

09/02/2009

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 138-1066 OF ARTICLE VIII OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE LANDSCAPING OF FRONT YARD AREAS, REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-1066 of Article VIII of Chapter 138 of the Code of Ordinances shall be amended, as follows:

**Sec. 138-1066. One-family dwellings.**

A one-family dwelling and any additions or alterations thereto erected or placed in the city, other than mobile homes located in a licensed mobile home park approved under division 5 of article VI of this chapter, shall conform to the following in addition to all other regulations of this chapter:

- (1) It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
- (2) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any house existing at the date of amendment nonconforming so that they cannot be enlarged or improved.
- (3) It shall be attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a rat wall under the entire perimeter of the structure, and shall be constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, as defined in this chapter, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this section.
- (4) If a dwelling is a mobile home as defined in this chapter, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) It shall be connected to a public sewer and water supply, if available, or if not available to private facilities approved by the county health department.

- (6) It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the zoning district in which it is located.
- (7) It shall comply with all pertinent building and fire codes. If a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (8) It shall be in compliance with the standards contained in this subsection, and shall be aesthetically compatible in character, design and appearance to residential dwellings located outside of mobile home parks, as follows:
  - a. If located in a platted subdivision with at least one existing home, it shall be compatible with homes in the particular plat of which it is a part.
  - b. If not located in a platted subdivision and the area within 2,000 feet has existing homes, it shall be compatible with those homes within the 2,000 feet that might reasonably be considered to be an identifiable neighborhood of which it would be a part.
  - c. Otherwise, it shall be compatible with homes generally located throughout the city.
  - d. The determination of compatibility shall be based upon compliance with the following standards:
    1. The dwelling shall have a roof covered with composition asphalt organic felt shingles or a material of similar texture, malleability and coarseness, not to exclude copper, wood, slate or clay material, as on roofs of homes with which the dwelling is to be compatible.
    2. The roof of the dwelling shall have a slope of not less than two vertical units to each 12 horizontal units.
    3. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, or which are comparable to steps and/or porches of homes with which the dwelling is to be compatible.
    4. The exterior surface of exterior walls of a dwelling and roof shall be covered with wood or stucco, or a material of metal, metal alloy, brick, masonry, vinyl or plastic with major actual or visual vertical or horizontal joints spaced at not more than eight inches apart.

5. The dwelling shall have windows located on the front elevations, and shall have exterior doors either on the front and rear, or front and side as generally found in homes with which the dwelling is to be compatible.
  6. The dwelling shall not have a detached garage, if attached garages are typical to homes with which the dwelling is to be compatible.
  7. The ratio of the horizontal dimension of the front to side elevation of the structure shall not be more than three units to one unit.
- e. If no more than two of the standards in this subsection are not met, a dwelling may be approved as aesthetically compatible in character, design and appearance, provided it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible with the homes with which it is to be compatible. This shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.
- f. An applicant for a building permit aggrieved by an adverse decision by the building department may appeal to the board of appeals, which board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances.

(9) The front yard (and for corner lots any side yard abutting a public or private right-of-way) shall be landscaped in trees, grass, ground cover, shrubs or other natural landscape materials, except for driveways and pathways, within six (6) months of the commencement of construction or prior to occupancy, whichever occurs earlier. The building department may grant one or more extensions of time for periods not more than 90 days each conditioned upon a satisfactory performance guarantee and maintenance of the front yard to prevent blight or unsightly or noxious weed growth.

Section 2. 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 3. 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 4. 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 \_\_\_\_\_, 2009.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2009.

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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 \_\_\_\_\_, 2009.

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Jane Leslie, Clerk  
City of Rochester Hills