

CITY OF ROCKWOOD

ORDINANCE NO. 492

AN ORDINANCE TO AMEND CHAPTER 270 (ZONING), ARTICLE III (GENERAL PROVISIONS), SECTION 5.336 (OUTDOOR STORAGE AND SALES) OF THE CODE OF THE CITY OF ROCKWOOD

Section 1. That Chapter 270: ZONING, Article III: General Provisions, Section 5.336 Outdoor Storage and Sales of the Code of the City of Rockwood is hereby amended to provide as follows:

"Section 5.336 Outdoor Storage and Sales

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

b. **Outdoor Storage in Commercial Districts.** Any outdoor storage in a commercial district (B-1, B-2, B-3 and OR) shall be limited to saleable materials, stacked neatly and screened from the view of residential districts or public streets.

1. **Location.** Outdoor storage in a commercial district shall be limited to the side or rear yard only.
2. **Screening.** Screening of commercial outdoor storage shall be achieved through the use of a six-foot high fence or wall, or evergreen plantings that provide at least 80% opacity to a height of six feet at the time of planting.
3. **Height.** Stored material shall not be piled or stacked to a height of more than five feet.
4. **Loose Materials.** Any stockpiles of soils, mulch, or similar loose materials shall be covered or contained to prevent dust or blowing of materials.
5. **No Hazard.** Any materials stored outdoors must not constitute a public health or safety hazard, as determined by the City Administrator or his/her designee.
6. **Junk, Scrap, or Trash Prohibited.** Any outdoor storage of junk, scrap, or trash is prohibited, unless said material is placed in an appropriate container for a period not to exceed 30 days.
7. **Outdoor Sales.** All accessory outdoor sales shall be regulated by Section 5.336 (e), below.
8. **Recreational Rental Equipment Storage Prohibited.** Recreational equipment rental is a commercial activity where the rental of such equipment is transacted by payment of a rental fee or by other agreement with the proprietor or business owner. Recreational rental equipment includes, but is not limited to, bicycles, scooters, canoes, boats, rafts and other similar recreational equipment. Recreational equipment used for a commercial activity shall not be stored outdoors. Any recreational rental equipment not actively being used for its intended purpose shall be stored indoors.

c. **Outdoor Storage in Industrial Districts.** Any outdoor storage in an industrial district (M-1, M-2, and NR-1) shall be subject to the following restrictions:

1. **Location.** Outdoor storage shall not be permitted in any front yard.
2. **Screening.** Outdoor storage in an industrial district shall be screened from the view of abutting residential, commercial, or office districts, or public streets.

- a) The required screening shall be achieved by means of an opaque fence or wall with a minimum height of six feet and a maximum height of eight feet.
 - b) The required screening fence or wall shall be set back ten feet from the property line, with a planted buffer strip meeting the requirements of Section 5.2403(c) located between the screening fence or wall and the property line.
3. Height. Stored material shall not be piled or stacked to a height of more than eight feet.
 4. Loose Materials. Any stockpiles of soils, mulch, or similar loose materials shall be covered or contained to prevent dust or blowing of materials.
 5. No Hazard. Any materials stored outdoors must not constitute a public health or safety hazard, as determined by the City Administrator or his/her designee.
 6. Emergency Access. Proper access to all parts of the outdoor storage area shall be provided for fire and emergency services.
 7. Alternatives. The Planning Commission, during site plan review, may authorize appropriate alternatives for outdoor storage that meet the intent of this Section.
- d. **Outdoor Storage in Other Districts.** All outdoor storage of materials, equipment, supplies, vehicles, or the like shall be prohibited in the O-1, PT-1, and P-1 zoning districts, with the exception of the off-street parking of vehicles for periods of less than 24 hours.
- e. **Accessory Outdoor Sales in All Districts.**
1. Residential Outdoor Sales. Outdoor sales are prohibited in all residential districts, except for temporary garage or yard sales held no more than twice per year for no longer than three 24-hour periods.
 2. Commercial Outdoor Sales. Materials in saleable condition and actively advertised for sale may be located outside of a permanent structure in a commercial zoning district, subject to the following restrictions:
 - a) Outdoor sales may not be located in any required setback area.
 - b) Outdoor sales may not obstruct pedestrian or vehicular traffic.
 - c) Outdoor sales may not obstruct more than 10% of any required off-street parking area.

- d) Sidewalk sales are prohibited, unless expressly authorized by the City Council for a defined temporary period.
 - e) All outdoor sales must be accessory to a principal commercial use located on the same parcel, except that Christmas tree sales may be permitted for up to 45 days on a parcel without a principal commercial use.
 - i. Open air businesses, including vehicle sales, shall be subject to the provisions of Section 5.2210(b)(27).
 - f) Any materials not actively advertised for sale must be stored indoors or in a side or rear yard, subject to the requirements of Section 5.336 (b), above.
3. Other Outdoor Sales. Outdoor sales in any zoning district not listed above shall be prohibited, unless expressly authorized by the City Council.”

Section 2. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Rockwood inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. **Repealed.** All ordinances or parts of ordinances in conflict herewith are hereby determined to be repealed.

This ordinance has been approved by the City of Rockwood City Council in a regular meeting held on May 1, 2019, at City Hall at a properly noticed meeting.

AYES Mayor Guzzi and Council members Bennett, Scafidi, Smith, Wasner and Yanca-Laura

NAYS _____

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, the undersigned, the duly qualified Clerk of the City of Rockwood, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution and Ordinance adopted by the Rockwood City Council on the 1 day of May, 2019, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of PA 1976, as amended and that the minutes of said meeting will be or have been made available as required by said Act.



Colleen Oney, City Clerk

Dated May 1, 2019

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