

# City Ordinance Adopted 10-29-86

## SEC. 1807. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT.

*10-29-86*  
Because the uses herein referred to possess unique characteristics, making it impractical to include them in a specific use district classification, they may be permitted by the City Council, unless otherwise specified after review and recommendation by the Planning Commission, under the conditions specified, and after public hearing pursuant to SECTION 2017, unless otherwise specified.

These uses require special consideration since they service an area larger than the City, contain unusual features, or require sizable land areas, creating problems of control with reference to abutting use districts. Uses falling within this Section are as follows:

### 1. Churches.

Churches may be permitted in any district subject to the following conditions:

a. The site shall be so located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least eighty-six (86) feet in width as shown on the current City Master Right-of-Way Plan.

b. Buildings of greater than maximum height as allowed in ARTICLE XVII, SCHEDULE OF REGULATIONS, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

### 2. Roadside Stands and Markets, and Christmas Tree Sales.

It is the intent of the City not to allow the establishment of permanent commercial operations in non-commercial districts. However, seasonal roadside stands and markets for the sale of produce, and Christmas trees sales may be permitted on a temporary basis by obtaining a permit from the Building Department. The permit shall be subject to the following conditions:

a. Roadside stands and markets and Christmas tree sales may be permitted in any district, subject to the following exclusions:

(1) Christmas tree sales shall not be permitted on property that is part of a recorded residential subdivision.

(2) Roadside stands and markets shall be permitted on property that is part of a recorded residential subdivision only if all of the produce to be sold shall be or was grown on the immediate property and there is an occupied residential dwelling on the property.

b. The following restrictions shall govern the issuance of permits:

(1) If a portable roadside stand or market is to be located on property that is part of a recorded residential subdivision, the permit shall be restricted to the owner(s) of that property, and the roadside stand or market shall be operated and staffed only by the owner(s) and/or resident(s) of that property. The permit may be issued for any initial two (2) month period between May 1 and October 31 inclusive of a calendar year, and it may be renewed once for one (1) additional one (1) month period between May 1 and October 31 inclusive of the same calendar year. There shall be no fee for this renewal. A roadside stand or market shall not be operated on property that is part of a recorded residential subdivision for more than three (3) months between May 1 and October 31 inclusive of a calendar year.

(2) Except as otherwise provided in Section 1807.2.b(1), a permit for a portable roadside stand or market or Christmas tree sales shall be restricted to the owner(s) or the lesses(s) of the property where the roadside stand or market or Christmas tree sales is to be located. A permit may be issued for a roadside stand or market only for the period from May 1 to October 31 of a calendar year. A permit for Christmas tree sales may be issued only for the period from November 15 to December 31 of a calendar year. Storage, display and sale of Christmas trees shall be permitted only during this period.

c. Except as otherwise provided in Section 1807.2.a(2), all produce sold at a roadside stand or market shall be grown on the immediate property or on property in the City of Rochester Hills which is owned or leased by the applicant for the permit for the roadside stand or market. Proof of ownership or lease of the property where all produce to be sold under the permit shall be or was grown shall be provided at the time of application for the permit. Christmas trees sold in the City may be grown outside of the City.

d. Any structure used for the sale of produce or Christmas tree sales shall be portable and shall be removed from the roadside upon expiration of the permit for a roadside stand or market or Christmas tree sales. If the property is undeveloped, any portable structure shall be removed from the property upon expiration of the permit.

e. The sale of produce in a portable roadside stand or market or Christmas tree sales shall not take place in the dedicated right-of-way

of any thoroughfare within the City, and adequate off-street parking and ingress and egress shall be provided and maintained for the roadside stand or market or Christmas tree sales. Christmas tree sales shall not be located within one hundred (100) feet of a residential dwelling, other than a dwelling on the property on which the trees are sold. Roadside stands or markets selling any produce that was not grown on the immediate property shall not be located within two hundred (200) feet of a residential dwelling, other than a dwelling on the property on which the roadside stand or market is located.

f. Hours of operation shall be limited to 7:00 a.m. through 9:00 p.m.

g. Any lighting shall be directed and controlled so as not to become a nuisance to adjacent property owners or motorists. A permit as required by the Building Department shall be obtained before any lighting is installed.

h. A permit for a portable roadside stand or market or Christmas tree sales shall not be issued unless adequate sanitary facilities are available for persons tending the roadside stand or market or Christmas tree sales.

i. Notwithstanding the provisions of Section 1810, Paragraph 8, one (1) sign located on the premises where the roadside stand or market or Christmas tree sales is located shall be permitted. The sign shall be located on private property outside of the public right-of-way and shall be limited to six (6) feet in height and twelve (12) square feet in area. The sign shall be removed from the premises when the activity ceases or when the permit expires.

j. Roadside stands and markets and Christmas tree sales shall not be subject to the requirement for public hearing pursuant to Section 2017.

### 3. Utilities.

Utilities may be permitted in any district provided the following conditions are met:

a. Utility and public service facilities and uses (without storage yards) such as gas regulator stations and electrical sub-stations only when operating requirements necessitate the locating of such facilities within the district in order to serve the immediate vicinity, and subject to the following conditions:

(1) Adequate screening in the form of either a masonry wall, redwood fence, berm or greenbelt planting shall be provided to serve as a buffer between the utility and adjacent residential area.

(2) All requirements of ARTICLE XVIII, SECTION 1808., PERFORMANCE STANDARDS, shall be met.

### 4. Excavation and Filling of Land.