

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER ____ OF THE CITY OF ROCHESTER HILLS ZONING ORDINANCE AS FOLLOWS:

AMEND SECTION 138-3.104(B)(2) TO INCLUDE THE NEW R-5 DISTRICT; AMEND SECTION 138-4.100, TABLE 3. ZONING DISTRICTS, TO INCLUDE THE R-5: ONE-FAMILY RESIDENTIAL DISTRICT; INSERT NEW TEXT INTO SECTION 138-4.200 RE, R-1, R-2, R-3, AND R-4 ONE FAMILY RESIDENTIAL DISTRICTS TO ADD THE R-5 DISTRICT; AMEND SECTION 138-4.300, TABLE 4. PERMITTED USES BY ZONING DISTRICT TO ADD A NEW R-5 COLUMN WITH PERMITTED AND CONDITIONAL USES; AMEND SECTION 138-4.400(C) TO INCLUDE R-5 DISTRICT; AMEND SECTION 138-4.401 TO INCLUDE THE NEW R-5 DISTRICT; AMEND SECTION 138-4.402(C) TO INCLUDE THE NEW R-5 DISTRICT; AMEND SECTION 138-4.412(A) TO INCLUDE THE NEW R-5 DISTRICT; AMEND SECTION 138-4.415(A), TO INCLUDE THE NEW R-5 DISTRICT; AMEND SECTION 138-5.100, TABLE 5. SCHEDULE OF REGULATIONS – RESIDENTIAL DISTRICTS TO ADD A NEW ROW R-5; AMEND SECTION 138-5.101 (A) FOOTNOTES TO THE SCHEDULE OF REGULATIONS TO INCLUDE THE R-5 DISTRICT; AMEND SECTION 138-6.102 SETBACKS FOR THE RM-1 DISTRICT TO INCLUDE THE R-5 DISTRICT; AMEND ARTICLE 6 SUPPLEMENTAL DISTRICT STANDARDS, TO ADD A NEW CHAPTER 7. R-5 ONE-FAMILY FLEX RESIDENTIAL; AMEND SECTION 138-10.103 HEIGHT FOR DETACHED ACCESSORY STRUCTURES TO ADD THE R-5 DISTRICT; AMEND SECTION 138-10.107 GAZEBOS TO ADD THE R-5 DISTRICT; AND TO AMEND ARTICLE 13, SECTION 138-13.100 TO ADD A NEW DEFINITION.

THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY HEREBY ORDAINS:

PART 1. AMEND SECTION 138-3.104(B)(2) TO INCLUDE THE NEW R-5 DISTRICT:

- B. Expansion of one-family dwellings. With respect to any structure which is considered nonconforming due to its noncompliance with a required side or rear yard setback, and notwithstanding subsection (A) of this section, any enlargement or alteration of the structure which involves the extension of the existing side or rear building line shall be permitted without need for a setback variance or variance to this section, provided that the enlargement or alteration:
1. Is not located closer to the side or rear property line than the structure's existing nonconforming side or rear yard setback;
 2. Is attached to a one-family dwelling located within an R-1, R-2, R-3, R-4, **R-5**, or RE zoning district and is designed for use as enclosed or screened living space;
 3. Is not taller than 16 feet or one-story in height; and
 4. Complies with all other requirements of this ordinance and does not necessitate any other variances.

PART 2. AMEND SECTION 138-4.100, TABLE 3. ZONING DISTRICTS, TO INCLUDE THE R-5: ONE-FAMILY RESIDENTIAL DISTRICT

PART 3. INSERT NEW TEXT INTO SECTION 138-4.200 RE, R-1, R-2, R-3, AND R-4 ONE FAMILY RESIDENTIAL DISTRICTS TO ADD THE R-5 DISTRICT

The RE, R-1, R-2, R-3 and R-4 one-family residential districts are designed to provide for one-family, low density dwelling sites and residentially related uses in keeping with the master plan of residential development in the City. The uses permitted by right and on special condition as conditional uses are

intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.

The R-5 One Family Flex residential districts are intended to provide for one-family detached and attached moderate-density units in a variety of formats in keeping with the master plan of residential development. This includes detached single family, duplexes, multiplex (tri- and quadplexes), and detached bungalows. All residential units shall have an appearance that is similar to a single-family detached home when viewed from the front lot line. Neighborhoods in this district are intended to have a mix of building types, not a single building type.

PART 4. AMEND SECTION 138-4.300, TABLE 4. PERMITTED USES BY ZONING DISTRICT TO ADD A NEW R-5 COLUMN WITH THE FOLLOWING PERMITTED AND CONDITIONAL USES

Permitted Uses

One-family detached dwelling units	Section 138-6.700-6.702
Attached dwelling units	Section 138-6.700-6.702 Up to 4 units attached
Libraries and Museums	Section 138-4.427
Municipal Buildings and Uses	Section 138-4.427
Places of Worship	Section 138-4.433
Primary and Secondary Schools (pub., private, & paroch.)	
Privately Operated Recreational Facilities Located On Publicly Owned Parkland	Outdoor storage yards are only permitted in I district
Utilities	Section 138-4.442
Accessory Building and Accessory Uses customarily Incidental to the Permitted Uses in this section	Article 10, Chapter 1
Home Occupations	Section 138-4.415
Roadside Stands and Markets and Christmas Tree Sales	Section 138-4.439
Temporary Construction	Section 138-4.441

Conditional Uses

Nursery Schools, Day Nurseries, & Child Care Centers	Section 138-4.423
Private Recreation Areas, Swim Clubs and Tennis Courts	Section 138-4.435
Wireless Telecommunication Facilities	Section 138-4.446

PART 5. AMEND SECTION 138-4.400, C. TO INCLUDE R-5 DISTRICT

- C. An adult motion picture theater, adult bookstore or video store or adult cabaret shall not be located:
 - 1. Within 1,000 feet of any residential zoning district (R-1, R-2, R-3, R-4, **R-5**, RE, RCD, RM-1 or RMH) or the property line of any single-family, two-family or multiple-family residential use. For purposes of this section, the term "multiple-family residential use" shall specifically include, but not by way of limitation, any retirement, convalescent or nursing home or facility or other housing for the elderly.

PART 6. AMEND SECTION 138-4.402, C. TO INCLUDE THE NEW R-5 DISTRICT AS FOLLOWS:

- C. The area of the clear zone as defined by the FAA shall be provided for within the land area under airport ownership, and in no instance shall the clear zone be above property zoned R-1, R-2, R-3, R-4, **R-5**, RE, RCD, RM-1, RMH or SP.

PART 7. AMEND SECTION 138-4.415, A. TO INCLUDE THE NEW R-5 DISTRICT AS FOLLOWS:

- A. Required Conditions. Home occupations are permitted in R-1, R-2, R-3, R-4, **R-5**, and RE districts provided that the home occupation: (no change to standards 1. through 7.)

PART 8. AMEND SECTION 138-5.100, TABLE 5. SCHEDULE OF REGULATIONS – RESIDENTIAL DISTRICTS TO ADD A NEW ROW FOR THE R-5 DISTRICT AS FOLLOWS:

District	Minimum Lot Area (sq. ft.)	Maximum Building Height Stories	Maximum Building Height Feet	Minimum Yard Setback (feet)	Minimum Floor Area (sq. ft.)	Max. Lot Coverage (all bldgs.)
R-5	See Article 6, Chapter 7 for one-family flex residential district regulations					

PART 9. AMEND SECTION 138-5.101 FOOTNOTES TO THE SCHEDULE OF REGULATIONS, A. BUILDING HEIGHT MEASUREMENT, TO INCLUDE THE R-5 DISTRICT AS FOLLOWS:

- A. Building Height Measurement. In the R-1 through **R-4-R-5** and RE districts, building height shall be measured from the average grade on the front façade of the building.

PART 10. AMEND SECTION 138-6.102 SETBACKS FOR THE RM-1 DISTRICT TO INCLUDE THE R-5 DISTRICT AS FOLLOWS:

Section 138-6.102 Setbacks

For the purpose of yard regulations, all attached unit buildings shall be considered as one building occupying one lot, and each attached unit building located on a parcel of land shall comply with each of the following setback requirements.

- A. Perimeter setbacks.
 - 1. Front yard. The minimum front yard setback is 30 feet.
 - 2. Rear yard. The minimum rear yard setback is 30 feet.
 - 3. Side yard. A minimum side yard setback of 30 feet shall be provided along each side property line. The side yard shall be increased by one foot for each ten feet or part thereof by which length the multiple structure exceeds 40 feet in overall dimension along the

adjoining plot line provided that no attached unit structure shall exceed 180 feet in length along any one face of the building or 250 feet in total length.

4. Any yard abutting a major thoroughfare in RM-1 districts shall have a minimum depth of 50 feet.
5. Where any yard abuts an RE, R-1, R-2, R-3, R-4, **R-5**, RCD, RMH or SP district, the minimum distance shall be 35 feet unless a larger setback is required by this chapter.

B. Building Separation. No change to existing text

PART 11 AMEND ARTICLE 6 SUPPLEMENTAL DISTRICT STANDARDS, TO ADD A NEW CHAPTER 7. R-5 ONE-FAMILY FLEX RESIDENTIAL

Section 138.6.700 R-5 Allowed Building Types and District Regulations

Because of the importance of establishing proper pedestrian-oriented form and meeting the purpose and intent of this district, district regulations are established based on building type. Certain building types require additional lot width and lot area, as described below. Only the following building types are allowed in the R-5 District, and additional district regulations below shall apply.

A. District Lot Regulations by Building Type			
Building Type	Minimum Lot Width	Maximum Lot Width ⁴	Minimum Lot Area
(1) Single-family	50 feet ¹	120 feet	6,000 sq. ft. ¹
(2) Bungalow court ²	100 feet	225 feet	12,000 sq. ft. ⁵
(3) Two-family dwelling	25 feet / 50 feet ³	120 feet / 240 feet ³	6,000 sq. ft. ¹
(4) Multiplex ⁶	50 feet	120 feet	6,000 sq. ft. ⁵

Note: For all building types, an additional 15 feet of lot width is required for corner lots

¹ Minimum per dwelling unit.

² The lot width and area regulations apply to a single lot developed under one owner with several detached units that are individually leased. If this building type is developed as a plat or a condominium, individual, court-facing lots shall have minimum lot width of 40' and minimum lot area of 5,000 square feet. Units may be no closer than 15 feet apart. The all units shall face a landscaped courtyard that is at least 25' wide and has five-foot wide sidewalks along the boundaries of the courtyard. Bungalow court building types may be located on a zoning lot containing up to six detached dwelling units.

³ Minimum per dwelling unit / minimum for two units. Two attached units shall be constructed.

⁴ Maximum does not apply to parks, playgrounds, tennis courts, similar public non-profit recreational uses, and similar public and non-residential uses.

⁵ For any development site with more than four units, there shall be an additional 1,000 square feet of lot area for each unit beyond the first four.

⁶ Includes triplexes and quadplexes up to four units in a principal building.

B. Number of Units	
Building Type	
(1) Single family	1 per lot
(2) Two-family lot	1 or 2 per lot
(3) Multiplex per lot	3-4 units
(4) Bungalow Court per lot	3-6 units
C. Building Size and Massing	
Height / Stories	
(1) Height in feet	35' Max.
(2) Stories	2 ½ Max.
D. Setbacks ¹	
(1) Distance between principal buildings	15' Min.
(2) Front Yard and Street-facing Side Yard	15' Min.
(3) Interior Side Yard	5' Min. / 15' total
(4) Rear Yard	35' Min.
E. Building Dimensions and Lot Coverage	
(1) Building Lot Coverage	50% Max.
(2) Longest Building Dimension (Street-facing)	
(a) Detached single family, detached bungalow, multiplex and two-family units	85' Max. ²
(b) All other types	180' Max.
Footnotes to Table	
¹ Buildings with a principal use that is non-residential shall be setback a minimum of 35' from a residentially-zoned lot.	
² For bungalow court units, applies to front facade dimension of court-facing units. Multiplex buildings may be granted an additional 20' (105' total) provided an 85' width or less is maintained for at least a 10' depth from the front façade. For two-family units, the 85' maximum applies to each unit.	

F. Allowed Building Frontages	
(1) Porch, Projecting (All)	
(2) Porch, Integral (All)	
(3) Stoop (All)	
(4) Forecourt (Multiplex)	
(5) Flex door yard (Non-residential uses)	
G. Allowed Roof Types	
(1) Flat	
(2) Pitched	
H. Vehicle Parking	
(1) Parking spaces shall be enclosed or covered	
(2) Parking shall not be permitted in a front yard or any other street-facing yard	
(3) Garages shall be freestanding, attached or tuck-under. Garage doors shall not face a street	
I. Vehicular Access	
(1) Parking may be accessed from alley, side street or front	
J. Pedestrian Access	
Main Entrance Location	
(1) Street-facing or Courtyard	Bungalow Court
(2) Street-facing only	Single- and Two-Family Multiplex*
* One common street-facing entrance serving at least two units	
K. Other	
(1) Attic space may be converted to a half story	
(2) Floor to ceiling height	9' Min 1 st Floor; 8' Min. Above
(a) Building facades facing streets shall have a minimum of 10 percent clear glass on each story.	
(b) Upper floor windows shall be square or vertically proportioned.	
(3) Building facades not facing streets shall have a minimum of 5 percent clear glass on each story.	

L. Access to the rear of lots shall be from a public alley, a private backstreet or private drive. A private backstreet or drive may straddle a rear or side lot line to serve two or more properties as part of an approved site plan. In all cases where rear lot access is provided, the following shall apply:

- 1) appropriate easements will be recorded or right-of-way will be dedicated
- 2) the access plan will provide safe and reasonable access to the impacted lots,
- 3) the access proposal is consistent with safe and efficient traffic flow in the neighborhood,
- 4) safe and sufficient emergency access is provided, and
- 5) there is at least 18 feet of non-obstructed pavement width provided in the backstreet, alley or any private access drive serving adjacent lots.

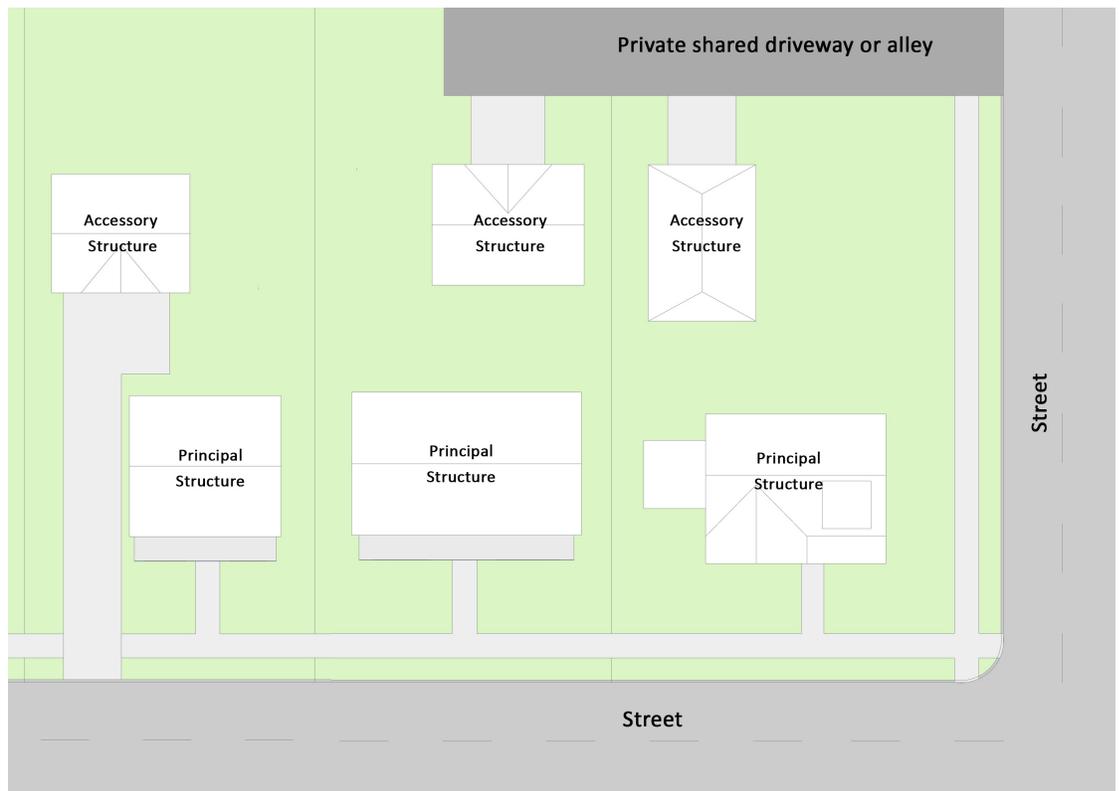
These backstreets and drives are intended to be low-volume, two-way access streets and they shall not be blocked with parking, trash receptacles or other obstructions.

M. The following also apply to all building types:	
(1) Minimum Floor Area per Unit	
(a) One-bedroom	600 square feet
(b) Two-bedroom	900 square feet
(c) Three-bedroom	1,100 square feet
(d) Each additional bedroom over three	200 square feet per bedroom
(2) Roadway and Parking Clearances	
Access Drive or Parking Area Setbacks	
(a) Property Line	5' Min.
(b) Any Dwelling	5' Min.

Section 138.6.701 R-5 Building Type Regulations

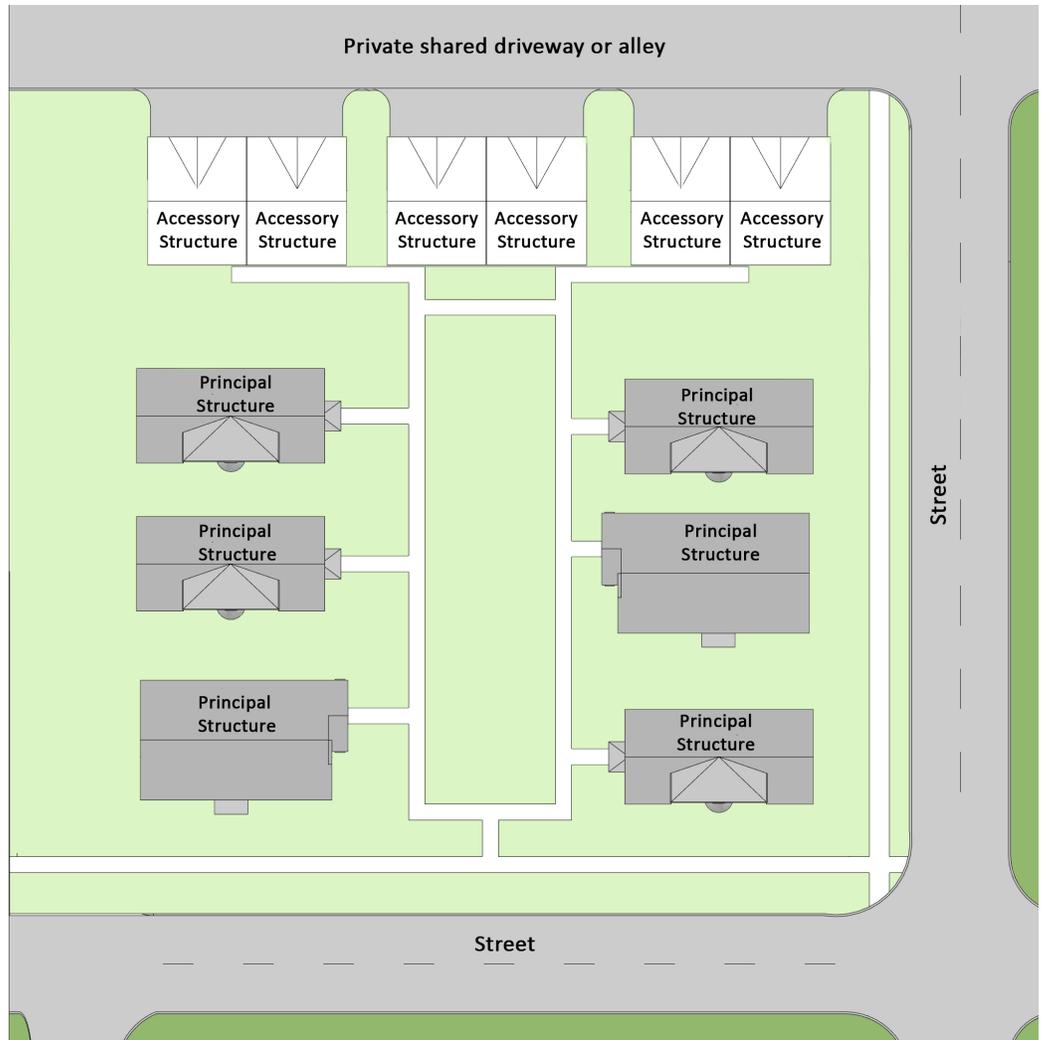
A. Single-Family Detached Dwellings

- (1) Description. The single-family detached dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant.
- (2) Building Form. See Section 138.6.700 A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the single-family detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



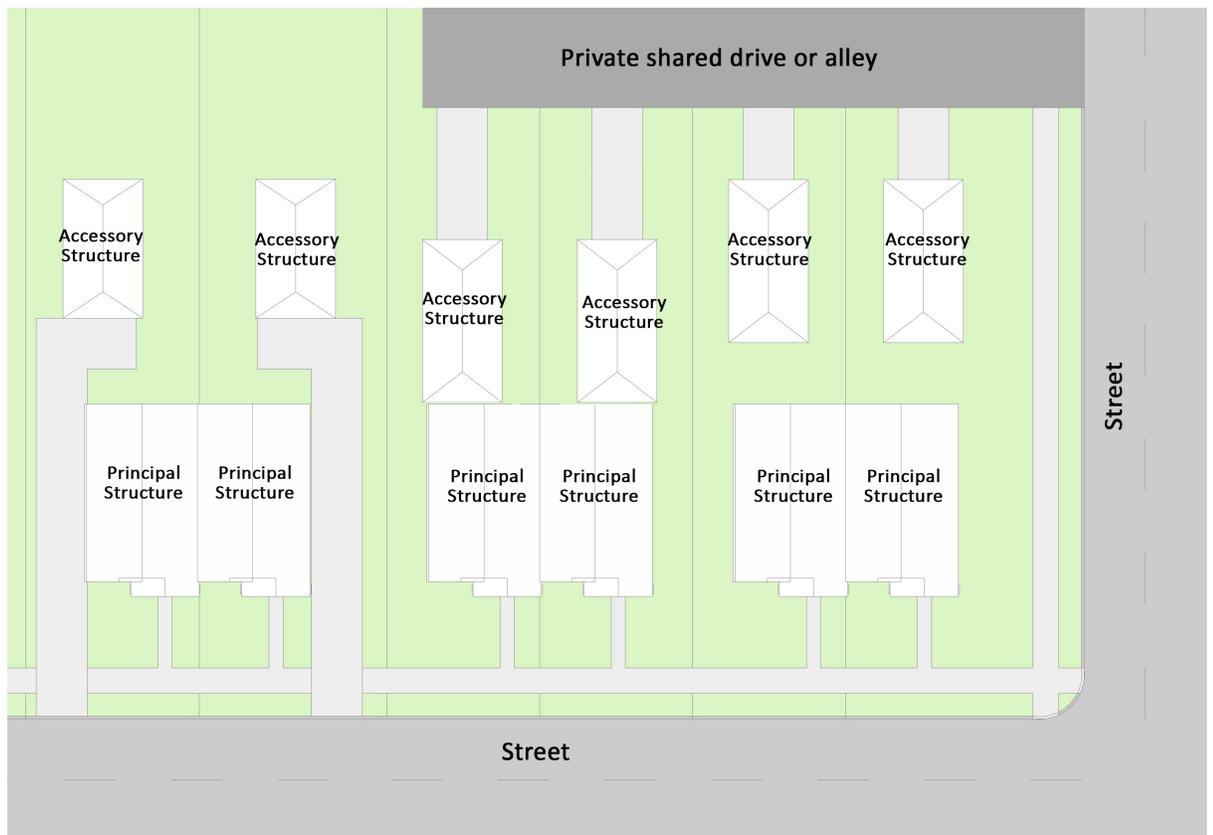
B. Bungalow Court

- (1) Description. The bungalow court detached dwelling unit type consists of structures containing one dwelling unit surrounded by yard space on all four sides. All units front upon a common court that is landscaped and contains pedestrian paths.
- (2) Building Form. See Section 138.6.700 A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the bungalow court building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



C. Two-family dwelling

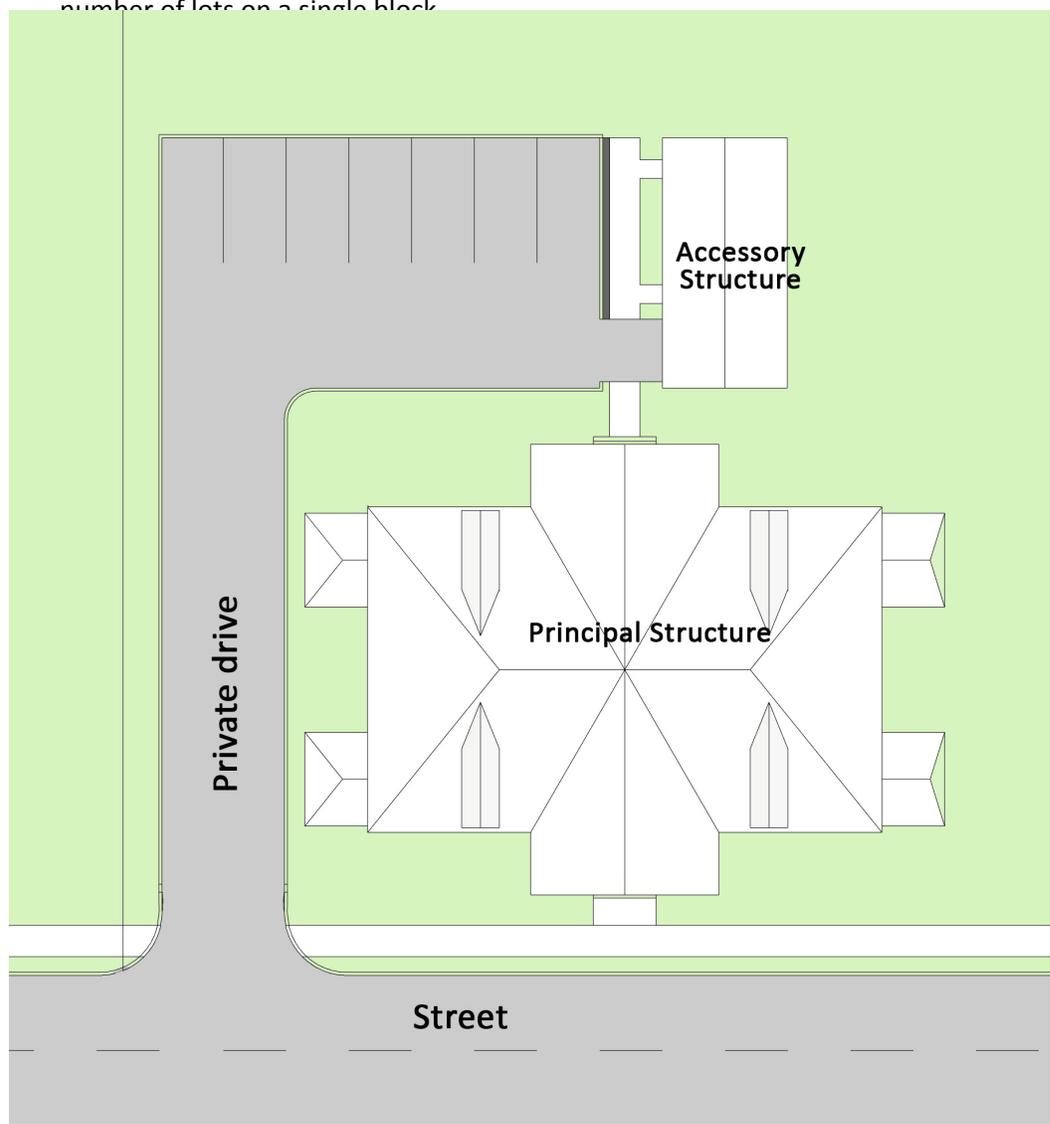
- (1) Description. The two-family detached dwelling unit type consists of structures containing two attached dwelling units surrounded by yard space on all four sides, where private open spaces is available for the exclusive use of the occupant. Two-family dwelling units are typically attached side-by-side with on common wall, but they may also be stacked vertically.
- (2) Building Form. See Section 138.6.700 A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the two-family detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.



D. Multiplex

- (1) Description. The multiplex residential building type consists of single structures that contain multiple attached side-by-side and/or stacked dwelling units. The units are accessed from one shared entry facing a street or at least two units are accessed from a shared entry facing a street and other are accessed from a side or rear door. This building type shall be designed to have the appearance of a detached single family dwelling unit. This unit type is modest in scale and mixes well with other building types allowed in AUH district.
- (2) Building Form. See Section 138.6.700 A.-M. above for form, placement, and other requirements.
- (3) Illustrative Concept Sketch. See below for illustrative concept sketch of the multiplex detached building type in plan view. This is intended to illustrate development options in a generalized way; it is not to scale.
- (4) Multiplex buildings are limited to occupy not more that 25 percent of the total number of lots on a single block

E.



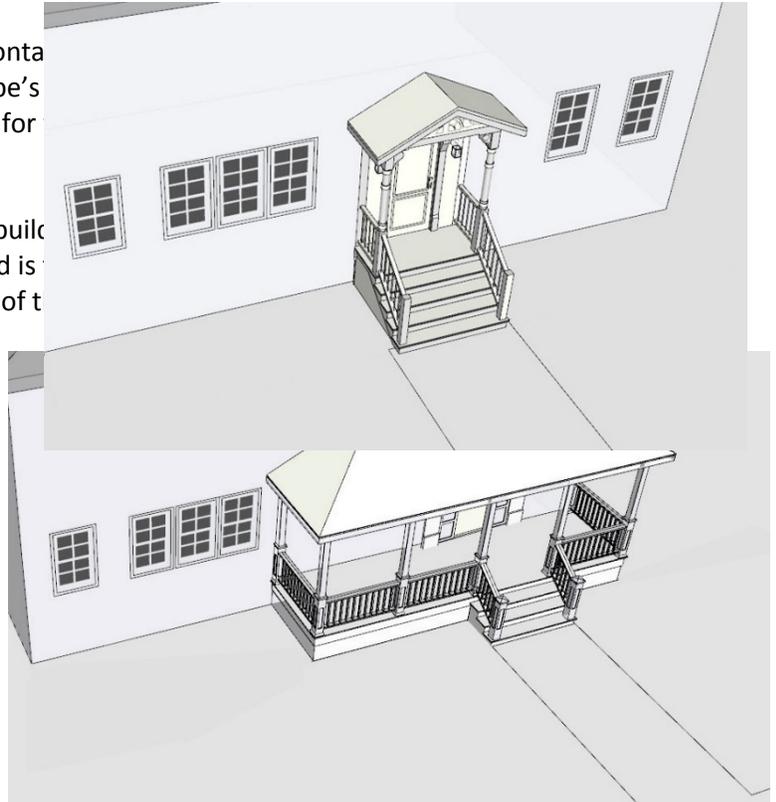
Other Building Types. For allowed non-residential uses, buildings shall be designed to be complementary to other residential structures in the district. See Section 138.6.700 A.-M. above for form, placement, and other requirements.

Section 138-6.702 Building Frontages

The purpose of this section is to identify the frontages and provide a description, a statement as to the type's development is consistent with the city's goals for proper building form, character, and quality.

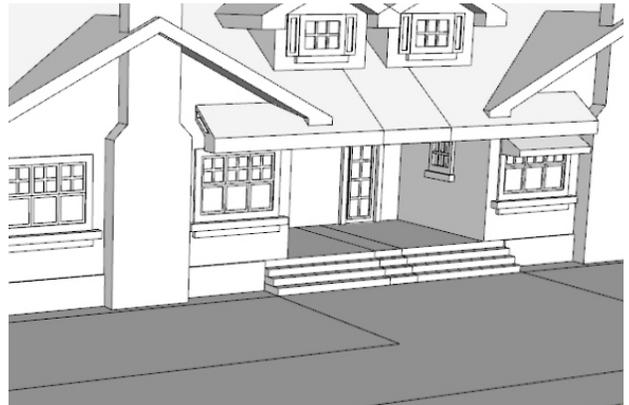
A. Projecting Porches

1. Description. The main facade of the building projects beyond the property line. The resulting front yard is typically small and may be defined by a fence or hedge to separate the edge of the lot from the street.
2. Standards. The projecting porch shall be open on three sides and shall have a roof form that is separate from the main house. The porch may extend one or two stories. The minimum width is 10 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.



B. Integral Porch

1. Description. The main facade of the building has a small setback from the property line. The resulting front yard is typically small and may be defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. With an integral porch it is not possible to remove the porch without major changes to the overall roof form.
2. Standards. The integral porch shall be open on two or three sides and has a roof form that is part of the roof structure of the main building. The porch may extend one or two stories. The minimum width is 8 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.



C. Stoop

1. Description. The main facade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop may or may not have a roof form.
2. Standards. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be accessed from the side. The minimum width is 5 feet and the maximum is 10 feet; the minimum depth is 5 feet and the maximum is 10 feet; and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure, when provided.

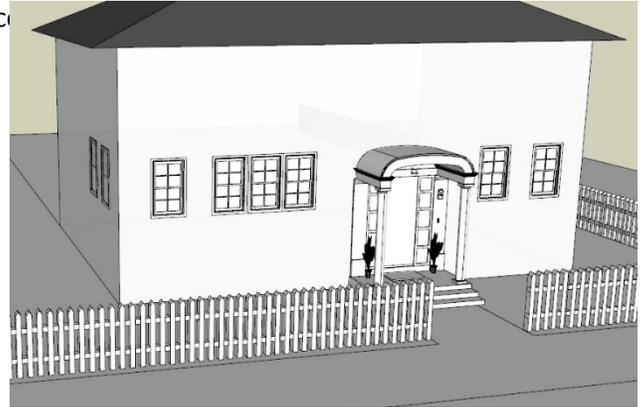
D. Forecourt

1. Description. A portion of the main facade of the building is at or near the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for multiplex. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.
2. Standards. A forecourt shall be a minimum of 12 feet wide and 12 feet deep. A 30" to 36" high edge wall shall define the edge of the courtyard. The edge wall shall be located within 5 feet of the front lot line and shall be constructed of 1) brick or stone or 2) brick or stone piers, at least 24" wide and no more than 15 feet apart, connected by a black metal decorative fence of the same height, with supplemental shrub or ornamental grass plantings. All walls and piers shall have a suitable stone cap. This frontage type should be used sparingly along a block frontage.



E. Flex Dooryard

1. Description. The facade of the building that faces the street, typically within a build-to-zone. The front property line is oftentimes defined by a low wall, fence, or hedge, creating a small dooryard. The dooryard shall not provide public circulation along the rights-of-way. The dooryard is most often intended for ground floor residential but can also be used for allowed non-residential uses. The facade of the building that contains the main entry fronts on a greenspace area that may be a street-facing yard, as described above, or it may front on an internal greenspace or pedestrian plaza.



2. Standards. A dooryard shall be constructed for access at grade or it may be raised. There shall be a sidewalk connecting the flex dooryard entryway to an internal sidewalk. The internal sidewalk shall connect to a public sidewalk or internal private sidewalk system.

PART 12. AMEND SECTION 138-10.103 HEIGHT FOR DETACHED ACCESSORY STRUCTURES TO ADD THE R-5 DISTRICT AS FOLLOWS:

- A. Residential Districts. No detached accessory structure in an RE, R-1, R-2, R-3, R-4, **R-5**, RM-1, RMH or RCD district shall exceed one story or 14 feet in height when the roof pitch of the accessory structure is less than 4/12. If the roof pitch is 4/12 or greater, the maximum building height is 16 feet.

PART 13. AMEND SECTION 138-10.107 GAZEBOS TO ADD THE R-5 DISTRICT AS FOLLOWS:

Gazebos are permitted in the RE, R-1, R-2, R-3, R-4, **R-5**, RCD, RM-1 and RMH districts, subject to the following limitations: (no change to standards)

PART 14. AMEND ARTICLE 13, SECTION 138-13.100 TO ADD A NEW DEFINITION AS FOLLOWS:

Block means property abutting one side of a street and lying between the two nearest intersecting streets; between the nearest such street right-of-way, unsubdivided acreage, river or live stream; or between any of such and any other barrier to the continuity of development.

PART 15. 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.

PART 16. 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.

PART 17. 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 _____, 2019.
3. Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2019.

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 _____, 2019.

Tina Barton, Clerk
City of Rochester Hills