

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 138 ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REVISE PRINCIPAL and CONDITIONAL USES, TO REVISE THE REQUIRED CONDITIONS, TO REVISE THE FRONT YARD SETBACK REQUIREMENTS, TO REVISE PARKING SPACE REQUIREMENTS, and TO ADD BUILDING DESIGN STANDARDS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-6.300 Principal Uses Permitted shall be amended as follows:

In the CI commercial improvement district, no building, structure or land shall be used and no building or structure shall be erected except for one or more of the uses permitted in the FB-2 district as set forth in Section 138-8.200.

SECTION 2. Section 138-6.301 Conditional Uses shall be amended as follows:

Conditional uses permitted in the FB-2 district as set forth in Section 138-8.200 may be permitted as conditional uses in the CI district.

SECTION 3. Section 138-6.302 Required Conditions shall be amended as follows:

Except as permitted by Section 138-8.200, all business, servicing, storage and processing, except for off-street parking and loading, shall be conducted within a completely enclosed building.

SECTION 4. Section 138-6.303 Area, Bulk and Development Requirements shall be amended as follows:

In the CI commercial improvement district, there shall be compliance with all of the regulations pertaining to the B-2 district as contained in Article 5, Schedule of Regulations, except as modified as follows:

A. Minimum yard setbacks.

1. Front yard. The minimum front building setback is 0 feet and the maximum front building setback is 10 feet. The Planning Commission may approve a larger maximum setback provided that the larger setback is necessary to accommodate the intended use or is justified by conditions on or adjacent to the site.

For buildings existing prior to April 4, 1986 that are located within three feet of or in the proposed right-of-way, architectural features, such as canopies, awnings, false roofs or overhangs, may project beyond the front of the building provided such features do not project more than three feet beyond the front wall of the building and a minimum 8-foot clearance is maintained between the sidewalk and the bottom of the projection.

D. Site Plan Required for Existing Buildings. For properties with existing buildings and when a site plan is required, the following shall apply:

1. Only the total number of parking spaces that may be laid out on the site shall be required for site plan approval. A new use that requires more parking than the previous use shall not occur unless sufficient parking can be provided based on the requirements for the new use pursuant to Section 138-8.600 pertaining to off-street parking requirements. No additions to existing buildings shall be allowed if the number of parking spaces that can be provided is less than required for the intended use of the property pursuant to Section 138-8.600.

- F. **New Development.** New developments shall provide the number of parking spaces required by Section 138-8.600, based on intended use. The size of the parking spaces may be reduced to nine feet by 18 feet and maneuvering lanes for 90-degree parking may be reduced to 22 feet.
- I. **Building Design.** Buildings shall comply with the building design standards of Section 138-8.502. Renovations or expansions to existing buildings shall comply with the requirements of Section 138-8.502 as much as is reasonably practical.

SECTION 5. 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 6. 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.

Section 7. 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 _____, following its publication in the *Rochester Post* on _____, 2013.
- 3. **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2013.

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 _____, 2014.

Tina Barton, Clerk
City of Rochester Hills