

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 138-4.100, SECTION 138-4.214, ARTICLE 8, AND ARTICLE 13 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO UPDATE THE FLEX BUSINESS OVERLAY DISTRICTS AND ASSOCIATED DEFINITIONS, AND TO ENSURE CONSISTENCY ACROSS VARIOUS ORDINANCE SECTIONS; TO, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-4.100 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

SECTION 138-4.100 - Zoning Districts Established

For the purposes of this ordinance, the City of Rochester Hills is divided into the following districts:

Table 3. Zoning Districts

Symbol	Name
R-1	One-family Residential District
R-2	One-family Residential District
R-3	One-family Residential District
R-4	One-family Residential District
R-5	One-family Residential District
RE	One-family Residential District
RCD	One-family Residential Cluster District
RM-1	Multiple-Family Residential District
RMH	Manufactured Housing Park District
MR	Mixed Residential (overlay) District
B-1	Local Business District
B-2	General Business District
B-3	Shopping Center Business District
B-5	Automotive Service Business District
FB-1	Flex Business (overlay) District
FB-2	Flex Business (overlay) District
FB-3	Flex Business (overlay) District
BD	Brooklands District
O-1	Office Business District
ORT	Office, Research and Technology District
I	Industrial District
SP	Special Purpose District
REC-W	Regional Employment Center - Workplace
REC-C	Regional Employment Center - M-59 Corridor
REC-I	Regional Employment Center - Interchange
REC-M	Regional Employment Center - Mixed Use

SECTION 2. Section 138-4.214 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

SECTION 138-4.214 - ~~FB-1, FB-2, and FB-3~~ Flex Business (Overlay) Districts

The FB districts ~~s-are~~ is designed to permit a wider range of uses in areas already used for commercial purposes. The FB district ~~s-are~~ is an optional method of development that permits a mixture of uses that may include residential, public, institutional, office, business, and retail commercial uses, ~~depending upon the FB district~~. The FB overlay districts ~~s~~ establish es specific and detailed design standards for the physical development of the districts ~~s~~, while permitting the wider range of uses.

SECTION 3. Article 8 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Chapter 1 – Administration

Section 138-8.100 Intent

The Flex Business (FB) Overlay District is designed to foster vital, lively, and sustainable development in strategic areas along arterial and collector roads and at major intersections in the city. The FB overlay district is adopted to implement the vision of the Master Land Use Plan, which encourages the redevelopment of older commercial sites to enhance property values and the overall appearance of the city by providing incentives for property owners to redevelop older and under-utilized commercial developments with a wider range of uses.

These form-based zoning standards regulate the major components of development: use, site design, and building design. Where traditional use-based zoning regulations emphasize the regulation of uses and contain much less specificity about design, these form-based regulations emphasize design and permit greater flexibility in use.

The intent of the form-based regulations is to direct redevelopment in a compact form that serves the need of pedestrians, bicyclists and motor vehicles equitably; provides places for planned and/or informal social activity and recreation; reduces the amount of impervious surfaces in the city; mitigates impacts on the natural environment; and creates building frontages that define the public space of streets.

Section 138-8.101 Flex Business Overlay District Established

The FB overlay district is an optional overlay district for parcels larger than two acres. Any land that is located within the boundaries of the FB overlay district will have two zoning designations, the FB overlay district and the standard underlying zoning district as shown on the Zoning Map.

Property in the FB overlay district may continue to be used as permitted by the standard zoning district. Any new development or major redevelopment in the FB overlay district may be accomplished following either the requirements of this Article or the regulations applicable in the underlying zoning district.

Section 138-8.102 Instructions

- A. Application of Requirements. The provisions of this Article are activated by “shall” or “must” when required, “should” or “encouraged” when recommended, and “may” when optional.
- B. Conflict. Wherever there appears to be a conflict between the regulations of this Article and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this Article shall prevail. For development standards not addressed in this Article the other applicable sections of this Zoning Ordinance shall be used as the requirement.
- C. Minor redevelopment. Minor redevelopment of existing buildings and uses developed in accordance with the standards of the underlying zoning district may be permitted according to the dimensional standards of this Article even if those dimensional standards violate the dimensional standards applicable in the underlying zoning district. In the case of such minor redevelopment, the Planning Commission shall determine which regulations of this Article shall apply based on the size, scale, and location of the proposed minor redevelopment.

Section 138-8.103 Approval Process

Any proposed development using the FB overlay option shall require only site plan approval unless a use or design characteristic that requires conditional use approval as identified in this Article is proposed as part of the development.

- A. Site Plan Approval. Site plan approval shall be required in accordance with the requirements of Article 2, Chapter 2. The type of site plan review required shall be as identified in Section 138-2.200 and the site plan review process shall follow the procedures of Section 138-2.202. Site plans must contain all of the information required by Section 138-2.208.
- B. Conditional Use Approval. For any proposed development or establishment of use in a form-based district that requires conditional use approval, the application shall be reviewed following the procedures and review criteria of Article 2, Chapter 3.
- C. Site Condominium and Subdivision Development. Any proposed site condominium or subdivision in a form-based district shall be approved following the procedures contained in the City’s site condominium or subdivision control ordinance with the exception that any design requirement contained in this Article shall take precedence over any similar design requirement contained in the condominium or subdivision control ordinance.

Section 138-8.1045 Existing Development in the Flex Business Overlay District

- A. Any development activity in the FB overlay district that requires administrative or sketch plan review, or does not require development review per Section 138-2.200.B may be reviewed following the requirements of this Article. Site or building improvements shall be consistent with the provisions of this Article to the greatest extent possible.

B. Any development activity in the FB overlay district that requires site plan approval shall comply with all the requirements herein.

Chapter 2: Permitted Uses

Section 138-8.200 Permitted Uses

Uses permitted in the FB overlay district are listed in Section 138-4.300.

[these are the uses, as listed in that section] (Note: asterisk indicates a defined term)

<u>Use</u>	<u>FB</u>
<u>Residential Uses</u>	
	-
<u>Dwelling unit in a mixed-use building</u>	<u>P</u>
<u>Live/work unit*</u>	<u>P</u>
<u>Attached dwelling units*</u>	<u>P</u>
<u>State licensed residential facilities (6 or fewer residents)</u>	<u>P</u>
<u>State Licensed Residential Facilities (7-12 residents)</u>	<u>P</u>
<u>Commercial Uses</u>	
	-
<u>Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use</u>	<u>C</u>
<u>Banks, Credit Unions and Similar Uses</u>	<u>P</u>
<u>Drive-Through Facility accessory to a principal use</u>	<u>C</u>
<u>Private Indoor Recreation Facilities*</u>	<u>P</u>
<u>Open Air Retail*</u>	<u>C</u>
<u>Places of Assembly</u>	<u>P</u>
<u>Restaurants, Carry-Out</u>	<u>P</u>
<u>Restaurants, Sit Down</u>	<u>P</u>
<u>Retail Sales Establishments</u>	<u>P</u>
<u>Sales and Service of Food Outdoors</u>	<u>P</u>
<u>Storage – Mini- or self-storage</u>	<u>C</u>
<u>Office and Service Uses</u>	
	-
<u>Professional Offices</u>	<u>P</u>
<u>Medical Offices and Clinics</u>	<u>P</u>
<u>Personal Service Establishments</u>	<u>P</u>
<u>Hotels, Motels and Residential Inns</u>	<u>C</u>
<u>Studios or Instruction Centers for Music, Art, Dance, Crafts, Martial Arts, etc.</u>	<u>P</u>
<u>Community, Public, and Recreation Uses</u>	
	-
<u>Nursery Schools, Day Nurseries, Child Care Centers, Adult Foster Care Large Group Homes, and Adult Foster Care Congregate Facilities</u>	<u>P</u>

<u>Community Facilities</u>	<u>P</u>
<u>Places of Worship</u>	<u>P</u>
<u>Recreational Facilities, Non-Commercial</u>	<u>P</u>
<u>Public Parking Facilities</u>	<u>P</u>
<u>Transit Passenger Stations</u>	<u>P</u>
<u>Vocational Training Facilities</u>	<u>P</u>
<u>Industrial uses</u>	
<u>Small-scale breweries, wineries and distilleries</u>	<u>C</u>
<u>Makerspaces*</u>	<u>C</u>
<u>Assembly and machining operations</u>	<u>C</u>
<u>Research Facilities</u>	<u>P</u>

Chapter 3: Street Design Standards

This chapter establishes the street design parameters applicable in the FB overlay district.

Section 138-8.300 Street Types

Each street in and adjacent to the FB overlay district shall be assigned one of the following street functions. The street function will determine what kinds of buildings and uses can be located along that street, and how buildings will look and be placed along the street.

The following Table 9 describes the street types and their intended function. Perimeter streets are meant to carry large volumes of traffic and are primarily intended to serve the needs of vehicular traffic. Perimeter streets are major roads that already exist in the City and are defined as principal or minor arterials in the City’s Master Thoroughfare Plan. Interior streets are intended to carry vehicular traffic and to promote pedestrian activity, and will be new streets that are constructed within the development or existing collector or local roads.

For the purposes of determining building frontage and placement, along with street design standards for new streets, a development plan in the FB overlay district on properties over 10 acres in size shall designate all streets using one of the following four categories:

Table 9. Street Types in the FB overlay district

	<u>Street Type</u>	<u>Function</u>
<u>Perimeter Streets</u>	<u>FREEWAY</u>	<u>Long-distance, high-capacity, high-speed roadway traversing the City. M-59 is the only Highway located in Rochester Hills.</u>
	<u>ARTERIAL</u>	<u>Any principal or minor arterial, as defined in the City’s Master Thoroughfare Plan</u>

<u>Interior Streets</u>	<u>MAIN STREET</u>	<p><u>A “main street” within a development greater than 10 acres. A main street will typically be a new street that is not an arterial as defined in the City’s Master Land Use or Master Thoroughfare Plan. However, a main street may be a collector street as defined in City’s Master Thoroughfare Plan.</u></p> <p><u>Main streets are intended to serve as the principal interior streets in the FB overlay district. If a development has interior streets, it must have at least one main street.</u></p>
	<u>MINOR STREET</u>	<p><u>Minor streets provide access to parking and service areas. Minor streets fill out the street network and form blocks and may be upgraded to major streets in the future. Major circulation aisles in parking lots should be designed as minor streets.</u></p>

Section 138-8.301 Street Network and Blocks

Development in the FB overlay district must provide an interconnected network of streets or drives.

- A. Blocks. The street network in the FB overlay district need not form an orthogonal grid. However, sufficient intersections shall be provided to create walkable and pedestrian scale development.
 - 1. Block Perimeter. The maximum block perimeter in the FB overlay district is 2,200 feet.
 - 2. Block Length. The length of any block between intersecting streets may not exceed 500 feet without a dedicated pedestrian pass-through providing access through the block to another street.
 - 3. Interior Streets. Interior streets shall connect to other streets. Jogs or centerline offsets shall be at least 100 feet for interior streets.

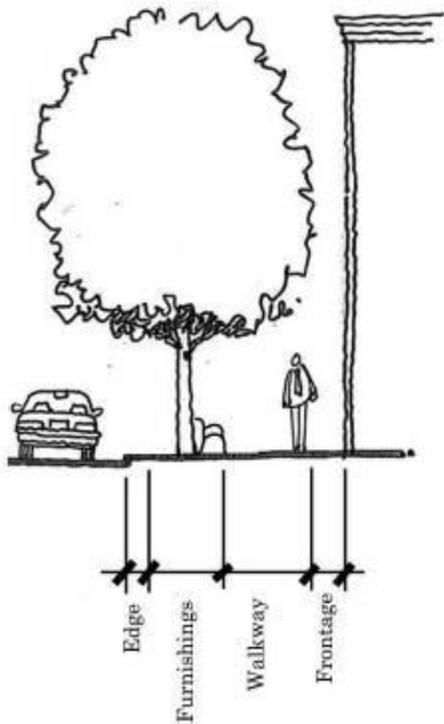
- B. General Requirements.
 - 1. Street Connectivity. Street connections for the continuation of the street network onto adjacent properties shall be provided when the potential exists for the continuation of those streets on adjacent parcels. A minimum of one future street connection shall be provided for each 600 feet or fraction thereof of common property line between two parcels.
 - 2. Public Internal streets in the FB overlay district for parcels over 10 acres shall be dedicated to the public to ensure connectivity between adjacent parcels.
 - 3. Cross-Access. Blanket cross-access easements shall be provided for all streets and drives in a development to ensure that the internal street system may connect to the internal street system on adjacent parcels. The blanket cross-access agreement shall provide for reciprocal cross-access for connection to streets on adjacent parcels without limitation.

4. Public Transit Nodes. Area shall be set aside to accommodate a public transit node every 1,500 feet along a perimeter street to accommodate future transit service.
5. Pedestrian Circulation Network. Development in the FB overlay district shall incorporate a pedestrian circulation network that connects all portions of the site with the regional pathway network via dedicated sidewalks or pedestrian pathways.

Section 138-8.302 Street Design

Street “Zones” for parcels greater than 10 acres, or where internal streets are incorporated into the site design. Streets consist of three zones – the travelway zone, the parking zone, and the pedestrian zone. The elements that are included in each street zone are as follows (see Figure 2)

- A. Travelway Zone. The travelway zone accommodates vehicles in transit, and consists of vehicle travel lanes, left turn lanes, public transit infrastructure (such as dedicated rapid bus lanes or light rail tracks) and boulevard medians.
- B. Parking Zone. The parking zone accommodates vehicles at rest and includes on-street parking lanes. The parking zone can also accommodate public transit elements by replacing some parking spaces with transit stops.
- C. Pedestrian Zone. The pedestrian zone is located between the curb and the edge of the right-of-way or road easement. The pedestrian zone is further separated into four sub-zones (see Figure 3 on following page):
 1. Edge Area. The edge area is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely, and must have a width of 2.5 feet. In general the edge area shall remain clear of obstructions, but streetscape elements such as parking meters, light posts, traffic control signs, and tree grates may be located in the edge area.
 2. Furnishings Area. The furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture. The furnishings area can be paved (with street trees located in tree grates), or it may be landscaped with a street lawn. Outdoor eating areas or other similar uses associated with a use in an adjacent principal building may be located in a furnishings area.
 3. Walkway Area. The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must remain clear of obstructions at all times to allow free pedestrian travel. No permanent structures or uses are permitted in the walkway area.
 4. Frontage Area. The frontage area is the portion of the pedestrian zone adjacent to the edge of the right-of-way or road easement when a building is located at the lot line. When the building is set back from the lot line, the pedestrian zone will not have a frontage area, and any frontage area will serve as walkway area. The frontage area is intended to accommodate door openings, window shoppers, and the tendency of people to shy away from walls higher than waist height. The frontage area may also be used for outdoor eating areas or other similar accessory uses associated with a use in the adjacent principal building.



Chapter 4: Dimension and Design Standards

Section 138-8.400 In General

- A. Lot Design Standards. The lot design standards set forth where buildings, parking, and other improvements shall be placed on a lot. The lot design standards are based on the type of street (see Section 138-8.300) upon which the lot has frontage.
- B. Building Entrances. Buildings located on corner lots or lots that front upon two or more streets shall be required to have a principal entrance onto each street or a corner entrance oriented toward the intersection of the two streets.
- C. Density. There are no maximum or minimum density standards for residential dwelling units in the FB overlay district. The number of dwelling units that may be developed will be determined by lot design requirements such as the maximum height, minimum parking requirement for buildings and places of interest requirements.

Section 138-8.401 Setback Requirements

Buildings in the FB overlay district shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located within the build-to area that is created by the minimum and maximum setback requirement.

Table 10 Setback Requirements

<u>Yard Type</u>	<u>Setback Requirement</u>		<u>Minimum Building Frontage in Build-To Area</u>
	<u>Minimum</u>	<u>Maximum</u>	
<u>Front Yard</u>	<u>15 feet</u>	<u>70 ft</u>	<u>40%</u>
<u>Side Yard</u>	<u>Interior: none</u> <u>Perimeter: 25 ft</u> <u>Adjacent to residential: 50 ft. for buildings up to two stories in height</u>	<u>None</u>	<u>n/a</u>
<u>Rear Yard</u>	<u>Interior: none</u> <u>Perimeter: 50 ft</u> <u>Adjacent to residential: 50 ft. for buildings up to two stories in height</u>	<u>None</u>	<u>n/a</u>
<u>Any Yard Adjacent to Residential Uses/Districts for Buildings over Two Stories</u>	<u>The minimum setback is 75 ft when adjacent to multiple family residential uses and three times the building height when adjacent to single family zoned properties</u>		

Chapter 5: Building Standards

Section 138-8.500 Private Frontage Requirements

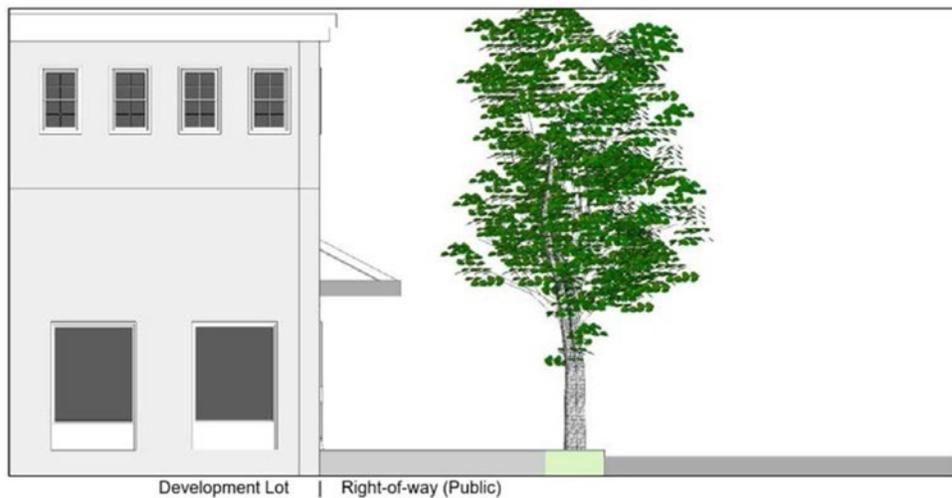
This Section 138-8.500 establishes private frontage standards for buildings in the FB overlay district. The private frontage is the area between the building façade and the front property line. The design and treatment of the building façade and the private frontage area define the character of the building and how that building relates to the street. This, in turn, defines the character and context of the street itself.

Buildings in the FB overlay district shall comply with the requirements of one of the following private frontages. Note that any specific dimensional requirements included in this section are in addition to any other dimensional requirements of this article or ordinance.

- A. **Shopfront.** This frontage type is intended to encourage ground floor commercial uses in multiple story buildings that are typical in commercial main streets. Buildings feature ample windows for displays and open views to indoor activity on the ground floor. Primary entrances are prominent and street-facing, and they may be recessed at the doorway up to five feet. Awnings are encouraged to shield pedestrians from the elements and minimize the impact of direct sunlight near storefronts. Below: Shopfront axonometric view illustrating pedestrian-oriented storefront that encourages walking throughout the FB District. The storefront glazing, which allows views inside the building, is a critical element that attracts interest.



Below: Section view of shopfront illustrating relationship of storefront to pedestrian walkway. Street trees and awnings provide protection from the elements and reduce the impact of high temperatures during warm weather months.



1. Building Width. Buildings shall be subdivided into bays not greater than 40 feet in width along the building's frontage facing the perimeter or main street. Building bays shall be defined by vertical articulations such as changes in wall plane, vertical projections, materials, or other methods. Each bay shall have a minimum of one building entrance and building entrances shall be spaced not more than 50 feet apart.
2. Residential Dwelling Units. Residential dwelling units shall be located on floors above non-residential uses. No non-residential use may be located on a floor above a residential dwelling use, and residential and non-residential uses located on the same floor shall be designed such that the hallways or entrances providing access to the different use areas of the building are physically separated.
3. Ground Floor Uses along a perimeter or main street shall include retail or restaurant uses or other uses that generate pedestrian traffic throughout the day.

4. Parking. Off-street parking is encouraged to be located underneath or behind the building, or in a parking structure for parcels over 10 acres.

B. **Forecourt.** Forecourts are an additional design element incorporated into a shopfront or arcade frontage. The main façade of the building is at or near the build-to line, while a maximum of 50 percent of building frontage is set back up to 40 feet from the build-to line, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, as an additional restaurant seating area within retail and retail service use areas, as a small park or plaza, or similar use.

Below: Forecourt axonometric view shows how the building design creates a recessed ground floor courtyard area. The courtyard is typically a combination of hardscape and landscape area. Examples of uses include outdoor dining and pedestrian plaza areas.

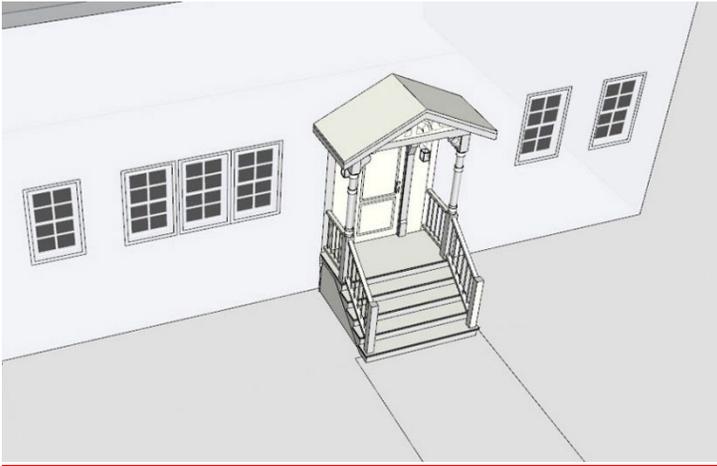


Below: Forecourt section view shows the relationship of the development lot to the right-of-way. The courtyard area is not visible from this angle, as it is behind the portion of the building placed at the build-to line.



1. Forecourts may be placed at any location along the frontage provided that the forecourt is enclosed on three sides by building walls. The forecourt area shall have a mix of paved areas (brick, stone or concrete pavers or concrete), landscaped areas (planted with a mix of flowers, plants, shrubs, and trees), and street furniture (such as chairs, tables, benches, and similar features). Lawn areas are not appropriate for courtyards and may only be used as a minor accent to an otherwise landscaped area. Outdoor dining is encouraged.
2. Parking. Surface off-street parking shall be set back at least 40 feet from the front building façade or located underneath the building or in a parking structure.
3. Ground Floor Uses along a main street shall include retail or restaurant uses or other uses that generate pedestrian traffic throughout the day.

- C. **Stoop Frontage:** Stoop frontages feature a first floor that is elevated above the sidewalk to provide privacy for first floor windows. The exterior entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential units in an attached building.



1. Setback. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.
 2. Access and Entry. The principal entrance to each unit shall be located at ground level and shall face a street. Secondary entrances facing the side or rear of the building are permitted.
 3. Exposure to Light and Air. Each unit in a stoop frontage building shall have at least 2 sides exposed to the outdoors.
 4. Parking. Garage doors may only face a secondary street or rear yard area, and all dedicated off-street parking shall be located behind the building.
- D. **Lawn Frontage:** In a lawn frontage, the building is set back from the street with a landscaped front yard area.
1. Access and Entry. The principal entrance to the building shall be located at ground level.
 2. Garages shall be set back a minimum of 10 feet behind the primary street facing façade of the building.

Section 138-8.501 Building Height

Permitted building heights in the FB overlay district are as follows:

- A. Maximum Building Height:
 - 1. Two stories or 30 feet.
 - 2. Three stories or 45 feet for parcels that are at least three acres in size along Rochester Road or at least four acres in size elsewhere in the FB overlay district.
- B. Conditional Approval for Additional Height. Buildings in the FB overlay district may be permitted up to an additional story and up to 15 additional feet in height for sites at least ten acres in size with conditional approval. Standards for granting conditional approval shall include:
 - 1. The siting of the building or buildings is designed to maintain a reasonable expectation of privacy for adjacent residential uses and shall not negatively impact residential uses with respect to the enjoyment of direct sunlight.
 - 2. The site shall include a third place of interest, as regulated in Section 138-8.601, which shall be dedicated either to landscaping, natural feature preservation, or usable open space.
 - 3. Additional setbacks as noted in Table 10 shall apply.

Section 138-8.502 Building Design Standards

- A. Façade Transparency. Buildings in the FB overlay district shall maintain a minimum level of transparency on the ground and upper stories. All windows must be transparent, non-reflective glass.
 - 1. Ground Floor Non-Residential Uses shall maintain a minimum of 70% façade transparency, measured between 2 feet and 8 feet above the sidewalk.
 - 2. Upper Floor Non-Residential Uses shall maintain a minimum of 30% façade transparency measured from floor to floor.
 - 3. Ground Floor Residential Uses shall maintain a minimum of 25% façade transparency measured from exterior grade level to the second story floor level.
 - 4. Upper Floor Residential Uses shall maintain a minimum of 20% façade transparency measured from floor to floor.
- B. Building Materials. Exterior materials that may be used on buildings in the FB overlay district fall into two categories, primary and accent building materials. The building material requirement is based on the exterior wall surface area, excluding windows and doors. Primary building materials shall cover a minimum of 80% of the exterior wall surface area, while accent materials may be used on up to 20% of the exterior wall surface area.
 - 1. Primary Building Materials include:
 - a. Durable natural building materials such as brick, stone, and other similar materials.
 - b. Exposed logs, timbers, or wood trim.
 - c. Alternative building materials may be approved when the applicant demonstrates to the satisfaction of the Planning Commission that the application of alternative materials is

consistent with the intent of this section and will not have an unreasonable impact on adjacent uses. For demonstration purposes, building material specification sheets, photographs of existing application and material samples are encouraged to illustrate that durability and appearance equivalency with materials listed in this section will be maintained.

2. Accent Building Materials include:
 - a. Decorative precast concrete block.
 - b. Metal panels and trim.
 - c. Glass.
 - d. Vinyl siding and non-durable building materials such as EIFS may be used as accent materials but may cover a maximum of 10% of any exterior building façade's wall area.
 - e. Any other material except those specifically prohibited by the following subsection 3.
3. Prohibited Building Materials include:
 - a. Plain concrete block (both painted and unpainted).
 - b. Plywood or T-111 panels.
 - c. Aluminum siding.
4. Compliance with LEED-NC Standards. LEED certification for new buildings is encouraged. Absent certification for the entire building, compliance with the following building material credits is encouraged: MR 4.1 or MR 4.2, MR 5.1 or MR 5.2, MR 6, and MR 7.

- C. Ground Floor Ceiling Height. Non-residential buildings or building use areas shall have a minimum ground floor ceiling height of 15 feet. Residential buildings or building use areas shall have a minimum ground floor ceiling height of 10 feet.
- D. Encroachments. Certain building elements may encroach into a setback area or right-of-way area. Building elements that may encroach into setback or right-of-way areas are as follows:
 1. Balconies. Balconies on upper stories may encroach up to 6 feet into any required setback area and up to 4 feet into any right-of-way area.
 2. Porches. Unenclosed covered front porches with a minimum depth of 8 feet may encroach into a front yard setback area, provided that the front porch maintains a minimum setback of 5 feet from any right-of-way line.
 3. Stoops. Unenclosed and uncovered front stoops may encroach up to 5 feet into a front yard setback area, provided that the stoop maintains a minimum setback of 5 feet from any right-of-way line.
 4. Awnings. Ground-story awnings may encroach up to 10 feet from the face of the building into a setback or right-of-way area. Awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any awning support structure. If an awning projection of 10 feet would conflict with the placement of any street lighting or street tree, the awning projection shall be reduced to resolve the conflict.

5. Bay Windows. Bay windows on the ground story may encroach up to 3 feet into any required setback area but shall not encroach into a right-of-way area. Bay windows on upper stories may encroach up to 3 feet into a setback or right-of-way area.
6. Eaves. Roof eaves may encroach up to 3 feet into any setback or right-of-way area.
- E. Service Areas. All service areas, including utility access, above ground equipment, and dumpsters shall be located in side or rear yards and shall be screened from view from all streets.

Chapter 6: General Provisions

Section 138-8.600 Parking

The following parking requirements are applicable in the form-based district, and replace similar requirements set forth in Article 11. Any requirement of Article 11 that is not superseded by one of the following parking requirements shall remain in effect in the form-based district.

A. Minimum Parking Required.

1. Residential Uses. Off-street parking shall be provided in accordance with the minimum requirements of Section 138-11.204. The Planning Commission may reduce the number of required spaces as described in Section 138-11.202, Modification of Standards.
2. One parking space per 400 square feet of nonresidential floor area.

B. Maximum Parking Permitted. The maximum surface parking requirement shall be 125 percent of the minimum parking requirement.

C. On-Street Parking. On-street parking spaces shall be counted toward the minimum parking requirement.

D. Parking Lot Layout. Parking lot layout, maintenance, and construction shall comply with all of the requirements of Article 11.

The Planning Commission may modify the dimensional requirements of Article 11 based on evidence submitted by the applicant indicating that the modification will result in superior site design, will achieve the same purpose as if the parking lot were designed according to conventional standards, and will function in a safe and efficient manner.

E. Parking Lot Access. Parking lots or parking structures may only be accessed from a minor street.

F. Parking Structures. Parking structures are permitted in the form-based district on parcels larger than 10 acres, provided that they comply with the following requirements:

1. Setback from Arterial and Main Streets. The parking structure and all parking spaces within shall be set back a minimum of 80 feet from any Arterial or Main street. If liner shops are located on the ground floor of a parking structure located along a main street, the building shall not be considered a parking structure, but rather shall be considered a shopfront building subject to the requirements of Section 138-8.500.A.
2. Setback from Minor Streets. Parking structures shall be set back a minimum of seven feet from any minor street. When located adjacent to a residential zoning district, the structure shall comply with the setback standards in Section 138-8.401.

3. Height Parking structures may not exceed the maximum height permitted for a building at that location within the FB overlay district.
4. Design Guidelines. Any parking structure façade that will be visible from a perimeter or interior street, civic/open space, or building shall comply with the following design guidelines:
 - a. The façade shall comply with the building material requirements of Section 138-8.502.
 - b. The parking structure shall have the appearance of a flat-roofed building with a parapet cap type.
 - c. The ground floor of the structure shall be differentiated from upper floors through the use of a horizontal expression line.
 - d. Exterior elevator towers or stair wells shall be open to public view, or enclosed with transparent glazing.
 - e. Views into the parking structure shall be minimized. Facades of parking structures shall be designed without continuous horizontal parking floor openings. Decorative trellis work or another architectural element that will screen the view of parked cars in the structure shall be provided on all exterior openings.

G. **Loading Space.** There are no specific loading requirements in the FB overlay district; however, buildings and sites shall be designed such that trucks and large delivery vehicles may be accommodated on the site without encroaching onto a perimeter or interior street. Further, loading facilities such as truck docks shall be located and screened such that they are not visible from any perimeter or interior street.

Section 138-8.601 Places of Interest

In keeping with the intent of the FB overlay district to create a unique and vibrant spaces, all developments in the FB overlay district shall provide outdoor places of interest, one of which shall serve the general public.

- A. A place of interest shall include at least two (2) of the following site elements or amenities listed in the table that follows, provided that such spaces are open, inviting, and accessible and total a minimum of five (5) percent of the gross floor area of the buildings. Two of the same types of elements may be selected, provided they are two distinct locations that meet the requirements of this section. All places of interest shall be maintained in good condition on a year-round basis.

<u>Place of interest</u>	<u>Required elements</u>	<u>Proximity and Accessibility Requirement</u>
<u>Garden</u>	<p><u>Land used for the cultivation of fruits, vegetables, plants, flowers, or herbs. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.</u></p> <p><u>If vertical gardens or green walls are created, the area of continuous green wall shall count towards fifty (50) percent of the required place of interest area.</u></p>	<p><u>A garden shall be located in an area that is accessible and shall be placed so that it can be experienced by the users of the site. A fruit and vegetable garden shall be located in the rear of a property and be separated from parking areas and other open space by a fence no higher than four (4) feet.</u></p>
<u>Nature path</u>	<p><u>Nature paths shall allow users to observe the natural resources of a site or adjacent sites, which may include the promotion of the conservation of soils, wetlands and waterways, habitat, and special plants, animals, and plant communities. Nature paths shall be a minimum of eight (8) feet wide. Seating shall be provided every five hundred (500) feet. At least 50% of a nature path shall be accessible (which means ADA-compliant) by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel.</u></p>	<p><u>An ADA-compliant pathway shall connect a nature path to the building to which it relates.</u></p>
<u>Nature viewing area</u>	<p><u>Nature viewing areas may consist of preserved natural features on site or landscaping that creates a park-like setting. It shall include seating and be connected by a path to the building to which it serves. Bird houses, feeders, and the like are encouraged if properly maintained. Signage for vegetation and/or habitat being viewed shall be provided. The area encompassing improvements made by an applicant to enhance the viewing of nature shall be considered a place of interest.</u></p>	<p><u>A nature viewing area shall be accessible by users of all ages and abilities from the building to which it relates.</u></p>

<u>Place of interest</u>	<u>Required elements</u>	<u>Proximity and Accessibility Requirement</u>
<u>Outdoor dining areas</u>		<u>Outdoor dining shall be provided in a location that is accessible to patrons or users as well as accessible for maintenance and upkeep.</u>
<u>Paseo/pedestrian pass-through</u>	<u>All paseos/pedestrian pass-throughs shall be at least eighteen (18) feet wide. This requirement may be modified by the Planning Commission if it is demonstrated that the paseo is designed with architectural elements that reinforce an appropriate pedestrian scale.</u>	
<u>Plaza</u>	<u>A plaza shall be designed to attract users of the building. It shall include moveable seating, at least one trash receptacle and one or more of the following additional items: a garden, landscape containers/planters, and/or water feature (fountain, reflecting pool, pond, waterfall, and the like).</u>	<u>A plaza is separated from parking areas and other required open space by a buffer, such as a wall, decorative fence, or landscape plantings at least three feet in height.</u>
<u>Fitness trail</u>	<u>A minimum ¼ mile trail with fitness-related amenities, such as directional signage, fitness stations, and at least three pieces of fitness equipment, such as a sit-up bench, pull-up bar, or push-up bar. At least fifty percent (50%) of a fitness trail shall be accessible by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel. Signage shall be provided to define hours of availability.</u>	<u>Same as nature path, above.</u>

<u>Place of interest</u>	<u>Required elements</u>	<u>Proximity and Accessibility Requirement</u>
<u>Children’s playground</u>	<u>A children’s playground shall consist of a minimum six hundred (600) square foot area to provide short-term active and passive activities for supervised children. It shall include seating designed for children and adults, age-appropriate equipment and signage to define safety and define hours of availability.</u>	<u>A children’s playground shall serve the general public and be fully accessible from the building to which it serves.</u>

B. Alternatives. Alternatives to the places of interest requirements herein may be permitted if the applicant is able to demonstrate that there is insufficient space for any of the above options. Alternatives may be permitted if the Planning Commission finds the proposed alternative place(s) of interest is/are in keeping with the spirit of this section. Any alternatives shall result in engaging, interesting, attractive, safe, context-sensitive, and comfortable places.

Section 138-8.602 Landscaping and Buffering

All landscaping requirements of Article 12 shall apply in the FB overlay district.

Section 138-8.603 Signs

Exterior signs in the FB overlay district shall be governed by the sign requirements of Article VI of Chapter 134 of the Code of Ordinances of the City of Rochester Hills.

Chapter 1 **Administration**

Section 138-10.100 **Intent**

~~The Flex Business (FB) Overlay Districts are designed to foster vital, lively, and sustainable development that creates an imageable neighborhood identity for the various portions of the City located in one of the FB overlay zoning districts. The FB districts are adopted to implement the vision of the Master Land Use Plan.~~

~~These form-based zoning regulations are at a basic level similar to traditional use-based zoning techniques because they regulate the same characteristics of development. Both traditional use-based zoning regulations and the form-based regulations regulate four major components of development—use, site design, building design, and management. The difference between the form-based regulations and traditional use-based regulations is the emphasis and specificity of regulation placed on each of the four elements. Where traditional use-based zoning regulations emphasize the regulation of uses and contain much less specificity about design, the form-based regulations emphasize design and permit greater flexibility in use.~~

The intent of the form-based regulations is to create proper physical form through simple and clear regulations for the design of new development or redevelopment. For the purposes of this Article 8, proper physical form means development that permits a mixture of land uses in close proximity; streets that serve the need of pedestrians, bicyclists and motor vehicles equitably; provides places for informal social activity and recreation; and creates building frontages that define the public space of streets. With proper urban form, a wide range of uses within the building may be comfortably and naturally accommodated.

Section 138-10.101 **Flex Business Overlay Districts Established**

The FB overlay districts are optional overlay districts. Any land that is located within the boundaries of a FB overlay district will have two zoning designations, the FB Overlay and the standard underlying zoning district as shown on the Zoning Map.

Property in a FB overlay district may continue to be used as permitted by the standard zoning district. Any new development or major redevelopment in a FB overlay district may be accomplished following either the requirements of this Article or the regulations applicable in the underlying zoning district. Minor redevelopment of existing buildings and uses developed in accordance with the standards of the underlying zoning district may be permitted to redevelop according to the dimensional standards of this Article even if those dimensional standards may violate the dimensional standards applicable in the underlying zoning district. In the case of such minor redevelopment, the Planning Commission shall determine which regulations of this Article shall apply based on the size, scale, and location of the proposed minor redevelopment.

Section 138-10.102 **Instructions**

- A. **Application of Requirements.** The provisions of this Article are activated by “shall” or “must” when required, “should” or “encouraged” when recommended, and “may” when optional.
- B. **Conflict.** Wherever there appears to be a conflict between the regulations of this Article and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this Article shall prevail. For development standards not addressed in this Article the other applicable sections of this Zoning Ordinance shall be used as the requirement.

Section 138-10.103 **Approval Process**

Any proposed development using the FB overlay option shall require only site plan approval unless a use or design characteristic that requires conditional use approval as identified in this Article is proposed as part of the development.

- A. **Site Plan Approval.** Site plan approval shall be required in accordance with the requirements of Article 2, Chapter 2. The type of site plan review required shall be as identified in Section 138-2.200 and the site plan review process shall follow the procedures of Section 138-2.202. Site plans must contain all of the information required by Section 138-2.208.
- B. **Conditional Use Approval.** For any proposed development or establishment of use in a form-based district that requires conditional use approval, the application shall be reviewed following the procedures and review criteria of Article 2, Chapter 3.
- C. **Site Condominium and Subdivision Development.** Any proposed site condominium or subdivision in a form-based district shall be approved following the procedures contained in the City’s site

condominium or subdivision control ordinance with the exception that any design requirement contained in this Article shall take precedence over any similar design requirement contained in the condominium or subdivision control ordinance.

Section 138-10.104 **Permitted and Optional Regulations**

Wherever in this Article reference is made to permitted and optional improvements, permitted improvements shall be permitted by right, while optional improvements shall require the approval of the reviewing body. An optional improvement or layout may be permitted by the reviewing body if it is consistent with the following criteria:

- A. The requested option is consistent with the intent of the form-based district as established in Section 138-8.100.
- B. The requested option is consistent with existing or planned development on adjacent or nearby parcels.
- C. The requested option will not negatively impact the potential of adjacent parcels to develop in accordance with the standards of this Article.
- D. The requested option will, in the opinion of the reviewing authority, result in a superior site design or layout than would a permitted improvement or layout.

Section 138-10.105 **Existing Development in the Flex Business Overlay Districts**

- A. Any development activity in the FB overlay districts that requires administrative or sketch plan review, or does not require development review per Section 138-2.200.B may be reviewed following the requirements of this Article. Site or building improvements shall be consistent with the provisions of this Article to the greatest extent possible; however, complete compliance with the provisions herein is not required.
- B. Any development activity in the Flex Business Overlay districts that requires site plan approval shall comply with all of the requirements herein, except as may be modified per Section 138-8.604.

Chapter 2 **Permitted Uses**

Section 138-10.200 **Permitted Uses**

The following **Table 8** lists the uses that are permitted as principal, conditional, and accessory uses in the FB overlay districts. If a use is not listed in the following table, it is not permitted in the FB overlay districts. Refer to Section 138-8.700 for a description of the uses in **Table 8**.

Table 1. Permitted Uses in Flex Business Districts

Use	Key: P: Permitted Use C: Conditional Use [-]: use not permitted		
	FB-1	FB-2	FB-3
Residential Uses			
Dwelling unit in a mixed-use building	P	P	P
Live/work unit	P	P	P
Multiple-family dwelling unit	P	P	P
One-family detached dwellings	P	C	-
State-licensed residential facilities (all types)	P	P	P

The following Table 9 describes the street types and their intended function. Perimeter streets are meant to carry large volumes of traffic and are primarily intended to serve the needs of vehicular traffic. Perimeter streets are major roads that already exist in the City and are defined as principal or minor arterials in the City’s Master Thoroughfare Plan. Interior streets are intended to carry vehicular traffic and to promote pedestrian activity, and will be new streets that are constructed within the development or existing collector or local roads. For the purposes of determining building frontage and placement, along with street design standards for new streets, a development plan in a FB overlay district shall designate all streets using one of the following four categories:

Table 2. Street Types in the FB Overlay Districts

	Street Type	Function
Perimeter Streets	FREEWAY	Long distance, high capacity, high speed roadway traversing the City. M-59 is the only Highway located in Rochester Hills.
	ARTERIAL	Any principal or minor arterial, as defined in the City’s Master Thoroughfare Plan
Interior Streets	MAIN STREET	A “main street” within a development. A main street will typically be a new street that is not an arterial as defined in the City’s Master Land Use or Master Thoroughfare Plan. However, a main street may be a collector street as defined in City’s Master Thoroughfare Plan. Main streets are intended to serve as the principal interior streets in the FB overlay districts. If a development has interior streets, it must have at least one main street.
	MINOR STREET	Minor streets provide access to parking and service areas. Minor streets fill out the street network and form blocks, and may be upgraded to major streets in the future. Major circulation aisles in parking lots should be designed as minor streets.

Section 138-10.301 **Street Network and Blocks**

Development in the FB overlay districts must provide an interconnected network of streets, drives, or other public passageways:

- A. **Blocks.** The street network in a form based zoning district need not form an orthogonal grid, however, sufficient intersections shall be provided to create walkable and pedestrian scale development.
 - 2. Block Perimeter. The maximum block perimeter in a FB overlay district is 2,200 feet.
 - 3. Block Length. The portion of any block between intersecting streets may not exceed 500 feet without a dedicated pedestrian pass through providing access through the block to another street.
 - 4. Pedestrian Pass-Throughs. Pedestrian pass-throughs shall have a minimum width of 8 feet, shall be designed so they cannot be enclosed or locked, and shall be designed to be safe and

interesting for pedestrians. Security lighting sufficient to maintain a minimum light level of one foot candle measured one foot above grade level shall be provided in pedestrian pass-throughs.

5. Interior Streets. Interior streets are not required to intersect at ninety degree angles, and may be bent or curved, but must connect to other streets. Jogs or centerline offsets shall be at least 100 feet for interior streets.

B. Stub Streets and Cul-de-Sacs.

2. Stub Streets may be provided to facilitate continuation of the street network on adjacent developed or undeveloped parcels. A stub street intended to connect to future development shall not be considered a cul-de-sac if it is less than 200 feet in length.
3. Cul-de-sacs are not permitted in a form based zoning district except as an optional improvement where physical or natural boundaries such as freeways or protected natural areas create no practical expectation that the street network will be continued in the future.

C. Perimeter Street Intersections. Intersections of interior streets with an arterial street shall be separated by at least 330 feet along the perimeter street.

D. General Requirements.

2. Street Connectivity. Street connections for the continuation of the street network onto adjacent properties shall be provided when the potential exists for the continuation of those streets on adjacent parcels. A minimum of one future street connection shall be provided for each 600 feet or fraction thereof of common property line between two parcels.
3. Public and Private Streets. Internal streets in the form based districts should be dedicated to the public to ensure connectivity between adjacent parcels. Accordingly, public streets are permitted while private streets are an optional improvement. See Section 138-8.104 for approval procedures for optional improvements.
4. Cross-Access. If private streets are proposed, blanket cross-access easements shall be provided for all private streets in a development to ensure that the internal street system may connect to the internal street system on adjacent parcels. The blanket cross-access agreement shall provide for reciprocal cross-access for connection to streets on adjacent parcels without limitation.
5. Public Transit Nodes. Area shall be set aside to accommodate a public transit node every 1,500 feet along a perimeter street to accommodate future transit service.
6. Pedestrian Circulation Network. Development in the form based districts shall incorporate a pedestrian circulation network that connects all portions of the site with the regional pathway network via dedicated sidewalks or pedestrian pathways.

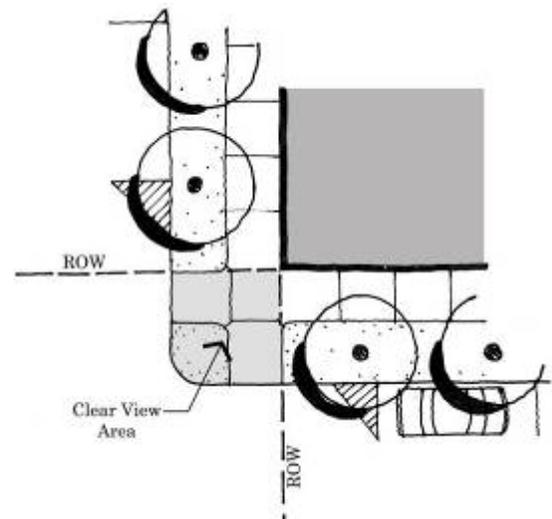
Section 138-10.302 **Street Design**

A. General Standards Applicable to All Internal Streets.

2. Design Speed. Internal streets in the form based districts shall be designed with a maximum design speed of 25 miles per hour. In cases where an internal street is intended to serve as a collector street, has a length exceeding 2,640 feet and provides access to more than one perimeter street the design speed may be raised to 35 mph.

3. Alleys and Rear Access Lanes. Alleys and lanes that provide access to the rear of buildings are permitted. The intersection of alleys and rear access lanes with an interior street shall be set back a minimum of 100 feet from the centerline intersection of any two streets. Alleys and rear access lanes may only intersect with a street having a right-of-way of 66 feet or less.
4. Clear Vision Area. A clear vision area shall be maintained at all street intersections. The clear vision area shall be kept free of any objects or structures located between a height of 2 and 8 feet, and no parallel parking spaces may be located within a clear vision area. The clear vision area is defined as any area that is located in the right-of-way or road easement area of more than one interior street. (See Figure 1 at right.)
5. Curbs. Vertical curbs with a minimum height of 6 inches are required along all interior streets (except where an alternate treatment is permitted or recommended by this Article).
6. Curb Radius.
 - a. *Interior Streets in the FB Overlay Districts.* The curb radius at the intersection of two interior streets in the Flex-Business districts shall not exceed 15 feet (or 25 feet, if a corner bump-out is provided).
 - b. *Intersections with Perimeter Streets.* The curb radius at the intersection of an interior street and a perimeter street shall not exceed 30 feet unless a larger radius is required by the Michigan Department of Transportation or the Road Commission for Oakland County, as is applicable.
7. Effective Turning Radius. A service and emergency vehicle circulation plan that shows the effective turning radius for large vehicles at all corners shall be provided to demonstrate that the effective turning radius at all corners is sufficient to accommodate service and emergency vehicles. The street design standards listed in this section may be modified as necessary to provide emergency vehicle circulation routes through the development.
8. Sidewalks at Driveway Crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the sidewalk remains part of the pedestrian zone and that pedestrians have the right-of-way.
9. Crosswalks. Pedestrian crosswalks shall be distinguished in the parking and vehicle travelway zones through the use of pavement striping or a contrasting type of pavement (such as brick pavers or integrally colored scored concrete).

Figure 1. Clear Vision Area



10. Traffic Calming Measures. The use of raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to more conventional traffic calming measures such as speed bumps. If a raised intersection is proposed, bollards or other protective measures shall be used to separate vehicular and pedestrian areas in the intersection.
- B. **Street “Zones.”** Streets consist of three zones—the travelway zone, the parking zone, and the pedestrian zone. The elements that are included in each street zone are as follows (see Figure 2):
2. Travelway Zone. The travelway zone accommodates vehicles in transit, and consists of vehicle travel lanes, left turn lanes, public transit infrastructure (such as dedicated rapid bus lanes or light rail tracks) and boulevard medians.
 3. Parking Zone. The parking zone accommodates vehicles at rest and includes on-street parking lanes. The parking zone can also accommodate public transit elements by replacing some parking spaces with transit stops.
 4. Pedestrian Zone. The pedestrian zone is located between the curb and the edge of the right-of-way or road easement. The pedestrian zone is further separated into four sub-zones (see Figure 3 on following page):
 - a. *Edge Area.* The edge area is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely, and must have a width of 2.5 feet. In general the edge area shall remain clear of obstructions, but streetscape elements such as parking meters, light posts, traffic control signs, and tree grates may be located in the edge area.
 - b. *Furnishings Area.* The furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture. The furnishings area can be paved (with street trees located in tree grates), or it may be landscaped with a street lawn. Outdoor eating areas or other similar uses associated with a use in an adjacent principal building may be located in a furnishings area.
 - c. *Walkway Area.* The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must remain clear of obstructions at all times to allow free pedestrian travel. No permanent structures or uses are permitted in the walkway area.
 - d. *Frontage Area.* The frontage area is the portion of the pedestrian zone adjacent to the edge of the right-of-way or road easement when a building is located at the lot line. When the building is set back from the lot line, the pedestrian zone will not have a frontage area, and any frontage area will serve as walkway area. The frontage area is intended to accommodate door openings, window shoppers, and the tendency of people to shy away from walls higher than waist height. The frontage area may also be used for outdoor eating areas or other similar accessory uses associated with a use in the adjacent principal building.

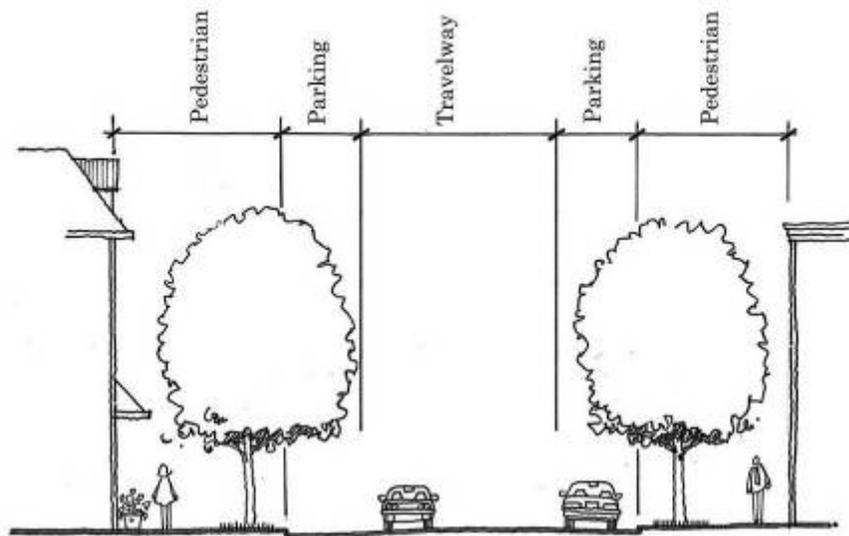


Figure 2. Street Zones

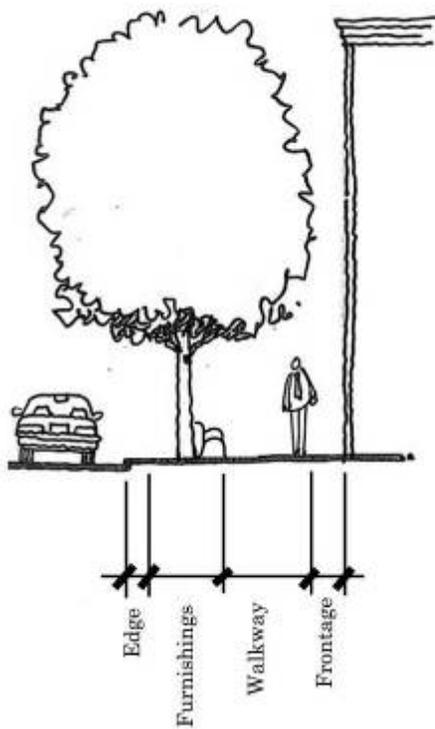


Figure 3. Pedestrian Zone

- C. ~~**Interior Street Design Guidelines.**~~ Interior streets in a form-based district shall comply with the guidelines in the following Table 10. The guidelines are designed to create streets that are compatible with the street function and building placement requirements of this Article 8.

Table 3. Interior Street Design Guidelines

Street Type	Main Street	Minor Street
Character	Main Street	Residential or Parking Lot Access
Total Right-of-Way	76–100 feet	58–76 feet
Vehicle Zone	20-54 feet	20-22 feet
<i>—Total Traffic Lanes Permitted</i>		<i>2–4</i>
<i>Traffic Lane Width</i>	<i>10–11 feet</i>	<i>10–11 feet</i>
<i>—Left Turn Lane</i>	<i>Optional</i>	<i>Optional</i>
<i>—Center Median</i>	<i>Optional, 14-18 feet wide</i>	<i>Not permitted</i>
On-Street Parking Zone	Required	Required
<i>Type of Parking Permitted</i>	<i>Parallel, Angled</i>	<i>Parallel</i>
<i>—Parallel Parking Lane Width</i>	<i>8 feet</i>	<i>7-8 feet</i>
Pedestrian Zone (Each Side)	12-13 feet	11-12 feet
<i>—Edge Area</i>	<i>2.5 feet</i>	<i>2.5 feet or tree lawn</i>
<i>—Furnishings Area</i>	<i>3.5–6 feet</i>	<i>3.5–6 feet or tree lawn</i>
<i>—Walkway Area</i>	<i>6–8 feet</i>	<i>5–8 feet</i>
<i>—Frontage Area</i>	<i>0–2.5 feet</i>	<i>2–3 feet</i>
Street Tree Requirement	35 feet o/c in tree grates	35 feet o/c in tree lawn or tree grates

Chapter 4 ~~Dimension and Design Standards~~

Section 138-10.400 **In-General**

- A. ~~**Lot Design Standards.**~~ The lot design standards set forth where buildings, parking, and other improvements shall be placed on a lot. The lot design standards are based on the type of street (see Section 138-8.300) upon which the lot has frontage.
- B. ~~**Building Entrances.**~~ Buildings located on corner lots or lots that front upon two or more streets shall be required to have a principal entrance onto each street or a corner entrance oriented toward the intersection of the two streets.
- C. ~~**Density.**~~ There are no maximum or minimum density standards for residential dwelling units in the form-based overlay districts. The number of dwelling units that may be developed will be determined by lot design requirements such as the maximum height and minimum parking requirement for buildings.

Section 138-10.401 **Setback Requirements**

Buildings in the FB overlay districts shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located within the build-to-area that is created by the minimum and maximum setback requirement.

The setback requirements for a building are based on what kind of street the lot has frontage on. If a lot has frontage on more than one kind of street, such as a corner lot at the intersection of a main street and an arterial street, the setback requirement shall be based on the type of street each side of the lot faces. Any frontage that faces a street shall be considered a front yard.

Table 4. Setback Requirements in the FB Overlay Districts

Yard Type	Setback Requirement		Minimum Building Frontage in Build-To-Area
	Minimum	Maximum	
Front Yard along Arterial Street <i>permitted</i>	15 ft.	25 ft.	40%
<i>optional</i>	70 ft.	none	
Front Yard along Main Street	0 ft.	7 ft.	90%
Front Yard along Minor Street	5 ft.	20 ft.	70%
Side Yard <i>interior</i>	none	none	n/a
<i>perimeter</i>	25 feet	none	
Rear Yard <i>interior</i>	none	none	n/a
<i>perimeter</i>	50 feet	none	

Notes to Table 11:

- Interior Yards are yards adjacent to a lot line that abut land located in the FB overlay district with a non-residential underlying zoning district.
- Perimeter Yards are yards adjacent to a lot line that abuts land not located in the FB overlay district or land located in the FB overlay district that has a residential underlying zoning district.
- Building Frontage in Build-To-Area is the width of the front façade of the building that is located in the build-to-area (the area between the minimum and maximum setback requirements) divided by the lot width at the minimum setback line.

Section 138-10.402 **Front Yard Landscaping Requirements**

All landscaping requirements of Article 12 shall apply in the form-based districts, with the exception that the front yard layout landscaping requirements shall supersede any conflicting requirement of Article 12. The front yard landscaping requirements of the following Table 12 shall be required between the property line and the building, and are in addition to any street tree planting requirements.

Table 5. Front Yard Landscaping Requirements in the FB Overlay Districts

Front Yard Along	Minimum Buffer Width	Deciduous Trees per 100 linear feet	Ornamental Trees per 100 linear feet	Shrubs per 100 linear feet
Arterial Street (15-25' setback)	10 feet	2	4	12
Arterial Street (70' or greater setback)	15 feet	3	4	15

Main Street	None	None	None	None
Minor Street	5-feet	None	3	8

Chapter 5 ~~Building Standards~~

Section 138-10.500 **Private Frontage Requirements**

This ~~Section 138-8.500~~ establishes private frontage standards for buildings in the FB overlay districts. The private frontage is the area between the building façade and the front property line. The design and treatment of the building façade and the private frontage area define the character of the building and how that building relates to the street. This, in turn, defines the character and context of the street itself. By way of example, when buildings are set back from the street with a lawn between the building and the street it creates a more residential feel along the street.

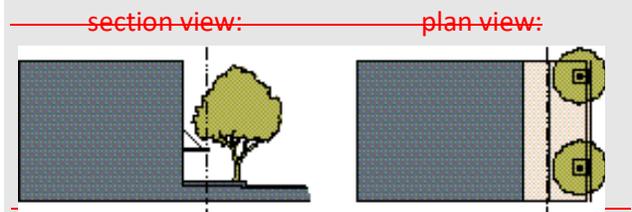
Buildings in the FB overlay districts shall comply with the requirements of one of the following private frontages. Note that any specific dimensional requirements included in this section are in addition to any other dimensional requirements of this article or ordinance.¹

A. **Shopfront Frontage.**

DESCRIPTION

A frontage where the building façade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.

ILLUSTRATION



STREETS PERMITTED ALONG

- Main Street
- Minor Street

REQUIREMENTS

1. Setback. The building shall be set back a maximum of 7 feet from the front lot line.
2. Access and Entry. Each unit or building subdivision, including upper story units or areas, shall have an entrance facing the street. A common ground floor entrance that serves many residential dwelling units is acceptable. Secondary entrances facing side streets or parking areas may also be provided.
3. Building Width. Buildings shall be subdivided into bays not greater than 40 feet in width along the building's axis facing the street. Building bays shall be defined by vertical articulations such as changes in wall plane, vertical projections, materials, or other methods. Each bay shall have a minimum of one building entrance and building entrances shall be spaced not more than 50 feet apart.

¹ The graphics in this [Section 138-8.500](#) are adapted from the SmartCode, credit: Duany, Plater-Zyberk & Company (DPZ)

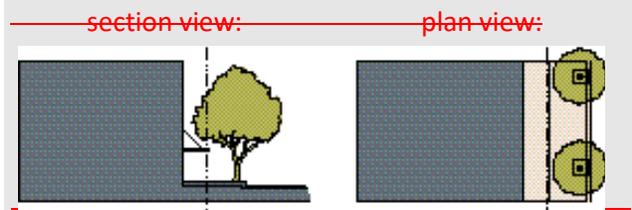
- ~~4. Residential Dwelling Units. Residential dwelling units shall be located on floors above non-residential uses. No non-residential use may be located on a floor above a residential dwelling use, and residential and non-residential uses located on the same floor shall be designed such that the hallways or entrances providing access to the different use areas of the building are physically separated.~~
- ~~5. Ground Floor Uses along a main street shall include retail or restaurant uses or other uses that generate pedestrian traffic throughout the day. Office or institutional uses should not be located on a ground floor along a main street.~~
- ~~6. Parking. Off-street parking shall be located underneath or behind the building, or in a parking structure.~~

B. Courtyard Frontage.

DESCRIPTION

A frontage where a portion of the building façade is close to the front lot line with an interior portion set back from the front lot line. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use, from residential units to corporate offices.

ILLUSTRATION



STREETS PERMITTED ALONG

- ~~– Arterial Street~~
- ~~– Main Street~~
- ~~– Minor Street~~

REQUIREMENTS

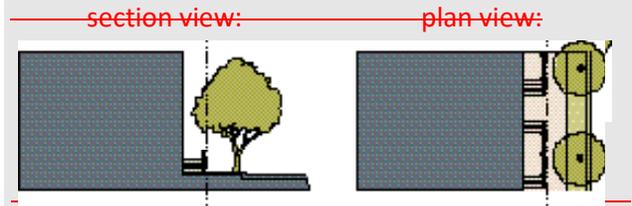
- ~~1. Setback. The building shall be set back a maximum of 20 feet from the front lot line.~~
- ~~2. Building Frontage. The courtyard area shall be considered part of the front building façade for the purposes of determining compliance with the requirements of Table 11 on page 29.~~
- ~~3. Maximum Floorplate. Buildings shall have a maximum floor plate of 25,000 sq. ft.~~
- ~~4. Parking. Surface off-street parking shall be set back at least 40 feet from the front building façade, or located underneath the building or in a parking structure.~~
- ~~5. Ground Floor Uses along a main street shall include retail or restaurant uses or other uses that generate pedestrian traffic throughout the day. Office or institutional uses should not be located on a ground floor along a main street.~~

C. Stoop Frontage.

DESCRIPTION

A frontage where the first floor is elevated above the sidewalk to provide privacy for first floor windows. The exterior entrance is usually from an exterior stair and landing. This frontage is suitable for ground floor residential units in an attached building.

ILLUSTRATION



STREETS PERMITTED ALONG

–Minor Street

REQUIREMENTS

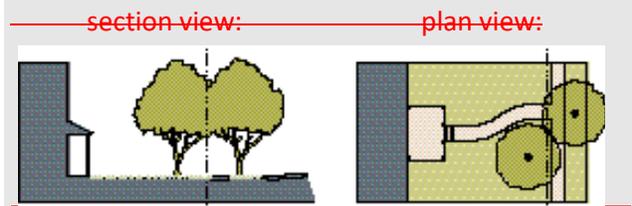
1. Setback. The building shall be set back a minimum of 7 feet from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line.
2. Access and Entry. The principal entrance to each unit shall be located at ground level and shall face a street. Secondary entrances facing the side or rear of the building are permitted.
3. Exposure to Light and Air. Each unit in a stoop frontage building shall have at least 2 sides exposed to the outdoors.
4. Unit Disposition. Units in a stoop frontage building may only have common sidewalls. In no case may one dwelling unit be located above another dwelling unit, although portions of units may be located above parking areas.
5. Parking. Garage doors may only face a secondary street or rear yard area, and all dedicated off-street parking shall be located behind the building.

D. Lawn Frontage.

DESCRIPTION

A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use, but is most commonly used for prototype retail buildings, large format retail buildings such as big box stores, apartment buildings, and for detached single family dwelling units.

ILLUSTRATION



STREETS PERMITTED ALONG

–Arterial Street
–Minor Street

REQUIREMENTS

1. Setback. The building shall be set back a minimum of 15 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.

- ~~2.—Access and Entry.~~ The principal entrance to the building shall be located at ground level and shall face a street. Secondary entrances facing the side or rear of the building are permitted.
- ~~3.—Maximum Floor Plate.~~ The maximum floor plate for a lawn frontage building along a minor street is 20,000 sq. ft. There is no maximum floor plate for a building of this type along an arterial street.
- ~~4.—Parking.~~ Parking may be located between the building and the street when a building of this type is used solely for retail purposes along an arterial street, and when the building is set back more than 70 feet. Refer to Table 11 (on page 29) for setback requirements.
- ~~5.—Garages~~ shall be set back a minimum of 10 feet behind the primary street facing façade of the building.

Section 138-10.501 **Building Height**

Permitted building heights in the FB overlay districts are as follows:

- A. **FB-1 District.** 2 stories or 30 feet.
- B. **FB-2 District.** 2 stories or 30 feet. The maximum building height shall be 3 stories or 45 feet for development or redevelopment in FB-2 areas with at least 100 feet of frontage on Rochester Road, provided that buildings exceeding 2 stories in height are set back at least 100 feet from any single-family residential zoning district located outside of a form-based overlay district and 50 feet from any other conventional zoning district located outside of a form-based overlay district.
- C. **FB-3 District.** 3 stories or 45 feet. The maximum building height shall be 4 stories or 60 feet for development or redevelopment in FB-3 areas along Rochester Road, provided that buildings exceeding 3 stories in height are set back at least 125 feet from any single-family residential zoning district located outside of a form-based overlay district and 75 feet from any other conventional zoning district located outside of a form-based overlay district.

Section 138-10.502 **Building Design Standards**

- A. **Façade Transparency.** Buildings in the FB overlay districts shall maintain a minimum level of transparency on the ground and upper stories. All windows must be transparent, non-reflective glass.
 - ~~2. Ground Floor Non-Residential Uses shall maintain a minimum of 70% façade transparency, measured between 2 feet and 8 feet above the sidewalk.~~
 - ~~3. Upper Floor Non-Residential Uses shall maintain a minimum of 30% façade transparency measured from floor to floor.~~
 - ~~4. Ground Floor Residential Uses shall maintain a minimum of 25% façade transparency measured from exterior grade level to the second story floor level.~~
 - ~~5. Upper Floor Residential Uses shall maintain a minimum of 20% façade transparency measured from floor to floor.~~

- B. **Building Materials.** Exterior materials that may be used on buildings in the FB overlay districts fall into two categories, primary and accent building materials. The building material requirement is based on the exterior wall surface area, excluding windows and doors. Primary building materials shall cover a minimum of 60% of the exterior wall surface area, while accent materials may be used on up to 40% of the exterior wall surface area.
2. Primary Building Materials include:
 - a. Durable natural building materials such as brick, stone, and other similar materials.
 - b. Exposed logs, timbers, or wood trim.
 - c. Any durable, relatively low maintenance material that convincingly matches the appearance of the above natural building materials.
 3. Accent Building Materials include:
 - a. Decorative precast concrete block.
 - b. Metal panels and trim.
 - c. Glass.
 - d. Vinyl siding and non-durable building materials such as EIFS may be used as accent materials, but may cover a maximum of 10% of any exterior building façade's wall area.
 - e. Any other material except those specifically prohibited by the following subsection 3.
 4. Prohibited Building Materials include:
 - a. Plain concrete block (both painted and unpainted).
 - b. Plywood or T-111 panels.
 - c. Vinyl and aluminum siding.
 5. Compliance with LEED-NC Standards. LEED certification for new buildings is encouraged. Absent certification for the entire building, compliance with the following building material credits is encouraged: MR 4.1 or MR 4.2, MR 5.1 or MR 5.2, MR 6, and MR 7.
- C. **Ground Level Finished Floor Height.** The maximum ground floor finished floor height for a non-residential building or building use area in the FB overlay districts shall be 6 inches. Residential buildings should have a minimum ground floor finished floor height of 18 inches to provide privacy from people walking by on the sidewalk.
- D. **Ground Floor Ceiling Height.** Non-residential buildings or building use areas shall have a minimum ground floor ceiling height of 12 feet, with a height of 15 feet being preferred. Residential buildings or building use areas shall have a minimum ground floor ceiling height of 10 feet.
- E. **Encroachments.** Certain building elements may encroach into a setback area or right-of-way area. Building elements that may encroach into setback or right-of-way areas are as follows:
2. Balconies. Balconies on upper stories may encroach up to 6 feet into any required setback area and up to 4 feet into any right-of-way area.
 3. Porches. Unenclosed covered front porches with a minimum depth of 8 feet may encroach into a front yard setback area, provided that the front porch maintains a minimum setback of 5 feet from any right-of-way line.

4. ~~Stoops. Unenclosed and uncovered front stoops may encroach up to 5 feet into a front yard setback area, provided that the stoop maintains a minimum setback of 5 feet from any right-of-way line.~~
 5. ~~Awnings. Ground story awnings may encroach up to 10 feet from the face of the building into a setback or right-of-way area. Awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any awning support structure. If an awning projection of 10 feet would conflict with the placement of any street lighting or street tree, the awning projection shall be reduced to resolve the conflict.~~
 6. ~~Bay Windows. Bay windows on the ground story may encroach up to 3 feet into any required setback area, but shall not encroach into a right-of-way area. Bay windows on upper stories may encroach up to 3 feet into a setback or right-of-way area.~~
 7. ~~Eaves. Roof eaves may encroach up to 3 feet into any setback or right-of-way area.~~
- F. ~~**Service Areas.** All service areas, including utility access, above ground equipment, and dumpsters shall be located in side or rear yards and shall be screened from view from an internal or perimeter street.~~

Chapter 6 ~~General Provisions~~

Section 138-10.600 **Parking**

The following parking requirements are applicable in the form-based districts, and replace similar requirements set forth in Article 11. Any requirement of Article 11 that is not superseded by one of the following parking requirements shall remain in effect in the form-based districts.

- A. ~~**Minimum Parking Required.**~~
 2. ~~Residential Uses. Off-street parking shall be provided in accordance with the minimum requirements of Section 138-11.204. The Planning Commission may reduce the number of required spaces as described in Section 138-11.202, Modification of Standards.~~
 3. ~~Nonresidential Uses. 1 parking space per 400 square feet of nonresidential building space.~~
- B. ~~**Maximum Parking Permitted.** The maximum surface parking requirement shall be 200% of the minimum parking requirement. The maximum parking requirement may be modified by the reviewing authority if the applicant can submit evidence that additional parking will be required to accommodate maximum parking demand on a typical day. Parking spaces in parking garages are exempt from the maximum parking standard.~~
- C. ~~**On-Street Parking** shall be counted toward the minimum parking requirement.~~
- D. ~~**Parking Lot Layout.** Parking lot layout, maintenance, and construction shall comply with all of the requirements of Article 11. The Planning Commission may modify the dimensional requirements of Article 11 based on evidence submitted by the applicant indicating that the modification will result in superior site design, will achieve the same purpose as if the parking lot were designed according to conventional standards, and will function in a safe and efficient manner.~~
- E. ~~**Parking Lot Access.** Parking lots or parking structures may only be accessed from a minor street.~~

- F. **Parking Structures.** ~~Parking structures are permitted in the form-based districts, provided that they comply with the following requirements:~~
2. ~~Setback from Arterial and Main Streets. The parking structure and all parking spaces within shall be set back a minimum of 80 feet from any Arterial or Main street. If liner shops are located on the ground floor of a parking structure located along a main street, the building shall not be considered a parking structure, but rather shall be considered a shopfront building subject to the requirements of Section 138-8.500.A~~
 3. ~~Setback from Minor Streets. Parking structures shall be set back a minimum of 7 feet from any minor street.~~
 4. ~~Height. Parking structures may be no taller than any adjacent building located within 20 feet of the structure. Stand-alone parking structures set back 20 or more feet from any adjacent building may not exceed the maximum height permitted for a building at that location within a form-based district, or the height of the tallest building within 150 feet of the parking garage, whichever is lower.~~
 5. ~~Design Guidelines. Any parking structure façade that will be visible from a perimeter or interior street, civic/open space, or building shall comply with the following design guidelines:~~
 - a. ~~The façade shall comply with the building material requirements of Section 138-8.502.~~
 - b. ~~The parking structure shall have the appearance of a flat-roofed building with a parapet cap type.~~
 - c. ~~The ground floor of the structure shall be differentiated from upper floors through the use of a horizontal expression line.~~
 - d. ~~Exterior elevator towers or stair wells shall be open to public view, or enclosed with transparent glazing.~~
 - e. ~~Views into the parking structure shall be minimized. Facades of parking structures shall be designed without continuous horizontal parking floor openings. Decorative trellis work or another architectural element that will screen the view of parked cars in the structure shall be provided on all exterior openings.~~
- G. **Loading Space.** ~~There are no specific loading requirements in the FB overlay districts; however, buildings and sites shall be designed such that trucks and large delivery vehicles may be accommodated on the site without encroaching onto a perimeter or interior street. Further, loading facilities such as truck docks shall be located and screened such that they are not visible from any perimeter or interior street.~~

Section 138-10.601 **Outdoor Amenity Space**

- A. **Outdoor Amenity Space Required.** ~~All developments in the FB overlay districts shall provide outdoor amenity spaces with a minimum area of 2% of the gross land area of the development. The size and disposition of the amenity space shall be proportionate to the size and scale of the development. The emphasis of the amenity space requirement is on the quality rather than the quantity of the space.~~

- B. **Storm Water Management Facilities.** All storm water management facilities in FB overlay districts shall be attractively designed as a site amenity. However, storm water management facilities may not be used to satisfy the amenity space requirement. The area of a storm water management facility is defined as any area within 25 feet of the freeboard elevation of a detention pond.

Section 138-10.602 **Landscaping and Buffering**

All landscaping requirements of Article 12 shall apply in the FB overlay districts, with the exception that the front yard layout landscaping requirements in Table 12 shall supersede any conflicting requirement of Article 12.

Section 138-10.603 **Signs**

Exterior signs in the FB overlay districts shall be governed by the sign requirements of Article VI of Chapter 134 of the Code of Ordinances of the City of Rochester Hills.

Section 138-10.604 **Modification of Dimension and Design Standards**

- A. **Intent.** The requirements of this Article are comprehensive in scope and detailed in nature. The regulations have been designed to establish specific design criteria for new development in the form-based districts while still allowing for flexibility in site layout and design, architecture, and landscaping. However, unique site conditions or other factors may justify modifications from the dimensional standards of this Article 8. It is the intent of this Section 138-8.604 to establish a procedure by which the reviewing authority may modify the dimensional standards of this Article 8 and the procedure by which those dimensional standards may be modified.

Relief from any standard or provision of this ordinance not specifically identified as a modifiable standard shall require a variance from the Board of Zoning Appeals following the procedures of Article 2, Chapter 4 of this Zoning Ordinance.

- B. **Modification Procedure.** The reviewing authority shall determine that all of the following apply prior to approving a requested modification:
 - 2. The proposed development will still meet the purpose and intent of the form-based districts as identified in Section 138-8.100 if the requested modification is approved.
 - 3. The applicant shall submit evidence demonstrating that compliance with the strict standards of this Article 8 makes development impractical on the site, and that the modification is necessary to develop in accordance with the standards of this Article 8.
 - 4. The requested modification will not make further development on the site or adjacent or nearby sites according to the standards of this Article 8 impossible or impractical.
 - 5. The requested modification is the smallest modification necessary. If the proposed development could be constructed in a substantially similar manner with a smaller modification, the smaller modification may be approved.
 - 6. The modification will permit innovative design.
- C. **Modifiable Standards.** Only the standards and regulations specifically identified below may be modified. If the reference refers to a subsection, only the identified standards of that subsection may be modified. If the reference refers to an entire section, any standard in the entire section may be modified.

2. ~~Street network and block requirements ([Section 138-8.300](#)).~~
3. ~~Design standards applicable to interior streets ([Section 138-8.302.C](#)).~~
4. ~~Setback requirements ([Section 138-8.401](#)).~~
5. ~~Private frontage requirements ([Section 138-8.500](#)).~~
6. ~~Building design standards ([Section 138-8.502](#)).~~
7. ~~Maximum parking requirements ([Section 138-8.600.B](#)).~~
8. ~~Parking layout standards ([Section 138-8.600.D](#)).~~
9. ~~Parking lot access standards ([Section 138-8.600.E](#)).~~
10. ~~Parking structure requirements ([Section 138-8.600.F](#)).~~

Chapter 7 ~~Definitions~~

Section 138-10.700 **Use Definitions**

The following is a description of the characteristics and type of uses listed in Table 8.

A. Residential Uses.

2. ~~Dwelling unit in a mixed-use building.~~ A dwelling unit located in a building with non-residential land uses. Such units may not be located on the ground floor of the building.
3. ~~Live/Work unit.~~ A dwelling unit that contains a commercial component.
4. ~~Multiple-family dwelling unit.~~ A unit in a building used exclusively for residential purposes containing two or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.
5. ~~One-family detached dwelling unit.~~ A detached building containing one dwelling unit.
6. ~~State licensed residential facility.~~ See definition in [Article 13](#) on page ~~Error! Bookmark not defined.~~

B. Lodging Uses provide sleeping accommodations occupied on a rental basis for limited periods of time. Lodging uses are measured based on the number of lodging units provided. A lodging unit is a furnished room of a minimum 200 square feet that includes sanitary facilities and may include limited kitchen facilities.

2. ~~Bed & breakfast.~~ A group of 10 or fewer lodging units that may provide services for dining, meeting, or recreation.
3. ~~Inn.~~ A group of 25 or fewer lodging units that may provide services for dining, meeting, or recreation.
4. ~~Hotel.~~ A group of more than 25 lodging units that may provide services for dining, meeting, or recreation.

C. Commercial Uses. Commercial uses include retail, services, entertainment, or recreational establishments.

2. ~~Bar, tavern, or other alcohol service establishment.~~ A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for

consumption on the premises as a principal use. Examples of such uses include, but are not limited to bars, taverns, cocktail lounges, or nightclubs.

3. ~~Drive-through facility accessory to a principal use. See definition in Article 13 on page **Error! Bookmark not defined.**~~
 4. ~~Entertainment and recreation. A place of business providing entertainment or recreation services such as bowling alleys, health or sports clubs, movie theatres, billiards parlors, dance halls, or video arcades.~~
 5. ~~General commercial. A place of business providing for the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser. General commercial services include, but are not limited to barber shops, beauty salons, travel agencies, retail dry cleaning, express delivery service, photographic and art studios and galleries, funeral homes, animal clinics, and repair service establishments (excluding vehicle service). Commercial goods include, but are not limited to clothing, food, furniture, pharmaceuticals, books, art objects, and the like.~~
 6. ~~Open air retail. A retail sales establishment operated substantially in the open air, including but not limited to vending carts, kiosks, farmers or flea markets and the like. Not included are car sales, equipment sales, boat sales, and home and garden supplies and equipment.~~
 7. ~~Place of assembly. A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, and theatres and performing arts centers.~~
 8. ~~Restaurant. A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.~~
- D. **Office Uses.** An office is a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices. Offices exclude manufacturing activities.
- E. **Civic Uses** include land uses for community-oriented purposes or objectives, including those of not-for-profit dedicated to arts and culture, education, recreation, religion, government, and the like.
2. ~~Childcare center. A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child.~~
 3. ~~Community facility. A non-commercial facility for the benefit of and service to the general public, including, but not limited to community centers, cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.~~
 4. ~~Place of worship. A facility used for regular organized religious worship and related activities.~~
 5. ~~Recreation Facility. A non-commercial recreational facility consisting of primarily open space including, but not limited to parks, playfields and playgrounds, and golf courses.~~
 6. ~~Essential Services. See definition in Article 13.~~

7. Major facility. A large facility of institutional nature including, but not limited to hospitals, non-educational research facilities, shelters, and the like.
8. Public parking. A parking facility available to the general public for parking motor vehicles, including parking lots or structures.
9. Transit facilities. A facility providing accommodations by public, private, and non-profit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to bus and rail terminals.

F. **Education Uses.**

2. College/university. A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.
3. Learning center. A facility offering training, tutoring, or instruction in subjects such as languages, music, fine arts, or dance. This may include provision of electronic testing or distance learning.
4. Research facility. A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products. Any facility involving human testing, animal husbandry, or incinerators shall be considered a Major Facility.
5. School. A facility offering instruction at the pre-school to high-school level.
6. Special training/vocational. A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zone.

Section 138-10.701 **General Definitions**

This section provides definitions for terms that are used in this Article 8 that are technical in nature or that might not otherwise reflect a common usage of the term. Where a definition in this section conflicts with a definition provided in Article 13, the definition presented in this section shall prevail for the purposes of administering the form-based regulations. If a term is not defined in this section, the Planning and Development Director shall determine the correct definition of the term.

BALCONY: An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

BLOCK: The aggregate of private lots, pedestrian pass-throughs, rear lanes and alleys, the perimeter of which abuts perimeter or internal streets.

BLOCK PERIMETER: The linear distance around a block measured along the right-of-way line or road easement.

BUFFER: An area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

BUILD-TO-ZONE: An area at the front of the lot in which a front building façade must be located.

EFFECTIVE TURNING RADIUS: The minimum radius appropriate for turning from a through or turning lane on an approach street to an appropriate lane on the receiving street. See Figure 4 at right.

FLOOR PLATE: The total indoor floor area of the first floor of a building, measured to the exterior of the wall.

FRONTAGE LINE: The lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

GROUND FLOOR FINISHED LEVEL HEIGHT. The vertical distance between the sidewalk (or other common reference point) and the top of the finished floor on the ground level.

GROUND FLOOR CEILING HEIGHT. The vertical distance between the finished floor and the ceiling on the ground floor of a building.

HABITABLE SPACE: Building space that involves human presence with direct view of the enfronting streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

LINER SHOP or LINER BUILDING: A building or part of a building with habitable space specifically designed to enfront a public space while masking a function without the capacity to monitor public space such as a parking garage, storage facility, or large building exceeding the building width limitations of this Article.

ORTHOGONAL GRID. A grid system where the intersecting lines are perpendicular to each other, and intersect at 90-degree angles.

PERIMETER YARD. A yard area on the edge of a form based zoning district where the form-based district abuts a conventional zoning district.

TREE LAWN. A grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree plantings.

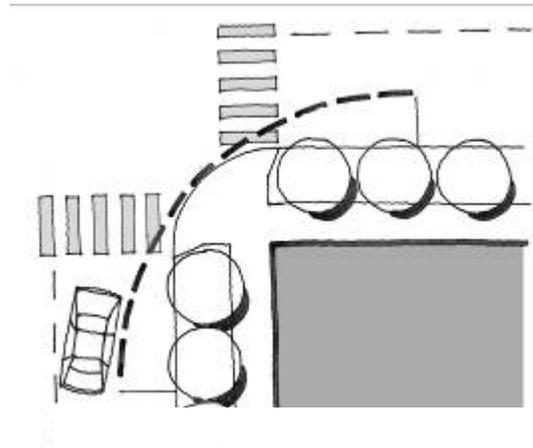


Figure 4. Effective Turning Radius

SECTION 4. Section 138-13.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-13.101 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY BUILDING – AUTOMOTIVE SERVICE CENTER [Unchanged.]

BALCONY. An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

BASEMENT – BERM [Unchanged.]

BLOCK. A 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. In the FB overlay district, a block shall be the aggregate of private lots, pedestrian pass-throughs, rear lanes and alleys, the perimeter of which abuts perimeter or internal streets.

BOARD OF APPEALS – BOARDING HOUSE [Unchanged.]

BUFFER. An area of land, including landscaping, walls, and fences located between land uses of different characters intended to mitigate negative impacts of the more intense land use on the less intense land use.

BUILD-TO AREA. The area at the front of the lot in which a front building façade must be located.

BUILDABLE AREA – COMMERCIAL VEHICLE [Unchanged.]

COMMUNITY FACILITY. A non-commercial facility for the benefit of and service to the general public, including, but not limited to community centers, cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.

CONDITIONAL USE – DWELLING [Unchanged.]

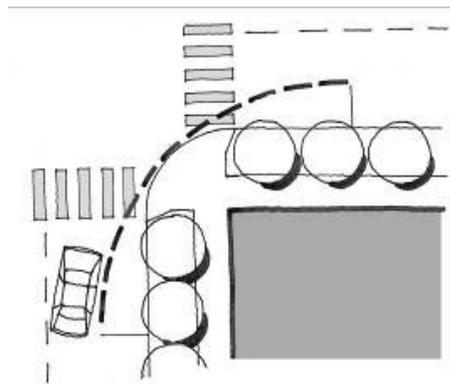


Figure 4. Effective Turning Radius

EFFECTIVE TURNING RADIUS. The minimum radius appropriate for turning from a through or turning lane on an approach street to an appropriate lane on the receiving street. See Figure 4

ERECT – GROSS FLOOR AREA [Unchanged.]

GROUND FLOOR CEILING HEIGHT. The vertical distance between the finished floor and the ceiling on the ground floor of a building.

GUN CLUB – LIGHTING [Unchanged.]

LINER SHOP. A building or part of a building specifically designed to front on a public space and provide an active use between the public space and a parking or storage facility.

LIVE/WORK UNIT. A dwelling unit that contains a commercial component.

LIVESTOCK – OPEN FRONT STORE [Unchanged.]

OPEN AIR RETAIL. A retail sales establishment operated substantially in the open air, including but not limited to vending carts, kiosks, farmers or flea markets and the like. Not included are car sales, equipment sales, boat sales, and home and garden supplies and equipment.

ORTHOGONAL GRID: A grid system where the intersecting lines are perpendicular to each other, and intersect at 90-degree angles.

PARKING LOT – PARKING STRUCTURE [Unchanged.]

PERIMETER YARD: A yard area on the edge of a form-based zoning district where the form-based district abuts a conventional zoning district.

PERSONAL SERVICE ESTABLISHMENT – PET BOARDING FACILITY [Unchanged.]

PLACE OF ASSEMBLY. A facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, places of worship, theaters, movie theaters, and performing arts centers.

PLACE OF WORSHIP – REFUSE [Unchanged.]

RESEARCH FACILITY. A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products.

RESIDENTIAL INN – VETERINARY CLINIC [Unchanged.]

VOCATIONAL TRAINING FACILITY. A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zoning district.

WALL – YARD [Unchanged.]

SECTION 5. 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 6. 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 7. 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 _____, 2022, following its publication in the *Oakland Press* on _____, 2022.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2022.

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 _____, 2022.

Leanne Scott, Clerk
City of Rochester Hills