

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN TO REZONE PORTIONS OF TWO PARCELS OF LAND TOTALING .37 ACRE FROM B-3 SHOPPING CENTER BUSINESS (PARCEL NOS. 15-22-226-014 AND 15-22-226-021) TO B-5 AUTOMOTIVE SERVICE BUSINESS DISTRICT WITH AN FB-3 FLEXIBLE BUSINESS OVERLAY, TO REPEAL CONFLICTING ORDINANCES AND TO PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. The zoning classification of the following described property shall be amended as follows:

- .12 acre from B-3 Shopping Center Business to B-5 Automotive Service Business
- .25 acre from B-3 Shopping Center Business to B-5 Automotive Service Business

SITE DESCRIPTION:

Lands in the City of Rochester Hills, Oakland County, Michigan, described as:

.12 ACRE PART OF SPEEDWAY (15-22-226-021)

A PART OF THE NORTHEAST CORNER OF SECTION 22, T3N, R11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22: THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 22, NORTH 89 DEGREES 05 MINUTES 58 SECONDS WEST 250.00 FEET; THENCE SOUTH 0 DEGREES 59 MINUTES 59 SECONDS WEST 60.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AVON ROAD; THENCE CONTINUING SOUTH 0 DEGREES 59 MINUTES 59 SECONDS WEST 150.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 05 MINUTES 58 SECONDS EAST 175.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (M-150 75 HALF-WIDTH); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 0 DEGREES 59 MINUTES 59 SECONDS WEST 30.00 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 58 SECONDS WEST 175.00 FEET; THENCE NORTH 0 DEGREES 59 MINUTES 59 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, TOGETHER WITH THE BENEFITS AFFORDED BY INGRESS AND EGRESS EASEMENT RECORDED IN LIBER 39924, PAGE 101, OAKLAND COUNTY RECORDS.

.25 ACRE – AREA UNDER CONTRACT (15-22-226-014)

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 22, T3N, R11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN BEING UNIT 5 OF

WINCHESTER DISTRICT CONDOMINIUMS, CONDOMINIUM SUBDIVISION PLAN NO. , AS RECORDED IN LIBER , PAGES , OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SECTION 22, N89° 05' 58" W, 1045.00 FEET; THENCE S00° 59' 40" W, 60.00 FEET TO THE SOUTH LINE OF W. AVON ROAD (60 FOOT HALF-WIDTH RIGHT-OF-WAY); THENCE ALONG SAID SOUTH LINE, S89° 05' 58" E, 577.00 FEET; THENCE S00° 59' 40" W, 180.00 FEET; THENCE S89° 05' 58" E, 218 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89° 05' 58" E, 175.00 FEET TO THE WEST LINE OF S. ROCHESTER ROAD (VARIABLE WIDTH RIGHT-OF-WAY); THENCE ALONG SAID WEST LINE, S00° 59' 40" W, 66.82 FEET; THENCE N89° 05' 58" W, 78.04 FEET; THENCE N00° 59' 40" E, 7.17 FEET; THENCE N89° 05' 58" W, 96.96 FEET; THENCE N00° 59' 40" E, 59.65 FEET TO THE POINT OF BEGINNING.

Commonly known as: N/A
Parcels identified in the Future Land Use Aerial Map.

Section 2. **Section 3.01.** Boundaries, and the Zoning Map attached to the Zoning Ordinance, shall be amended to depict the amendment to the zoning classification for the property described herein from B-3 Shopping Center Business to B-5 (Automotive Service Business).

Section 3. **Severability.** This Ordinance and each article, section, subsection, paragraph, part provision, sentence, word and any 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.

Section 5. **Repeal, Effective Date and 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 _____, the day following its publication in the *Oakland Press* on _____.
- (3) Adoption. This Ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____.

Bryan Barnett, Mayor

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on

Tina Barton, City Clerk

Accepted for First Reading: January 27, 2020