

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-4.410. OF ARTICLE 4 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY REQUIREMENTS FOR DRIVE-THROUGH FACILITIES, REPEAL INCONSISTENT PROVISIONS, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-4.410 of Article 4 of Chapter 138, Zoning, of the Code of Ordinances shall be amended, as follows:

SECTION 138-4.410 - Drive-Through Facilities

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:

- A. Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. ~~Drive-through facilities and structures separate from the primary structure are prohibited.~~
- B. Drive-through uses ~~must be located to the rear or side of~~attached to the primary structure, ~~and shall be~~ set back a minimum of ten feet from the front building wall of the primary structure.
- C. Drive-through uses detached from the primary structure shall be permitted only if in compliance with the following:
 - 1. The drive-through use is directly related to an occupied tenant of the property.
 - 2. The drive-through facility provides adequate stacking spaces while maintaining required parking spaces and safe maneuverability for the overall site.
- ~~C.D.~~ Drive-through uses shall be configured such that glare from headlights is obstructed from shining into a public right-of-way or neighboring residential use.
- ~~D.E.~~ Unless a more intense buffer is required by Section 138-12.300, a type B landscape buffer shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.

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, or as otherwise prescribed herein.

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 *Oakland Press* on _____, 2016.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2016.

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 _____, 2016.

Tina Barton, Clerk
City of Rochester Hills