

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 126-327, 126-362, AND 126-369 OF CHAPTER 126, NATURAL RESOURCES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROVIDE AUTHORITY TO DIRECTOR OF PARKS AND NATURAL RESOURCES TO MODIFY AND REDUCE MINIMUM PRESERVATION PERCENTAGE AND APPROVE TREE REMOVAL PERMITS IN LIMITED CIRCUMSTANCE FOR WORK PLANS FOR ASSESSMENT, MONITORING AND REMEDIATION OF ENVIRONMENTAL ISSUES CONCERNING PROPERTY WITHIN APPROVED AREAS ELIGIBLE FOR REIMBURSEMENT UNDER MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY (EGLE) GRANT 2023-2540 OR SUBRECIPIENT GRANT, AND TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 126-327(2) of Chapter 126 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 126-327.- Land developments.

In addition to other requirements of this article, there shall be compliance with the following requirements in all land developments which, as proposed, will result in one or more lots or building sites:

(1) *Building envelopes.* The developer shall designate building envelopes for all structures as follows:

a. *One-family residential developments (for building sites less than one acre).* The building envelope for lots and building sites that are less than one acre in area in one-family residential subdivisions, site condominiums, unplatted parcels, and other one-family residential developments shall be the buildable area remaining on the lot or building site after satisfying the setback requirements in chapter 138.

b. *One-family residential development (for building sites one acre or more).* The building envelope for lots and building sites that are one acre or more in area in one-family residential subdivisions, site condominiums, unplatted parcels, and other one-family residential developments shall be delineated by the footprint of the proposed principal dwelling or any additions or accessory buildings and structures extended outward by 30 feet.

c. *All other developments.* The building envelope for all land developments other than one-family residential, shall be the proposed building(s) footprint(s) for principal and accessory buildings and structures.

d. *Activities within building envelope.* Once building envelopes have been designated in accordance with subsections (1)a—c of this section and a tree removal permit has been approved for the development, it shall not be necessary to obtain a tree removal permit for the subsequent construction of structures or improvements or for other activities occurring within a building envelope.

e. *Activities outside building envelope.* Subject to the exceptions enumerated in section 126-266, a separate, additional tree removal permit shall be required for construction or development activities conducted by the developer or builder outside of the building envelope designated in accordance with subsections (1)a—c of this section.

(2) *Minimum preservation percentage.* The developer shall preserve and leave standing and undamaged a minimum of 40 percent of the total number of regulated trees that exist within the land area being developed, prior to development. However, trees contained within the designated building envelopes shall not be included in the calculation of the required minimum preservation percentage. The minimum preservation percentage may be modified or reduced by the director of parks and natural resources for a tree removal permit submitted under section 126-362(d) where necessary to perform assessment, monitoring and remediation under the EGLE grant issued to the City on September 29, 2023.

Section 2. Section 126-362 of Chapter 126 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 126-362. – Decision to approve or deny.

(a) *Standards.* The decision to approve or deny a tree removal permit shall be governed by the review standards enumerated in section 126-368.

(b) *Site plans.* Where the site is proposed for development necessitating site plan, subdivision plat, or condominium plan review by the planning commission, the planning commission shall be responsible for approving or denying the application for a tree removal permit.

(c) *Other.* Where neither site plan, subdivision plat, nor condominium plan review is required by city ordinance, the director of the parks and natural resources department shall be responsible for approving or denying the application for a tree removal permit.

(d) Work plan for assessment, monitoring and remediation under EGLE grant issued to the City on September 29, 2023. Where a tree removal permit is submitted in conjunction with a work plan for assessment, monitoring and remediation of environmental issues concerning property within approved areas eligible for reimbursement under a Michigan department of environment, great lakes and energy (EGLE) grant or subrecipient grant issued to the City on September 29, 2023, the director of parks and natural resources shall be authorized to modify and reduce the minimum preservation percentage of 40 percent set forth in section 126-327 (2) while still encouraging the purposes of tree preservation and protection set forth in this Article.

Section 3. Section 126-369 of Chapter 126 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 126-369. - Issuance; appeal of denial.

(a) *Waiting period before issuing permit.* The city shall not issue a tree removal permit approved by the planning commission or director of the parks and natural resources department until ten calendar days following the approval. There shall be no waiting period relative to permits approved by the city council.

(b) *Right of appeal.* Relative to the decision of the planning commission or the director of the parks and natural resources department to approve or deny a tree removal permit, any person denied a tree removal permit or any aggrieved owner of property contiguous to property for which a tree removal permit has been approved, including property directly across public rights-of-way and easements, except a tree removal permit under section 126-362(d) issued in conjunction with a work plan for assessment, monitoring and remediation of environmental issues concerning property within approved areas eligible for reimbursement under a Michigan department of environment, great lakes and energy (EGLE) grant issued to the City on September 29, 2023 or subrecipient grant, may appeal such decision to the city council as follows:

(1) *Time to appeal.* An appeal must be filed with the city clerk, in writing, within the ten-calendar-day period following the approval or denial being appealed.

(2) *Issuance of permit suspended.* The timely filing of an appeal shall have the effect of suspending the issuance of a permit pending the city council's decision on appeal. The city council, upon review, may affirm, reverse, or modify the decision rendered by the planning commission or director of the parks and natural resources department.

Section 4. 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 5. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Oakland Press* on _____, 2024.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2024.

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 _____, 2024.

Leanne Scott, Clerk
City of Rochester Hills