

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 138-1.203, 138-4.415, 138-10.107, 138-10.310, 138-10.312, 138-11-102, AND CHAPTER 2 OF ARTICLE 10 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO CLARIFY PUBLIC NOTICE SIGN REQUIREMENTS, TO UPDATE STANDARDS FOR HOME OCCUPATIONS, TO CLARIFY SWIMMING POOL FENCE REGULATIONS, TO UPDATE PERFORMANCE STANDARDS AND RELOCATE THIS SECTION TO THE CITY CODE, TO INSTITUTE A MAXIMUM PARAPET HEIGHT, TO UPDATE STANDARDS FOR RESIDENTIAL PARKING, TO UPDATE EXTERIOR LIGHTING STANDARDS, AND TO ENSURE CONSISTENCY ACROSS VARIOUS ORDINANCE SECTIONS; TO, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-1.203 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-1.203 **Public Hearing Procedures**

[Unchanged.]

A. General Public Hearing Procedures. ~~The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in subsection B below.~~

1. ~~The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in subsection B below.~~
 - a. Publication in a Newspaper of General Circulation. Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
 - b. Personal and Mailed Notice.
 - i. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - ii. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - iii. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
 - iv. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal

service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

- v. The City shall prepare a list of property owners and occupants to whom notice was mailed.
- c. Content. Any notice published in a newspaper or delivered by mail shall:
- i. Describe the nature of the request.
 - ii. Indicate the property that is the subject of the request.
 - iii. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.
 - iv. When and where the public hearing will occur.
 - v. When and where written comments may be submitted concerning the request.
2. The following procedures are applicable to public hearings required for zoning map amendments, conditional use requests and planned unit development requests.
- a. An applicant requesting a zoning map amendment, conditional use request or planned unit development request shall construct and install a sign indicating the requested zoning map amendment, conditional use request or planned unit development request. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on parcel(s) requested for the zoning map amendment, conditional use request or planned unit development request consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.
 - i. This sign shall comply with the following sign specifications:
 - (a) Black letters on white background.
 - (b) Size: minimum four (4) feet vertical by size (6) feet horizontal.
 - (c) Signs face must be exterior plywood, aluminum or similar material.
 - (d) Signs shall be a double-faced, V-shaped sign.
 - (e) Wording shall be as follows:



- (f) Sign support system must be structurally sound and mounted with a 4"x4" "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.
- ii. Signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the request.
 - iii. Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.

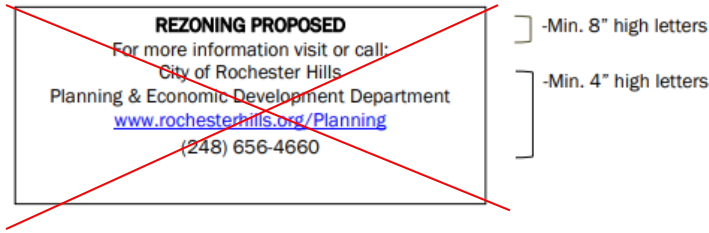
B. Zoning Ordinance Text and Map Amendments

1. – 3. [Unchanged.]

~~4.—Notice of Proposed Map Amendment Signs.—An applicant requesting a zoning map amendment shall construct and install a sign indicating the requested zoning map amendment. The sign shall be installed no less than fifteen (15) days prior to the schedule public hearing. The sign shall be installed on parcel(s) requested for the zoning map amendment consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.~~

~~a.—This sign shall comply with the following sign specifications:~~

- ~~i.—Black letters on white background.~~
- ~~ii.—Size: minimum four (4) feet vertical by size (6) feet horizontal.~~
- ~~iii.—Signs face must be exterior plywood, aluminum or similar material.~~
- ~~iv.—Signs shall be a double-faced, V-shaped sign.~~
- ~~v.—Wording shall be as follows:~~



~~vi. Sign support system must be structurally sound and mounted with 4"x4" "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.~~

~~b. Rezoning signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the rezoning request.~~

~~c. Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.~~

5. [Unchanged.]

C. Conditional Use Requests

1. Public notice shall comply with the provisions listed in Section 138-1.203.A of this ordinance. A conditional use sign is not required for alcoholic beverage sales (for on-premises consumption) accessory to a permitted use.

~~2. Notice of Proposed Conditional Use Signs. An applicant requesting conditional use approval shall construct and install a sign indicating the requested conditional use. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on parcel(s) requested for the conditional use consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.~~

~~a. This sign shall comply with the following sign specifications:~~

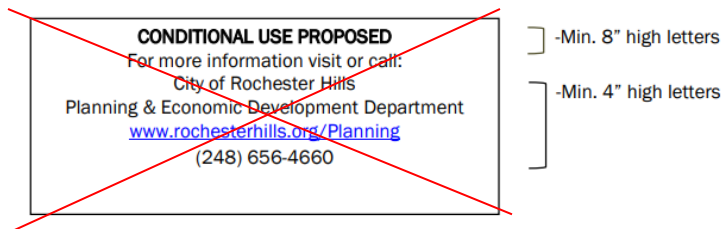
~~i. Black letters on white background.~~

~~ii. Size: minimum four (4) feet vertical by size (6) feet horizontal.~~

~~iii. Signs face must be exterior plywood, aluminum or similar material.~~

~~iv. Signs shall be a double faced, V-shaped sign.~~

~~v. Wording shall be as follows:~~

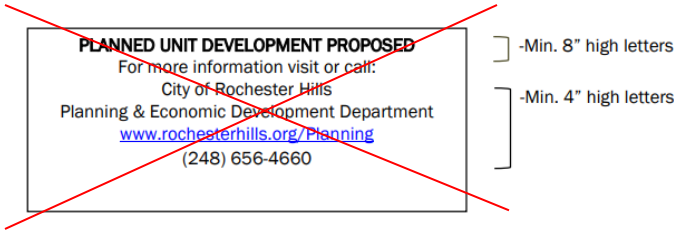


- ~~vi. Sign support system must be structurally sound and mounted with 4"x4" "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.~~
- ~~b. Conditional use signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the conditional use request.~~
- ~~c. Failure to remove the sign in the aforementioned period may result in the removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.~~
- ~~d. A conditional use sign is not required for alcoholic beverage sales (for on-premises consumption) accessory to a permitted use.~~

D. Planned Unit Development Request.

- 1. - 3. [Unchanged.]
- ~~4. Notice of Planned Unit Development Request Signs. An applicant requesting a planned unit development shall construct and install a sign indicating the requested planned unit development. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on parcel(s) requested for the planned unit development consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The sign shall not be placed within a public right of way, nor shall the sign obstruct clear vision for motorists.~~
 - ~~a. This sign shall comply with the following sign specifications:

 - ~~i. Black letters on white background.~~
 - ~~ii. Size: minimum four (4) feet vertical by size (6) feet horizontal.~~
 - ~~iii. Signs face must be exterior plywood, aluminum or similar material.~~
 - ~~iv. Signs shall be a double faced, V shaped sign.~~
 - ~~v. Wording shall be as follows:~~~~



- ~~vi. Sign support system must be structurally sound and mounted with 4"x4" "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.~~
- ~~b. Planned unit development signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the planned unit development request.~~

~~c. Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.~~

5. [Unchanged.]

ACTIONS REQUIRING A PUBLIC HEARING [Unchanged.]

SECTION 2. Section 138-4.415 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-4.415 Home Occupations

A. **Required Conditions.** Home occupations are permitted in the R-1, R-2, R-3, R-4, R-5 and RE districts provided that the home occupation, subject to the following:

1. ~~Does~~ The home occupation shall comply with Article IV of Chapter 46 of the City Code and shall not create a nuisance to the surrounding neighborhood.
2. ~~Does not become more than~~ The home occupation shall only be an incidental function of the use of the dwelling for residential purposes.
3. ~~Does not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week or by trucks or vehicles allowed under~~ The home occupation shall be served by limited traffic, other than domestic trips and routine deliveries normally expected for a single dwelling in a residential area and comply with Section 138-10.308.
4. ~~Does not employ paid assistants or employees other than those living at the premises. The home occupation shall only employ up to two non-residents of the dwelling.~~
5. ~~Does not cause more than a nominal increase of traffic.~~
6. ~~Does not cause the erection or maintenance of any signs~~ Signs are not permitted, other than signs allowed on vehicles under Section 138-10.308.
7. ~~Does not take place outside of the dwelling and/or accessory buildings, so as to be a nuisance or~~ All activity related to the home occupation shall be in keeping with the residential nature of the surrounding residential area.

B. – C. [Unchanged.]

SECTION 3. Section 138-10.107 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-10.107 Fences

A. **Applicability**

1. The standards for fences contained in subsections B and C below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection 2 below.
2. This article shall not apply to the following fences installed or replaced:
 - a. In accordance with an approved site plan; or

- b. Swimming pool enclosures as specified in the state construction code. Swimming pool enclosures shall meet the standards of Section 138-10.107.B.1 and Section 138-10.107.C.2.

B. In General

1. Fences shall be installed and maintained free from defects, safety hazards and collapse and shall be in kept in good repair.
2. [Unchanged.]

C. Residential Fences

1. [Unchanged.]
2. Fences that are located along the side and rear lot lines shall be a maximum of six (6) feet in height and may not extend closer to the front lot line than the front of the dwelling of the minimum front setback, whichever is less, unless otherwise provided for in this ordinance. In no instance shall an obscuring fence over three (3) feet high be placed between the front of a residence and minimum front setback line, unless otherwise provided for in this ordinance. Fences on corner lots shall meet the standards for corner lots as provided in Section 138-10.103.
3. – 5. [Unchanged.]

D. Non-Residential Fences [Unchanged.]

SECTION 4. Section 138-10.310 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-10-310 **Performance Standards-Building Mechanical Equipment**

~~The following performance standards are established in order to preserve the environmental health, safety and welfare of the City. No activity, operation or use of land, building or equipment shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely affects the surrounding area. Any use permitted by this ordinance shall be operated in conformance with all applicable performance standards set forth in this Section 138-10.310. The following standards are deemed the minimum requirements to be maintained:~~

~~A. **Airborne Emissions.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.~~

~~B. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.~~

~~C. **Gases.** The escape or emission of any gas which is injurious or destructive, harmful to person or property or explosive is prohibited.~~

~~D. **Noise and Vibration.**~~

- ~~1. Noise which is objectionable due to intensity, frequency or duration shall be muffled, attenuated or otherwise controlled, subject to the following:~~

- a. ~~Objectionable sounds of an intermittent nature or sounds characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent uses.~~
- b. ~~Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.~~
- c. ~~The emission of measureable noises from the premises shall not exceed 65 decibels as measured at the boundary or property lines, except that where normal street traffic noises exceed 65 decibels during such periods, the measureable noise emanating from the premises may equal, but shall not exceed, such traffic noises. Within the I district, sound levels not exceeding 75 decibels may be permitted.~~

~~In addition, objectionable sounds of an intermittent nature or sounds characterized by high frequencies, even if falling below the decibel limits, shall be so controlled so as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.~~

- 2. ~~Vibration. No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:~~

~~Particle Velocity in Inches Per Second~~

Frequency in Cycles per Second	Displacement in Inches
0 to 9.99	0.0010
10 to 19.99	0.0008
20 to 29.99	0.0006
30 to 39.99	0.0004
40 and over	0.0002

- a. ~~If requested by the enforcement official the petitioner shall provide evidence of compliance with the above noted vibration calculations.~~
- b. ~~Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.~~

~~**E. Electrical Disturbance, Electromagnetic or Radio Frequency Interference.** No use shall create any electrical disturbance that adversely affects any operations of equipment other than those of the creator of such disturbance or cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.~~

~~**F. Hazardous Substances.**~~

- ~~1.— Any person, firm, corporation or other legal entity operating a business of conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate Federal, State or local authority having jurisdiction. The City shall be informed of any and all inspections conducted by a Federal, State or local authority in connection with a permit and/or license.~~
- ~~2.— Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous materials survey in conjunction with the following:
 - ~~a.— Upon submission of a site plan.~~
 - ~~b.— Upon any change of use or occupancy of a structure or premise.~~
 - ~~c.— Upon any change of the manner in which such substances are used, handled, stored and/or in the event of a change in the type of substances to be used, handled or stored.~~~~

~~G.— Glare and Radioactive Materials~~

- ~~1.— Glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.~~
- ~~2.— Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.~~
- ~~3.— In nonresidential areas, exterior lighting shall be installed so that the source of light shall not be visible from any residential dwelling and shall be so arranged as far as practical to reflect light away from the residential use. In no case shall more than one candlepower of light cross a lot line five feet above the ground into a residential district.~~

~~H.— **Fire and Explosive Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.)~~

~~I.— **Waste and Rubbish Dumping.** No garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, wastepaper, cartons, boxes and crates or other offensive or obnoxious matter shall be kept in open containers or piled, placed, stored or dumped on any land within the City in such a manner as to constitute a nuisance or create a hazard to health, safety, morals and general welfare of the citizens of the City.~~

~~J.— **Building Mechanical Equipment.** For all uses, except residential uses, heating, ventilation and air conditioning mechanical equipment located on the exterior of the building shall be screened from adjacent public or private streets and adjacent properties. If the equipment is mounted on the building, it shall be screened in a manner that is architecturally compatible with the building design. If the equipment is ground mounted, it shall be screened in a similar manner and/or with evergreen plant materials. The method of screening shall be approved by the Planning Commission or official approving the site plan [Zoning Administrator](#). Other types of mechanical equipment located on the~~

exterior of the building, such as dust collectors, hoppers, stacks, etc., that cannot practicably be screened, shall be designed, located and/or painted to minimize the adverse visual impact.

SECTION 5. Section 138-10.312 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby added as follows:

Section 138-10.312 Maximum Parapet Height

A. The maximum parapet height of any structure is four feet.

SECTION 6. Section 138-11.102 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-11.102 General Standards

The following general standards shall apply to all off-street parking and loading facilities:

A. – C. [Unchanged.]

D. **Residential Parking.** Residential off-street parking spaces for single-family and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve. No parking is permitted in the front yard of single-family and two-family dwellings except in a driveway or garage. Allowable driveway surface materials shall include asphalt, concrete, brick pavers, gravel, aggregate or similar materials.

E. - I. [Unchanged.]

SECTION 7. Chapter 2 of Article 10 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Chapter 2 Exterior Lighting

Section 138-10.200 Purpose

The purpose of this chapter is to preserve, protect and enhance the lawful nighttime use and enjoyment of all properties in the City through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity and prevent the degradation of the nighttime visual environment. It is the further intent of this chapter to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community ~~while preserving the nighttime visual environment.~~

Section 138-10.201 Applicability

A. **Existing Buildings and Uses.** Any new outdoor lighting installed on a building or parcel shall meet the requirements of this chapter with regard to shielding and lamp type.

B. **Site Plans.** Whenever a site plan is required, the applicant shall submit a complete inventory and photometric plan detailing all existing and any proposed new or modified outdoor lighting. If no changes to lighting are proposed, the photometric plan and inventory are not required.

1. Where a site plan proposes a new use, a new building or an addition or change of use leading to an increase of 50 percent or more in terms of additional dwelling units, total gross ground floor

area of an entire building, indoor seating capacity or parking spaces, all outdoor lighting on the site shall be brought into compliance with this Chapter.

2. Where a site plan proposes to increase the number of dwelling units, total gross ground floor area of an entire building, indoor seating capacity or parking spaces by less than 50 percent, only new or modified outdoor lighting is required to be compliant with this chapter.

Section 138-10.20 ~~12~~ **General Provisions**

The design and illumination standards of this chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement or adjacent parcels, except where specifically exempted herein.

- A. **Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90 degree angle. Oblique lenses (such as many wall-pack fixtures) are prohibited. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited.

~~B. **Intensity.** The following light intensity requirements shall apply on all sites within the City.~~

- ~~1. The intensity of light within a site shall not exceed 10 footcandles. Exception: the maximum intensity permitted in areas of intensive vehicular use, such as the area underneath gas station pump canopies, in the immediate vicinity of ATM facilities or outdoor sales areas shall be 20 foot candles.~~
- ~~2. The maximum light intensity permitted at a street right-of-way line shall be one (1) footcandle.~~
- ~~3. The maximum light intensity permitted at property line other than a street right-of-way shall be 0.5 foot candles.~~

- B. **Glare and light trespass.** Exterior lighting sources in all districts shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. In general, Except as otherwise permitted, the hot spot, or light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare. The light emitting element of any light fixture that exceeds 400 lumens shall be fully shielded.

- C. **Light trespass.** Light levels shall not exceed 0.1 footcandles at the property line where the site abuts a public right-of-way or a lot with a residential use or zoning. Where the site abuts a non-residential use, light levels at the property line shall not exceed 0.3 footcandles.

- D. **Lamps.** All fixtures shall comply with Illuminating Engineering Society of North America standards.

- ~~1. **Wattage.** Lamps with a maximum wattage of 250 watts per fixture are permitted for use in the City to maintain a unified lighting standard and to minimize light pollution. The Planning Commission may permit the use of lamps with~~

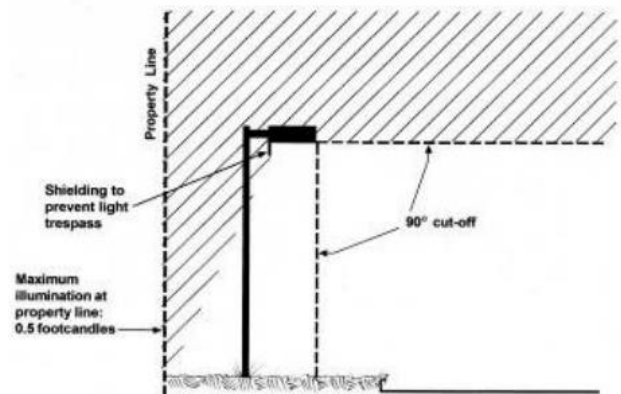


Figure 5. Lighting Fixture Orientation and Shielding

wattages up to 400 watts if the applicant can demonstrate that the higher wattage fixture is necessary to provide adequate lighting on the site and that the light fixture is in compliance with all other requirements of this chapter. The exemption for higher wattage lamps shall not be granted if the same lighting effect can be reasonably accomplished on the site by incorporating additional 250-watt fixtures into the site design.

- ~~2. Low traffic areas. Low pressure sodium lamps are recommended for security lighting purposes in areas of low vehicular and pedestrian traffic.~~
- ~~3. High traffic areas. Due to their superior color rendering characteristics, high pressure sodium or metal halide lamps should be used in parking lots and other areas of high pedestrian and vehicular traffic use.~~
- ~~4. LED Lighting. LED fixtures may be used for any outdoor lighting application. Any LED fixture used for parking lot or street lighting purposes shall comply with applicable Illuminating Engineering Society of North America standards.~~

E. **Required illumination.** Lighting should be even throughout and shall not exceed an average illumination to minimum illumination ratio of 4:1. Specific areas on a site shall be illuminated in accordance with the following table:

<u>Site/Building Feature</u>	<u>Minimum Footcandles</u>	<u>Maximum Footcandles</u>
<u>Pedestrian areas/sidewalks</u>	<u>0.2</u>	<u>1.0</u>
<u>Building entrances</u>	<u>1.0</u>	<u>5.0</u>
<u>Driveway lighting</u>	<u>0.2</u>	<u>1.0</u>
<u>Parking areas</u>	<u>0.2</u>	<u>2.0</u>
<u>Parking areas or maneuvering lanes within 25 feet of the building</u>	<u>2.0</u>	<u>4.0</u>
<u>Under gas station canopies, outdoor sales areas, immediate vicinity of an ATM, loading docks</u>	<u>3.0</u>	<u>20</u>

~~F. **Animated lighting.** Permanent exterior lighting shall not be of a flashing, moving, animated or intermittent type.~~

F. **Hours of operation.** All exterior lighting in non-residential districts shall incorporate automatic timers and shall be turned off between the hours of midnight and sunrise, except for lighting necessary for security purposes or accessory to a use that continues after midnight. Security lighting shall, to the extent practical, use sensors and dim or turn off when there is no activity on site.

- G. **Measurement.** Light intensity shall be measured in footcandles on the horizontal plane at grade level within the site and on the vertical plane at the property or street right-of-way boundaries of the site at a height of five feet (5') above grade level.
- H. **Lighting height.** Fixture height shall be measured from the grade of the illuminated surface directly below the fixture to the bottom of the fixture.
- I. LED light sources shall have a correlated color temperature that does not exceed 3,000K.

Section 138-10.202 Standards by Type of Fixture

- A. **Freestanding pole and building mounted lighting.** The maximum height of such fixtures is 20 feet. Where a pole or building mounted fixture is located in a residential district or within 50 feet of a residentially zoned or used property, the maximum pole height shall be 15 feet.
- B. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures ~~may utilize incandescent, tungsten-halogen, metal halide or high pressure sodium lamps with~~ shall not exceed a maximum ~~wattage of one hundred watts (100w) per fixture~~ of 400 lumens.
- C. **Edison bulbs.** Edison bulbs, as defined in this ordinance, may be used outdoors individually or on strings to provide atmospheric lighting for outdoor dining areas, gathering spaces, alleys and other similar spaces. Such lighting shall be turned off outside of business hours and screened from abutting residential properties.
- D. **Architectural lighting.** Where lighting illuminates features on an above grade or vertical target, including but not limited to architectural features, signs, landscaping, fountains and sculptures, luminaires shall be partially shielded and shall be installed and aimed to minimize their output past the object being illuminated, skyward or otherwise. Such lighting shall not cause light trespass as specified in this section, or glare.
- E. **Signs.** Signs shall be lit in accordance the standards of Chapter 134 Signs of the Rochester Hills Code of Ordinances.
- F. **Indoor lighting.** Indoor lighting shall comply with Section 138-204 and shall not be a source of glare or light trespass as regulated in Sections 138-10.201.C and 138-10.201.D above. Indoor lights visible from outdoors shall not flash.

Section 138-10.203 Exempt Lighting

The following exterior lighting types are exempt from the requirements of this Article, except that the ~~Zoning Administrator~~ Building Director may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A. Holiday decorations
- B. Pedestrian walkway lighting
- C. Residential lighting
- D. Instances where federal or state laws, rules or regulations take precedence over the provisions of this chapter

- E. Temporary emergency lighting
- F. Public Rights-of-Way Exempt. The provisions of this division shall not apply to streetlights installed in public rights-of-way.

Section 138-10.204 Prohibited Lighting

The following types of outdoor lighting are specifically prohibited:

- A. Lighting that could be confused for a traffic control device.
- B. Lighting that is oriented upward, except as otherwise provided for in this ordinance.
- C. Searchlights, beacons and laser source light fixtures.
- D. Lights that blink, flash, move, revolve, flicker, change intensity or change color.
- E. Strip lighting
- F. Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting; and lighting inside of an awning when the awning becomes illuminated.

Section 138-10.20~~4~~⁵ Exceptions

It is recognized by the City that there are certain uses or circumstances not otherwise addressed in this chapter, such as sports stadiums, street lighting or lighting from monuments and flags, that may have special exterior lighting requirements. The Planning Commission or the Planning and Economic Development Director may waive or modify specific provisions of this chapter for a particular use or circumstance upon determining that all of the following conditions have been satisfied. The Planning Commission shall be the deciding body in all cases where site plan or special use approval is required, while the Planning and Economic Development Director shall decide in all other cases.

- A. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B. The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or streets rights-of-way.
- C. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.
- D. Additional conditions or limitations may be imposed by the review authority to protect the public health, safety or welfare or to fulfill the purpose of this chapter.

Section 138-10.206 Compliance

Where a preliminary investigation indicates that a site is not compliant with this chapter, it shall be the responsibility of the owner to verify compliance.

SECTION 8. Section 138-13.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-13.101 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY BUILDING – LANDFILL [Unchanged.]

LIGHTING. The following definitions are related to lighting:

- A. Canopy Structure. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. Edison Bulb. An incandescent light bulb with an exposed filament or an LED bulb simulating the appearance of such a bulb, meant to provide atmospheric lighting and producing a light output not greater than 400 lumens.
- C. Floodlight. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- D. Footcandle. A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- E. Fully Shielded Fixture. A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- F. Glare. Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- G. Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- H. Light Pollution. Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- I. Light Trespass. The shining of light produced by a luminaire beyond the boundaries of property in which it is located.
- J. Lumen. As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).
- K. Luminaire. The complete lighting system including the lamp and light fixture.
- L. Luminaire Cut-Off Angle. The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- M. Luminous Tube Lighting. Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- N. Outdoor Lighting Fixtures. Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination or advertisement.
- O. Strip Lighting. A device or devices installed that attracts attention to a non-residential use wherein a source or sources of light are arranged to be visible from the exterior of a building or structure

including, but not limited to, strips of LED lights or neon tubes placed along the perimeter of building windows, along building edges and other locations that serve to attract attention to a non-residential use. This definition shall not include any device or devices classified as a sign by the definitions and regulations in the Zoning Ordinance. Temporary lights otherwise regulated by this ordinance are also excluded from this definition.

LIVESTOCK – YARD. [Unchanged.]

SECTION 9. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 10. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

SECTION 11. Repeal, Effective Date, Adoption.

- (1) **Repeal.** All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.
- (2) **Effective Date.** This ordinance shall become effective on _____, 2022, following its publication in the *Oakland Press* on _____, 2022.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2022.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2022.

Leanne Scott, Clerk
City of Rochester Hills