIONS

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent.

90-003-U. HOTEL/MOTEL

An establishment containing guest rooms or suites providing lodging for compensation for travelers.

90-003-V. MEDICAL SERVICES

Health services including prevention, diagnosis and treatment, and rehabilitation services that are provided by physicians, dentists, nurses, and other health care personnel. Such services may also include medical testing and analysis services. Typical uses include medical and dental offices, medical and dental laboratories, health maintenance organizations and government operated health centers. Does not include hospitals see Section 90-004-K.

90-003-W. OFFICE

A place where various types of business is transacted by professional, governmental, executive, management or administrative personnel. Typical uses include government offices, legal offices, offices of architects, insurances salesman/brokers, real-estate salesman/brokers, and stock or investment advisors along with other professional or administrative service personnel.

90-003-X. NIGHT CLUB

A restaurant, bar or dance hall open to the general public that includes an assembly area of concentrated use without seating exceeding 150 square feet, such as a dance floor or standing room at a bar.

90-003-Y. PAYDAY LOAN STORE

An establishment that engages in the business of offering loans based on future paychecks. A "payday loan" is a loan transaction where a posted dated check or other check that the parties agree will be held for a period of time before the presentation of payment or deposit is accepted as collateral for the loan.

90-003-Z. PAWN SHOP

An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other type of loan.

90-003-AA. PERSONAL SERVICE

Includes informational, instructional, and personal improvement services available in a storefront or retail setting. Typical uses include hair salons, barber shops, beauty shops, nail salons, health clubs, yoga or dance studios, martial arts studios, and other types of instructional studios.

90-003-BB. RETAIL SALES, GENERAL

Businesses involved in the sale, lease or rent of new or used products or merchandise to the general public. Typical uses include drug stores, department stores, and apparel stores.

90-003-CC. SEXUALLY-ORIENTED BUSINESS

A *"sexually-oriented" arcade*, a "*sexually-oriented" bookstore*, or "*sexually-oriented" video store*, *massage parlor*, an *escort agency* or a *nude model studio* defined as follows:

1. ARCADE, SEXUALLY-ORIENTED

"Sexually-Oriented" arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically-controlled still or 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 so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities"(see “Bookstore or Video Store, Sexually-Oriented") or "specified anatomical areas." (see “Nude Modeling Studio”)

2. BOOKSTORE OR VIDEO STORE, SEXUALLY-ORIENTED

"Sexually-Oriented" Bookstore or "Sexually-Oriented" Video Store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas;" or:

(b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Sexually-Oriented" Bookstore or "Sexually-Oriented" Video Store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as a "Sexually-Oriented" Bookstore or "Sexually-Oriented" Video Store as long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

(c) "Specified Sexual Activities" means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(d) Masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

3. ESCORT AGENCY
A person or business association who furnishes, offers to furnish, or advertises to furnish *escorts* as one of its primary business purposes for a fee, tip, or other consideration.

4. MASSAGE PARLOR
Any establishment where any person engages in massage as defined in Section 401 of the City of Rockford Code of Ordinances; excluding, however, *hospitals*, *nursing homes*, sanitaria, persons holding an unrevoked certificate to practice healing arts in the State of Illinois, or persons working under the direction of any such persons in any such establishments, and also excluding barbers or cosmetologists lawfully carrying out their particular profession and holding a valid unrevoked license or certificate of registration issued by the State of Illinois, and also excluding any person holding a valid massage therapist license issued by the State of Illinois.

5. NUDE MODEL STUDIO
Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nudity" or a "State of Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast. "Specified Anatomical Areas" means any of the following:

(a) Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

90-003-DD. SPORTS AND RECREATION, PARTICIPANT
Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

1. AMUSEMENT ARCADES
A place of amusement that includes 4 or more automatic amusement machines or devices as defined in Chapter 4-16, “Amusements” of the Municipal Code, whether directly or remotely operated or controlled; provided, however, that when calculating the number of automatic amusement devices, jukeboxes will not be counted.

2. INDOOR
Participant sport and recreation uses conducted within an enclosed building, other than arcades and entertainment cabarets. Typical uses include bowling alleys, billiard parlors, and physical fitness centers.

3. OUTDOOR
Participant sport and recreation uses conducted outside of an enclosed building, other than entertainment cabarets. Typical uses include driving ranges, miniature golf courses and swimming pools.

90-003-EE. VEHICLE SALES AND SERVICE

A place licensed by the State of Illinois that sells motorized vehicles or a business that provides services to motor vehicles. The following are vehicle sales and service use types:

1. AUTO BODY SHOP
A place required to be licensed by the State of Illinois that provides collision repair service, including body and frame straightening, and replacement of damaged parts and painting.

2. AUTO REPAIR
Mechanical repair, replacement or rebuilding of engines or auto parts, but not including body work, frame straightening or painting.

3. AUTO SALES: (SEE VEHICLE SALES)

4. AUTO SERVICE STATION
A place that sells gasoline, kerosene and motor fuel oil; may include servicing and car washing, but not the sale, storage or rental of vehicles or trailers.

5. TRUCK STORAGE YARD
An area used for the storage or parking of *trucks*, truck-trailers, tractors, or other commercial vehicles.

6. TRUCK TERMINAL
A storage facility with loading docks, overhead doors and management office(s), used predominantly for the loading and unloading and indoor storage of goods.

90-004 PUBLIC AND CIVIC USE GROUP

The public and civic use group includes uses that provide public or quasi-public services or accommodate assembly uses. The public and civic use group includes the following use categories:

90-004-A. BUS TERMINAL

A facility at which several buses interchange passengers; also includes a rail-to-bus terminal station.

90-004-B. BUS TRANSFER POINT

A facility at which bus passengers board or depart and who will then transfer to another mode of transportation except bus or rail.

90-004-C. CHARITABLE AND NOT-FOR PROFIT INSTITUTION/OFFICE:

A use or institution that provides goods or services such as food, housing, clothing, counseling and other forms of assistance to those in need for no fee or for fees significantly less than those charged by profit-making organizations.

90-004-D. CLUB OR LODGE, PRIVATE

A building or portion thereof primarily for the use of the dues-paying members of a not-for-profit corporation or association; may include the serving of food and alcoholic beverages subject to applicable regulations.

90-004-E. COLLEGE/UNIVERSITY

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a *hospital*, conservatories and seminaries.

90-004-F. COMMUNITY CENTER

A building used as a place for meetings, recreation, or social activities and not operated for a profit.

90-004-G. COMMUNITY SERVICE ORGANIZATION- MULTIPLE USES

A facility for community use which includes two or more of the following: recreation facilities, fitness center, educational programs, and/or meeting rooms. Examples include the YMCA, YWCA, Community Centers and Boys Club.

90-004-H. CHILD-CARE FACILITY

A facility licensed by the State of Illinois solely for the care of children that does not include a dwelling unit.

90-004-I. DETENTION AND CORRECTIONAL FACILITIES

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples include prisons, jails, probation centers and juvenile detention homes.

90-004-J. HOSPICE

A facility or program designed to supply the physical and emotional needs of the terminally ill.

90-004-K. HOSPITAL

An in-patient institution which provides diagnosis, medical, surgical and/or psychiatric care.

90-004-L. LIBRARY/CULTURAL EXHIBIT

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

90-004-M. PARK/RECREATION

Recreational, social, or multi-purpose uses associated with *public parks*, public open spaces, public community centers, public play fields, public or private golf courses, or other public recreation areas or *buildings*. Parks and recreation facilities may include common open spaces or recreation facilities within residential developments that are owned and maintained by a homeowners association.

90-004-N. RELIGIOUS ASSEMBLY

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and *churches* such uses may include incidental offices and services relating to religious exercise.

90-004-O. SAFETY SERVICES

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

90-005 INDUSTRIAL USE GROUP

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

90-005-A. AIRPORT RELATED FACILITIES

1. AIR CARRIER FACILITIES
Airport facilities such as hangars, aircraft maintenance and refueling facilities, air freight storage and other accommodations for passengers and cargo.

2. INTERMODAL CARGO TRANSFER FACILITIES
Facilities designed to accommodate the transport of freight in containers or packages using multiple modes of transportation (air, rail, and truck), without any repackaging of the freight when changing modes.

3. AIR TRANSPORT PACKAGING AND PACKING FACILITIES
Air shipping and handling services that provides containers, boxes, wrapping and other forms of secure packaging of goods in order to protect them while in transit.

90-005-B. JUNK OR SALVAGE YARD

Any premises used for the storage, baling, packing, disassembly, exchange, sale or handling of motor vehicles or parts, paper, rags, scrap metal, used lumber, or similar materials; may include dismantling, crushing or wrecking equipment and the sale of parts or materials.

90-005-C. MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICES

1. ARTISAN
The on-site production of goods by hand that may involve the use of hand tools or small-scale and light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. LIMITED INDUSTRIAL
The manufacture or assembly of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have few, if any, negative external impacts on surrounding properties.

3. GENERAL INDUSTRIAL

(a) Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation

equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.

(b) Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "consumer repair or laundry services."

4. INTENSIVE INDUSTRIAL

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering and oil refining.

90-005-D. PACKAGING PLANT

A facility which packages goods manufactured or produced at another location.

90-005-E. RESEARCH AND DEVELOPMENT FACILITY

A *building* or group of *buildings* in which area located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

90-005-F. UTILITIES AND SERVICES

1. MINOR, BASIC

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; water towers and reservoirs; electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and publicly operated emergency communication broadcast facilities.

2. MAJOR

Infrastructure services that typically have substantial land-use impacts on surrounding areas. Typical uses include but are not limited to water and waste water treatment facilities and major water storage facilities.

90-005-G. WAREHOUSING, WHOLESALING AND FREIGHT MOVEMENT

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public and the following specific use types:

1. RESIDENTIAL STORAGE WAREHOUSES

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops,

manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

2. CONTAINER STORAGE
Any building, structure, premises, enclosure or other place where 4 or more freight containers are stacked, housed, stored, kept for hire, sheltered or parked for any purpose other than repair or repainting, or where rent or compensation is paid to any owner, manager or lessee to stack, house, store keep, shelter or park freight containers on any property.

3. FREIGHT TERMINAL
A building or area in which freight is collected and/or stored for in intrastate or interstate shipment.

90-005-H. WASTE-RELATED USES

1. HAZARDOUS WASTE TREATMENT OR STORAGE
Treatment is any process that changes the physical, chemical, or biological character of a waste to make it less of an environmental threat. Storage is the holding of waste for a temporary period of time. Hazardous wastes are defined consistent with state and federal regulations (see 40 CFR 260).

2. INCINERATORS
A waste treatment technology that involves the combustion of organic materials and/or substances

3. LIQUID WASTE HANDLING FACILITY
A facility that treats or disposes of liquid waste, liquid special waste, or liquid hazardous waste.

4. RESOURCE RECOVERY FACILITIES
A facility that uses non-hazardous solid waste as fuel in a process specifically designed for the purpose of waste disposal or volume reduction and which produces thermal energy or electricity as a by-product.

5. SANITARY LANDFILLS
A facility originally licensed under Chapter 11-4 of the Municipal Code and operating as amended before January 1, 1985 and the Illinois Environmental Protection Act for the disposal of waste on land without creating nuisances or hazards to the public health.

6. TRANSFER STATIONS
A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

90-005-I. WIRELESS COMMUNICATION FACILITY

Facilities related to the use of radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to, radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial radio service facilities. This definition includes all the associated equipment including the antenna, equipment or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment. There are two types of wireless communication facilities:

1. CO-LOCATED FACILITY

A wireless communication facility that is attached to an existing pole, tower, building, or structure such as utility poles, water towers, steeples.

2. FREESTANDING FACILITY

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and associated equipment.

Article 91 | General Terms

91-001 Accessory Building

A *building* that (a) is subordinate to and contributes to the comfort, convenience or needs of occupants of the *principal building* or *principal use* served, (b) is located on the same *zoning lot* and (c) satisfies the standards in Article 10.

91-002 Accessory Use

A use which is subordinate to the *principal use*, that may or may not be a structure and satisfies the standards in Article 10.including, but not limited to, the following;

91-002-A. Garage, *carport*, shed or *building* for domestic storage, children's playhouse, gazebo, garden house, private greenhouse;

91-002-B. Storage of merchandise on the same lot which is normally carried in stock for any business, unless such storage is excluded by the district regulations;

91-002-C. Storage of goods used in or produced in manufacturing on the site, including outside storage, unless such storage is excluded by the district regulations;

91-002-D. Private swimming pools and recreational equipment;

91-002-E. *Parking areas*, loading docks;

91-002-F. *Public utility facilities*;

91-002-G. *Signs*, other than advertising *signs*, as permitted in Article 51.

91-003 Alley

A public way, not used for general traffic circulation, that serves as a secondary means of access to the rear or side of properties which otherwise abut a *street*.

91-004 Artist

An individual who practices in the creation, manufacture, exposition, display, sale, teaching, instruction, or assemblage of all art in any forms and media, including persons engaged in culinary arts (except as would qualify as a restaurant), painters (excluding painting contractors), sculptors, authors, screenwriters, playwrights, film makers, dancers, potters, weavers, jewelers, exhibitors, printers, costumers, musicians, photographers, architects, engineers, designers, computer programmers, video game developers, and other similar or related uses as approved by the Zoning Officer; excluding any individual engaged or in practice of operating a Sexually Oriented Business(s) as defined within this ordinance.

91-005 Artist Live/Work Space

A dwelling unit in which up to 50% of the floor area is used by the residents for the production, showing, and sale of art.

91-006 Balcony

A roofed or unroofed platform not anchored directly to the ground projecting from the wall of a *building*.

91-007 Basement

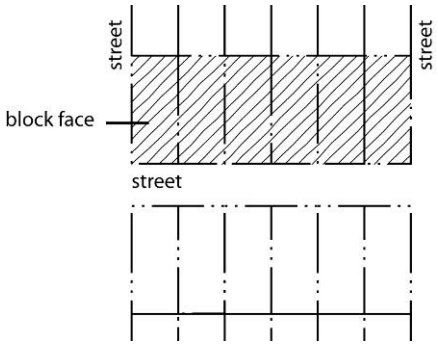
That portion of a structure which is partly below grade; may be habitable.

91-008 BERM
An earthen mound designed to provide visual interest, *screen* undesirable views and/or decrease noise. For any berm (as defined in the preceding sentence), the maximum slope shall be 3:1, horizontal/vertical.

91-009 BLOCK
A tract of land bounded by streets or by a combination of streets, public lands, railroad rights-of-way, waterways, or boundary lines of the City.

91-010 BLOCK FACE
The land along one side of a *street* between two consecutive intersections with other *streets*; a block face may also terminate with a railroad track, waterway or other physical barrier.

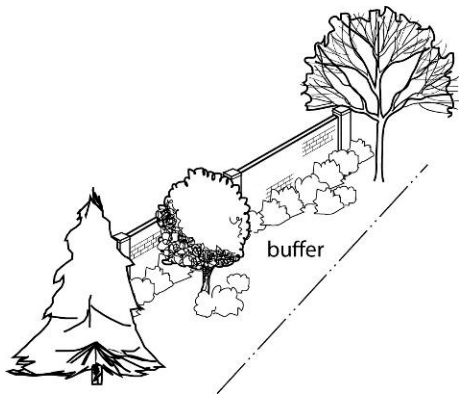
Figure 36: Block Face Definition



91-011 BOARDING
The keeping, harboring, or otherwise maintaining on a lot of any dog that is not licensed in the name of the owner of the lot on which the dog is kept, harbored, or otherwise maintained.

91-012 BUFFER
A combination of physical space and vertical elements, such as plants, *berms*, *fences* and/or walls, the purpose of which is to separate and *screen* incompatible land uses from each other.

Figure 37: Buffer Definition

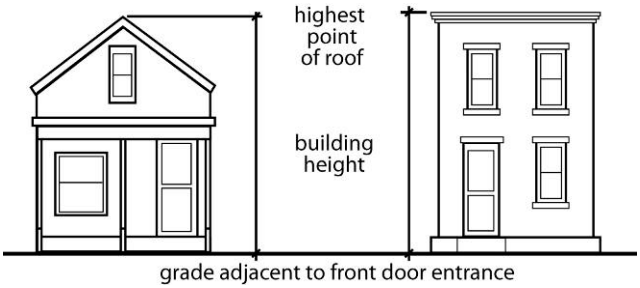


91-013 BUILDABLE AREA
The area of a lot minus all required *yards* and recorded easements for street or road widening.

91-014 BUILDING
A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel.

91-015 BUILDING HEIGHT
The vertical distance measured from grade adjacent to the front door entrance to the highest point of the roof or mechanical fixtures, inclusive of architectural appurtenances.

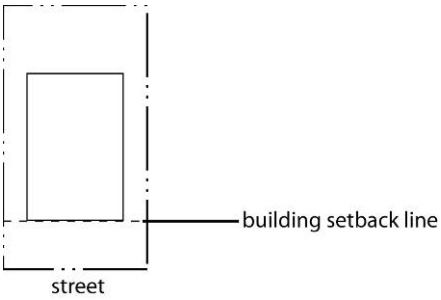
Figure 38: Building Height Definition



91-016 BUILDING
Any enclosed roofed structure.

91-017 BUILDING SETBACK LINE
A line parallel to the *street*, whether public or private, at a distance specified for the respective district and/or on a recorded subdivision plat. (Whichever is more restrictive between the Zoning and Subdivision Ordinances shall take precedence.)

Figure 39: Building Setback Line Definition



91-018 BULK
The size of buildings or structures, including area, *height* and setbacks, in relation to the size of the parcel (see Floor Area Ratio).

91-019 CALIPER
The diameter of the trunk of a tree measured in inches at a point 6 inches above ground line. This point of measurement is used for nursery stock.

91-020 CANOPY (SEE MARQUEE OR CANOPY)

91-021 CARPORT
A permanent roofed structure open on at least two sides designed to provide shelter for private passenger vehicles.

91-022 CHILD-CARE FACILITY
A facility licensed by the State solely for the care of children (does not include a *dwelling unit*).

91-023 CO-LOCATION
The location of a wireless antenna or antennas on an existing building or structure or the use of a single support structure and/or site by more than one provider of personal wireless services.

91-024 COMMON OPEN SPACE
An outdoor area designated and intended for the common use and enjoyment of residents or other members of a homeowners or condominium association or other controlling association.

91-025 COMPLETELY ENCLOSED BUILDING
A building separated on all sides from the adjacent open area, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure that has less than 50 percent of its outer wall space open but that does not allow any parked vehicle within said structure to be seen from the exterior thereof shall be considered a completely enclosed building.

91-026 CONSERVATION SUBDIVISION
A form of residential development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under conventional subdivision or an increase in the overall density of development, and where the remaining land is devoted to open space, active recreation, or the preservation of environmentally sensitive areas.

91-027 DECK
A wooden platform usually raised above the ground and anchored to the ground.

91-028 DETENTION
Temporary on-site storage of storm water to be released at a pre-determined rate by means of facilities engineered for that purpose.

91-029 DEVELOPMENT
Any man-made change, other than maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate, including without limitation the construction or installation of new, or enlargement of existing, structures, streets, or utilities; dredging, filling, drilling, mining, grading, paving, or excavating operations; and open storage of materials.

91-030 DISTRICT BOUNDARY LINE
A line on the Zoning Map separating one district from another.

91-031 DRIVEWAY
A paved surface that leads in a direct path generally perpendicular from the *street* or *alley* to a garage or parking surface not within a *front yard* in R-1, R-1U, and R-2 Districts or leads to a garage, indoor *parking area*, approved loading dock, or an approved *parking lot* in all other zoning districts. A driveway shall also include a circular driveway in an R-1, R-1U, and R-2 zoning district on an interior lot.

91-032 DROP BOX
Anything constructed, erected or installed including accessory structures, fenced areas or collection bins used for the purpose of collecting clothes and other donated items for the public.

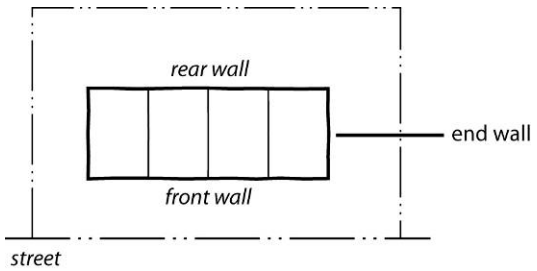
91-033 DUMPSTER
A container with a volume of 2 or more cubic yards used as a receptacle for garbage, trash, refuse, or any waste materials.

91-034 DWELLING
Any structure or portion thereof designed or used for habitation including, when located in a residential district, any structure in which food or drink is stored on a regular basis for any purpose, beds are placed at any time for any purpose, or kitchen or cooking facilities (other than one compact refrigerator not exceeding six cubic feet in size) are installed at any time for any purpose.

91-035 DWELLING UNIT
Any room or group of rooms located within a dwelling forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family.

91-036 END WALL
An exterior wall that is generally perpendicular to front walls or rear walls.

Figure 40: End Wall Definition



91-037 ESCORT
A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

91-038 EVERGREEN TREE OR SHRUB
A plant with foliage that persists and remains green year round and obtains a mature height of at least 30 feet and is a species listed within the recommended species list of Appendix A.

91-039 FAÇADE
The exterior plane or “face” of the building.

91-040 FAMILY
A "family" consists of one or more persons, each related to the other by blood, marriage or adoption (including foster children), maintaining a common household; or a family may consist of up to but not exceeding 3 persons not so related, provided such persons maintain a common household and single housekeeping unit.

91-041 FENCE
A structure typically constructed of wood, masonry, stone, metal, wire or other manufactured materials used to enclose, screen, or separate parcels or create boundaries between properties.

91-042 FENCE, SIGHT-OBSTRUCTING
A *fence* which is designed and constructed to be completely solid and completely *screens* one's view from any angle, (excluding slatted chain link fencing).

91-043 FENCE, PARTIAL SIGHT-OBSTRUCTING
A *fence* that is more than 25 percent opaque (or less than 75 percent open) when viewed from an angle perpendicular to the fence.

91-044 FENCE, NON-SIGHT -OBSTRUCTING
A *fence* not more than one inch thick in width or depth, excluding posts and rails, that is at least 75 percent open when viewed from an angle perpendicular to the *fence*.

91-045 FLOOR AREA, GROSS
The total square footage of all floors in a building and *accessory buildings* that are devoted to a specific use, measured from the exterior walls.

91-046 FLOOR AREA RATIO (F.A.R.)
The floor area of the *building* (as calculated pursuant to Section 92-005) divided by the total gross area of the *zoning lot* upon which the *building* is located. In the case of a planned unit developments and townhouse developments, the *floor area ratio* of a *building* site is the floor area of all *buildings* on the site divided by the net site area of the *building* site.

91-047 FRONT WALL
In buildings that do not contain more than one dwelling unit or more than one dwelling unit per floor, the front wall is that wall that is generally parallel and closest to the front property line. In buildings with multiple units on a single floor, the front wall is the wall generally perpendicular to the party walls between dwelling units.

91-048 GRADE
The elevation of a lot as measured at the midpoint of the front lot line.

91-049 GROUND COVER PLANT
A low-growing *perennial*, *shrub* or vine that will spread rapidly, grow close to the ground and create a thick, low-maintenance covering that binds and protects the soil. May be *deciduous* or *evergreen*, and generally less than 18 inches in *height*.

91-050 HARD SURFACE
Hard surface is defined as concrete, blacktop (asphalt) or masonry for the purposes of this Ordinance.

91-051 HEIGHT (SEE BUILDING HEIGHT, SIGN HEIGHT)

91-052 HOME BUSINESS
Any business, profession, occupation or trade carried out for gain or support by a resident of a dwelling that can be conducted as a customary, incidental, and accessory use to the resident's dwelling consistent with the limits of Article 53.

91-053 IMPERVIOUS SURFACE AREA
The area of ground covered by any part of a building, vehicular use area, or any other improvement which prevents or severely restricts natural percolation of moisture. All asphalt, concrete and brick surfaces and areas devoted to any outdoor storage and/or display of materials and merchandise shall be included. Decks that allow rainwater to filter into the ground will not be considered an impervious surface.

91-054 IMPERIOUS SURFACE RATIO (ISR)
The *Impervious Surface Area* divided by the *zoning lot* area.

91-055 KENNEL, COMMERCIAL
The keeping of more than 4 animals, dogs, cats, or other domestic pets over the age of 4 months.

91-056 LANDSCAPE UNITS (LU)
A value given to plant materials in order to determine if the *landscaping* requirements for a particular land use have been met.

91-057 LANDSCAPING
A combination of *deciduous* and/or *evergreen trees*, *shrubs*, *perennials*, ground covers and *lawns* located on private property.

91-058 LAWN
One or a mixture of more than one different type of *perennial* grasses that will spread rapidly, grow close to the ground, and create a thick covering that binds and protects the soil. Generally, maintained at no more than a 3-inch to 6-inch *height*.

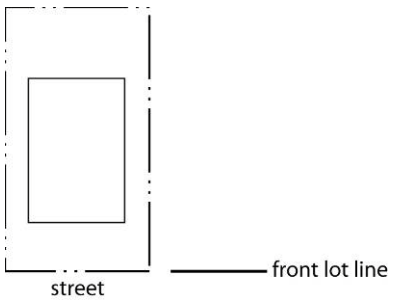
91-059 LOADING BERTH OR FACILITY
A hard-surfaced space located completely off any public *right-of-way*, used for the loading or unloading of commercial vehicles.

91-060 LOT, CORNER
A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where it is possible to draw two intersecting tangents, one each commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 135 degrees.

91-061 LOT LINES
The property lines bounding a lot; provided, however, that when a lot includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.

91-062 LOT LINE, FRONT
A line which locates the boundary between private property and the public *street right-of-way*.

Figure 41: Front Lot Line Definition



91-063 LOT LINE, REAR
That lot line that is parallel to and most distant from the front lot line of the lot.

91-064 LOT LINE, SIDE
Any lot line other than a front or rear lot line.

91-065 LOT OF RECORD
A lot within a subdivision or a parcel described by metes and bounds which has been recorded in accordance with the State of Illinois Plats Act (765 ILCS 205).

91-066 LOT WIDTH
The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

91-067 LOW SLOPE ROOF
A roof slope of less than 4 inches vertically for every 12 inches horizontally, or less than 33 centimeters vertically for every meter horizontally.

91-068 MARQUEE OR CANOPY
A permanent roof-like structure which projects from the wall of a building and overhangs a walkway and designed to protect pedestrians.

91-069 MAXIMUM PERMITTED ILLUMINATION
An average of light readings at 10 foot intervals, measured in foot-candles at the property line at ground level using a direct-reading, portable light meter. All measurements must be made after dark with the lights on and again with the lights off - the difference between the two readings is the Net Illumination attributable to your property which must fall at or below the Maximum Permitted Illumination in Table 405.4 to be in compliance with the Zoning Ordinance. An Illumination Plan is required in the "zoning clearance" process for new construction.

91-070 METEOROLOGICAL TOWER OR MET TOWER
A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period less than 60 days or for a time period as determined appropriate by Staff for either instantaneous wind information or to characterize the wind resource at a given time.

91-071 NET SITE AREA
The entire land area within the boundaries of the site, less the land area dedicated for public rights-of-way, parks, or other public uses.

91-072 NEW POTENTIAL PRIMARY SOURCE
Any device, mechanism, equipment, building, excavation or area at a facility or site not currently subject to a removal or remedial action by the State or Federal government which:

91-072-A. is utilized for the treatment, storage, or disposal of any hazardous or special waste as defined not generated at the site; or

91-072-B. is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

91-072-C. is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste as defined that is generated on the site or at other sites owned, controlled or operated by the same person.

91-072-D. stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances as defined by Illinois Environmental Protection Act (415 ILCS 5/1 et seq.); or

AND

91-072-E. was not in existence or for which construction had not commenced at its location as of July 1, 1998;

91-072-F. was in existence (or was under construction) as of January 1, 1988, but expands laterally beyond its boundary as of January 1, 1988, unless such expansion was previously permitted by the State; or

91-072-G. was in existence as of January 1, 1988, but is part of a facility which undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

91-073 NEW POTENTIAL SECONDARY SOURCE

Any device, mechanism, equipment, building, excavation or area at a facility or site not currently subject to a removal or remedial action by the State or Federal government, other than a potential primary source (as defined by the Illinois Groundwater Protection Act) which:

91-073-A. is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

91-073-B. stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

91-073-C. stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

91-073-D. stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

91-073-E. stores or accumulates at any time more than 50,000 pounds of any de-icing agents; or

91-073-F. is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the “Private Sewage Disposal Licensing Act.”

AND

91-073-G. was not in existence or for which construction had not commenced at its location as of July 1, 1988;

91-073-H. was in existence (or was under construction) as of July 1, 1988, but expands laterally beyond its boundary as of July 1, 1988, unless such expansion was previously permitted by the State (other than an expansion for treating domestic wastewater); or

91-073-I. was in existence as of January 1, 1988, but is part of a facility which undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, State and local approvals have

been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

91-074 NEW POTENTIAL ROUTE

Abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, any excavation for the discovery, development or production of stone, sand or gravel,

AND

91-074-A. was not in existence or for which construction had not commenced at its location as of July 1, 1988; or

91-074-B. was in existence (or under construction) as of July 1, 1988, but expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of July 1, 1988. Construction shall be deemed commenced when all necessary federal, State and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

91-075 NONCONFORMING DEVELOPMENT

Any aspect of a development –other than a nonconforming lot, nonconforming use, nonconforming structure—that was lawfully established in accordance with the zoning regulations in effect at the time of its establishment but that no longer complies with one or more of the standards of the zoning regulations. Nonconforming developments may include buildings that do not comply with setback requirements, off-street parking requirements, landscaping standards, or other requirements of the ordinance.

91-076 NONCONFORMING LOT

A *zoning lot* lawfully established before or under the Rockford Zoning Ordinance of 1923, under the Rockford Zoning Ordinance of 1950, or under the Rockford Zoning Ordinance of 1973 that does not comply with the minimum lot area or lot width standards of the zoning district in which it is now located.

91-077 NONCONFORMING STRUCTURE

A structure that was lawfully established which does not conform to the *bulk* regulations of this Ordinance.

91-078 NONCONFORMING USE

The use of any structure or land lawfully occupied and maintained, which does not conform with the provisions of this Ordinance or amendments thereto.

91-079 OFFICIAL COMPREHENSIVE PLAN AND OFFICIAL MAP

A comprehensive declaration of purposes, policies and programs for the development of the City and use of land within the City, including maps and text, setting forth objectives, principles, standards and other features which have been adopted by City Council pursuant to 65 ILCS 5?11-12-5.

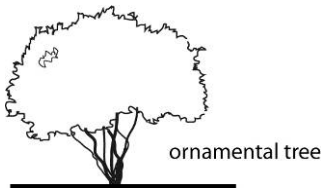
91-080 OPEN SALES LOT

An open area used for sales and temporary incidental storage of goods.

91-081 ORNAMENTAL TREE

A small *deciduous* or *evergreen tree* planted primarily for its ornamental value or *screening* purposes; tends to be smaller at maturity than a *shade tree*.

Figure 42: Ornamental Tree Definition



91-082 OUTDOOR STORAGE
The keeping of goods, junk, material, merchandise, or vehicles (operable or inoperable) in any location outside of a building or structural enclosure in the same place for more than 24 hours. Any outside storage must meet the screening and buffering requirement of this ordinance.

91-083 OWNER
Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least 10 years, and the like.

91-084 PARK, PUBLIC
Publicly-owned land generally used for recreational purposes.

91-085 PARKING AREA OR LOT
An area, other than a *street* or public way, designed or used for parking vehicles. In residential districts a parking area or lot is an area located outside of any required front yard designed and used for parking vehicles.

91-086 PARKING LOT CONSTRUCTION
The development of a parking area or lot at a location where none existed previously. This activity includes excavation, placement of a base course and a surface course of bituminous or Portland cement concrete.

91-087 PARKING LOT MAINTENANCE
Shall involve any work on an existing parking area or lot with the intention of preserving or extending the life of that lot. Such activities shall include sealing and resurfacing of the existing pavement, hole patching, crack sealing and restriping.

91-088 PARKING LOT RECONSTRUCTION
The redevelopment of an existing parking area or lot which may or may not involve expansion or reconfiguration. Reconstruction shall also be defined by the removal, grinding or replacement of existing paving.

91-089 PARKING SPACE
An area for the parking of a single vehicle.

91-090 PASSENGER VEHICLES
Automobiles, passenger vehicles and *trucks* not exceeding 8,000 pounds Gross Vehicle Weight (GVW).

91-091 PATIO
A hard-surfaced outdoor living area, usually at grade.

91-092 PEDESTRIAN STREET
A street where special regulations apply to buildings, parking, and land uses in order to enhance the walkability and level of pedestrian activity consistent with the street designations in Section 22-006-B.

91-093 PERENNIAL PLANT
A non-woody, herbaceous plant that lives longer than three years; usually has outstanding flowering characteristics.

91-094 PLANTING BED
An unpaved porous area devoted primarily to support of living plant material and having a minimum depth of 2 feet of good loam soil.

91-095 PORCH OR STOOP
A structure projecting from the wall of a building and commonly open to the weather, which provides access from grade to an entranceway.

91-096 PREMISES
A lot, plot, or parcel of land, together with the buildings and structures thereon.

91-097 PRINCIPAL USE
The primary use of land or *buildings* as distinguished from an *accessory use*.

91-098 PUBLIC SERVICE AND UTILITY USES
Includes police, fire, postal or *public utility* stations and substations, sewage pumping stations, public libraries and branches and other similar uses.

91-099 PUBLIC UTILITY
Any person, firm, or corporation under public regulation furnishing franchised services such as cable television, electricity, gas, telephone, water, or sewage service.

91-0100 REAR WALL
In buildings that do not contain more than one dwelling unit or more than one dwelling unit per floor, the rear wall is that wall that is generally parallel and closest to the rear property line and the rear wall is the exterior wall opposite the front wall. In buildings with multiple units on a single floor, rear walls are those walls generally perpendicular to the party walls between dwelling units and opposite the front wall.

91-0101 RECREATIONAL VEHICLE
A camping trailer, motor home, travel trailer, *truck* camper or van camper, as defined in Ill. Rev. Statutes, Ch. 95 1/2, used primarily for recreational purposes and not used commercially or owned by a commercial business.

91-0102 RECYCLABLE MATERIALS
Any glass or paper product, aluminum, tin, rubber, textiles, landscape waste, or plastic materials that can be removed from common household or business wastes and reused for new products.

91-0103 RECYCLING
The collection, temporary storage, and minimal processing of recyclable materials for the purpose of marketing that material for use as a raw material in a manufacturing process or reuse as consumer products. For the purposes of this definition, the word processing means manual, mechanical, automatic separation of recyclable materials from non-recyclable materials and the cleaning, bundling,

compacting, or packing of recyclable materials. “Processing” does not include burning, melting, rendering, smelting, or other applications of heat or chemicals to recyclable or non-recyclable materials.

91-0104 REFLECTOR
Any device designed or intended to reflect the sun’s rays to a solar collector or designed to concentrate the sun’s rays on a solar collector.

91-0105 RIGHT-OF-WAY
A strip of reserved land, either public or private, designated for use for vehicular or pedestrian access or passage or for utility lines or similar facilities.

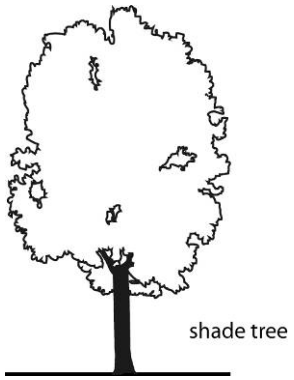
91-0106 SCREENING
A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, *berms*, *fences*, walls, or any appropriate combination thereof.

91-0107 SETBACK
The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure. A "required" setback is a setback meeting the minimum yard requirements of a zoning district.

91-0108 STRIP SHOPPING CENTER
A building used for 2 or more commercial establishments (e.g. stores, shops, business services, professional offices) that are typically one story buildings in height and typically separated from the street by parking. Strip shopping centers typically contain less than 65,000 square feet of floor area and are thereby distinct from larger community or regional shopping centers. This definition does not include single-use buildings like stand alone banks, drug stores, or coffee shops.

91-0109 SHADE TREE
Usually a *deciduous* tree - rarely an *evergreen* - planted primarily for its high crown of foliage or broad overhead canopy.

Figure 43: Shade Tree Definition



91-0110 SHELTER
A facility providing temporary housing for one or more individuals who are otherwise homeless.

91-0111 SHOPPING CENTER
An integrated group of six (6) or more commercial establishments, which is planned, developed and managed as a unit with customer and employee parking provided onsite, including outlots.

91-0112 SHRUB

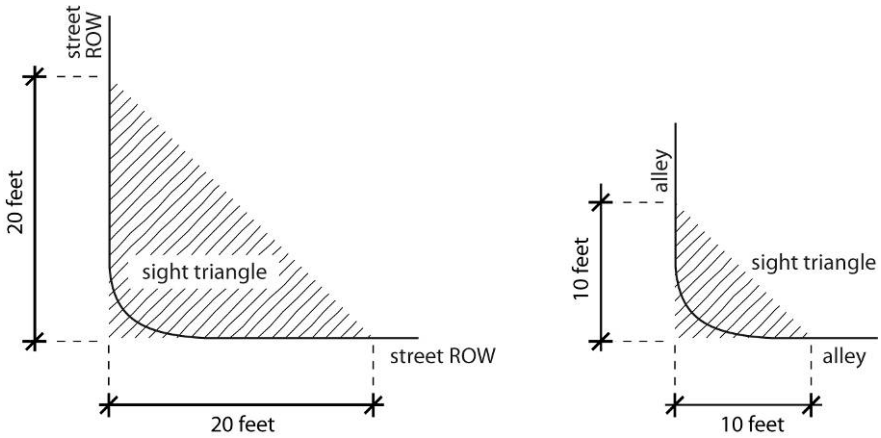
A *deciduous* or *evergreen* woody plant, smaller than a tree consisting of several small stems from the ground or small branches near the ground.

Figure 44: Shrub Definition

91-0113 SIGHT-TRIANGLE

The area within a triangle located at the intersection of two *right-of-way* lines defined by measuring back from the intersection of the two *right-of-way* lines 20 feet along any *street right-of-way* lines and/or 10 feet along any *alley right-of-way* lines and a line connecting the ends of those lines.

Figure 45: Sight Triangle Definition



91-0114 SIGN

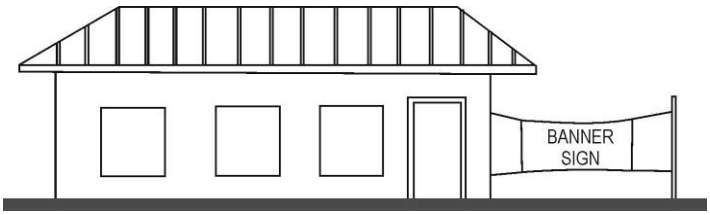
A surface on which printed or written text or graphic representation is placed in order to identify or locate a place, to direct people, or to direct attention to a product or service, or to make an announcement or expression.

91-0115 SIGN, ABANDONED BILLBOARD

A billboard that has not had active advertising for a period of six (6) months, (active advertising does not include the self-advertisement of the billboard or billboard company), and/or a billboard that does not have a valid current license, and/or a billboard that has not been removed in accordance with the amortization period identified in this Ordinance.

91-0116 SIGN, BANNER:

A sign usually made of cloth, paper, plastic or other non-rigid material with or without and enclosed framework.



91-0117 SIGN, BILLBOARD (OFF PREMISE ADVERTISING SIGN)
A sign which directs attention of the public, business or activity conducted or product or service sold or offered at a location not on the same premises where such sign is located without using electronic graphic display.

91-0118 SIGN, BUSINESS (ON-PREMISE ADVERTISING SIGN)
Any display, device, figure, plaque or sign maintained or used to advertise or to inform or to direct attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon.

91-0119 SIGN, DEVELOPMENT SITE
A temporary sign used for advertising the construction of a commercial, industrial or residential development.

91-0120 SIGN, ELECTRONIC GRAPHIC DISPLAY
A sign or portion thereof that displays electronic images, graphics or pictures. Such sign may be with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within display area Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

91-0121 SIGN, ELECTRONIC GRAPHIC DISPLAY BILLBOARD (OFF PREMISE ADVERTISING SIGN)
A sign which directs the attention of the public, business or activity conducted or product or service sold or offered at a location not on the same premises where such sign is located using an electronic graphic display sign.

91-0122 SIGN HEIGHT
Freestanding Signs: Height from the adjacent top of curb to the highest point of the sign or sign structure. Wall Signs: Height from the grade directly below the sign.

91-0123 SIGN, GARAGE OR YARD SALE
A sign either on premise or off premise, which identifies, describes, directs attention to, or gives direction for locating a garage sale or yard sale or rummage sale or similar type of sale.

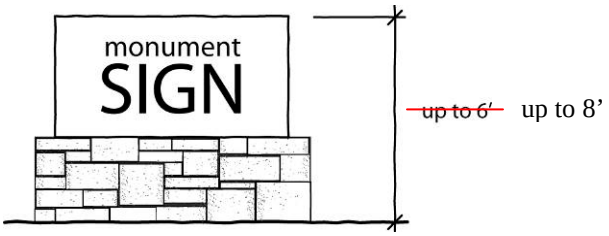
91-0124 SIGN, GROSS AREA
The area within the perimeter of a sign; includes only one side of a double-faced sign

91-0125 SIGN, INFLATABLE
Any sign that is expanded to its full dimension or supported by gases within the sign, or sign parts, included but not limited to a pressure greater than the atmospheric pressure.

91-0126 SIGN, INSIDE
Signs inside a building but visible from a public right-of-way.

91-0127 SIGN, LANDMARK STYLE:
A detached sign mounted on or incorporated into a solid base, and shall be a self-supporting structure.

91-0128 SIGN, LOW-PROFILE: (ALSO "MONUMENT SIGN")
A sign mounted directly on the ground with maximum height not to exceed eight (8) feet.



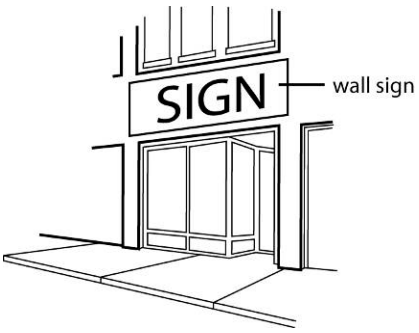
91-0129 SIGN, MURAL
A painting or pictorial representation applied to or incorporated into a structure or wall, that may be viewed from public places, alleys, right-of ways.

91-0130 SIGN, PERMANENT
Any sign permanently affixed to a wall, permanently installed in the ground by anchoring below the frostline or installation in concrete, or permanently installed inside a building but designed to be visible from the public right-of-way.

91-0131 SIGN, REAL ESTATE
A temporary sign that relates to the sale, rental, lease or marketing of property or buildings on which the sign is located.

91-0132 SIGN, TEMPORARY
A sign which is not permanently affixed to a wall, permanently installed in the ground by anchoring below the frost line or installation in concrete; signs taped to the inside of window to be visible from the public right-of-way. All devices such as banners, pennants, flags (not intended to include flags of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

91-0133 SIGN, WALL
Any sign located on a wall of a structure that is not a mural, billboard or freestanding sign. For the purposes of this ordinance marquee and canopy sign is a wall sign.



91-0134 SINGLE-ROOM OCCUPANCY UNIT
A room rented as sleeping or living quarters without kitchen facilities within a *building* that is not owner-occupied.

91-0135 SNOW LOAD
The greatest weight of snow to be anticipated from any snowfall in the City, to be calculated from United States Weather Bureau statistics.

91-0136 SOLAR CELL
Any device designed or intended to produce electricity directly from the energy of sunlight, without moving parts.

91-0137 SOLAR COLLECTOR
Any device designed or intended to collect energy from the sun and use that energy to heat air, gas or liquid to be transmitted through pipes or ducts for heating and energy purposes. A window letting sunlight directly into a room to be heated is not a solar collector.

91-0138 SOLAR COMPONENT
Any solar collector, solar engine, reflector, pipe, duct or other component of a system using solar collectors or solar engines.

91-0139 SOLAR ENERY ENGINE
Any device designed or intended to produce motion from heat generated by sunlight; such motion may be turning a wheel, pulley or gear, or by moving a shaft back and forth. The motion may be produced by a sterling engine, a steam engine, or any mechanical device using heat and light from the sun.

91-0140 SOLAR PANEL
A solar collector in the shape of a panel, regardless of the thickness of the panel.

91-0141 STREET
The improved portion of a public or private *right-of-way*, other than an *alley*.

91-0142 STREET LINE
A lot line separating a street right-of-way from other land.

91-0143 STRUCTURE
Anything constructed or erected which requires permanent location on the ground; may or may not be closed in.

91-0144 TOWNHOUSE
A single dwelling unit having one or more walls abutting the exterior walls of another dwelling unit and where each dwelling unit has front and rear walls that are exposed and used for access, light, and ventilation.

91-0145 TRADE OR BUSINESS SCHOOL
A school teaching the skilled trades, business or clerical skills.

91-0146 TRADITIONAL NEIGHBORHOOD DEVELOPMENT
A development that exhibits a majority of the following characteristics: private alleys; street laid out in a grid pattern; buildings oriented to the street; front porches on houses; sidewalks and other pedestrian amenities; mixed land use; and central squares or open spaces.

91-0147 TRUCK
A vehicle exceeding 8,000 pounds Gross Vehicle Weight (GVW) designed, used or maintained primarily for the transportation of property.

91-0148 URBAN STREET
A street where special regulations apply to buildings, parking, and land uses in order to enhance the walkability and level of pedestrian activity consistent with the street designations in Section 22-006-B.

91-0149 UTILITY, PUBLIC OR PRIVATE
Any agency authorized to provide utility services to the public including, but not limited to, electricity, telephone, cable, gas, sewer and water.

91-0150 VACANT
Not developed with any building, structure, or paving or surfacing of the ground.

91-0151 VEHICLE
Any device for carrying passengers, goods, or equipment including, but not limited to, passenger automobiles, vans, trucks, buses, recreational vehicles, and vehicles used for commercial, business, or governmental purposes.

91-0152 VEHICULAR USE AREA
Any area of a lot that is designed and intended for use by motor vehicles including parking; automobile or vehicle storage areas; loading areas; service areas and drives; and access drives and driveways. This does not include enclosed spaces used or devoted to use by vehicle.

91-0153 WIND ENERGY CONVERSION SYSTEM (WCES)
A system by which wind energy is converted to electricity including wind turbines, towers, support systems, blades and associated controls, and conversion electronics which has a rate capacity over 100 Kilowatts.

91-0154 WIND ENERGY CONVERSION SYSTEM – SMALL (SWCES)
A system by which wind energy is converted to electricity including wind turbine, one tower, support system, blades and assocated controls and conversion electronics which has a rated capacity of 10 to 100 Kilowatts or a system height of 35feet or more.

91-0155 WIND ENERGY CONVERSION SYSTEM – MINI (MWCES)
A system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and assocated control and conversion electronics which has a rated capacity of less than 10 Kilowatts and a system tower height of less than 35 feet or mounted on a building with a height not to exceed 25 feet from the building roof.

91-0156 WIND ENERGY CONVERSION SYSTEM TOWER HEIGHT
The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

91-0157 WIND ENERGY CONVERSION SYSTEM SITE
All parcels and lots of land making up the Wind Energy Conversion System project.

91-0158 WIND ENERGY CONVERSION SYSTEM PERIMETER
The outer boundaries of the Wind Energy Conversion System site.

91-0159 WIND ENERGY CONVERSION SYSTEM PROJECT
All Wind Energy Conversion System, substations and ancillary facilities.

91-0160 WIND ENERGY CONVERSION SYSTEM TOWER
The support structure to which the nacelle and rotor are attached.

91-0161 WIND LOAD
Pressure of wind against any object of structure, such as a solar collector.

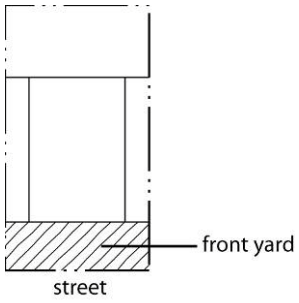
91-0162 YARD

An open space on the same lot or parcel as the *principal use* which is unoccupied and unobstructed from the ground upward, except as otherwise provided for in this code.

91-0163 YARD, FRONT

Any *yard* adjoining a *street* shall be considered a front yard and shall meet the required setback for the respective district in which it is located.

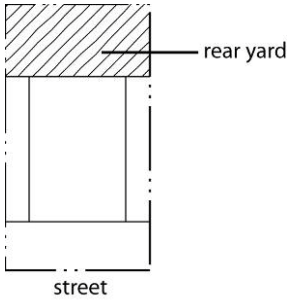
Figure 46: Front Yard Definition



91-0164 YARD, REAR

The area between the side lot lines and most nearly opposite the front lot line at a depth specified for the respective district in which it is located. On irregularly-shaped lots, the rear *yard* may be designated by the Zoning Officer.

Figure 47: Rear Yard Definition



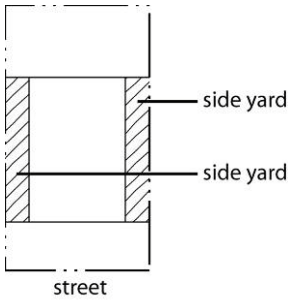
91-0165 YARD REQUIRED

The minimum yard depth designated in the regulations of this Zoning Ordinance establishing minimum front, corner side, side, and rear yard requirements for various uses, structures, and districts.

91-0166 YARD, SIDE

The area extending along the side lot line from the *front yard* to the *rear yard* at a width specified for the respective district in which it is located.

Figure 48: Side Yard Definition



91-0167 ZONING LOT

A tract of land consisting of one or more lots of record, or parts thereof, under single ownership or control, located entirely within a block occupied by, or designated by its owner or developer to be used or occupied for, a principal building or, where permitted, buildings and their accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Ordinance, to be used with such building or use.

Article 92 | MEASUREMENTS

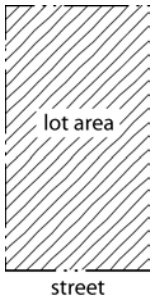
92-001 DIVISION OF IMPROVED ZONING LOTS

No improved *zoning lot* may be divided into 2 or more *zoning lots* and no portion of any improved *zoning lot* may be sold unless all improved *zoning lots* resulting from the division or sale comply with all the applicable *bulk* regulations of the zoning district in which the property is located.

92-002 LOT AREA

Lot area includes the total land area contained within the property lines of a lot.

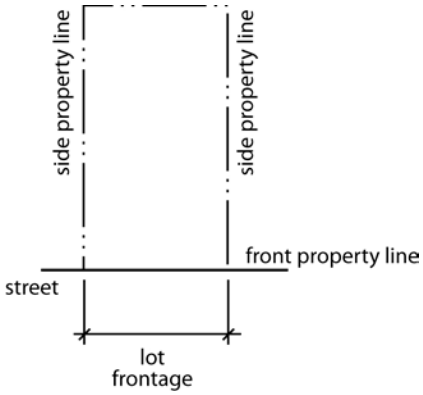
Figure 49: Lot Area Definition



92-003 LOT FRONTAGE

Lot frontage is measured between side property lines along the front property line abutting a public *street*.

Figure 50: Lot Frontage Definition



92-004 LOT AREA PER UNIT

Lot area per unit refers to the amount of lot area required for each *dwelling unit* on the property. For example, if a minimum lot-area-per-unit standard of 1,000 square feet is applied to 3,125 square foot lot, a maximum of 3 *dwelling units* would be allowed on the property.

92-005 FLOOR AREA RATIO

For the purpose of calculating *floor area ratios*, the "floor area" of a *building* is the sum of the gross horizontal area of all floors in the *building* measured from the exterior faces of the exterior walls or from the center line of walls separating two *buildings*. The measure of floor area does not include:

1. floor area within accessory structures such as parking garages.

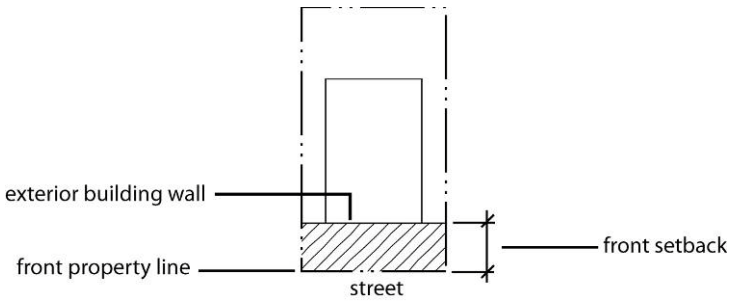
2. Interior floor area devoted to accessory parking and the drive aisles and circulation area associated with such parking.

92-006 FRONT SETBACKS

92-006-A. MEASUREMENT

Required front setbacks are to be measured from the front property line of the lot to a line generally parallel to the front lot line at the setback or yard distance prescribed in the applicable district. Existing average *front yards* are to be measured from the front property line of the lot on which such *building* is located to the exterior wall of the *building*.

Figure 51: Measurement of Front Setback



92-006-B. PERMITTED OBSTRUCTIONS/ENCROACHMENTS

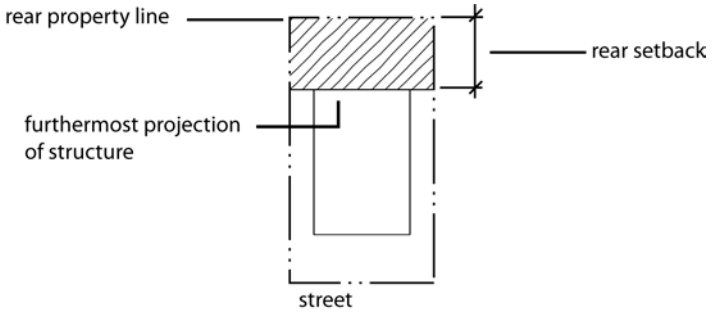
Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 92-009 and Section 92-010. All portions of required front setbacks that are not occupied by permitted obstructions (See Section 92-009 and Section 92-010) must be landscaped and preserved as open space.

92-007 REAR SETBACKS

92-007-A. MEASUREMENT

Required rear setbacks are to be measured from the rear property line of the lot to a line generally parallel to the rear lot line at the setback or yard distance prescribed by the applicable district.

Figure 52: Measurement of Rear Setback



92-007-B. PERMITTED OBSTRUCTIONS/ENCROACHMENTS

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 92-009 and Section 92-010.

92-007-C. THROUGH LOTS

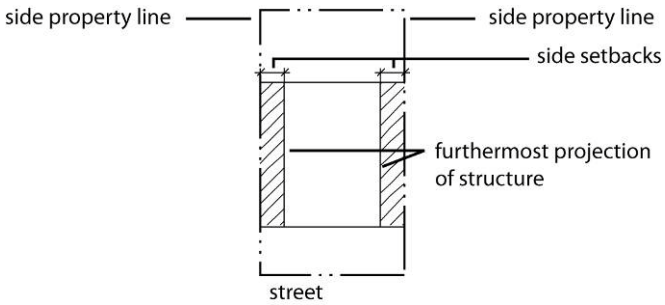
On through lots both (opposing) *street* lines are considered front property lines and front setback standards apply. Rear setback standards do not apply.

92-008 SIDE SETBACKS

92-008-A. MEASUREMENT

Required side setbacks are to be measured from the side lot line of the lot to a line generally parallel to such side lot line at the side yard setback distance prescribed in the applicable district. Existing *side yards* are to be measured from the side lot line of the lot on which such structure is located to the furthermost projection of the structure, not including those projections and features allowed within such setback pursuant to Section 92-009 and Section 92-010.

Figure 53: Measurement of Side Setback



92-008-B. PERMITTED OBSTRUCTIONS/ENCROACHMENTS

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Section 92-009 and Section 92-010.

92-008-C. DIVISION OF IMPROVED ZONING LOTS

When *zoning lots* in R-3 and R-4 districts are divided and such lots contain exiting attached *buildings*, side setbacks do not apply between the attached *buildings*.

92-009 FEATURES ALLOWED TO ENCROACH IN REQUIRED RESIDENTIAL SETBACKS

Required setbacks in R districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Projection into Required Setback	Front	Side	Rear
Accessory buildings used for domestic storage (e.g., sheds and tool rooms)	No	Yes	Yes
Air conditioning units, provided the unit is not more than 4 feet in height	No	Yes	Yes
Arbors, trellises, landscaping and trees	Yes	Yes	Yes
Awnings, canopies, or balconies at least 6 feet from a property line	Yes	Yes	Yes
Bay windows that project no more than 3 feet into the setback and are located at least 4 feet above grade at their lowest point	Yes	Yes	Yes
Chimneys that project no more than 24 inches into the setback	Yes	Yes	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	No	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes

Obstruction/Projection into Required Setback	Front	Side	Rear
Decks and swimming pools at least 6 feet from a property line	No	Yes	Yes
Dumpster in R-3 and R-4 districts	No	Yes	Yes
Eaves and gutters projecting 24 inches or less into setback	Yes	Yes	Yes
Eaves and gutters projecting 3 feet or less into setback	Yes	No	Yes
Fences, non-sight obstructing	See Article 55	See Article 55	See Article 55
Fences, partial sight obstructing	See Article 55	See Article 55	See Article 55
Fences, sight obstructing	See Article 55	See Article 55	See Article 55
Flagpoles	Yes	Yes	Yes
Gazebos, tree houses, play equipment at least 6 feet from a property line	No	Yes	Yes
Parking spaces, enclosed, provided that (attached or detached) garages that are accessed from *alleys* must be set back at least 2 ½ feet from the rear and side property line	No	Yes	Yes
Parking spaces, unenclosed in R1, R2 and R3 districts	No	Yes	Yes
Patios that are not over 4 feet above the average level of the adjoining ground (See Section 40-002-H.10)	No	Yes	Yes
Porches and balconies and that are open on at least 3 sides	No	Yes	Yes
Recreational equipment (e.g. basketball hoops)	Yes	Yes	Yes
Roof projecting from garage over open patio not to exceed 8 feet	No	No	Yes
Sills, belt courses, cornices, buttresses and other architectural features projecting no more than 3 feet into the setback	Yes	Yes	Yes
Steps no more than 6 feet above *Grade* that are necessary for access to a permitted building or for access to zoning lot from a street or alley	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

92-010 FEATURES ALLOWED TO ENCROACH IN REQUIRED COMMERCIAL AND INDUSTRIAL SETBACKS

Required setbacks in C and I districts must be unobstructed and unoccupied from the ground to the sky except that features are allowed to encroach into required setbacks to the extent indicated in the following table:

Obstruction/Projection into Required Setback	Front	Side	Rear
Accessory buildings used for storage (e.g., sheds and tool rooms)	No	Yes	Yes
Air conditioning units	Yes	Yes	Yes
Free-standing antennas subject to Section 40-002-J.13.	No	Yes	Yes
Awnings, canopies, or flagpoles	Yes	Yes	Yes
Satellite dish antennas, not exceeding 1 meter in diameter	No	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters in diameter	No	No	Yes
Dumpster	No	Yes	Yes
Fences, non-sight obstructing	See Article 55	See Article 55	See Article 55
Fences, partial sight obstructing	See Article 55	See Article 55	See Article 55
Fences, sight obstructing	See Article 55	See Article 55	See Article 55
Loading bays and docks	No	Yes	Yes
Parking spaces, enclosed, provided that attached or detached garages must be set back at least 2 ½ feet from	No	Yes	Yes

Obstruction/Projection into Required Setback	Front	Side	Rear
the rear and side property line			
Parking spaces, unenclosed	No	No	Yes
Steps that are necessary for access to a permitted building or for access to zoning lot from a street or *alley*	Yes	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

APPENDIX A: RECOMMENDED PLANT SPECIES LIST

This list is not conclusive and is not intended to be restrictive. The plants suggested here should do well in public landscapes although some may be more suited to specific locations. Each landscape site needs to be evaluated individually with regard to plant selection.

SHADE TREES: (MATURE SIZE 35' TO 90' OR MORE IN HEIGHT)

1. Acer platanoides - Norway Maple (columnar varieties available)
2. Acer rubrum - Red Maple (columnar varieties available)
3. Acersaccharum - Sugar Maple (columnar varieties available)
4. Alnus glutinosa - Common Alder and similar species
5. Betula nigra - River Birch
6. Carpinus betulus - European Hornbeam
7. Celtis occidentalis - Common Hackberry
8. Cercidiphyllum japonicum - Katsuratree
9. Fagus grandifolia (or sylvatica) - American Beech (or EuropeanBeech)
10. Fraxinus americana - White Ash (seedless cultivars recommended)
11. Fraxinus pennsylvanica - Green Ash (seedless cultivars recommended)
12. Fraxinus quadrangulata - Blue Ash
13. Ginkgo biloba - Ginkgo or Maidenhair Tree (columnar varieties exist)
14. Gleditsia triancanthos var. inermis - Thornless Common Honeylocust
15. Larix decidua - European Larch and similar species
16. Metasequoia glyptostroboides - Dawn Redwood
17. Phellodendron amurense - Amur Corktree
18. Populus tremuloides - Quaking Aspen
19. Prunus sargentii - Sargent Cherry
20. Pseudolarix kaempferi - Golden Larch
21. Pyrus calleryana "Bradford" - Bradford Callery Pear and cultivar
22. Quercus acutissima - Sawtooth Oak
23. Quercus alba - White Oak
24. Quercus bicolor - Swamp White Oak
25. Quercus macrocarpa - Burr Oak
26. Quercus rubra - Red Oak
27. Taxodium distichum - Common Baldcypress
28. Tilia species - Linden (Basswood) varieties
29. Ulmus parvifolia - Chinese Elm (resistant to Dutch Elm disease)

EVERGREEN TREES: (MATURE SIZE 35' TO 90' OR MORE IN HEIGHT)

1. Abies species - Balsam, Concolor and Fraser Fir
2. Chamaecyparis species - Falsecypress (tree species only)
3. Juniperus chinensis - Chinese Juniper (tree species only)
4. Juniperus virginiana - Eastern Redcedar (tree species only)
5. Picea abies - Norway Spruce
6. Picea glauca - White Spruce
7. Picea pungens - Colorado Spruce
8. Pinus cembra - Swiss Stone Pine
9. Pinus densiflora - Japanese Red Pine
10. Pinus flexilis - Limber Pine
11. Pinus nigra - Austrian Pine
12. Pinus resinosa - Red Pine

13. Pinus strobus - Eastern White Pine
14. Pinus sylvestris - Scotch Pine
15. Pesudotsuga menziesii - Douglas Fir
16. Taxus species - Yew (tree form species)
17. Thuja occidentalis - American Arborvitae (tree form species)
18. Tsuga canadensis - Canadian Hemlock (tree form species and cultivars)

ORNAMENTAL TREES: (MATURE SIZE 15' TO 35' IN HEIGHT)

1. Acer species - Amur, Hedge, Japanese, Paperbark and Trident Maple
2. Aesculus species - Bottlebrush and Red Buckeye
3. Alnus cordata (or glutinosa) - Italian Alder (or European Alder)
4. Amelanchier species - Serviceberry
5. Betula populifolia - Gray Birch
6. Caragana arborescens - Siberian Peashrub
7. Carpinus caroliniana - American Hornbeam or Musclewood
8. Cercis canadensis - Eastern Redbud
9. Chionanthus virginicus - White Fringetree
10. Cornus species - Dogwood (tree species only)
11. Crataegus species - Hawthorn
12. Halesia carolina - Carolina Silverbell
13. Hamamelis virginiana - Common Witchhazel
14. Magnolia species - Magnolia
15. Malus species - Crabapple
16. Ostrya virginiana - American Hophornbeamn or Ironwood
17. Prunus cerasifera - Cherry Plum and cultivars
18. Syringa reticulasta - Japanese Lilac Tree
19. Viburnum species - Viburnum (tree type species)

Note: Some evergreen species may be used as ornamentals.

DECIDUOUS SHRUBS: (MATURE SIZE 3' TO 15' IN HEIGHT)

1. Acer species - Maple (shrub varieties such as A. compestre compactum)
2. Aesculus parviflora - Bottlebrush Buckeye
3. Aronia species - Chokeberry (Red-, Black- and Purple-fruited)
4. Berberis species - Barberry shrub cultivars
5. Calycanthus floridus - Carolina Allspice
6. Caragana arborescens "Nana" - Dwarf Siberian Peashrub
7. Chaenomeles species - Dwarf Flowering Quince
8. Clethra alnifolia - Summersweet Clethra
9. Cornus species - Dogwood (shrub varieties only)
10. Cotoneaster species - Cotoneaster shrub varieties
11. Enkianthus campanulatus - Redvein Enkianthus
12. Auonymus alatus and species - Winged Euonymnus or Burning Bush
13. Forsythia species - Border Forsythia
14. Fothergillia species - Dwarf and Large Fothergilla
15. Hamamelis vernalis - Vernal Witchhazel
16. Hydrangea species - Smooth, Oakleaf and Bigleaf Hydrangea
17. Hypericum prolificum - Shrubbery St. Johnswort and related species
18. Ilex verticillata - Common Winterberry ad cultivars
19. Kerria japonica - Japanese Kerria
20. Kilkwitzia amabilis - Beautybush

21. Ligustrum species - Privet
22. Lindera benzoin - Spicebush
23. Lonicera species - Honeysuckle
24. Myrica pennsylvanica - Northern Bayberry
25. Physocarpus opulifolius - Eastern Nienbbark and cultivars
26. Potentilla fruticosa - Bush Cinquefoil and cultivars
27. Ramnus frangula - Glossy Buckthorn and cultivars
28. Rhododendron *deciduous* species - Azalea cultivars and hybrids
29. Rhus species - Sumac shrub varieties
30. Rosa species - Shrub Rose
31. Spiraea species - Spirea shrub varieties and cultivars
32. Stephanandra incisa - Cutleaf Stephanandra and cultivars
33. Syringa (meyeri, microphylla, patula, vulgaris) - Lilac shrubs
34. Viburnum species - Viburnum shrub species (excellent native plant)
35. Weigela florida - Old Fashioned Weigela and cultivars
36. Yucca filimentosa - Adam's Needle (*evergreen*, but limited in size)

EVERGREEN SHRUBS: (MATURE SIZE 3' TO 15' IN HEIGHT)

1. Buxus microphylla l- Littleleaf Boxwood
2. Chamaecyparis species - Falsecypress (shrub and dwarf varieties)
3. Euonymus fortunei varieties - Wintercreeper Euonymus, shrub form
4. Ilex x meserveae - Meserve Holly (Blue Boy and Blue Girl, etc.)
5. Juniperus chinensis, communis, sabina - Juniper shrub cultivars
6. Kalmia latifolia - Mountain Laurel
7. Mahonia aquifolium - Oregon Grape Holly
8. Picea varieties - Spruce (shrub and dwarf varieties)
9. Pinus aristata - Bristlecone Pine
10. Pinus mugo - Mugho Pine
11. Pinus species - Pine (shrub and dwarf varieties)
12. Rhododendron *evergreen* species - Rhododendron cultivars and hybrids
13. Taxus species - Yew (shrub and dwarf cultivars)
14. Thuja species - Arborvitae (shrub and dwarf cultivars)
15. Tsuga canadensis, caroliniana - Hemlock (shrub and dwarf cultivars)

PERENNIAL PLANTS: (MATURE SIZE 1' TO 3' OR MORE IN HEIGHT)

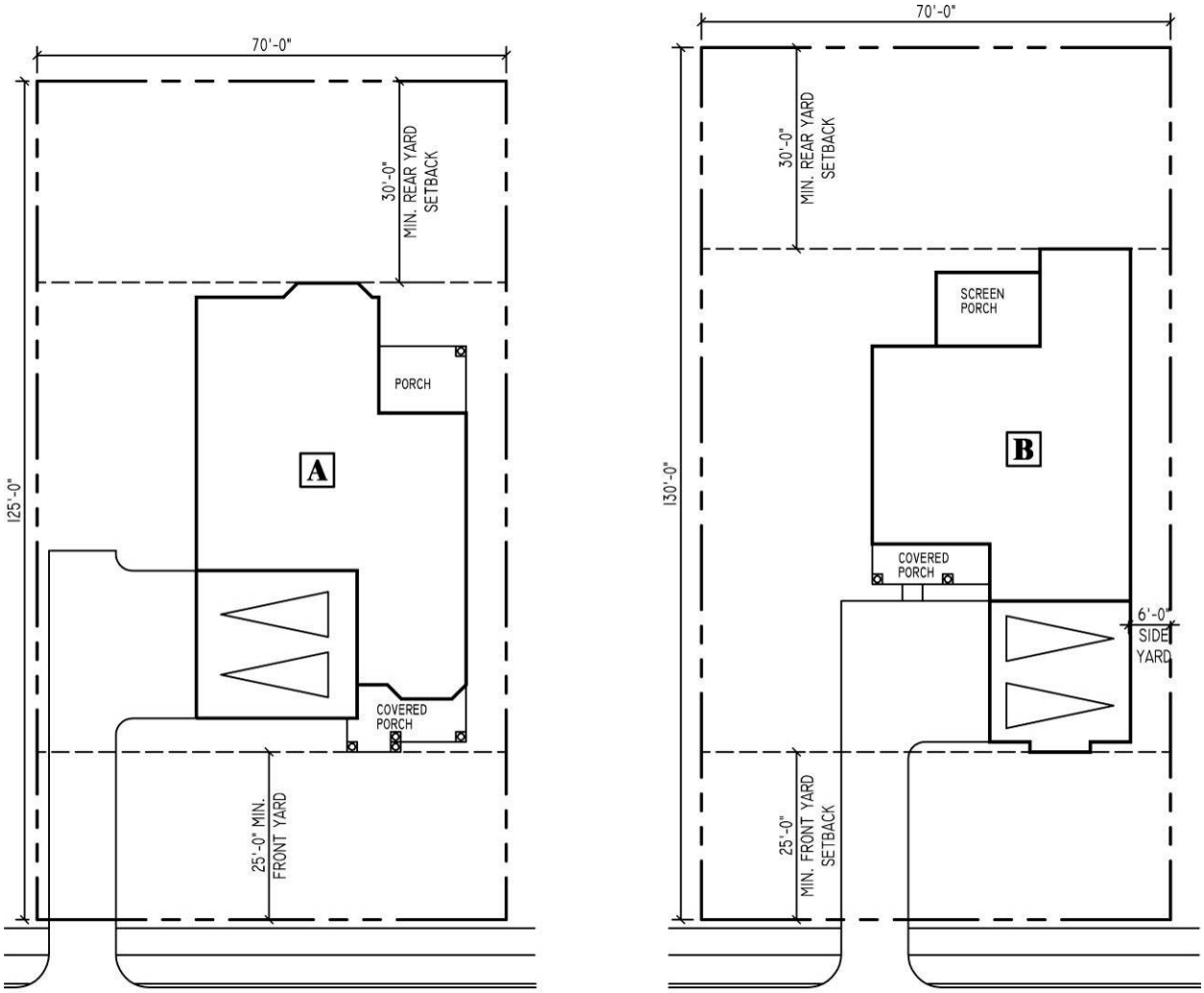
1. Astilbe species (Perennial False Spiraea varieties)
2. Chrysanthemum species (Garden Mum and Daisy varieties)
3. Coreopsis species (Tickseed varieties)
4. Dicentra species (Bleeding Heart varieties)
5. Echinacea species (Coneflower varieties)
6. Ferns (fall under various botanical names)
7. Grasses (fall under various botanical names)
8. Hemerocallis species (Daylily varieties)
9. Heuchera species (Coral Bells varieties)
10. Hosta species (Plantain Lily varieties)
11. Iris species (Iris varieties)
12. Peonia species (Peony varieties)
13. Rudbeckia species (Coneflower varieties)

GROUNDCOVER PLANTS: (MATURE SIZE 3" TO 24" IN HEIGHT)

1. Ajuga species (Carpet Bugle)

2. Bergenia species (Bergenia varieties)
3. Convallaria majalis (Lilly-of-the-Valley)
4. Cotoneaster species (Cotoneaster low-growing varieties)
5. Euonymus furtunei (Wintercreeper)
6. Ferns (fall under various botanical names)
7. Festuca ovina glauca (Blue Fescue)
8. Grasses (fall under various botanical names)
9. Hedera helix (English Ivy varieties)
10. Hemerocallis species (Daylily varieties)
11. Hosta species (Plantain Lily varieties)
12. Iberis sempervirens (Candytuft)
13. Juniperus horizontalis (Creeping Juniper and cultivars)
14. Juniperus procumbens (Japgarden Juniper and cultivars)
15. Pachysandra terminalis (Japanese Spurge)
16. Phlox subulata (Creeping Phlox)
17. Polygonum species (Fleece Flower varieties)
18. Sedum species (Stonecrop)
19. Vinca minor (Periwinkle)
20. Waldsteinia species (Barren Strawberry varieties)

APPENDIX B: GARAGES



1 SIDE LOAD GARAGE

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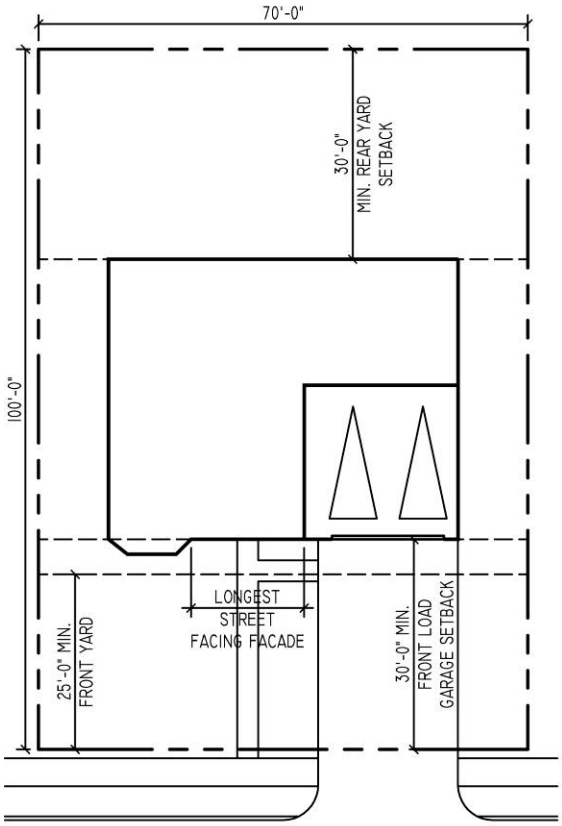
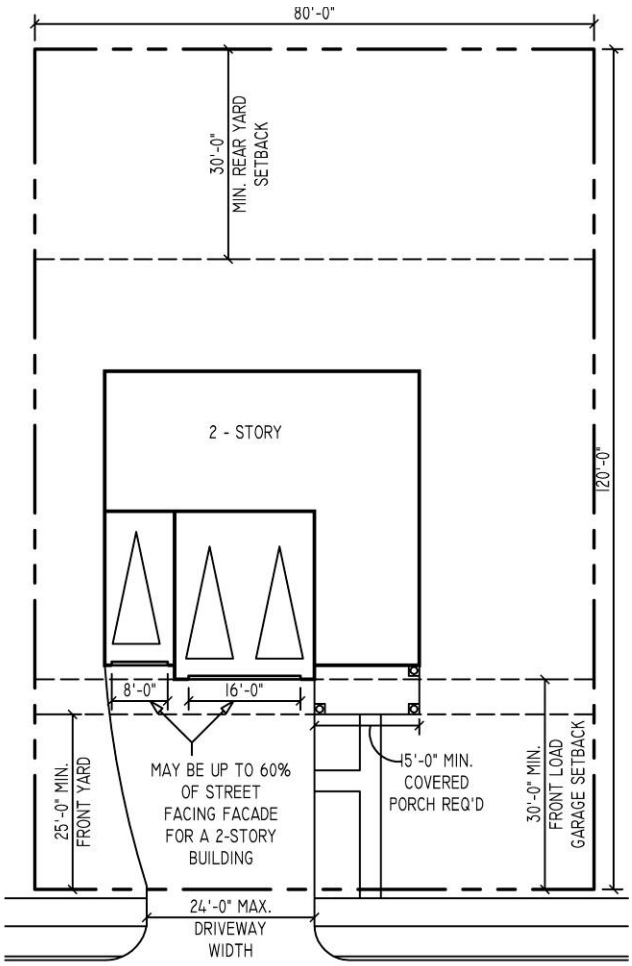
2 SIDE LOAD GARAGE



3 FRONT LOAD GARAGE



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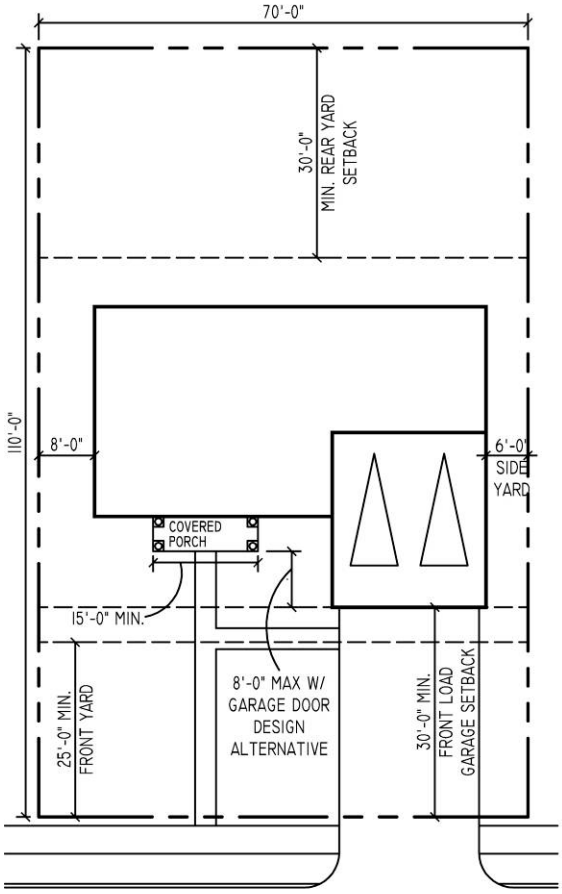
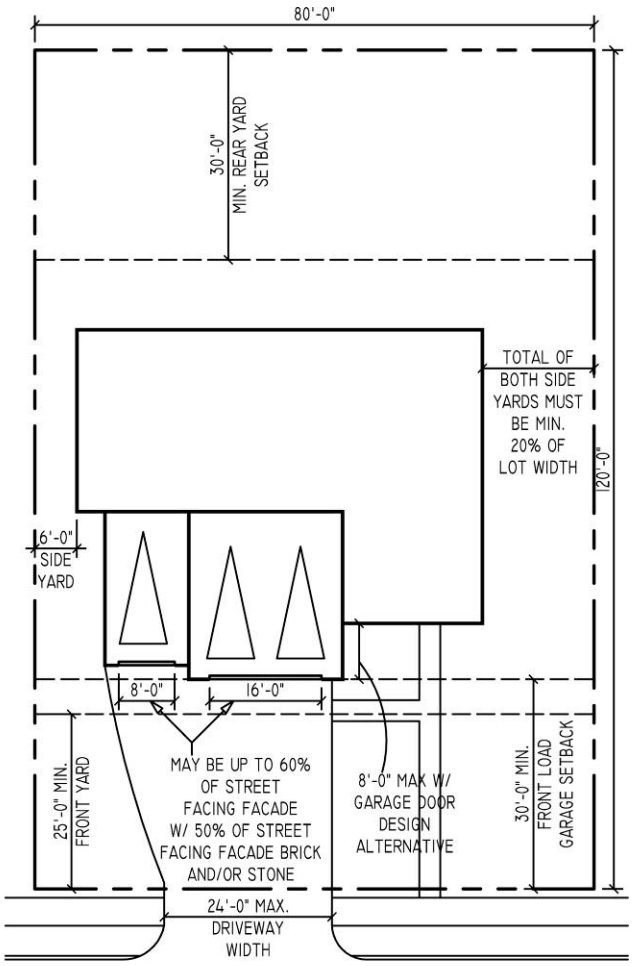
4 FRONT LOAD GARAGE



5 FRONT LOAD GARAGE



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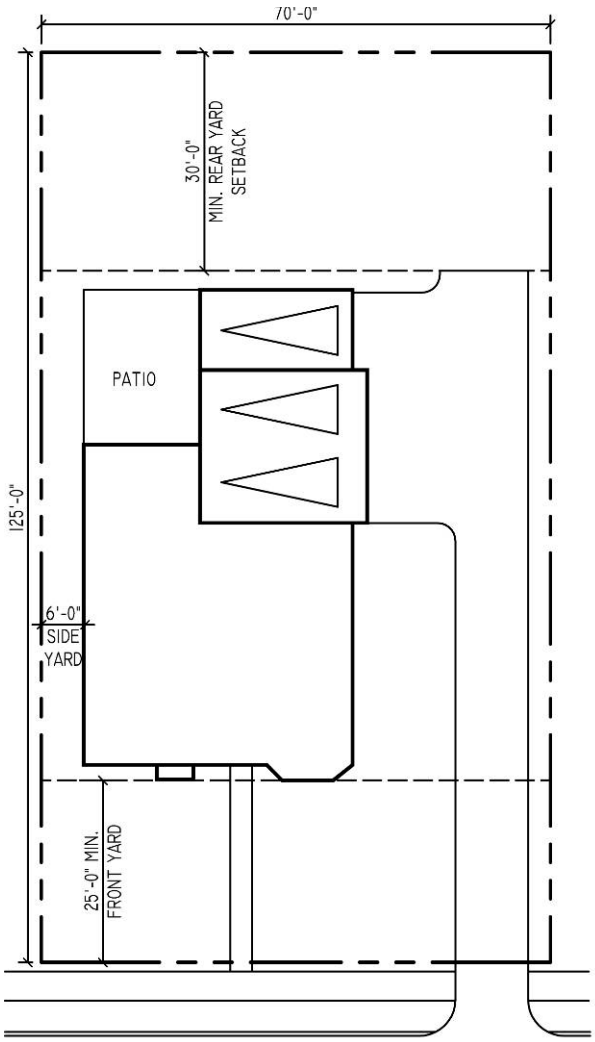
6 FRONT LOAD GARAGE



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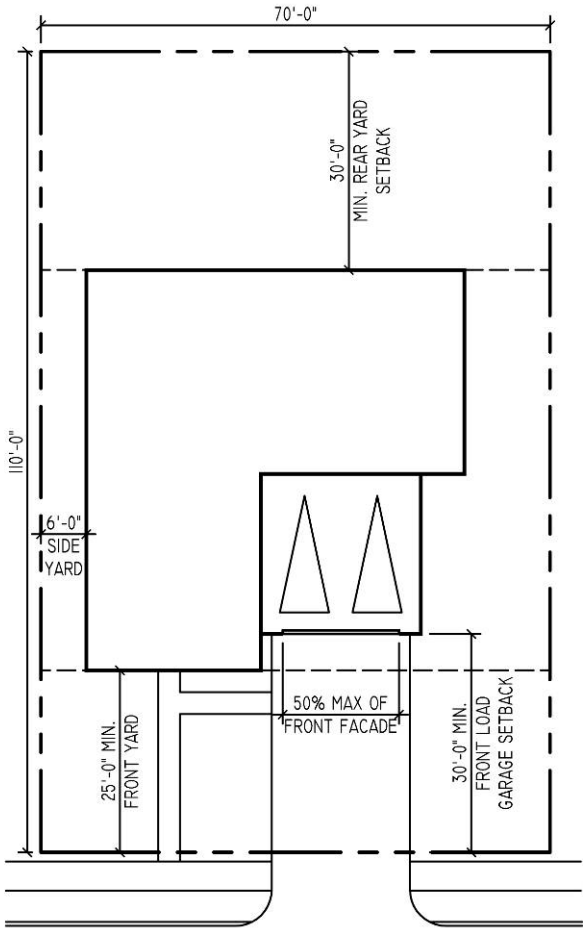
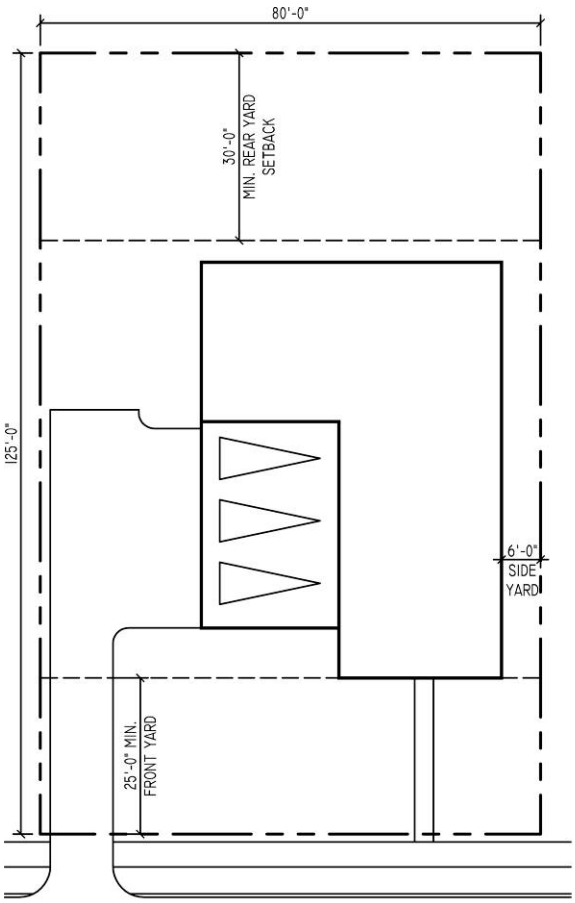
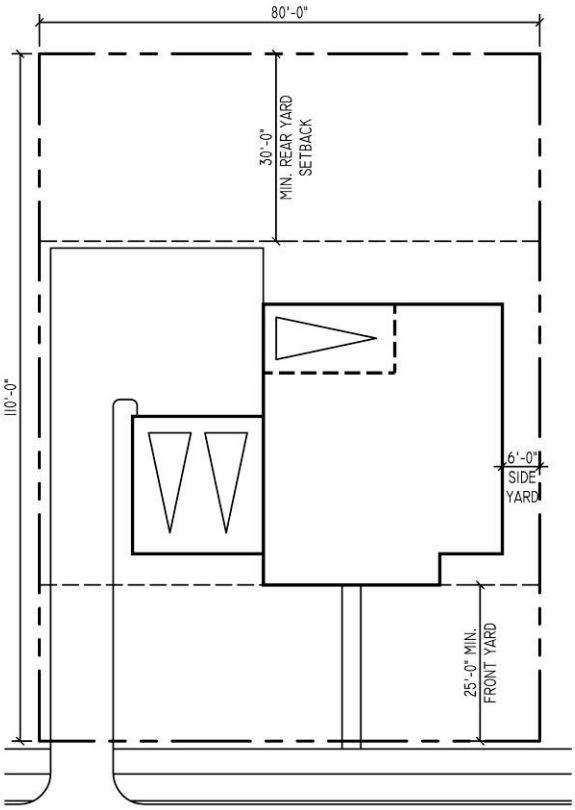


8 FRONT LOAD GARAGE





9 SIDE LOAD GARAGE

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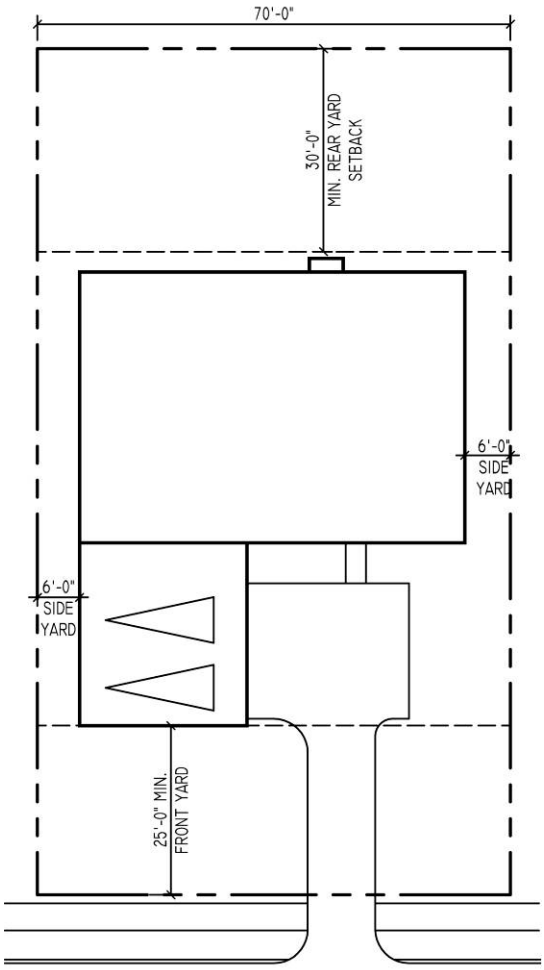
10 REAR LOAD GARAGE



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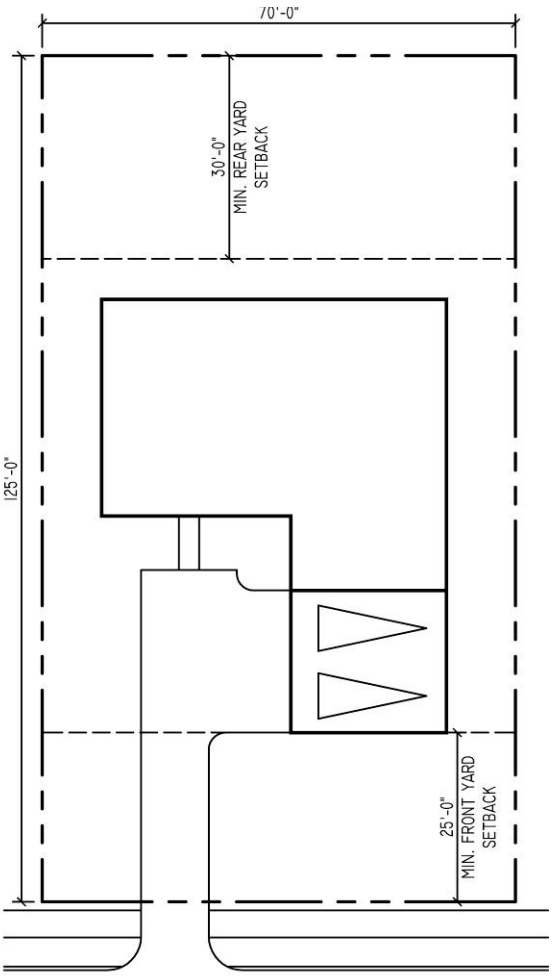
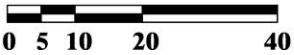


12 SIDE LOAD GARAGE



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