

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 SCREENING REQUIREMENTS FOR OUTDOOR STORAGE AND TRASH STORAGE AREAS, TO REVISE ESTABLISHED BUILDING LINE SETBACK REQUIREMENTS, TO ALLOW FOR 60-FOOT WIDE LOTS IN CERTAIN LOCATIONS, TO CLARIFY STORMWATER MANAGEMENT POND LANDSCAPING REQUIREMENTS, TO ELIMINATE PLANT SPACING REQUIREMENTS FROM FIRE HYDRANTS, CURBS, AND PUBLIC WALKWAYS, AND TO ADD DRY CLEANERS AS A PERMITTED USE IN THE B-1, B-2, AND B-3 DISTRICTS SUBJECT TO SPECIFIC STANDARDS.

THE CITY OF ROCHESTER HILLS ORDAINS:

OUTDOOR STORAGE and DUMPSTER and TRASH STORAGE SCREENING

SECTION 1. Section 138-4.430 shall be amended as follows:

A. Where Permitted.

1. Industrial Districts. Outdoor storage of equipment, vehicles, and/or other materials may occur on the same site as and accessory to a principal use or as a principal use. If the outdoor storage constitutes a principal use the storage area shall comply with the front and rear yard setbacks of the industrial district.
2. Business Districts. The outdoor storage of any equipment, vehicles and/or other materials shall only occur on the same site as and accessory to a principal use. The materials being stored shall be incidental to and related to the principal use of the site, and shall not constitute a second permitted use.

AB. Screening. ~~There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance.~~

1. Any storage shall be screened from public view from a public street and from adjoining residential properties by an enclosure consisting of a wall, opaque fence, or opaque evergreen landscape screen not less than the height of the equipment, vehicles and all materials to be stored.
2. Any storage shall be screened from adjacent business or office districts by an enclosure consisting of a wall, opaque fence or opaque evergreen screening not less than 6 feet in height.
3. Screening shall not be required on the interior of the industrial district where the storage area is not visible from a thoroughfare or any zoning district other than an industrial district.
4. The type and style of screening shall be approved by the reviewing authority. Whenever such open storage is adjacent to a residential zone, special purpose, or manufactured housing community in either a front, side or rear lot line relationship, whether immediately abutting or across a right of way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height.

C. Walls and Fences. ~~Such~~ Masonry walls or wood fences shall be repaired, maintained and kept in good condition by the owners. The maximum height for any freestanding screening wall or fence shall be 8 feet, but walls may be taller if they are wing walls that attach to a building. If screening higher than 8 feet is required to conceal the material or vehicles being stored, the screening shall consist of evergreen screening sufficient to form an opaque screen equal to the height of the material or equipment within 3 years of planting.

D. **Dumpster and trash storage areas** are subject to the requirements of [Section 138-10.311](#).

~~C. When screening is required for trash receptacles or other outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.~~

SECTION 2. Section 138-5.101.Q shall be amended as follows:

Q. Outdoor Use Areas in the I (Industrial) District. Required side yards may be ~~utilized~~used for loading, unloading, and storage provided that in such instances the Planning Commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare of employees in the building. Dumpster and trash areas are subject to the requirements of [Section 138-10.311](#). All trash and ~~s~~Storage areas are subject to the requirements of [Section 138-4.430](#). shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.

SECTION 3. Section 138-10.311 shall be added as follows:

Section 138-10.311 Dumpster and Trash Storage Screening

- A. Screening shall be required for trash receptacles or other outdoor storage of refuse or waste bins or materials whenever the storage area is visible from a public or private road or from an adjacent property. When the dumpster or trash storage area is accessory to an industrial use, and is not visible from a public road or from any property located in a zoning district other than the industrial district, screening may not be required at the discretion of the reviewing authority based on site conditions.
- B. When screening is required for trash receptacles or other outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.

SECTION 4. Section 138-12.302 shall be amended as follows:

Section 138-4.445 Loading, Storage, and Service Area Screening

~~Vehicle use areas, including service areas and loading areas shall be screened from adjacent residential areas and from the public right of way. Such screening may be accomplished by a masonry wall, building wing wall, or densely planted landscape buffer, or other means acceptable to the Planning Commission. Storage and loading areas are subject to the requirements of [Section 138-4.430](#), and dumpsters and trash storage areas are subject to the requirements of [Section 138-10.311](#).~~

ESTABLISHED BUILDING LINE

SECTION 5. Section 138-5.101.B, third paragraph shall be amended to read as follows (the first and second paragraphs and Established Building Line Calculation Example graphic shall remain unchanged):

Exceptions: If an established building line exists but the setback of the adjacent structures is greater than the minimum setback but less than 10 feet greater than the minimum setback, then the minimum setback for the district shall be the required setback. If an established building line exists that is less than the minimum setback for the district, then the minimum setback shall be the established building line without subtracting 10 feet from the setback of adjacent dwellings. In no case shall a front yard setback be reduced to less than 20 feet, regardless of the established building line, and in no case shall a garage door be located closer to the front property line than the minimum setback required in the zoning district by Section 138-5.200.

60 FOOT WIDE LOT WIDTH EXCEPTION

SECTION 6. Section 138-5.100, Table 5 – Schedule of Regulations – RESIDENTIAL DISTRICTS shall be amended to insert a new footnote (W) in the minimum area and lot width cells in the R-4 district.

District	Minimum Lot		Maximum Building Height ^A		Minimum Yard Setback (feet)				Min. Floor Area (sq. ft.)	Max. Lot Coverage (all buildings)
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (each)	Side (total)	Rear		
R-4	9,600 ^W	80 ^W	2	30 ^U	25 ^{BJ}	10 ^{C, D}	20 ^D	35 ^T	912	30%

SECTION 7. Section 138-5.101 shall be amended to add a new item W.:

W. Reduced Minimum Lot Width and Area in the R-4 District. Where a proposed parcel is located within a plat where the underlying platted lots are less than the minimum lot width required in the R-4 district and where the resultant lot width would be consistent with the character of the existing one-family neighborhood the minimum lot width may be reduced to the width of the underlying platted lot or 60 feet, whichever is greater. When a reduced lot width is permitted the minimum lot area shall be 7,000 square feet. Buildings on such reduced lots shall comply with the minimum setbacks and all other requirements not involving lot width or area otherwise applicable in the R-4 district.

STORMWATER MANAGEMENT POND LANDSCAPING REQUIREMENT

SECTION 8. Section 138-12.303.D shall be amended as follows:

- D. A Type A perimeter greenbelt buffer shall be provided in accordance with Section 138-12.300 (Buffer Requirements) and the following:
1. Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Deciduous shade trees ~~shall~~should be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 2. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

PLANT MATERIAL SPACING

SECTION 9. Section 138-12.203 will be amended to delete subsections B and C and to amend existing sections D and E to be new sections B and C:

~~B.~~ Deciduous and all shrubs may not be planted within 5 feet, and evergreen trees may not be planted within 10 feet of any curb or public walkway.

~~C.~~ Trees and shrubs may not be planted within 10 feet of a fire hydrant.

~~DB.~~ Where plant materials are planted in two or more rows, planting shall be staggered in rows.

~~EC.~~ Where shrub plantings are required to form a continuous hedge or used for screening purposes, the plants shall not be spaced more than 36 inches on center at planting, and shall have a minimum height and spread of 30 inches at planting. Shrubs that will not attain sufficient width to form a complete hedge spaced 36 inches on center shall be planted at a spacing that will allow them to form a complete hedge within 2 years of planting.

DRY CLEANERS

SECTION 10. Section 138-4.300, Table 4 – Table of Permitted Uses shall be revised to add a use “Dry Cleaners” in the Commercial and Retail Uses category, to be permitted in the B-1, B-2, and B-3 districts, and subject to the Additional Standards in Section 138-4.445. The new entry in Table 4 will be as follows:

Key:	P: Permitted Use		C: Conditional Land Use						[--]: use not permitted			
Use	R ^A	RM-1 ^B	B-1 ^B	B-2 ^B	B-3 ^B	B-4 ^C	B-5 ^B	O-1 ^E	ORT	I	SP	Additional Standards
Commercial and Retail Uses	R ^A	RM-1 ^B	B-1 ^B	B-2 ^B	B-3 ^B	B-4 ^C	B-5 ^B	O-1 ^E	ORT	I	SP	Additional Standards
Dry cleaners	I	I	P	P	P	I	I	I	I	I	I	Section 138-4.445

SECTION 11. Section 138-4.445 shall be added as follows:

Section 138-4.445 Dry Cleaners

Dry cleaning chemicals shall be self-contained within the machines that use them. Floors shall be sealed with a chemical-proof material or industrial-grade epoxy coating and shaped to form a basin to contain any chemicals and to prevent them from leaching into the ground or otherwise escaping the premises.

SECTION 12. 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 13. 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 14. 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 _____, 2013.

Tina Barton, Clerk
City of Rochester Hills