

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TABLE 7 OF SECTION 138-5.100 AND FOOTNOTE E OF SECTION 138-5.101 OF ARTICLE 5 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PERMIT IN THE B-3 DISTRICT PARCELS SMALLER THAN THE MINIMUM SIZE REQUIRED UNDER CERTAIN CONDITIONS, REPEAL INCONSISTENT PROVISIONS, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Table 7 of Section 138-5.100 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances shall be amended, as follows:

Table 7. Schedule of Regulations – NON-RESIDENTIAL DISTRICTS

District	Minimum Lot		Maximum Building Height		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		
B-1	(E)	(E)	2	30	25 ^N	0 ^{F,N}	50 ^N	50 ^I	--	--
B-2	(E)	(E)	2	30	50 ^N	0 ^{F,N}	50 ^N	50 ^I	--	--
B-3	5 acres ^E	400 ^E	2	30	75 ^N	25 ^{F,N}	50 ^N	75 ^{H,I}	--	--
B-4	(E)	(E)	2	30	75 ^{N,S}	25 ^{G,N,S}	50 ^N	50 ^I	--	--
B-5	(E)	(E)	2	30	25 ^{J,N,S}	0 ^{G,J,N,S}	50 ^{J,N}	50 ^{I,J}	--	--
O-1	(E)	(E)	3 ^V	42 ^V	35	0 ^F	50	35	--	--
ORT	(E)	(E)	3 ^V	40 ^V	30 ^J	0 ^{P,R}	0 ^{P,R}	30 ^{P,R}	--	--
I	(E)	(E)	3	42	50 ^{L,N,O}	50 ^{M,N,O,P,Q}	100 ^{N,O,P}	50 ^{N,O,P,Q}	--	--
SP	(E)	(E)	2	30	50	50	100	50	--	--
CI	See Article 6, Chapter 3 for commercial improvement district regulations									
FB	See Article 8 for flex business (overlay) district regulations									
REC	See Article 6, Chapter 6 for regional employment center district regulations									

Section 2. Footnote E of Section 138-5.101 of Article 5 of Chapter 138, Zoning, of the Code of Ordinances shall be amended, as follows:

E. Nonresidential Lot Requirements. The minimum lot area and minimum lot width shall be determined by the use meeting all minimum yard requirements and all other requirements of this ordinance. In B-3 districts, parcels with less area or width than the minimum requirement may be permitted provided all of the following exist:

- The parcel is part of a larger cohesive development.
- The parcel is accessed through existing access points. Additional access points may only be constructed upon approval by the Planning Commission.

3. A covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares without Planning Commission approval, shall be recorded at Oakland County.
4. Cross access easement(s) must be provided to neighboring parcels.
5. Any parcel created as a result of this ordinance shall not be entitled to a separate freestanding monument sign.

Section 3. 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 4. 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 5. 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 *Oakland Press* on _____, 2015.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2015.

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 _____, 2015.

Tina Barton, Clerk
City of Rochester Hills