

Chapter 1: Purpose and Intent

1. This Ordinance, or Code, is adopted pursuant to the City's home rule powers for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people. The fulfillment of this purpose is to be accomplished by pursuing the following objectives:
 - A. To lessen congestion on the public streets.
 - B. To avoid undue concentration of population.
 - C. To prevent the overcrowding of land, thereby insuring proper living and working conditions and preventing the development of blight and slums.
 - D. To establish adequate standards for the provision of light, air, and open spaces.
 - E. To facilitate the provision of adequate public services such as transportation, water, sewerage, open space and parks.
 - F. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.
 - G. To protect all areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses within the parameters of the standards and requirements of this Code.
 - H. To avoid the inappropriate development of lands and provide for adequate drainage, curbing or erosion, and reduction of flood damage.
 - I. To fix reasonable standards to which buildings and structures shall conform.
 - J. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
 - K. To foster a more rational pattern of relationship between residential, business and industrial uses for the mutual benefit of all.
 - L. To recognize the riverfront and adjacent properties as a visual, environmental, and recreational resource that affects and benefits the City as a whole.
 - M. To isolate or control the location of unavoidable nuisance-producing uses.
 - N. To define the powers and duties of the administrative and enforcement officers and bodies.
 - O. To prescribe penalties for any violation of the provisions of this Code, or of any subsequent amendments hereto.
2. The standards and requirements contained in this Code and the district mapping reflected on the City of Rock Island Zoning Map are intended to implement all elements of the City of Rock Island Comprehensive Land Use Plan and the other adopted planning policies of the City.

Chapter 2: Interpretation and Separability

1. In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the conditions imposed by any provision of this Code, upon the use of buildings, structures or land, or upon the bulk of buildings or structures, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
2. This Code is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Code shall govern.
3. The provisions of this Code are separable as follows:
 - a. If any court of competent jurisdiction shall adjudge any provision of this Code, or any amendment hereto, to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code, or any amendments hereto, to a particular building, structure or parcel of land, such judgment shall not affect the application of said provision to any other building, structure or parcel of land not specifically included in said judgment.

Chapter 3: Scope of Regulations

1. All buildings or structures erected hereafter, all uses of buildings, structures or land established hereafter, and all structural alteration or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Code, or any amendment hereto, which are applicable to the zoning districts in which such buildings, structures or parcels of land shall be located.
2. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, or any amendment hereto, and provided that construction was begun before the effective date hereof, or any amendment hereto, and completion is accomplished within eighteen (18) months of the adoption of these regulations, or any amendment hereto, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may, upon completion, be occupied for the use for which originally designated, subject thereafter to the provisions of Chapter

Chapter 4: Zoning Map

1. Such land and the zoning district classification thereof shall be as shown on the map designated as the "City of Rock Island Zoning Map," dated and signed by the City Clerk upon adoption. This zoning map and all notations, dimensions, references and symbols shown thereon pertaining to such districts will be a part of this Code as if fully described herein and will be filed as part of this Code by the City Clerk. Said zoning map will be available for public inspection in the office of the City Clerk and any later alterations of this map adopted by amendment as provided in Chapter of this Code will be similarly dated, filed and made available for public reference.
2. The following rules apply with respect to the boundaries of the various zoning districts as shown on the City of Rock Island Zoning Map:
 - a. District boundary lines are the centerlines of highways, streets, alleys, easements, railroad rights-of-way, toll roads, expressways, rivers and other bodies of water, or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
 - b. Boundaries indicated as approximately following the centerlines of highways, streets, alleys, easements, toll roads or expressways shall be construed to follow such centerlines.
 - c. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - d. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - e. Boundaries indicated as following railroad lines shall be construed to be the established centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
 - f. Boundaries indicated as approximately following the centerlines of rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline; the centerline shall be interpreted as being midway between the shorelines.
 - g. Boundaries indicated as parallel to or extensions of features indicated in Subsections B(1) through B(6) of this Section shall be so construed.
 - h. Whenever any street, alley or other public right-of-way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public right-of-way shall be automatically extended to the centerline of such vacated street, alley or public right-of-way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
 - i. Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the City of Rock Island Zoning Map.
 - j. Distances not specifically indicated on the City of Rock Island Zoning Map shall be determined by the scale of the map.

Chapter 5: Zoning of Annexed Land

A party seeking to annex property into the City will request a zoning classification for the property upon filing an application to annex into the city's municipal boundaries. The requested zoning classification will be reviewed by the City for consistency with the Comprehensive Plan, as well as the character of zoning in the area surrounding and abutting the subject property. The requested zoning classification will be reviewed by the Plan Commission and the City Council in accordance with the provisions of this Code. A property that is annexed without requesting a zoning classification will be zoned R-1, One-Unit Residence Zoning District.

Chapter 6: Definitions

Accessory Building or Use:

1. Accessory Structure. A smaller in main floor area and subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
2. Accessory Use. A structure or use that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or a principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or use served.

Adjoining: To be separated by a common property line, lot line, or an alley; abutting, contiguous, or touching.

Adult Bookstore: An establishment for the sale, rental, or exchange of books, magazines, or other media, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, magazines, or other media as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area."

1. Specific Sexual Activities are defined as:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy; and
 - C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
2. Specific Anatomical Areas are defined as:
 - A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Adult Mini-Motion Picture Theaters: An enclosed building with a capacity for less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

Adult Motion Picture Theaters. An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter

depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.

Adult Modeling and Entertainment Facility. An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

Agricultural Implement Sales and Services: An agribusiness primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agriculture, Urban: The practice of cultivating, processing, and distributing food in and around a community by various means that reflect an urban context. Urban agriculture is also referred to as urban farming. Urban agriculture is differentiated from regular farming in that the former typically operates within an urbanized and built up environment, rather than on generally open and undeveloped land. Common practices include, but are not limited to, community gardens, roof gardens, composting, having urban chickens, and urban beekeeping.

Alley. A public right of way, which affords a secondary, means of vehicular access to the side or rear of premises that front on a nearby street.

Amusement Center. Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertainment or amusement devices.

Animal Hospital: An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded only during their convalescence.

Apartment. A room or suite of rooms in a multi-unit structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

Apartment/Dormitory. A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet, which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facility which are enforced by resident personnel of such educational facility.

Automobile Repair - Major. General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including bodywork, frame or

fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

Automobile Repair - Minor. Minor repairs, incidental body and fender work, touch-up painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.

Automobile Sales: The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.

Automobile Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
2. Tire servicing and repair, but no recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
12. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers and provision of restroom facilities.

It shall be unlawful to provide major mechanical and bodywork, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service

station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junkyard, nor a storage place for rental trailers.

Automobile Wrecking Yard. Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Balcony. Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

Bed and Breakfast. Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve-month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

Boarding House. An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast or Short-Term Rental uses).

Book/stationery Store. An establishment dealing in books, printed materials and stationery supplies, which is not an adult bookstore.

Building. Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see structure).

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, Height of. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to peak a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.

2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.
3. The height of a stepped or terraced building is the maximum of any segment of the building.

Building, Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

Building Set-back Line. See "Setback."

Bulk Storage. Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a "bulk storage tank" for the remainder of the calendar year in which it was so used.

Campground: Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five days or more for recreation, religious, education, or vacation purposes.

Cannabis: Any species of the family *Cannabaceae* including but not limited to *Cannabis sativa*, *Cannabis indica*, and *Cannabis ruderalis* used for recreational, medicinal, or industrial purposes. This term shall refer to marijuana, hashish, and other substances that are identified as including any parts of the plant, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction or independently by chemical synthesis or by a combination of extraction and chemical synthesis; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Illinois Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

Cannabidiol (CBD): A chemical derived from cannabis that is used primarily for medical purposes. CBD has less pronounced psychoactive effects than THC.

Tetrahydrocannabinol (THC): A chemical derived from cannabis that is used primarily for recreational purposes. THC is the principal psychoactive chemical in cannabis.

Cannabis Business Establishment: An adult-use cannabis cultivation center, consumption business, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

Cannabis Craft Grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Cultivation Center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Dispensing Organization: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Packaged Product Dispensing Business: Any premises where sale of packaged cannabis products is the principal use. Consumption of cannabis at these premises is prohibited.

On-Site Consumption Dispensing Business: Any premises wherein cannabis is sold at retail for consumption on the premises as the principal use. Such businesses include but are not limited to cannabis cafes, cannabis smoking lounges, cannabis vaping lounges, and cannabis clubs. These facilities may also engage in packaged cannabis sales.

Cannabis Infuser Organization or Infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Processing Organization or Processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Transportation Organization of Transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis

business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Care Home, Large Residential. A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by "Disability" in this ordinance, for the primary purpose of providing shelter.

Care Home, Small Residential. A Residential Care Home containing a single one-unit dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.

Carport. A roofed structure providing space for the parking of motor vehicles that may be enclosed on not more than three sides.

Cemetery. A place dedicated to and used, or intended to be used, for permanent interment of human remains. A cemetery may contain land or earth interments; mausoleum, a vault, crypt interments; a columbarium or other structure or place used or intended to be used for the inurnment of cremated human remains; or any combination of one or more of such structures or places.

Church. See definition for religious institution.

Clinic or Medical Health Center. A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

Club or Lodge, Private. Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages follows the applicable Federal, State and Municipal laws.

Comprehensive Plan. The plan or any portion thereof adopted by the City to guide and coordinate the physical and economic development of the City. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

Day Care Home. A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.

Day Care Center. A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.

Deck. Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade, limited to a maximum height of the adjacent first floor level in the dwelling. It is not allowed any higher level than above grade, to avoid the deck floor from creating a de facto roofed porch underneath; but a deck can be located on the existing roof of dwellings and garages.

Disability. As defined by the Americans with Disability Act (ADA), a person who has:

1. A physical or mental impairment that substantially limits one or more major life activities;
2. A record of such an impairment; or
3. Is regarded as having such an impairment.

District, Zoning. A portion of the territory of the City wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.

Dormitory. A building used as group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect at such educational facility which are enforced by resident personnel at such institution.

Dwelling Group. Two or more one-unit, two-unit or multiple-unit dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

Dwelling, One-unit. A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling.

Dwelling, Two-unit. A building designed or altered to provide dwelling units for occupancy by two families.

Dwelling, Multiple-unit. A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

Dwelling, Row (Townhouse). A row of two or more attached, one-unit, party-wall dwellings.

Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

Easement. A right to use a portion of another person's real property for certain limited purposes.

Educational Institution. Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

Family. One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided,

however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings.

Fast Food Restaurant. An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.

Fence. A structure, other than a building, which is an artificially constructed barrier of approved material or combination of materials erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.

Foster Family Home. A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

Foster Group Homes. A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty-four (24) hour basis.

Frontage Lots. See Lots, Multiple Frontage

Garage, Bus or Truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1-1/2) ton capacity.

Garage, Private. A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.

Halfway House/Group Home. A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

1. To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
2. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;

3. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
4. To provide adult congregate living arrangements without nursing care.

Hazardous Waste. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

Health/Recreational and Physical Training Club. An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, Jacuzzi and/or sauna, and pro shop.

Height. See Building, height of.

Hemp: Otherwise known as “industrial hemp,” this material is made from Cannabis with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis that has been cultivated under a license issued under the Illinois Industrial Hemp Act or is otherwise lawfully present in the State of Illinois, and includes any intermediate or finished product made or derived from industrial hemp.

Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this ordinance.

Hospital or Sanitarium. An institution in which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients, and may include inpatient overnight care.

Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see "Motel").

Hotel, Transient. See Boarding House.

Household Hazardous Waste. A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and

polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.

Independent Trailer Coach or Independent Mobile Home. A transportable non-permanent single-unit dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.

Junk Yard. Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

Kennel. Any structure or premises where dogs and cats over four (4) months of age are kept, raised, bred or boarded for commercial purposes excluding animal hospitals, clinics and pet shops.

Land Use Plan. The comprehensive long-range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the City Council, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

Legal Objector. The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.

Loading and Unloading Space, Off-Street. An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

Lodging or Rooming House. See Boarding House.

Lodging Room. See Boarding House.

Lot. A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A lot may or may not coincide with a "lot of record."

Lot Area/Coverage. The area of the lot covered by buildings above grade, excluding permitted projections.

Lot of Record. An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Rock Island County, Illinois in accordance with State law.

Lot, Corner. A lot having at least two (2) adjacent sides that abut for their full length upon streets.

Lot, Front or Frontage. The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.

Lot, Multiple Frontage. A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Line, Rear. The lot line or lot lines most nearly parallel and most remote from the front lot line.

Lot Line, Side. A lot line which is not a front or rear lot line.

Lot, Reversed Corner. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through. A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot, Width. The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.

Lot, Zoning. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.

Modular Home. Factory-built housing certified to meet the current building codes and amendments as adopted by Rock Island County, IL and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Motel. A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

Motor Freight Terminal. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to shipment.

Nightclub. A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. See also "Tavern."

Non-conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursery School. An institution providing instructional/educational services for six preschool aged children.

Ordinance. Reference to "Ordinance" herein shall be construed as the Zoning Ordinance.

Owner. The word "owner" applies to the entity in which title is vested in the building or land.

Parking Area, Accessory. An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

Parking Space, Automobile. Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

Person. An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

Plan Commission. Planning Commission of the City of Rock Island.

Planned Unit Development. A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

Porch. Is a roofed structure (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

Principal Building. A building in which the primary use of the lot on which the building is located is conducted.

Property Owner. Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.

Recreational Vehicle. A general term for a vehicular unit bearing current license and/or registration, not exceeding thirty-six (36) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:

1. Camper Trailer. A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
2. Travel Trailer. A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
3. Truck Camper. A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
4. Motor Home. A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
5. Boat Trailer: A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.

6. **Horse Trailer:** A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.
7. **Utility Trailer:** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
8. **Recreational Boat.** A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit. If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.

Refuse Equipment Operation. The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.

Religious Institution: A building, together with its accessory buildings and uses, where persons regularly assemble for institutional religious purposes and related social events. The buildings and uses are maintained and managed by a religious body organized to support religious activities and purposes. While a private home may host a religious activity, such as a prayer group and/or religious study, it shall not be covered by this definition unless the home is maintained and maintained institutionally by a religious body.

Residential Solid Waste. Waste that normally originates in a residential environment.

Restaurant. A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.

Right of Way. A strip of land dedicated to the City or other unit of government for streets, alleys, and other public improvements.

Set-back. The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof.

Short-Term Rental: Any rental property where the term of the rental is less than thirty (30) days in duration. These are often but not always facilitated by digital platforms that assist with booking and promotional services. These are distinct from traditional bed and breakfast establishments in that they are often less formal, impermanent, and target a different market. These are distinct from hotels, motels, and similar types of lodging.

Ground-Mounted Solar Energy Systems: A solar energy system where an array is mounted on the ground.

Solar Array: Multiple solar panels combined together to create one system.

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

Solar Energy System: Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity. Such systems shall be considered equipment and not accessory structures.

Solar Energy Facilities: An alternative energy facility that consists of one or more ground-mounted, free-standing, or building-integrated solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use.

Solar Thermal System: A solar energy system that directly heats water or other liquid using sunlight. Consists of a series of tubes that concentrate light to heat either water or a heat-transfer fluid. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Tilt: The angle of the solar panels as installed per manufacturers installation instructions.

Stable, Riding. A stable shall mean a building or buildings, including other structures, and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Street. A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

Structural Alteration. Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

Structure. Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tavern or Bar: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; and where sandwiches, snacks and other food products are available for purchase. "Tavern" does not include "restaurants," where the principal business is serving food (includes "Bar" and "Cocktail Lounge"). (See "Nightclub".)

Terrace/Patio. Is an unroofed paved area located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio blocks).

Theater. An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

Tourist Courts, Motor Lodges, Motels. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

Toxic Waste. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment, which are being discarded by being disposed, incinerated or recycled.

Trailer Park or Mobile Home Park. An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.

Truck Parking Area or Yard. Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.

Unrelated Group Family. A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in General Provisions of this Zoning Ordinance.

Yard. The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.

Yard, Front. An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Zoning Maps. The map or maps incorporated into this ordinance as a part hereof.

Chapter 7: Enforcement and Administration

1. It shall be the duty of the Planning and Redevelopment Administrator, or designee, with the aid of the Police Department, to enforce this Ordinance in accordance with the administrative provisions of this Ordinance.
2. Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the applicant when approved by the Chief Building Official together with such permit as may be granted.
3. Prior to building construction, stakes based on actual survey shall be set and shall be maintained in their prior location on the property during construction.
4. Before using any building or premises or part thereof hereafter created, erected, changed, converted, or enlarged in use of structure, a Certificate of Occupancy shall be obtained from the Building Official. Such Certificate shall show that such building, premises or part thereof, and the proposed use thereof conform with the provisions of this Ordinance.
5. It will be unlawful for any person to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this Zoning Ordinance.
6. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall, upon conviction, be fined not less than twenty-five (\$25) dollars, nor more than \$750.00 dollars for each offense. Each day that a violation continues shall constitute a separate offense. Nothing in this Ordinance will limit, reduce, or otherwise influence the City's rights or remedies at law or in equity.
7. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Ordinance, the City Attorney, in addition to other remedies under the Illinois Revised Statutes, is hereby authorized to institute an action or proceedings to prevent such erection, constructions, reconstructions, alteration, repair, conversion, maintenance or use.

Chapter 8: Board of Zoning Appeals (BZA)

1. Creation, Membership, and Procedure:
 - A. A Board of Zoning Appeals consisting of seven (7) members shall be appointed by the Mayor and approved by City Council in accordance with the provisions of the Illinois Revised Statutes. The appointing authority may remove any member of the Board for cause and after a public hearing.
 - B. The Board shall elect its own chair and have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this or any other Ordinance of the City of Rock Island. Meetings shall be held at the call of the chair and at such other times as the Board may determine. The chair, or in their absence, the vice chair, may administer oaths and compel attendance of the witnesses.
 - C. Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent, or failing to vote, indicating that fact and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the Office of the Board.
 - D. Four (4) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the Planning and Redevelopment Administrator, or to decide in favor of an applicant any matter upon which it is required to pass under this Ordinance, or to affect any variation in the requirements of this Ordinance.
 - E. The Board may call on the City's departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.
2. Applications and Appeals: An application to the Board, in cases in which it has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Planning and Redevelopment Administrator who transmits the same, together with all the plans, specifications and other papers pertaining to the application, to the Board.
3. Appeal:
 - A. An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau, affected by any ruling of the building official. Such an appeal shall be taken within a reasonable time, as prescribed by the rules of the board, by filing with the planning and redevelopment administrator a notice of appeal, specifying grounds thereof. The Planning and Redevelopment Administrator shall forthwith transmit to the board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. Said application shall be accompanied by a fee. Should the application be withdrawn prior to publication

of legal notice thereon, such fee will be returned upon the written request of the applicant.

- B. The Board shall fix a reasonable time for the hearing on an application for appeal. It shall give at least fifteen (15) days notice of the time and place of such hearing by insertion in a daily newspaper published in the City of Rock Island, and shall also give notice delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant or appellant, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent, or by attorney. The Board shall decide the application or appeal within a reasonable time.
4. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chief Building Official certifies to the Board that by reason of facts stated in the certificate, a stay would in their opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order which may on due cause shown, be granted by the Board on an application, after notice to the Chief Building Official or by a court of record.
5. Powers of the Board: The Board shall have jurisdiction in matters and shall have the specific and general powers provided by this Ordinance pertaining to:
 - A. Variances to Zoning and Sign Ordinances Regulations
 - B. Special Exceptions
 - C. Non-Conforming Uses
 - D. Temporary Uses
 - E. Certain Industries in I-2 Districts
 - F. Interpretation of Maps
 - G. Administrative Review
6. Variances:
 - A. To authorize or appeal in specific cases, such variances from the terms of the Zoning and Sign Ordinances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of Zoning and Sign Ordinance shall be observed and substantial justice done, as follows:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of enactment of Zoning and Sign Ordinances, or by reason of topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the Zoning and Sign Ordinances would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of this Ordinance shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such reasonable conditions regarding the location, character and other features of the proposed building,

structure or use as it may deem advisable in the interest of the furtherance of the purposes of the Zoning and Sign Ordinances.

- B. The Board shall make final decisions on all variances except for variances for business zoned properties on parcels 20,000 square feet or larger in total area. In those circumstances, the Board will conduct the public hearing and then make a recommendation to the City Council for final action.
 - C. No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board and/or City Council unless the Board and/or City Council finds that at least two of the following three conditions exist:
 - i. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - ii. The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and
 - iii. The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right-of-way possessed by other properties in the same zoning district and in the vicinity.
 - D. No variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of this Ordinance, for such conditions or situations.
7. Special Exceptions: In addition to permitting the special exceptions theretofore specified in this Ordinance, the Board shall have the authority to permit the following:
8. Non-conforming Uses: The substitution of a non-conforming use for another non-conforming use, if no structural alterations, except those required by law or ordinance are made; provided, however, that any use so substituted shall be of the same or a more restricted classification. The expansion of a non-conforming use through structural alterations, provided that said expansion shall not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, as determined by the Board. In all cases, the expansion shall be made to conform to the requirements of the zone in which said non-conforming use is located at the time of the appeal, unless a variance to said requirements is granted by the Board.
9. Temporary Uses: The temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

10. Certain Industries in I-2 Districts: In authorizing certain industries, the Board shall find due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage waste and pollution, transportation and traffic, aesthetic and psychological effects. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision.
11. Requirements and Conditions: Upon authorizing a temporary use and/or special exception, the Board may impose such reasonable requirements and conditions - in addition to those expressly stipulated in this Ordinance for the particular temporary use and/or special exception as the Board may deem necessary for the protection of adjacent properties and the public interest.
12. Interpretation of Map: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the Board after notice to the owners of the property, and after a public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance for the particular section or district in question.
13. Action of the Board: In exercising its powers, the Board may, in conformity with the provisions of the Illinois Revised Statutes, and of this Ordinance, reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in the Board's opinion ought to be made, and to that end, the Board has all the powers of the officer from whom the appeal is taken.
14. Judicial Review: All final administrative decisions of the Board of Appeals shall be subject to judicial review, pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.
15. Refiling of Board of Zoning Appeals Cases: The refiling of denied requests or requests for removal of stipulations attached to approved cases by the Board of Zoning Appeals, that are not substantially or materially different from the previously filed request, shall not be accepted from the same or different person for the following periods of time:
 - A. For a six (6) month period from the date of the first decision by the Board of Zoning Appeals on the request.
 - B. For a one (1) year period from the date of subsequent decisions by the Board of Zoning Appeals on the request.
16. The Planning and Redevelopment Administrator shall determine whether a request is substantially or materially different and submittable, although the Board of Zoning Appeals may, by majority vote, reverse a decision of the Planning Administrator to not

accept a request following a denied request on the property or request for removal of stipulations attached to approved cases by the Board of Zoning Appeals.

Chapter 9: District Changes and Ordinance Amendments

1. In accordance with the provisions of the Illinois Revised Statutes, the City Council may, from time to time, amend or change by ordinance, the number, shape or area of districts established on the zoning map, or consider a Special Use Permit, or the regulations set forth in this Ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the City Planning Commission for approval, disapproval, or suggestions, and said Planning Commission shall have been allowed a reasonable time, for consideration and report. The Planning Commission shall have at least fifteen (15) days notice of the time and place of such hearing by insertion in a daily newspaper published in the City of Rock Island, and shall also give notice delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant, and to the respective owners of record of property adjoining or adjacent to the premises in question.
2. Protests: In case a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of twenty (20) percent or more of either the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered, is filed with the City Clerk, such amendment shall not be passed or become effective except by the favorable vote of two-thirds (2/3) of all members of the Council. In such cases, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
3. Application for Zoning Change or Special Use Permit: Any person desiring a change in zoning or a Special Use Permit for a property shall make application and it shall be accompanied by a fee. Should the application be withdrawn prior to publication of the legal notice thereon, such fee will be returned upon written request of the applicant.
4. Failure to Notify: The failure to notify, as provided by this Article, shall not invalidate any ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant or property who may, in the opinion of the City Planning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be possible for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.
5. Refiling of Denied Requests: Upon denial by the City Council of an application to change the zoning of a particular property and/or a Special Use Permit a second zoning request which is not substantially or materially different from the denied request shall not be accepted from the same or a different person, for a public hearing to be held within six (6) months from the date of City Council denial. Subsequent requests which are also not substantially or materially different shall not be accepted for a public hearing to be held within one (1) year from the last date of City Council denial. The City Planning and

Redevelopment Administrator shall determine whether a request is substantially or materially different and submittable, although the City Council may, by majority vote, reverse a decision of the Planning and Redevelopment Administrator to not accept a rezoning request for public hearing.

6. Special Use Permits:
 - A. General Description: This procedure is established to provide a Special Use Permit for those areas of the City that are zoned, but in which unusual circumstances prevail, where it would be in the best interest of the safety, health and welfare of the residents of a zoned district that a Special Use Permit be issued rather than a change of zoning be granted.
7. Standards: No Special Use shall be recommended for approval by the City Council unless such Council shall find:
 - A. That the granting of a Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - B. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood;
 - C. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - D. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
 - E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - F. Restrictions for the use should be consistent with the district in which the use would normally be located except as may be modified by the City Council.
 - G. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by City Council.
8. Conditions and Safeguards: Prior to the granting of any Special Use, the City Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Special Use as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in this ordinance. In all cases in which Special Uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.
9. The City Council shall not authorize a Special Use Permit unless the Council specifically finds that the condition or situation of the special piece of property for which the Special Use is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment to this Ordinance, for such conditions or stipulations.
10. Said Special Use Permit, when granted, shall be in full force and effect only as long as the applicant of the property affected retains ownership of said property.

Chapter 10: Districts

For the purpose of this Ordinance, the City of Rock Island is hereby divided into seventeen (17) classes of districts as follows:

- R-1 One Unit Residential
- R-2 Two Unit Residential
- R-3 One to Six Unit Residential
- R-4 Multi-Unit Residential
- R-5 Mobile Home
- B-1 Neighborhood Business
- B-2 Downtown Business
- B-3 Community Business
- B-4 Highway Business
- O-1 Small Office
- O-2 Large Office
- I-1 Light Industrial
- I-2 Heavy Industrial
- C-1 Park Conservation
- C-2 Nature Conservation
- U-1 University
- PUD Planned Unit Development

The boundaries of these districts are hereby established as shown on a map entitled “Zoning Map,” City of Rock Island, Illinois, hereinafter referred to as the “Zoning Map,” which accompanies and is hereby made a part of this Ordinance. The district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of enactment of this Ordinance; but when a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

Where a district boundary lines divides a lot, which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized on and the other district requirements applying to the less restricted portion of such lot is more than fifty (50) feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within fifty (50) feet of said boundary line.

Questions concerning the exact location of district boundary lines shall be determined by the Appropriate Authority according to the rules and regulations which it may adopt.

All territory which may hereinafter be annexed to the City of Rock Island shall be classed automatically to the R-1 One Unit Residential District within the general land use classification shall have been changed by amendment of this Ordinance as provided hereunder.

Chapter 11: General Provisions

1. **Zoning Affects Every Structure and Use.** Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
2. **Continued Existing Uses.** Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in subsection 8.3. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Chief Building Official.
3. **Non-conforming Uses.** Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
 - A. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
 - B. Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
 - C. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance except as modified for single unit uses as specified below:
 - D. Continuation of Nonconforming Single-Unit Uses, Dwellings and Lots:
Notwithstanding any other provisions of this ordinance, a single-unit use, a single-unit dwelling and accessory structures or a lot on which a single-unit dwelling is located, that was conforming prior to the effective date, hereof, shall generally be treated as conforming for as long as the dwelling is used for a single-unit use. Accordingly, the following rights shall be granted under this ordinance:
 - i. Structures for a nonconforming single-unit use may be restored for a single-unit use if destroyed or damaged by fire, explosion, act of God or by public enemy, reconstructed or repaired provided all other requirements of this ordinance are met.
 - ii. Nonconforming single-unit dwellings or nonconforming accessory structures to a single-unit use may be restored to the same degree of

nonconformity or less if destroyed or damaged by fire, explosion, act of God, or by public enemy, repaired and structurally altered, provided such construction does not increase or extend the degree of nonconformity. Nonconforming structures shall not be reconstructed except in compliance with the provisions of this ordinance.

- iii. A nonconforming single-unit use and a nonconforming single-unit dwelling and accessory structures on a nonconforming lot shall be granted the same rights as above and any other rights as if the lot were conforming.
 - iv. A nonconforming single-unit use and a nonconforming single-unit dwelling and accessory structures shall also be granted the same rights as for other nonconforming uses and structures.
- E. No non-conforming building or use which has been abandoned for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
 - F. Any legal, non-conforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Official. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.
 - G. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
 - H. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
 - I. No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
 - J. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.
- 4. **Measurements:** Separation and setback distances shall be measured from the most outwardly protruding part of a building or structure, most commonly the fascia board on a roof edge (excluding gutters). Height measurements shall be taken from grade to the highest point of a building or structure, most commonly the roof peak. Lot dimensions shall be measured from parcel line to parcel line based either on a land survey or on a plat map.
 - 5. **Street Frontage Required - Flag Lots.** Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street

purposes. Setbacks for flag lots will be determined at the start of the buildable area of the lot.

6. Accessory Buildings and Accessory Dwellings in Residence Districts

- A. Accessory structures or buildings shall not be located in any front yard and shall not be closer to the front lot line than any principal structure or building. When erected in a side yard the accessory building shall meet the setback requirements of the principal structure and be located at least six (6) feet from any other building or structure on the same lot measured to the exterior edge of roof lintel. When erected in a rear yard it or they cumulatively shall not occupy more than thirty (30) percent of a required rear yard and/or it or they shall not exceed the total ground floor footage of the primary structure except for above ground swimming pools with a depth of less than 30 inches and shall be a distance at least three (3) feet from all lot lines adjoining lots which are in any "R" district, and at least six (6) feet from alley lines and from any other building or structure on the same lot. Accessory buildings with a flat, shed, or mansard roof shall not exceed fifteen (15) feet in height. Accessory structures with a hip, gable or gambrel roof shall not exceed twenty (20) feet in total height at peak or crown of roof.
- B. No accessory structure may be constructed prior to construction of the principal building to which it is accessory. Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of this subsection shall apply.
- C. One accessory dwelling unit is allowed per residential zoned lot, but one of the two dwelling units must be occupied by the owner of the lot. An accessory dwelling unit must be located within a detached structure not exceeding four hundred (400) square feet, be located only in the rear yard of the property, and must meet the maximum height, setback, and separation requirements for accessory structures. When permitted, the accessory dwelling unit shall require one off street parking space in addition to the two already required for the principal dwelling.
- D. The principal dwelling and the accessory dwelling must share a single utility service to the property, but shall have separate utility meters as well as separate cooking and sanitary facilities. When a detached garage is converted into an accessory dwelling unit, the ground floor may be used for the accessory dwelling unit so long as the minimum number of required off-street parking spaces are maintained on-site. One additional parking spot is required for an accessory dwelling unit. Required off-street parking for the principal structure/dwelling must be maintained.

7. Accessory Buildings in Nonresidential Districts: Shall have the same height, setback and yard location requirements as accessory buildings in Residential Districts.

8. Required Yard Cannot Be Reduced or Used by Another Building.

- A. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
 - B. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.
9. **Permitted Obstructions in Required Yards.** The following shall not be considered to be obstructions when located in the required yards specified:
- A. In all yards - porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.
 - B. In front yards - one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
 - C. In rear yards - open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
 - D. In side yards - overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.
10. **Conversion of Dwellings.** The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter with the Article applying to such district.

11. **Minimum Ground Floor Area for Dwellings.** The floor area of a principal dwelling shall exceed four hundred (400) square feet and meet the standards of the International Building Code.
12. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance.
13. **Fences and Walls:**
 - A. Fences and walls located in a yard adjacent to a public street of residential and college and university zoned property shall be no more than four (4) feet in height and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.
 - B. Fences and walls shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.
 - C. All fences and walls may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty (20) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
 - D. The following non-exhaustive list of materials are prohibited in the construction of a fence or wall:
 - i. Scrap Metal
 - ii. Corrugated Metal
 - iii. Sheet Metal
 - iv. Electrical or Electrically Charged Material
 - v. Barbed and Razor Wire
 - vi. Pallets
 - vii. Oriented Strand Board (OSB)
 - viii. Used or Repurposed Materials Including Tires
 - E. Fences up to ten (10) feet in height shall be permitted in any industrial district.
 - F. All refuse and/or discard areas for all commercial, industrial and multi-unit residential uses shall be screened on a minimum of three (3) sides by a six-foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The appropriate official, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
 - G. Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or as a permitted use for temporary festival/event enclosure purposes.
 - H. Fencing shall not be allowed in floodways.

- I. Swimming pool fencing requirements are outlined in the City Building Code
 - J. Barbed wire fences shall be permitted only in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.
14. **Home Occupation, Major.** Major home occupations are those home occupations where either non-resident customers and/or employees come to the property for the purpose of furthering the business enterprise of the home occupation, and where the occupation:
- A. Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and their non-inhabitant employees or customers.
 - B. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
 - C. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
 - D. Shall have no signs present on the property except one sign, not exceeding fifteen (15) square feet.
 - E. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
 - F. Shall have no storage or display of goods visible from outside the structure.
 - G. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
 - H. Shall have adequate off-street parking spaces available to compensate for additional parking needs generated.
 - I. Deliveries from commercial suppliers may be made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
 - J. Shall include, but are not necessarily limited to, the following:
 - i. Single-chair beauty parlors and barbershops;
 - ii. Photo developing and printing;
 - iii. Organized classes with up to six students at a time;
 - iv. Television and other electric or electronic repair, excluding major appliances such as refrigerators or storage;
 - v. Upholstering;
 - vi. Dressmaking and millinery; and

- vii. Woodworking excluding cabinet making.
 - K. Major home occupations require authorization by the Board of Zoning Appeals in all residential zoning districts.
15. **Home Occupation, Minor.** Minor home occupations are those where neither non-resident customers nor non-resident employees come to the property for purposes of furthering the business enterprise of the home occupation, and where the occupation:
- A. Shall be conducted entirely within a dwelling and carried on only by the inhabitants thereof and no other.
 - B. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.
 - C. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
 - D. Shall be no advertising, display, or other indications of a home occupation on the premises.
 - E. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.
 - F. Shall have no storage or display of goods visible from outside the structure.
 - G. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 - H. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
 - I. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.
 - J. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property except that multiple family sales are permitted if they are held on the property of one of the participants and any such sale shall be considered to be a sale for all participants.
 - K. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
 - L. Shall include, but are not necessarily limited to, the following:

- i. Artists and sculptors;
- ii. Authors, desktop publishers and composers;
- iii. Home crafts for sale off-site;
- iv. Office facility of clergy;
- v. Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;
- vi. Address of convenience used solely for receiving and making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;
- vii. Individual tutoring;
- viii. Preserving and home cooking for sale off-site;
- ix. Individual instrument and vocal instruction provided that no instrument may be amplified;
- x. Telephone solicitation work;
- xi. Any other similar uses deemed to be consistent by the appropriate authority.

M. Minor home occupations are allowed in all residential zoning districts and do not require authorization by the Board of Zoning Appeals or a Special Use Permit.

16. Short-Term Rentals:

- A. This section shall apply to all dwellings and rooms within residential and mixed-use properties that may be rented, or leased, for fewer than thirty (30) days and shall not apply to hotels, motels, or similar types of lodging. This section shall also apply to all short-term rentals regardless of whether they utilize a digital platform for booking, promotions, or similar purposes.
 - i. Short term rentals shall be permitted uses in all residential and business zoning districts. They shall be a special use in all other zoning districts.
 - ii. Short term rentals in residential districts must make available a minimum of one off-street parking spot for use by the occupant of each short-term rental unit at the property.
 - iii. In residential zoning districts, the operator shall reside within the City of Rock Island or within ten (10) miles of its periphery.
 - iv. Short-term rentals shall not have signage exceeding one (1) square foot in area.
- B. Registration
 - i. All short-term rentals require a license. This license shall be issued by the Chief Building Official or their designee following an inspection of the subject property for basic health and safety requirements. These requirements shall be derived from the Property Maintenance Code and developed by the Chief Building Official to protect the health, safety, and welfare of the occupants.
 - ii. There shall be a licensing fee paid by the applicant at the time of their initial inspection. The license shall be renewed annually on March 1

contingent upon an annual reinspection being completed within the preceding thirty (30) days.

- iii. The license may be revoked at any time if the Chief Building Official or their designee determines that the operator is in violation of the terms of the license.
- iv. The Chief Building Official shall maintain a record of all licenses granted for short-term rentals. These records shall include contact information for all operators.
- v. The annual license fee for operating a short-term rental shall be one-hundred dollars (\$100).

17. Off-street Parking and Loading:

- A. Purpose: The purpose of this section of the Zoning Ordinance is to alleviate or prevent congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use of the property.
- B. General Provisions:
 - i. Procedure - An application for a building permit for a new or enlarged building, structure or use shall include a plot site plan, drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.
 - ii. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.
 - iii. In all districts, except "B-2" (which has no off-street parking requirements within that zoning district) an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas in the case of "R" districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.

- iv. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied. Parking of large trucks with an allowable gross vehicle weight of ten thousand (10,000) pounds or more on any residentially zoned or used lot is prohibited, except for the purpose of making a delivery, and then only for such length of time as it takes to complete delivery.
- C. Units of Measure.
- i. Floor area as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principal use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.
 - ii. Parking spaces shall not be less than eight and one-half feet (8-1/2') wide and nineteen feet (19') long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.
 - iii. Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.
- D. Schedule. Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility. A parking maximum of no more than 20% over the minimum for any given facility shall also apply.
- i. Athletic Field - 20 parking spaces per acre, plus 1 space for every 5 seats in bleachers or other types of fixed seating areas.
 - ii. Auditorium/Theater - one parking space for every four seats or one parking space for every 150 square feet.
 - iii. Auto Repair - three per bay.
 - iv. Auto Gas and Sales - two parking spaces per pump, plus two per service bay.
 - v. Banks and Business Offices - four parking spaces per 1000 square feet, plus drive through requirements if applicable.
 - vi. Barber/Beauty Shop Styling and Tanning Salons - two parking spaces per personal grooming station.
 - vii. Bowling Alleys - six parking spaces per alley plus bar and restaurant requirements, if applicable.
 - viii. Car Wash - six parking spaces per bay.
 - ix. Care Homes - one parking space for every two residents.

- x. Religious Institution- one parking space for every four sanctuary main auditorium seats.
- xi. Community Center - one parking space for every three maximum patrons.
- xii. Day Care Centers - one for every ten children served plus one per institutional vehicle.
- xiii. Drive Through Facility - six stacking spaces for each drive through station or automatic teller machine, plus appropriate parking for principal use.
- xiv. Dry Cleaning - four for patrons.
- xv. Durable Goods Sales (appliances, furniture, etc.) - one parking space per 500 square feet.
- xvi. Elderly Housing and Residential Facility for people with a disability - three parking spaces for every four units.
- xvii. Fraternities, Sororities and Boarding Houses - one parking space per lodging resident.
- xviii. Funeral Home - one parking space per 50 square feet of public access area, plus one per business vehicle.
- xix. Group Home/Halfway House/Boarding House - one parking space per bedroom.
- xx. Health Recreation and Physical Training Facility - five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
- xxi. Hospital - one parking space per overnight bed-plus six per 1,000 square feet devoted to outpatient service.
- xxii. Laundromats - one parking space for every two washers.
- xxiii. Manufacturing Plants and Testing Labs - one per business vehicle plus four per 1,000 square feet devoted to office space.
- xxiv. Medical, Dental or Veterinary Office or Clinic - two parking spaces per treatment room.
- xxv. Motel, Hotel or Apartment Hotel - one parking space per unit, plus banquet, restaurant and/or bar requirements if applicable.
- xxvi. Mobile Home Park - one parking space and one for every four units.
- xxvii. Nursing Home - one parking space per overnight bed.
- xxviii. Park, Neighborhood - five parking spaces per first two acres, plus one for each additional acre.
- xxix. Park, Community - five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.
- xxx. Residences - two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.
- xxxi. Restaurants, Taverns, or Night Clubs - one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
- xxxii. Retail, Freestanding and Shopping Centers - 2.5 parking spaces per 1,000 square feet gross floor area.

- xxxiii. Schools, Elementary and Junior High - one per classroom plus one per institutional vehicle.
- xxxiv. Schools, High School - one for every four students plus one per institutional vehicle.
- xxxv. Sports Stadium, Outdoor - one parking space for every three maximum patrons, plus parking for buses.
- xxxvi. Swimming Pool - one parking space for every three maximum patrons.
- xxxvii. Wholesale and Warehouse - two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.

E. Development Standards:

- i. Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the City Engineer with asphalt, cement concrete, Portland cement concrete, or alternate materials acceptable to the City Engineer, which may include some pervious materials. All off street parking areas must be graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any R district and in accordance with illumination standards further described in this ordinance.
- ii. Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two unit uses.
- iii. All motor vehicles in residential zoning districts parked in a front or side yard must be parked on an improved surface in accordance with the above written requirements of the City. Motor vehicles parked in a rear yard that is located adjacent to an unimproved gravel public alley in a one- or two-unit residential district may be parked on a gravel surface with a proper base acceptable and approved by the City Engineer. Such a space shall not exceed the minimum number of parking spaces required for the number of dwelling units. Outside storage of inoperable or unlicensed vehicles and vehicle parts is prohibited in residential zoning districts.
- iv. All off street parking areas must be designed so as to facilitate as much on-site storm water retention and/or detention as possible and meet all the standards of the City's Storm Water Ordinance.

F. Exceptions:

- i. Vehicle and equipment parking/storage areas in industrial zoning districts may be improved with a gravel surface with a proper base acceptable and approved by the City Engineer. The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing

requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.

G. Parking, Storage or Use of Recreational Vehicle.

- i. No recreational vehicle, as defined, shall be parked or stored on any lot in a residential district except in a required side or rear yard providing all yard setbacks are met by the recreation vehicle and the vehicle is parked on a pad constructed of asphalt, cement concrete, Portland cement concrete, or alternate equivalent materials acceptable to the City Engineer, which may include some pervious materials acceptable to the City Engineer. However, such equipment may be parked on a temporary basis in a front yard on a pad also constructed of the same identical materials for a period of time not to exceed 24 hours during loading and unloading no more than twice in any consecutive period of seven (7) days. At least thirty (30) hours must separate each occurrence. No such recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- ii. No recreational vehicle intended for portable temporary housing shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use, provided however, that such equipment may be used for the housing of guests of occupants of the principal resident if (a) occupancy shall not exceed fourteen (14) consecutive days; and (b) no charge is made for such occupancy.
- iii. No recreational vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended. In no case shall any such recreational vehicle be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

18. Pending Applications For Building Permits: Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the subsequent six month period, and not discontinued until completion, except for reasons beyond the builder's control.

19. Uses Authorized by the Board of Zoning Appeals: Any use or structure as regulated by the Board of Zoning Appeals in the various districts shall be accumulative in nature beginning with the most restrictive district.

20. Principal Building: Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot unless otherwise provided in this Ordinance.

21. Adult Regulated Uses:

- A. The Supreme Court of the State of Illinois has judicially confirmed that the purpose of these amendments as hereinafter stated serves a valid government interest. In the development and execution of this Ordinance, it is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and commercial areas where nurseries, schools, nursing homes, churches and similar uses are located. Proper and realistic zoning and special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or discouraging normal development of undeveloped areas. These special regulations are itemized in this section. A primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. To prevent concentration of such uses from having an adverse effect upon the adjacent and nearby residential and commercial areas above referred to, such uses are hereby established as permitted uses in all industrially zoned areas of I-1 and I-2. To prevent such uses from having an adverse effect upon nearby or residential and commercial areas, they are prohibited within one thousand (1000) feet of the following specified uses or zones:
 - i. residential, commercial and or conservation zone
 - ii. public or private school or licensed day care center
 - iii. church or religious center
 - iv. public park or a City designated pedestrian/bike path
- B. To prevent such uses from having an adverse effect upon the adjacent areas in an I-1 and/or I-2 district, not more than two (2) such uses shall be established within one thousand (1000) feet of each other, within said I-1 and/or I-2 district. Uses subject to these controls hereafter referred to as "Adult Regulated Uses" are as follows: Adult Bookstore, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater; Adult Modeling and Entertainment Facility.

22. Solar Energy Systems

- A. Solar Energy Systems, as defined by this ordinance, are permitted in all zoning districts.
- B. This ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the ordinance, and all applications for Solar Energy Systems on existing structures and property. Solar Energy Systems constructed prior to the effective date of this ordinance shall not be required to meet this ordinance. Any upgrades, modifications, or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this ordinance.

- C. Installation of solar energy systems on locally designated landmarks or within locally designated historic districts, as established by the Rock Island Preservation Ordinance, shall require the approval of the Historic Preservation Commission and the issuance of a Certificate of Appropriateness.
- D. Solar Energy Systems shall comply with the International Fire Code and National Electric Code as adopted by the City.
- E. Ground Mounted Systems shall not be permitted in a front yard in residential zoning districts unless the subject property is one (1) acre in size or larger.
- F. Ground Mounted or Freestanding Solar Energy Systems shall not exceed six feet (6') at the highest point of the System in residential zoning districts unless the subject property is one (1) acre in size or larger.
- G. For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors including solar photovoltaic cells, panels, arrays and inverters shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels and arrays.
- H. Whenever possible, Ground-mounted Systems shall have ground cover beneath them that consists of native plants which help to facilitate absorption of rain water into the soil. Impermeable surfaces, gravel, turf grass, and similar coverings are discouraged. Regardless of ground cover, access to the System for inspection and maintenance shall be maintained.

23. Design of Newly Developed or Redeveloped Business and Office Zoned Properties

- A. Building Orientation: Building frontages shall face the primary street with at least one principal entrance facing the primary street.
- B. Pedestrian Amenities: Buildings shall have clear pedestrian pathways that connect to a sidewalk to facilitate pedestrian access and circulation. Pedestrian pathways through parking areas shall be adequately striped or demarcated to facilitate safe pedestrian travel.
- C. Lighting: Lighting shall adhere to all Illumination Standards.
- D. Bicycle Parking: One (1) bicycle parking space with bicycle rack or similar infrastructure shall be provided for every one thousand (1,000) square feet of interior floor area. A minimum of two (2) and a maximum of ten (10) bicycle parking spaces shall be required, but more is acceptable. Existing public bicycle parking within five hundred feet (500') of the subject parcel may be used to count toward the minimum requirement. Private bicycle parking may be installed within five hundred feet (500') of the subject parcel and within the public right-of-way to count toward the minimum requirement, but only with the approval of the Public Works Director and on the condition that said bicycle parking be available for public use.
- E. Blank Walls: Walls that do not have windows or doors and are exposed to public view shall be designed with architectural details that provide vertical relief, such as a terrace, pilaster or pier, as well as a horizontal band, such as a middle trim, a reveal band, cornice, or other acceptable design feature.

- F. Window Area: At least 40% of the first-floor façade facing a public street or public sidewalk shall have windows and doors of clear or lightly tinted glass (not mirror, reflective, or dark tinted glass) that allow views into and out of the building at eye level.
- G. Outdoor storage: Trash containers (dumpster), mechanical equipment, and all outdoor storage shall be located in a rear yard and shall be screened from view on a minimum of three (3) sides with a six (6) foot tall solid fence or wall in a style that reflects the primary building.
- H. Parking: Parking lots shall not interrupt pedestrian routes or negatively impact adjacent or neighboring residential districts. New parking areas of more than five (5) spaces shall meet all landscaping requirements. In B-1 and O-1 districts specifically, the majority of parking shall be located along the side or rear of buildings if non-residential properties within one hundred and fifty feet (150') of the subject property's frontage(s) have a majority of their parking along the side or rear of buildings. When such an urban form exists, no more than one row of teaser parking along the primary street shall be allowed on the subject property. The one hundred and fifty feet (150') from the frontage shall be measured going in all directions.
- I. Context: New or remodeled buildings shall be designed to reflect and respect the existing character of the neighborhood and be compatible in size and mass with nearby residential uses.
- J. Foundation Planting: Each principal building shall have a landscaped area located along the foundation of the building with a minimum width of five (5) feet. Foundation plantings shall not block windows and, if adjoining a sidewalk, shall be maintained at no taller than 3 feet. If a planting area is determined by the Planning and Redevelopment Administrator to be impractical based on a building design, location, operations, setbacks, or arrangement of teaser parking along a primary street, planter boxes or other containers may be substituted. When a building is built with a setback less than five feet (5') this requirement shall not be enforced.

24. Cannabis Businesses: All cannabis businesses are regulated by the Recreational Cannabis Ordinance in addition to those requirements contained within this ordinance.

25. Unrelated Group Uses

- A. Purpose: Unrelated group uses may be approved by the Planning and Redevelopment Administrator or their designee through the following process. The Zoning Administrator shall not vary any of the applicable conditions.
- B. Procedure: Upon receiving an application for an unrelated group use, the Planning and Redevelopment Administrator or their designee shall process the application to determine its conformity with the applicable standards. If the application does conform, the permit shall be granted. If the land and its structure do not meet the standards, the permit shall be denied.
 - i. Initiation and Application: Any person owning or having interest in the subject property may file an application to use such land for an unrelated group use. Such application shall be submitted with the application fee in

the amount of one hundred dollars (\$100.00) per dwelling unit and such proof that the land and the structure comply with the requirements set forth for the permit.

- ii. Term of Approval:
 - 1. In any case where a permitted unrelated group use has not been established within six (6) months after the granting thereof, then without further action by the City, the use approval shall be null and void;
 - 2. If an unrelated group use, including an existing use, has been discontinued for a period of one year or more, it shall not be re-established without obtaining new approval from the City.
- C. Revocation: The Planning and Redevelopment Administrator may revoke a use approval upon giving the owner and any interested persons who applied for the use at least ten (10) days written notice of the grounds for revocation and the opportunity for a public hearing before the City Council at which time they may present evidence bearing upon the question and cross examine witnesses. The grounds for which a use permit may be revoked are:
 - i. The owner or interested persons applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use knowingly suffered or caused another to furnish or withhold such information on their behalf.
 - ii. The owner, their agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of this Article of the standards required to obtain the use with administrative approval, or that the property no longer complies with the standards necessary to obtain a use with administrative approval; provided however, that the Planning and Redevelopment Administrator shall give at least ten (10) days prior written notice to the owner of the alleged violation or manner in which the property no longer complies with the standards, with the opportunity to correct the problem during said time provided further, however, that violations of this ordinance shall not be cause for revocation.
 - iii. The property has become a nuisance as that term is defined in this ordinance. The property owner shall be responsible for the acts of their agents, employees, officers, tenants, licensees, and occupants.
- D. Nuisance: A property shall be considered a nuisance when any of the following shall occur:
 - i. The owner, their agents, employees, officers, tenants, licensees or occupants have been convicted of three (3) or more violations of this ordinance for occurrences in any twelve-month period or occurring on said property.
 - ii. The owner has received three (3) or more notices for the property from the Planning and Redevelopment Administrator during any twelve-month period which have not resulted in the revocation of the use granted with

administrative approval due to the fact that the owner has corrected the alleged violation.

E. Standards:

- i. No unrelated group use shall be approved by the Planning and Redevelopment Administrator unless they find all of the following standards are met:
 - 1. The number of residents complies with requirements of this ordinance.
 - 2. The parking requirements of two off-street parking spaces per dwelling unit have been met.
- ii. The proposed unrelated group use is not within three hundred (300) feet of another existing unrelated group use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.
- iii. In order to ensure that the structure and rooms therein are used as originally designed and intended, the proposed use will not require or include structural alterations as that term is defined in the Uniform Housing Code or other building code adopted by the City.
- iv. The structure meets the requirements of the City's housing, building, and fire codes as set forth in the Code of the City of Rock Island or the codes adopted by reference therein.

F. Re-Inspection Requirements: All unrelated group uses are required to be inspected to determine housing, building, and fire code compliance every two (2) years that such use is maintained. The first reinspection will take place two (2) years after receiving approval. An inspection fee of sixty dollars (\$60.00) per dwelling unit shall be paid by the owner thereof.

26. Zoning Action Fee Schedule

Item	Fee
Special Use Permit	\$100
Rezoning for Less Than One Acre	\$200
Rezoning for One Acre or More	\$300
Variance for One- and Two-Unit Residential Properties	\$125
Variance for All Other Properties Less Than One Acre	\$150
Variance for All Other Properties One Acre or More	\$175
Minor Subdivision	\$50
Major Subdivision of Properties Less Than One Acre	\$100
Major Subdivision of Properties One Acre or More	\$150

Chapter 12: Additional Requirements, Exceptions, and Modifications

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

1. Height Limits. Height limitations stipulated elsewhere in this Ordinance shall not apply.
 - A. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, cellular communication towers and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Chief Building Official, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Zoning Appeals.
 - B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
 - C. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than the highest building otherwise permitted in the district.
 - D. To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (1/2) foot over the side and rear yards required for the highest building otherwise permitted in the district.
2. Existing Lots of Record. In any district where dwellings are permitted, a one-unit detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the appropriate authority.
3. Lots Unserved by Sewer and Water. In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.
4. Front Yard Exceptions and Modifications

- A. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.
 - B. Interior Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet.
 - C. Corner Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" district shall be at least ten (10) feet and need not exceed thirty (30) feet, except as provided in the General Provisions regarding traffic visibility across corner lots.
5. Side Yard Exceptions and Modifications
- A. Along any district boundary line, an abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restricted district; and in a "B-2" or "I" district, on a lot abutting a lot in any "R" district, such side yard for a building higher than the limiting height in such "R" district shall be increased by three (3) feet for each story over such limiting height.
 - B. Side Yards Shall Be Increased. In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any "R-1" or "R-2" district, or fifty (50) feet in any "R-3" district.
 - C. Side Yards May Be Reduced. By three (3) inches from the otherwise required least width or sum of the least widths for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2-1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.
 - D. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.
 - E. Side Yards May Be Varied. Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.

- F. Structures or Projections into Side Yards May Be Permitted as Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes three (3) feet from a side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.
 - G. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1-1/2) feet.
 - H. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.
6. Rear Yard Exception and Modifications
- A. Rear Yards May Be Reduced. Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.
 - B. Structures or Projections into Rear Yards May Be Permitted as Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes six (6) feet from the building. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (2) of the width of the rear wall.
 - C. Chimneys, flues, belt courses, leaders, sills, pilaster lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required rear yard not more than one and one-half (1-1/2) feet.
 - D. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, nor an alley lot line or within six (6) feet of an accessory building.

Chapter 13: R-1 One Unit Residential

1. General Description: The purpose of the R-1 One Unit Residential District is to provide for detached single-unit housing opportunities in an urban setting at a low to medium density level. While the R-1 district is intended to generally maintain neighborhoods comprised of detached single-unit dwellings, other low impact residential uses and some home occupations are appropriate.
2. Permitted Principal Uses:
 - A. One unit detached dwellings
 - B. Day care home
 - C. Foster family homes
 - D. Unrelated group uses
 - E. Municipal fire and police station
 - F. Care home small residential
 - G. Essential services and municipal administrative or public service buildings not less than eighty feet (80') from any lot line
 - H. Public parks and playgrounds
 - I. Existing railroad right-of-way, but not switching storage or freight yards of sidings
 - J. Short-term rentals which must make available a minimum of one off-street parking spot for use by the occupant of each short-term rental unit at the property, the operator shall reside within the City of Rock Island or within ten (10) miles of its periphery and shall not have signage exceeding one (1) square foot in area.
 - K. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses:
 - A. Any permitted accessory use in an "R-1" District
 - B. Private garages or parking areas
 - C. Private office of lawyer, architect, or engineer within their own dwelling
 - D. Minor home occupations, as defined
 - E. Day care home licensed by the State of Illinois and with occupancy permit.
 - F. Other uses incidental to a permitted use
 - G. Agriculture, Urban
 - H. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals:
 - A. Major Home Occupations
 - B. Community Center
 - C. Utility stations without service yards or storage
 - D. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
 - E. Public and parochial schools as well as religious institutions not less than 20 feet from any lot in an "R" District
 - F. Municipal buildings and libraries

- G. Off street parking facilities for permitted uses and/or uses permitted upon review of appropriate authority in this zoning district
 - H. Day care home, as defined, but serves between nine (9) and twelve (12) children
 - I. Any other similar uses deemed consistent by the Board of Zoning Appeals
5. Height Regulations: No principal structure shall exceed 2 ½ stories or thirty-five feet (35') in height. No accessory structure shall exceed one (1) story.
6. Lot Area, Frontage, and Yard Requirements: The following minimum requirements shall be observed.

Number of Stories	Lot Width	Front Yard Depth	Side Yard Width	Rear Yard Depth
1 to 1½	50 ft.	25 ft.	6 ft.	30 ft.
2 to 2½	50 ft.	25 ft.	8 ft.	30 ft.

Chapter 14: R-2 One- and Two-Unit Residential District

1. General Description. The purpose of the R-2 One and Two Unit Residential District is established to provide housing opportunities that can also establish duplexes on a single lot in an urban setting at a low to medium density level. Other low impact residential uses and some home occupations are appropriate.
2. Permitted Principal Uses
 - A. All permitted uses in an "R-1" District
 - B. Two-unit dwellings
 - C. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses. Any permitted accessory use in an "R-1" District
4. When Authorized by Board of Zoning Appeals
 - A. Bed and breakfast inns
 - B. Boarding and lodging houses
 - C. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations. No principal structure shall exceed two and one-half (2½) stories or thirty-five feet (35') in height and no accessory structure shall exceed one (1) story.
6. Lot Area and Yard Requirements. The following minimum requirements shall be observed.

Number of Stories	Front Lot Width	Front Yard Depth	Side Yard Width	Rear Yard Depth
1 to 1½	50 ft.	25 ft.	6 ft.	30 ft.
2 to 2½	50 ft.	25 ft.	8 ft.	30 ft.

Chapter 15: R-3 One to Six Unit Residential District

1. General Description. The R-3 One to Six Unit Residence District is established to provide for multiple unit housing opportunities at lower to moderate multiunit densities. Housing in this district is to be compatible with surrounding housing types, which may include single-unit, and meet the needs of a range of community residents.
2. Permitted Principal Uses
 - A. All permitted uses allowed in an "R-2" District
 - B. Boarding and lodging houses
 - C. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
 - A. All permitted accessory uses in an "R-3" District
 - B. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals
 - A. Care home, large residential at least one thousand feet (1,000') from an existing similar use
 - B. Any use authorized by appropriate authority in an "R-3" District
 - C. Nursing homes at least fifty feet (50') from any lot line
 - D. Halfway house/group home at least one thousand feet (1,000') from an existing similar use
 - E. Day care centers licensed by the State of Illinois
 - F. Private clubs, lodges, union halls
 - G. Parking lots accessory to use in an adjoining or less restrictive district when abutting or directly across an alley.
 - H. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story.
6. Lot Area and Yard Requirements. The following minimum requirements shall be observed along with all bufferyard requirements.

Number of Stories	Lot Area per Dwelling Unit (sq. ft.)	Front Lot Width	Front Yard Depth	Side Yard Width	Rear Yard Depth
1 to 1½	2,000	50 ft.	25 ft.	6 ft.	30 ft.
2 to 2½	2,000	50 ft.	25 ft.	8 ft.	30 ft.

Chapter 16: R-4 Multi-Unit Residential District

1. General Description. R-4 Multi-Unit Residence District is established to provide for multiple unit housing opportunities at moderate to higher densities. The district will include a range of dwelling options to meet housing needs for the city. This district is most appropriate on sites that are accessible to public transportation and arterial or collector streets.
2. Permitted Principal Uses
 - A. Any permitted use in an "R-3" District
 - B. Any other similar uses deemed to be consistent by the appropriate authority
3. Permitted Accessory Uses
 - A. Any permitted accessory use in an "R-3" District
 - B. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals
 - A. Any use authorized by appropriate authority in an "R-3" District
 - B. Any other similar use deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations. No principal structure shall exceed twelve (12) stories or one hundred fifty feet (150') in height at the required front, side and rear yard lines, other than as provided in Section 9.1. No accessory building shall exceed one (1) story.
6. Lot Area, Frontage, and Yard Requirements. The following minimum requirements shall be observed along with all bufferyard requirements.

Number of Stories	Required Lot Area per Unit (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Rear Yard Depth
1	2,000	50 ft.	30 ft.	6 ft.	30 ft.
2	2,000	52 ft.	30 ft.	6 ft.	30 ft.
3	2,000	55 ft.	30 ft.	8 ft.	35 ft.
4	2,000	65 ft.	30 ft.	10 ft.	40 ft.
5	2,000	75 ft.	30 ft.	12 ft.	45 ft.
6	2,000	85 ft.	30 ft.	14 ft.	50 ft.
7	2,000	95 ft.	30 ft.	18 ft.	55 ft.
8	2,000	105 ft.	30 ft.	22 ft.	60 ft.
9	2,000	115 ft.	30 ft.	26 ft.	65 ft.

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10	2,000	125 ft.	30 ft.	30 ft.	70 ft.
11	2,000	135 ft.	30 ft.	34 ft.	75 ft.
12	2,000	150 ft.	30 ft.	38 ft.	80 ft.

Chapter 17: R-5 Mobile Home District

1. General Description. The R-5 Mobile Home District is established to provide for an alternative living style and dwelling type to conventional single-unit housing. The purpose of this district is to provide a grouping of home sites within the setting of a residential area for manufactured housing units, which is designed in a unified manner so as to establish a neighborhood character for the development.
2. Permitted Principal Uses
 - A. Foster family homes
 - B. Mobile home parks (see Mobile Home Ordinance of the City of Rock Island)
 - C. Any other similar uses deemed to be consistent

Chapter 18: B-1 Neighborhood Business District

1. General Description. The Neighborhood Business District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of a fully developed neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents. The convenience nature of the various business uses located in this District requires them to be in close proximity to residences and is intended to include a narrow range of retail services and convenience goods.
2. Permitted Principal Uses
 - A. All uses within this zone must be confined to 2,500 internal square feet of the principal structure
 - B. Antique or custom furniture shop with incidental upholstery
 - C. Bakery limited to goods for retail on the premises
 - D. Banks or similar financial enterprise
 - E. Barber or beauty shop
 - F. Bicycle sales and service
 - G. Business or professional office such as attorney, architect, engineer, dentist, physician etc.
 - H. Camera or photographic supply store
 - I. Clinics, private, for human care
 - J. Costume rental
 - K. Day care center meeting state and local permits with fenced play area
 - L. Delicatessen
 - M. Dry cleaning pick-up station
 - N. Dwelling, above ground floor
 - O. Health/recreational and physical training club
 - P. Hobby shop
 - Q. Interior decorating shop including upholstery and drape making
 - R. Laundromat
 - S. Locksmith
 - T. Music studio
 - U. Restaurant, not drive-in or drive-thru
 - V. Retail uses such as drugstore, florist, grocery, ice cream shop, meat market, appliance, shoe, variety, stationary, book, clothing, packaged liquor sales and candy stores with all activities, except for automobile off-street parking, outdoor café seating and loading facilities as permitted or required in this district, shall be conducted wholly within an enclosed building
 - W. Religious institutions
 - X. Short-term rentals which must make available a minimum of one off-street parking spot for use by the occupant of each short-term rental unit at the property, which the operator shall reside within the City of Rock Island or within ten (10) miles of its periphery and shall not have signage exceeding one (1) square foot in area.

- Y. Cannabis packaged dispensing businesses, but must be located 100 feet from any residential zoned property.
- Z. Any other similar uses deemed to be consistent
- 3. Permitted Accessory Uses: Other uses incidental to a permitted use, but no accessory building shall be located in a front yard.
- 4. When Authorized by the Board of Zoning Appeals
 - A. Auto accessory store
 - B. Club or lodge
 - C. Bus transfer station
 - D. Convenience store
 - E. Nursing home
 - F. Any other similar uses deemed to be consistent
- 5. Uses Prohibited. Any commercial or manufacturing use except that which is clearly necessary for the conduct of a permitted retail business or service on the premise.
- 6. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building along with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth
35 ft. or same as adjacent R District	0 ft.	0 ft.	10 ft. or same as adjacent R District

Chapter 19: B-2 Central Business District

1. General Description. The Central Business District is intended to be a high density, compact, pedestrian oriented shopping, office, service and entertainment area. This District is one of high traffic generation and is thus located where there can be a concentration of a variety of commercial activities.
2. Permitted Principal Uses
 - A. Any use permitted in a B-1 District and allowing for retail establishments with greater than 2,500 square feet
 - B. Art galleries and studios
 - C. Auction house
 - D. Bar, dance hall, cocktail lounge or nightclub, private clubs, lodges, union halls, tavern, on-site cannabis product dispensing and product consumption dispensing business, micro-brewery when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
 - E. Bicycle sales and repair
 - F. Blue printing, photostating, print shop and duplicating establishments
 - G. Bus terminal, railroad station, freight terminal or other public transportation terminal
 - H. Business or trade school
 - I. Catering within a building
 - J. Ceramic products manufacture for sale on premises
 - K. Religious institution
 - L. Conservatory for retail sale on premises only
 - M. Commercial parking lot
 - N. Custom rental
 - O. Custom dressmaking, millinery, tailoring or shoe repair for retail sales on premises only
 - P. Drapery and mattress manufacture for sale on premises
 - Q. Department stores
 - R. Employment agency
 - S. Engraving of lithographing
 - T. Funeral home
 - U. Garage, public
 - V. Hardware or paint supply store without outdoor sales or storage
 - W. Hotel/motel
 - X. Laboratories, medical and dental
 - Y. Laundry or dry-cleaning shop when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
 - Z. Meeting halls, clubs, fraternal organizations and lodges
 - AA. Mirror and glazing shop, glass cutting
 - BB. Pawn shop
 - CC. Pet shops, but not animal hospitals

- DD. Picture framing
- EE. Plumbing, electrical, heating, and air conditioning supply stores or show rooms without outdoor sales or storage and without repairs or fabrication
- FF. Public utility collection office
- GG. Public, customer or accessory parking lot
- HH. Radio, television and CATV stations, not transmitting towers
- II. Second-hand stores and rummage shops
- JJ. Taxidermist
- KK. Theater, indoor
- LL. Travel bureau and ticket office
- MM. Upholstering shop for furniture
- NN. Any other similar type use not specifically permitted herein which would have economic compatibility with the established uses on adjoining properties
- OO. Any other similar uses deemed to be consistent
- PP. Light industrial and warehouse uses consistent with other identified uses

3. Permitted Accessory Uses

- A. Permitted accessory uses in a B-1 District
- B. Assembly of small electrical appliances, instruments, small computers and other electronic devices.
- C. Other uses incidental to a permitted use.

4. When Authorized by the Board of Zoning Appeals

- A. Any use permitted on review in a B-1 District
- B. Auto accessory store
- C. Auto repair, minor
- D. Transmission and receiving equipment for radio, television, cable, and telephone.
- E. Any other similar uses deemed to be consistent by the Board of Zoning Appeals

5. Lot Area and Yard Requirements. The following minimum requirements shall be observed with both principal and primary buildings with all bufferyard requirements. No accessory buildings shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth
None	None	None except same as adjacent R District	None except same as adjacent R District

Chapter 20: B-3 Community Business District

1. General Description. The Community Business District is intended to provide for major businesses which serve a significant segment of the population. The District may provide for a variety of retail goods and services, along with large traffic generators requiring access from major thoroughfares and a reliance on motor vehicle-oriented trade. The district is dominated by uses with indoor operations, although some may have limited outdoor activities. Development in the District is encouraged in a manner which minimizes traffic hazards and interference with other uses in the vicinity.
2. Permitted Uses
 - A. Any uses permitted in a B-2 District
 - B. Amusement centers, indoor, including bowling alleys, pool halls, billiard parlors, skating rinks arcades and other similar uses
 - C. Auto/pickup sales of a two-ton capacity or less and service enclosed and with building(s) and outside storage at least one hundred feet (100') from residentially zoned private property
 - D. Car wash, single bay, enclosed and with building(s) and outside storage at least one hundred feet (100') from residentially zoned private property
 - E. Drive-in or drive-through restaurant
 - F. Exterminating shop
 - G. Fabric or floor covering sales
 - H. Hospital or clinic for small animals with no long-term kennel use and at least one hundred feet (100') from residentially zoned private property
 - I. Any other similar type use not specifically listed herein, and which has economic compatibility with the established uses on adjoining properties
 - J. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
 - A. Permitted accessory uses in a B-2 District
 - B. Other uses incidental to a permitted use
4. When Authorized by the Board of Zoning Appeals
 - A. Any use permitted on review in a B-2 District
 - B. Car wash, multiple bays
 - C. Recreational uses, open air such as swimming pools, tennis courts, baseball fields and golf ranges, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - D. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth
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45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District
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Chapter 21: B-4 Highway Business District

1. General Description. The Highway/Intensive Business District is intended to permit development of service uses relating to expressways or along other major arterial thoroughfares. This district permits uses that, by their nature, tend to generate heavy traffic usage. This district also provides for functions and businesses which may be characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, and by outdoor commercial amusement and recreational activities not completely enclosed.
2. Permitted Principal Uses
 - A. Any use permitted in a B-3 District
 - B. Auto repair, major, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - C. Agricultural implement sales and services with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - D. Air conditioning and heating sales and service with outdoor fabrication and repairs
 - E. Bath house or boat house with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - F. Boat sales with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - G. Building material sales yard, wholesale business with warehouses as specified in this ordinance, at least 100' from residentially zoned private property
 - H. Carpenter and cabinet shop with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - I. Car wash
 - J. Contractors offices and shops within building
 - K. Feed and seed store, wholesale
 - L. Greenhouse with outside storage permitted
 - M. Kennels with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - N. Motor vehicle dealerships with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - O. Recreational uses, public open air, such as swimming pools, tennis courts, baseball fields, and golf ranges with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - P. Sign painting shop and similar establishment with building(s) and outdoor storage at least one hundred feet (100') residentially zoned private property
 - Q. Travel trailer sales and service with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
 - R. Any other similar uses deemed to be consistent.
3. Permitted Accessory Uses
 - A. Permitted accessory uses in a B-3 District
 - B. Other uses incidental to a permitted principal use

4. When Authorized by the Board of Zoning Appeals
 - A. Any uses permitted on review in a B-3 District
 - B. Auditorium
5. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard
45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District

Chapter 22: O-1 Small Office District

1. General Description. The Small Office (O-1) district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:
 - A. To provide means of transitional use of land between commercial and residential uses.
 - B. To promote, enhance, and conserve quality of the manmade environment.
 - C. To protect the worth of property.
 - D. To promote the most desirable use of land.
 - E. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly, lodging, and eating.
 - F. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
 - G. To provide a use district for offices for those who provide services only including instruments of service.
 - H. To provide a district of less intense use and to encourage lower density use and retention of open space.
 - I. To make use of areas which are not appropriate for other uses.
 - J. To control the growth of other districts.
 - K. To make less valuable land available for use other than residential.
2. Permitted Principal Uses
 - A. Religious Institution
 - B. Community service offices
 - C. Consultant offices
 - D. Dwelling above the ground floor
 - E. Funeral Home
 - F. Nursing Home
 - G. Offices providing clerical administration
 - H. Professional offices
 - I. Schools and facilities for academic instruction
 - J. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses. Accessory uses incidental to a permitted principal use other than a permanent residence.
4. When Authorized by Board of Zoning Appeals
 - A. Dwellings
 - B. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Height Regulations. No principal structure shall exceed two (2) stories or thirty feet (30') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Additional Requirements, Exceptions, and Modifications chapter of this ordinance.

6. **Lot Area and Yard Requirements:** The following minimum requirements shall be observed for both primary and accessory building along with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth
35 ft. or same as adjacent R District	0 ft.	10 feet or same as adjacent R District, whichever is greater. For Religious Institutions and Schools, however, it shall be the same as adjacent R District or 20 feet, whichever is greater.	10 feet or same as adjacent R District, whichever is greater. For Religious Institutions and Schools, however, it shall be the same as adjacent R District or 20 feet, whichever is greater.

Chapter 23: O-2 Large Office District

1. General Description. The Large Office District is intended to provide for large attractively landscaped low-density sites primarily along an interstate or expressway corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized unobjectionable ultra-light industrial activities which take advantage of the transportation corridor but are low intensity and sufficiently restricted to be compatible with adjacent residential and commercial development. This may include manufacturing, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared materials. This district is intended to have a green/open space atmosphere conducive to quality development with the preservation of significant natural features. No outdoor storage is allowed in this district and all operations must be in an enclosed building.
2. Permitted Principal Uses
 - A. Offices for the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and engineering
 - B. Hospital and special care facilities
 - C. Computer manufacture, electronic assembly
 - D. Custom cabinet shop
 - E. Custom drapery manufacture
 - F. Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment
 - G. Research and development, technical training and related activities for industrial, scientific and business enterprises, and design of pilot or experimental products
 - H. Mattress manufacture with retail activities
 - I. Printing, publishing, duplicating and photographic processing
 - J. Processing and assembly of engineering, laboratory, scientific, and research instruments and associated equipment
 - K. Prosthetic manufacture
 - L. Laboratories for research, development, and testing of medical, optical, dental and pharmaceutical products
 - M. Hotel/motel
 - N. Trade or industrial schools, personnel training center
 - O. Any other similar uses deemed to be consistent.
3. Permitted Accessory Uses
 - A. Bar/cocktail lounge incidental to hotel/motel and/or restaurant
 - B. Child care center when accessory to permitted principal use
 - C. Convention center, assembly hall, display hall, or similar use when accessory of hotel/motel
 - D. Manufacturing when accessory to permitted principal use
 - E. Retail business intended to serve the permitted uses within the district and not dependent upon direct visits of retail customers
 - F. Other uses incidental to permitted principal use

4. When Authorized by the Board of Zoning Appeals
 - A. Bank
 - B. Restaurant, excluding drive-in/thru
 - C. Medical clinic
 - D. Essential public services
 - E. Hospital
 - F. Museum
 - G. Post office
 - H. Parking lots, public or private
 - I. Child care center
 - J. Convention center, assembly hall, display hall, or similar use
 - K. Manufacturing when accessory to permitted principal use
 - L. Radio/television station
 - M. Any other uses deemed to be consistent by the appropriate authority
5. Prohibited Uses
 - A. Adult uses
 - B. Auto service station
 - C. Mini-warehousing
 - D. Restaurant, drive-in
 - E. Retail except as noted
 - F. Residential uses
 - G. Freight terminal
 - H. Auto salvage yard
 - I. Disposal or storage of toxic waste
 - J. Outdoor advertising, off premise.
6. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard
45 ft.	50 ft.	15 ft.	20 ft.

Chapter 24: I-1 Light Industrial District

1. General Description. The Light Industrial District is intended to provide for the development of most types of industry with regulations designed to protect adjacent properties. Outside storage of equipment and materials is to be kept to a minimum.
2. Permitted Uses
 - A. Apparel and other products manufactured from textiles
 - B. Assembly of products from finished materials and parts
 - C. Bottling and canning of soft drinks
 - D. Cabinet making
 - E. Food processing
 - F. Fur repair and storage
 - G. Laboratories
 - H. Laundry, dry cleaning, dyeing except walk-in/drive-up
 - I. Photo processing involving photo engraving
 - J. Printing and binding
 - K. Services, providing not more than 5% of the business comes from retail on-premise sales and except repair or reconditioning of any motor vehicles
 - L. Wholesaling, warehousing and storage including mini-warehousing
 - M. Cannabis craft growing facilities, when at least 100 feet from residential zoning district.
 - N. Cannabis cultivation centers, when at least 100 feet from residential zoning district
 - O. Cannabis infuser organizations, processing organizations and transportations, when at least 100 feet from residential zoning district
 - P. Cannabis product dispensing businesses, when at least 100 feet from residential zoning district
 - Q. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
 - A. Offices
 - B. Other accessory uses incidental to a permitted use
4. Prohibited Uses
 - A. Uses prohibited in a Large Office District
 - B. Disposal or storage of toxic waste
5. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building with all bufferyard requirements. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard
45 ft.	20' for 1 - 3 stories, if > 3 stories, then 40% of building height.	15 ft.	20 ft.

Chapter 25: Heavy Industrial District

1. General Description. The General Industrial District is intended to provide for large scale manufacturing facilities not otherwise permitted which have potential significant external impacts to adjacent properties.
2. Permitted Uses
 - A. Any use permitted in an I-1 District
 - B. Any other use which, in the opinion of the appropriate authority, is of similar character to those specified above
 - C. Any of the following uses, when at least two hundred (200) feet from any residentially zoned private property and at least one hundred (100) feet from any other district, except an I-1 District or when authorized by the appropriate authority
 - D. Aircraft, assembly and testing
 - E. Automobile, tractor trailer, farm implement assembly or manufacture
 - F. Bleaching, cleaning and dyeing plant
 - G. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops
 - H. Box and crate manufacture
 - I. Brewing or distilling of liquors
 - J. Brick manufacture
 - K. Candle or sperm oil manufacture
 - L. Cans and other types of containers manufacture
 - M. Cement, lime, gypsum, plaster or plaster-of-paris manufacture
 - N. Chalk manufacture
 - O. Coffin manufacture
 - P. Cooperage works
 - Q. Cottonseed oil manufacture
 - R. Dextrin, starch or glucose manufacture
 - S. Dyes, aniline, ink pigments and others manufacture
 - T. Emery cloth or sandpaper manufacture
 - U. II. Enameling, lacquering or japanning
 - V. Fertilizer, compost - manufacture or storage
 - W. Gas-generation or storage for illumination or heating
 - X. Grain elevators
 - Y. Lumber, preserving treatment, processing, sawmills and planing mills manufacture
 - Z. Machinery, heavy manufacture and repair
 - AA. Meat, packing and processing except slaughtering and glue and size manufacture, but not stockyards or slaughterhouses
 - BB. Metal stamping and extrusion of metal products manufacture and plating
 - CC. Petroleum or flammable liquids production and refining
 - DD. Rubber products, including tires and tubes and tire recapping
 - EE. Sandblasting or cutting

- FF. Sewage disposal plant or incinerator, sanitary landfill, recycling or composting operation except by the municipality
 - GG. Stone and monument works employing power driven tools
 - HH. Storage of flammable liquids when facilities are located at least six hundred feet (600') from any "R" District and at least three hundred feet (300') from any other district except "I" Districts and are enclosed by a fence at least eight feet (8') in height
 - II. Wire or rod drawing - nut, screw or bolt manufacture
 - JJ. Wool scouring and pulling
 - KK. Yeast manufacture
 - LL. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
- A. Permitted accessory uses in an I-1 District
 - B. Other uses incidental to a principal use
4. When Authorized by the Board of Zoning Appeals
- A. An establishment which has the potential to be dangerous or extremely obnoxious. Included are those which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive material are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity
 - B. Automobile salvage and wrecking operations, and industrial metal and waste salvage operations and junk yards not less than two hundred feet (200') from any "B" District and one thousand feet (1,000') from any State or Federal highway enclosed on all sides with solid masonry wall at least twelve feet (12') high; no pile of salvage, scrap or other material shall be higher than twelve feet (12')
 - C. Asphalt plant
 - D. Aviation facilities, private and public
 - E. Landfill, construction debris, rubble, or sanitary
 - F. Recycling centers and stations
 - G. Resource extraction
 - H. Scrap and salvage services
 - I. Shooting range
 - J. Transfer station for waste
 - K. Disposal or storage of toxic waste
 - L. Any other similar uses deemed to be consistent by the Board of Zoning Appeals
5. Prohibited Uses. Any prohibited use in an I-1 District, except auto salvage yard
6. Lot Area and Yard Requirements. The following minimum requirements shall be observed for both primary and accessory building with all bufferyard requirements. No accessory building shall be located in a front yard.

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Height	Front Yard	Side Yard	Rear Yard
75 ft.	< 50 ft. then 20 ft. > 50 ft. then 40% of bldg. height	15 ft.	< 50 ft. then 20 ft. > 50 ft. then 30 ft.

Chapter 26: C-1 Park Conservation District

1. General Description. The C-1 District is intended to provide for the conservation and preservation of land, while allowing for development that will make use of its natural beauty and allow for its enjoyment.
2. Permitted Principal Uses
 - A. Public parks, playgrounds
 - B. Cemeteries and associated uses including funeral homes and crematories.
 - C. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
 - A. Accessory uses incidental to a permitted principal use other than a permanent residence.
4. When Authorized by the Board of Zoning Appeals
 - A. Country clubs
 - B. Community centers, private or public
 - C. Recreational uses, open air such as swimming pools, tennis courts, baseball and football fields and golf ranges, with buildings and outdoor storage when abutting a highway or primary thoroughfare and at least four hundred feet (400') from residentially zoned private property, church, school or human care institution
 - D. Church, school, or human care institution
 - E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
 - F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
 - G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
 - H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
 - I. Any other use deemed to be consistent by the appropriate authority

Chapter 27: C-2 Nature Conservation District

1. General Description. The C-2 District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, watercourses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.
2. Permitted Principal Uses
 - A. Open space
 - B. Any other similar uses deemed to be consistent
3. When Authorized by Board of Zoning Appeals
 - A. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock.
 - B. Campgrounds, wilderness
 - C. Forestry activities and nurseries
 - D. Public parks, passive
 - E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
 - F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
 - G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
 - H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
 - I. Any other use deemed to be consistent by the Board of Zoning Appeals

Chapter 28: U-1 University District

1. General Description. This district is established to provide an area for colleges, universities, seminaries and other such institutions of higher education. The intent of the district is to establish an area in which institutions of higher education may operate compatibly with surrounding residential and business areas.
2. Permitted Principal Uses
 - A. Colleges, universities, seminaries and other such institutions of higher education consisting of any number of educational, residential (apartment/dormitories, dormitories), cultural and recreational buildings and parking areas with all associated buildings located not less than thirty feet (30') from any residentially zoned private property or one or two unit used lot.
 - B. High school campuses that contain substantial facilities comparable to those of a college, university, seminary, or other such institution of higher education.
 - C. Community residence with appropriate permits and at least one thousand feet from any other community residence
 - D. Dwellings, one and two unit
 - E. Essential services and municipal, administrative or public services, buildings or properties excluding warehouses, storage yards and garages with all associated buildings at least twenty feet (20') from residentially zoned private property
 - F. Foster family homes
 - G. Parochial buildings such as schools, religious institutions, and parish buildings, public libraries and public safety and municipal government buildings located not less than twenty feet (20') from any residentially zoned private property
 - H. Unrelated group homes
 - I. Any other similar uses deemed to be consistent
3. Permitted Accessory Uses
 - A. Accessory uses permitted in an R-1 District
 - B. Other uses incidental to a permitted use
4. When Authorized by Board of Zoning Appeals
 - A. Boarding and lodging house
 - B. Fraternities and sororities
 - C. Hospitals, sanitariums and nursing homes with any associated building at least fifty feet (50') from any residentially zoned private property
 - D. Any other similar use deemed to be consistent by the Board of Zoning Appeals
5. Restrictions
 - A. All buildings affiliated with institutions of higher education shall be not less than thirty feet (30') from residentially zoned lots or existing one and two unit used lots.
 - B. Private school buildings and public buildings shall be not less than twenty feet (20') from the side lot line in an "R" District.
 - C. Small residential care homes shall be one thousand feet (1,000') from any other community residence, shall be state or locally licensed and shall have a certificate of occupancy from the Building Official.

6. Height Regulations

- A. No structure shall exceed thirty-five feet (35') for the principal structure and fifteen feet (15') for an accessory structure.
- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

7. Lot Area and Yard Requirements. The following minimum requirements shall be observed with both principal and accessory buildings and along with all bufferyard requirements. No accessory building shall be located in a front yard.

Number of Stories	Lot Width	Front Yard Depth	Side Yard Width	Rear Yard Depth
1 to 1½	50 ft.	25 ft.	6 ft.	30 ft.
2 to 2½	50 ft.	25 ft.	8 ft.	30 ft.

Chapter 29: PUD Planned Unit Development

1. Purpose. The purpose of the planned unit development (PUD) district is to promote to the extent possible:
 - A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
 - B. Permanent preservation of common open space and recreation areas and facilities.
 - C. A pattern of development to preserve natural vegetation, topographic, and geologic features.
 - D. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.
 - E. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.
 - F. A land use which promotes the public health, safety, comfort, morals, and welfare.
 - G. To improve stormwater management practices and reduce flooding, erosion, and sedimentation through the retention of open space, vegetation, and natural drainage patterns.
 - H. To implement adopted land use and community policies.
 - I. To implement provision of the Illinois Quad Cities Greenway Plan.
 - J. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 - K. To conserve scenic views and elements of the municipality's rural character.
2. The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this ordinance. The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan. The foregoing purposes and principals shall not be interpreted to permit the reduction of standards set forth in this section.
3. Procedure. The owner, owners, or bona fide buyer of any tract of land may petition the Planning Commission and City Council for a change to the PUD zoning district in accordance with District Changes and Ordinance Amendments. A planned unit development shall be authorized in accordance with the following procedures:
 - A. Application procedure.
 - i. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of this chapter and show evidence that the proposed development will conform

to the official city plan. The Planning Commission and City Council shall grant or deny said application pursuant to the provisions contained in District Changes and Ordinance Amendments. Approval of the PUD zoning district shall constitute an expression of approval by the City Council of the application plan as a guide to the preparation of the preliminary PUD plan. The applications shall be accompanied by a filing fee in an amount equal to that prescribed by District Changes and Ordinance Amendments.

- ii. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of this chapter section may be submitted in lieu of an application plan required above.
- B. Approval of the preliminary plan.
- i. Copies of the preliminary PUD plan and supporting data shall be submitted to the Planning and Redevelopment Administrator for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
 - ii. Copies of the preliminary PUD plan shall be submitted to the Planning Commission who shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication having general circulation within the city. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Planning Commission to the City Council. If needed, the City Council shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.
- C. Findings: The Planning Commission and City Council shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
- i. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.
 - ii. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
 - iii. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
 - iv. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.

- v. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - vi. The desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community.
 - vii. The conformity with the intent and spirit of the comprehensive plan.
 - viii. Specific points noted on the plan that have impact on its design, function, and visibility in the community.
- D. Following receipt of the recommendation by the Planning Commission and approval by the Planning Commission, the City Council shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan.
- E. All conditions, documents, and plans required by the City Council must be delineated on the plat or agreed to in writing prior to City Council approval.
- F. The City Council may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established city policies.
- G. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the city. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.
- H. The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.
- I. The provisions of District Changes and Ordinance Amendments shall be applicable to the preliminary PUD plan.
4. Approval of final plan. The final planned unit development plan shall be submitted to the Planning and Redevelopment Administrator who shall refer same to the Planning Commission and City Council. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
- A. A final planned unit development plan and other supporting data required for approval shall be in accord with the application provisions of this chapter. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the City Council. The City Council may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the City Council shall initiate such zoning changes as it deems necessary to preserve the public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Planning and

Redevelopment Administrator shall monitor all pending PUD projects and inform the City Council of those six (6) months or more behind schedule.

- B. The final plan and supporting data shall be submitted to the City Council for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
 - C. After review of the final plan, the Planning Commission shall submit the planned unit development plan to the City Council with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the City Council who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.
 - D. The City Council shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in acting on the final plan.
 - E. All conditions, documents, and plans required by the council must be delineated on the plan or agreed to in writing prior to council approval.
5. Recording the final planned unit development plan. The construction of any public improvement in the planned unit development shall be initiated only after recording of the final PUD plan has been recorded with the county recorder, and shall be issued in full conformance with this ordinance.
 6. Changes in the planned unit development. The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.
 - A. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the county recorder as amendments to the final PUD plan.
 - B. Minor changes. The appropriate authority may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.
 7. Specific Content. The planned unit development plans and supporting data shall include at least the following information:
 - A. Application stage:

- i. General site information. Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
 - ii. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, sidewalks, lots, and other features.
- B. Preliminary plan stage:
- i. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one-inch equals one hundred (100) feet or one-inch equals fifty (50) feet, or such other scale that may be recommended by appropriate city authority. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), sidewalks, all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
 - a. Boundary lines: Bearing and distances.
 - b. Easements: General location, width, and purpose.
 - c. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
 - d. Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
 - e. Existing ground elevations on the tract: For land that slopes less than one-half of one (1/2 of 1) percent, show one-foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one (1/2 of 1) percent show two (2) foot contours.
 - f. Subsurface conditions on the tract, if required by the commission or council: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five

- (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.
- g. Other conditions are on the tract: Watercourses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.
 - h. Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
 - i. Zoning on and adjacent to the tract.
 - j. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - k. Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
 - l. General location, purpose, and height, in feet or stories of each building other than single-unit residences on individually platted lots.
 - m. Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
 - n. Miscellaneous: Such additional information as may be required by the appropriate authority or found in the subdivision control ordinance.
- ii. Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
 - iii. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.
 - iv. Schedule. Development schedule indicating:
 - a. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
 - b. Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting.

- c. If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.
 - v. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
 - vi. Density. Provide information on the density of residential uses and the number of dwelling units by type.
 - vii. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
 - viii. Service facilities. Provide information on all service facilities and off-street parking facilities.
 - ix. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
 - x. Facilities plans (public and/or private). Preliminary plans for:
 - a. Roads and sidewalks, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
 - b. Sanitary sewers.
 - c. Storm drainage and erosion.
 - d. Water supply system, if required by the appropriate authority.
 - e. Lighting program, if required by the appropriate authority.
 - f. Grading.
- C. Final plan stage.
 - i. Final detailed plan. A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
 - a. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
 - b. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.
 - c. An accurate legal metes and bounds description of each separate unsubdivided use area, including common open space.
 - d. Designation of the exact location of all buildings to be constructed in unsubdivided areas.
 - e. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
 - f. Architectural plans unless waived by the appropriate authority during the preliminary stage.

- ii. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the city attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
 - iii. Engineering data. All public utilities or improvements required by the City in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the appropriate authority.
 - iv. Guarantee deposit. Prior to the acceptance by the appropriate authority of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the City a good and sufficient bond with surety to secure to the City the actual construction and installation of such public utilities or improvements according to the City specifications within two (2) years from the date of approval by the appropriate authority of the final plan or a petition to the appropriate authority to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the City against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the appropriate authority.
 - v. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
 - vi. Covenants. Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.
- D. Standards. The planned unit development must meet the following standards:
- i. Comprehensive plan. A planned unit development must conform with the intent and spirit of the comprehensive plan.
 - ii. Size. The site of the total planned unit development must be under single ownership and/or unified control and be not less than twenty-thousand (20,000) square feet in area.

- iii. Compatibility. The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- iv. Space. Space between buildings shall be subject to approval during the review process.
- v. Open Space Land Use and Design.
 - a. Permitted open space uses. The following uses are permitted in open space land areas:
 1. Conservation of open land in its natural state (for example, woodland fallow field, or managed meadow).
 2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, including residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, and other animals likely to produce highly offensive odors.
 3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 65% of the minimum required open space land.
 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 5. Neighborhood open space uses such as village greens, commons, picnic areas community gardens, trails, and similar low-impact passive recreational uses. Motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact are specifically excluded.
 6. Active non-commercial recreation areas, such as ball fields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Ball fields, playgrounds, and courts shall not be located within 100 feet of abutting properties and shall not be illuminated for activity after dark. Parking facilities for the same shall also be permitted and shall generally be gravel-surfaced, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
 7. Golf courses may comprise up to 75 percent of the minimum required open space land, but shall not include commercial driving ranges or miniature golf. Not more than 10% of the remaining open space land may be wetland, submerged, or used for stormwater management. Golf course parking areas and any

associated structures shall not be included within the minimum open space requirement. Parking and access ways may be paved and lighted. Golf courses included as part of the open space shall be designed to maximize the extent of fairways that front along adjacent public roads. Naturalistic plantings comprised of indigenous species shall be established in the buffer areas between the fairways and the adjacent roadways.

8. Stormwater drainage and detention areas designed, landscaped, and available for use as an integral part of the open space.
 9. Easements for drainage, access, sewer or water lines, bike paths, or other public purposes.
 10. Underground utility rights-of-way. Utility and street rights-of way may traverse conservation areas. Street rights-of way shall not count toward the minimum required open space land, but underground utility rights-of way shall.
- b. Open space design standards. The following standards shall be adhered to in the design of the open space and greenway areas:
1. Open space shall be laid out in general accordance with the open space and greenway networks.
 2. Long, narrow strips of open space are discouraged, except where designed to protect linear resources such as streets or trails or to provide connections between larger open space areas.
 3. Fragmentation of open space into isolated unlinked pieces is discouraged, except to provide neighborhood parks and common areas.
 4. Dedicated open space land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual (typically as part of "non-common" conservation land used for rural resource activities, such as equestrian facilities, tree nurseries, etc.). However, in no case shall less than 25 percent of the property be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the open space land may be owned by different entities.
 5. The open space shall include land dedicated for public recreational use as outlined in the City subdivision regulations.

6. Where the proposed development adjoins public parkland, a natural open space buffer at least 50 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the City may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through “no-mow” policies and the periodic removal of invasive alien plant and tree species.
- c. Other requirements.
 1. No portion of any building lot may be used for meeting the minimum open space required. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required open space land.
 2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with the permitted open space uses specified herein, shall be provided to open space land in accordance with the following requirements:
 - i. Each neighborhood shall be provided with one centrally located access point to the open space per 25 lots, a minimum of 30 feet in width.
 - ii. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
 3. All open space land areas that are not wooded or farmed shall be landscaped, re-vegetated, or managed to encourage natural succession to meadow or woodland.
 - vi. Yards.
 - a. The required yards along the periphery of the project should be at least equal in width or depth to that of the adjacent zoning district.
 - b. All other yards shall be subject to approval during the review process.
 - vii. Parking requirements. Adequate, adjacent parking shall be provided based on design and use.
 - viii. Traffic. That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The appropriate authority or council may require a professional traffic engineer to investigate and submit a traffic study.

- ix. Low Density Conservation Standard. Open space shall comprise a minimum of 50 percent of the development site. In no case shall the gross density of the development exceed 1.4 development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than 20% of the minimum open space land may be wetland, submerged or used as a stormwater retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
 - x. Medium Density Conservation Standard. Open space shall comprise a minimum of 30 percent of the development site. In no case shall the gross density of the development exceed 2.0 development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than 20% of the minimum open space land may be wetland, submerged or used as a stormwater retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
 - xi. Other Standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. All new construction shall conform to City specifications and regulations.
8. Conditions and Guarantees. Prior to the granting of any planned unit development, the appropriate authority may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in Section 32.4. In all cases in which planned unit developments are granted, the appropriate authority shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Chapter 30: Illuminations Provisions

1. Purpose. The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.
2. Lighting Plan. Except for single unit and two-unit dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:
 - A. Luminaire height;
 - B. Luminaire and standard technical specifications;
 - C. Intensity of illumination measured at the least point of illumination and the greatest point of illumination when measured from ground level;
 - D. Type of light source (Metal Halide, High Pressure Sodium, etc.);
 - E. Hours of illumination; and
 - F. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.
3. Lighting Standards
 - A. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
 - i. That the proposed lighting is not in conflict with the stated purpose in this section.
 - ii. That the proposed lighting will not unreasonable harm or restrict public health, safety, and welfare or create a nuisance; and
 - iii. The proposed luminaire has a cutoff angle of less than or equal to 66 degrees.
 - B. Any open area used for motor vehicle parking, storage, or access shall be illuminated with freestanding luminaries. Freestanding luminaries are permitted to be a maximum of 30 feet in height with a 3-foot support, for a maximum height from the ground of 33 feet. When a luminaire is located within 500 feet of a protected residential property, the maximum permitted luminaire height shall be 25 feet. All measurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than 90 degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:
 - i. That the lighting is not in conflict with the stated purpose in this section;
 - ii. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and

- iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - C. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department finds the following:
 - a. That the proposed lighting is not in conflict with the stated purpose in this section;
 - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The color distortion effect of Low-Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.
 - D. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:
 - i. The proposed lighting is not in conflict with the stated purpose of this section;
 - ii. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - E. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:
 - i. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
 - ii. Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol; and
 - iii. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.
 - F. Glare/Illumination. In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.
 - G. Parking structures. Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.
- 4. Compliance. Any new permanent lighting (defined as existing for more than 90 days) installed after the effective date of this ordinance shall follow the requirements of this ordinance. Any existing permanent lighting located at one- and two-unit residential

uses shall conform to these illumination performance standards. Any existing permanent lighting for any use other than one and two unit uses that does not comply with the requirements in this ordinance shall be considered legally non-complying and may remain, subject to the following provisions:

- A. Alterations to existing lighting
 - i. When poles and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, poles and supports that comply with this section; and
 - ii. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.
- B. Removal and replacement of parking lot surface. When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section. A parking lot or portion thereof is “removed and replaced” when any portion of the existing parking surface material is removed and a new surface is installed.
- C. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.
- D. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.
- E. Change of type of occupancy. When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the city code shall be utilized.
- F. Unoccupied sites. When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.
- G. Development application. When a development application is made for a site, the city council may as a condition of approval require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this

section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the purposes of this section.

5. Point of Measurements. Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.
6. Applicability. Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:
 - A. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the planning commission and approved by the city council;
 - B. That any deviations are consistent with the purposes of this section.
 - C. That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
 - D. That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and
 - E. That no increase in glare occurs as a result of deviation from the adopted standards.

Chapter 31: Landscaping and Bufferyards

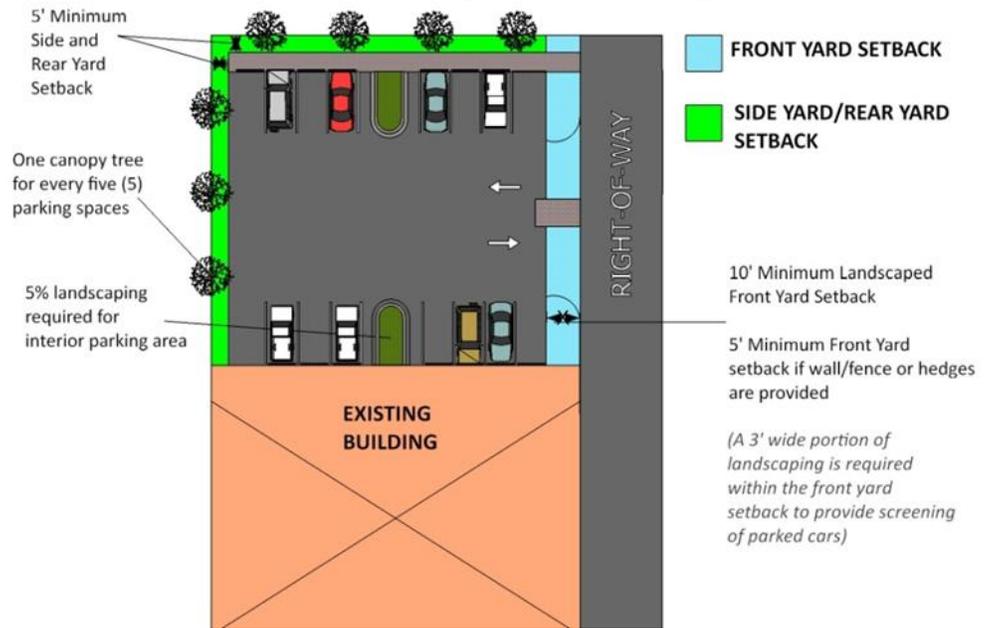
1. Site Plans. If a building or parking lot permit is applied for and no zoning action is required, an administrative site plan approval will still be required.
2. Site Plan Review. An application for a building or parking lot permit shall promptly be forwarded to the Planning and Redevelopment Administrator. Review must be completed within fifteen (15) days of the receipt by the city of a complete site plan review application. If, in the judgment of the Administrator, the site plan review application does not contain sufficient information, the Administrator may request additional information from the applicant. In that event, the 15-day period previously referred to shall be suspended, pending the receipt of all information requested.
3. Appeal Process. If the Planning and Redevelopment Administrator approves a site plan, a building or parking permit may then be issued. If the Administrator does not approve a site plan, the applicant may appeal this decision to the Board of Zoning Appeals. A notice of appeal must be filed with the Administrator no later than fifteen (15) days after receipt by the applicant of the decision.
4. Exemption from Site Plan Requirements. One- and two-unit residences are exempt from site plan review requirements but shall be required to have at least one (1) canopy tree installed following construction. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated
5. General Landscape Design Guidelines
 - A. Landscape improvements should serve to integrate and preserve to the greatest extent possible existing vegetation, topography, and watercourses.
 - B. Landscape improvements should serve to enhance the appearance of the site, especially as viewed from adjacent public right-of-ways. Effective year-round screening shall be provided to lessen the visual prominence of: parking lots, services yards, loading docks, public utility structures, and unsightly appurtenances.
 - C. Sustainable and resilient landscape design that reduces irrigation requirements, utilizes on-site storm water management, and mitigates the urban heat island effect is encouraged.
 - D. The scale and nature of landscape materials and planting bed sizes should be appropriate to the site and structures. Larger buildings may accommodate and be enhanced by larger plant materials, plant groupings, and planting beds.
 - E. Proposed trees and other plantings should be selected with consideration to their texture, form, color, repetition, massing, and variety. Wherever appropriate, use of native plant materials should be used that are well adapted to both the site and climate. Sun and shade tolerance should also be considered.
 - F. Trees shall be mulched with shredded bark mulch to a minimum depth of three inches (3") within a three-foot (3") radius. Mulch should not touch the trunk and be arranged in a bowl shape around the tree. Groundcover plantings shall be mulched to a minimum depth of one-inch (1") with a one-foot (1") radius.

- G. Landscaping shall be required around the perimeter of all retention and detention basins from the normal water line to a minimum of six inches (6") above the high-water line. Such landscaping shall primarily consist of native prairie and emergent plantings, but may also include tree and shrub plantings, in an arrangement that will create an aesthetically pleasing and ecologically functional environment.
 - H. When fencing is used, landscaping should be provided that buffers, softens, or minimizes the visual monotony of long expanses of fencing.
 - I. On multi-unit residential parcels with more than one structure, the open space between dwellings units should be appropriately landscaped to provide screening of adjacent dwelling units, screening and shading to improve energy efficiency, and a visually appealing living environment. Open spaces should also be functional and wherever possible include water management features including but not limited to rain gardens, vegetated swales, or filter strips.
 - J. All landscaped areas shall be protected from vehicular encroachment by curbs. Planting areas shall be maintained with a spaded edge, synthetic edging, curbing, or other means to prevent erosion.
6. Parking Lots
- A. Permits for Off-Street Parking Lots. No person shall expand an existing parking lot or construct a new parking lot of five (5) spaces or more without having first obtained a written permit therefore, issued by the Planning and Redevelopment Administrator. Prior to obtaining a permit for such expansion or new construction, the applicant shall submit to a landscape/site plan as required in the Zoning Ordinance and the Stormwater Ordinance, and plans showing the construction specifications for all off-street parking lots and he shall provide for proper inspection of construction.
 - B. Construction. All off-street parking lots required to obtain a permit as identified in the above section shall be laid to the line and grade of, and shall conform to surface thickness and other specifications of the City Engineer or their designated representative.
 - C. Landscaping and Screening Requirements for Off-Street Parking Lots. The provisions of this section for the installation and maintenance of landscaping and screening requirements are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the city.

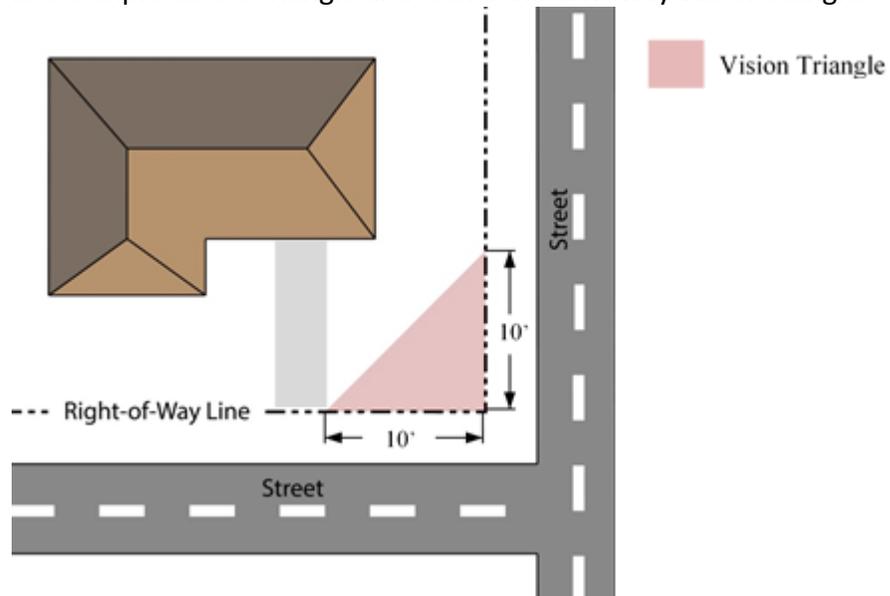
i. Basic Requirements for Lots of Five (5) or More Spaces:

	Setbacks	Perimeter Landscaping	Interior Landscaping
Front yard setback	10'	Minimum 1 canopy tree for every 5 spaces	Minimum 5% ground coverage of shrubs and evergreens/conifers
Side yard setback	5'		
Rear yard setback	5'		

- ii. Front Yard Setback: Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with lawn. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers and a three (3') wide portion of landscaping to provide screening from parked cars shall be required.
- iii. The ten-foot (10') front yard setback may be reduced to five feet (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding requirements will still be applied if a shrubbery fence is provided.
- iv. Side/Rear Yard Setback: Parking lots of five (5) or more spaces shall be setback five feet (5') from side and rear property lines. Landscaping requirements within the side and rear yards include that the yard be seeded or sodded with lawn. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.
- v. When a side and/or rear yard is adjoining to a residential use, a continuous six-foot (6') solid wall/fence or shrubbery hedge shall also be provided with the five-foot (5') setback yard. If a six-foot (6') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.



- vi. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the City Engineer. Landscaping and screening should maintain a driveway visibility triangle. This triangle is created by measuring ten (10) feet along the back edge of a public sidewalk from the point where the driveway and sidewalk meet. Connecting these two lines with a diagonal line completes the triangle and forms the driveway vision triangle.



- vii. Trees and other landscaping shall be of a species which are hardy to the area and have measured diameters of such identified in the Minimum Standards for Plantings section of this appendix. Prohibited trees are identified in Section 9 of this Chapter.
- viii. Subject to the approval of the Planning and Redevelopment

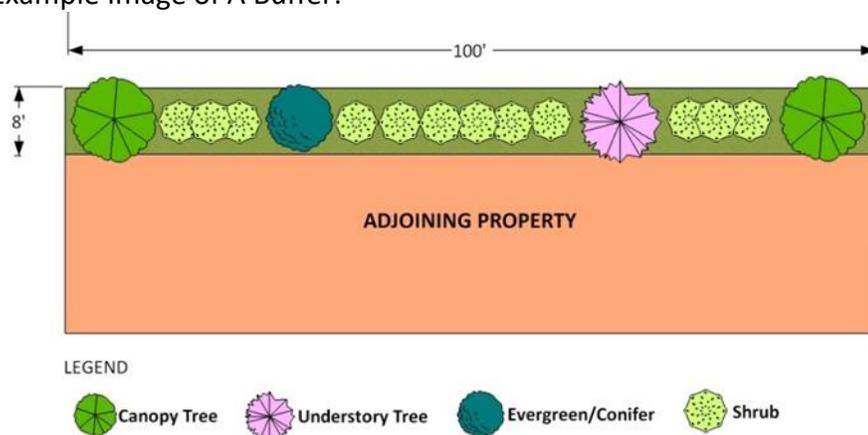
Administrator, alternate landscaping plans may be substituted for consideration. Alternate plans must be determined to be of equal or greater effectiveness in screening and aesthetic character.

- ix. A landscape/site plan will be required to be submitted for staff review prior to issuing a parking lot development permit for parking lots of five (5) spaces or more. The following basic standards should be set:
 - 1. Drawn to scale;
 - 2. Identify location of landscaping or other features;
 - 3. Specify nature of materials (i.e., species, variety, etc.);
 - 4. Specify number of plants, shrubs, trees, etc., by species.
- x. Landscaping and screening must be maintained in good condition, free of refuse and debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.
- xi. An interior landscape island shall be required at both ends of all rows of parking not abutting perimeter bufferyards. For every ten (10) parking spots, an additional interior landscape island shall be required. Landscape islands shall be evenly distributed throughout the site. Every landscape island shall have a minimum of one (1) canopy tree.
- xii. Appeal Process. If the Planning and Redevelopment Administrator approves a site plan, a parking lot permit may then be issued. If the Administrator does not approve a site plan, the applicant may appeal the staff decision to the Board of Zoning Appeals. A notice of appeal must be filed with the Administrator no later than fifteen (15) days after receipt by the applicant.

7. Bufferyard Requirements

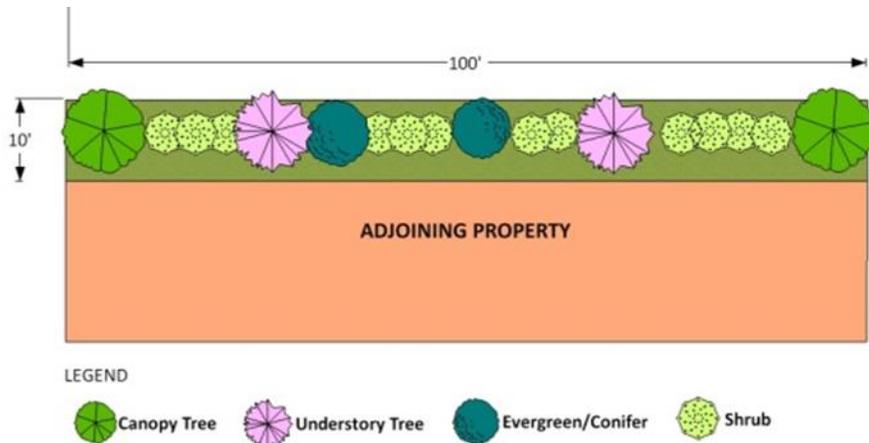
- A. Intent. The provisions of this section are to provide specific landscape screening and bufferyard requirements to reduce the incompatibility between zoning districts of different intensity and type. These bufferyards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.
- B. Requirements. In addition to landscaping and screening requirements for off-street parking areas, bufferyard standards will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjoining properties. The specific requirements are identified in the following sections and the accompanying table: "Schedule of Bufferyard Requirements." Landscaping and screening requirements for off-street parking areas apply to the side of the property adjoining a public street right-of-way.
- C. Type A Buffer.
 - i. The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):

1. 2 canopy trees;
 2. 1 understory tree;
 3. 12 shrubs;
 4. 1 evergreen/conifer.
- ii. 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 number of required plantings reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:
1. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
 2. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').
 3. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plant units per one hundred feet (100').
 4. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.
- iii. Example Image of A Buffer:



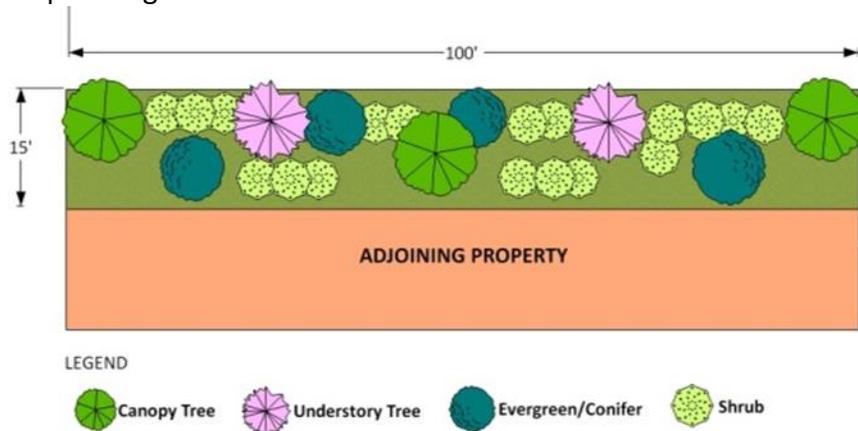
D. Type B Buffer.

- i. The standard buffer with Type B is ten feet (10') wide and contains the following number of required plants per one hundred feet (100)':
 1. 2 canopy trees;
 2. 2 understory trees;
 3. 12 shrubs;
 4. 2 evergreens/confers.
- ii. 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 number of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.
- iii. Example Image of B Buffer:



E. Type C Buffer.

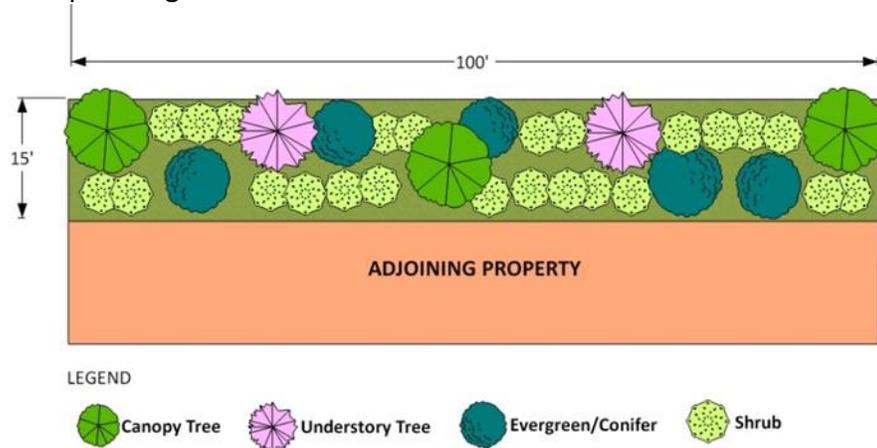
- i. The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100'):
 1. 3 canopy trees;
 2. 2 understory trees;
 3. 18 shrubs;
 4. 4 evergreens/conifers.
- ii. Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C buffer, each with a different number of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six-foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.
- iii. Example Image of C Buffer:



F. Type D Buffer.

- i. The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100'):
 1. 3 canopy trees;
 2. 2 understory trees;
 3. 24 shrubs;

- 4. 5 evergreens/conifers.
- ii. 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 number of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight-foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.
- iii. Example Image of D Buffer:



- 8. Minimum Standards for Plantings
 - A. Canopy Trees. Two inches (3") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
 - B. Understory Tree. One-inch (2") diameter, six inches (6") above ground level, and eight feet (8') in height when planted.
 - C. Shrubs. Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more. Shrubs should be of varying sizes, with smaller shrubs planted on the perimeter and taller shrubs behind.
 - D. Evergreens/Conifers. Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.
- 9. **Tree and Plant Selection.** Existing trees and plant materials shall always be preserved during site development or redevelopment to the greatest extent possible. New trees and plant materials shall be selected for their suitability to both the site and climate. Native trees and plant materials are always to be preferred over non-native. No one genus of tree or plant may make up more than twenty-five percent (25%) of the total on site with the exception of sites where fewer than four (4) trees are required. Any species identified by the State of Illinois as noxious, injurious, invasive, or exotic is expressly prohibited in all cases. The following species and genus are also expressly prohibited in all cases.

Common Name	Scientific Name
Amur Maple	<i>Acer ginnala</i>

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Ash	<i>Fraxinus</i>
Black Alder	<i>Alnus glutinosa</i>
Black Locust	<i>Robinia pseudoacacia</i>
Box Elder	<i>Acer negundo</i>
Callery Pear	<i>Pyrus calleryana</i>
European White Birch	<i>Betula pendula</i>
Ginkgo (Female)	<i>Ginkgo biloba</i> (Female)
Hawthorn	<i>Crataegus</i>
Hedge Maple	<i>Acer campestre</i>
Mulberry	<i>Morus</i>
Norway Maple	<i>Acer platanoides</i>
Pin Oak	<i>Quercus palustris</i>
Poplar	<i>Populus</i>
Purple-Leaf Plum	<i>Prunus cerasifera</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Siberian Elm	<i>Ulmus pumila</i>
Silver Maple	<i>Acer saccharinum</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow	<i>Salix</i>

10. Maintenance of Landscaping and Screening. Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner’s responsibility to see that the landscaping is maintained.

11. Schedule of Bufferyard Requirements

		Adjacent Property												
		R-1 R-2	R-3 R-4 R-5	B-1	B-2	B-3	B-4	O-1	O-2	I-1	I-2	C-1	C-2	U-1
Subject Property	R-1 R-2	N	N	N	N	N	N	N	N	N	N	N	N	N
	R-3 R-4 R-5	A	N	N	N	N	N	N	N	N	N	B	B	N
	B-1	B	A	N	N	N	N	N	N	N	N	B	B	N
	B-2	C	B	N	N	N	N	N	N	N	N	B	B	N
	B-3	C	B	N	N	N	N	C	C	N	N	B	B	N
	B-4	C	C	N	N	N	N	C	C	N	N	B	B	A
	O-1	A	A	N	N	N	N	N	N	N	N	B	B	N
	O-2	D	D	N	N	N	N	N	N	N	N	B	B	N

I-1	C	C	B	A	N	N	D	C	N	N	C	C	B
I-2	D	D	B	A	A	A	D	C	N	N	D	D	C
C-1	N	N	N	N	N	N	N	N	N	N	N	N	N
C-2	A	N	N	N	N	N	N	N	N	N	N	N	N
U-1	C	C	N	N	N	N	N	N	N	N	B	B	N

A. Approximate Bufferyard Requirement

A	Eight feet (8') in width.
B	Ten feet (10') in width.
C	Fifteen feet (15') in width.
D	Fifteen (15') in width.
N	No buffer required.

B. Position of property adjoining public right-of-way is governed by landscaping for parking lot requirements.

12. Appeal Process: If the Planning and Redevelopment Administrator approves a site plan, a building permit may then be issued. If the Planning and Redevelopment Administrator does not approve a site plan, the applicant may appeal this decision to the Planning Commission. A notice of appeal must be filed with the Planning and Redevelopment Administrator or designee no later than fifteen (15) days after receipt by the applicant.

Chapter 32: Validity and Repeal

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than that which is so declared to be invalid. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Chapter 33: When Effective

This ordinance shall take effect and be in force from and after the earliest period allowed by law.