

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 138-5.100 and 138-5.101 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO ADD CONDITIONS AS TO WHEN REDUCED RESIDENTIAL SIDE YARD SETBACKS ARE PERMITTED AND ESTABLISH A MAXIMUM BUILDING HEIGHT ON EXISTING LOTS OF LESS THAN 60 FEET IN WIDTH; AND WOULD ALLOW THE PLANNING COMMISSION TO CONSIDER A REDUCTION IN THE REQUIRED REAR YARD SETBACK FOR NONRESIDENTIAL PROPERTIES IN THE HIGHWAY BUSINESS DISTRICT WHEN THE PROPERTY ADJOINS ANOTHER NONRESIDENTIAL DISTRICT, 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 138-5.100 – Schedule of Regulations of Chapter 1 Schedule of Regulations, of Article 5 Schedule of Regulations, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Section 138-5.100 – Schedule of Regulations - Table 6. Schedule of Regulations – RESIDENTIAL DISTRICTS – to remain as is

Section 138-5.100 – Schedule of Regulations - Table 7. Schedule of Regulations - NONRESIDENTIAL DISTRICTS

District	Minimum Lot		Maximum Building Height		Minimum Yard Setback (feet) ^K			
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (each)	Side (total)	Rear
NB	(E)	(E)	2	30	50 ^S	0 ^F	50	50 ^H
CB	5 acres ^E	400 ^E	2	30	75 ^{F, S}	25 ^{F, V}	50	75 ^{G, H}
HB	(E)	(E)	3	42	25	25	50	30 ^H
O	(E)	(E)	3 ^Q	42 ^Q	35	0 ^F	50	35
EC	(E)	(E)	3 ^Q	42 ^Q	25 ^U	25 ^{F, M, T}	50 ^{M, T}	30 ^M
I	(E)	(E)	3	42	50 ^{L, I}	50 ^{M, N, J, L}	100 ^{L, M, N}	50 ^{L, M}
SP	(E)	(E)	2	30	50	50	100	50
BD	See Article 6 , Chapter 3 for Brooklands district regulations							
FB	See Article 8 for flex business (overlay) district regulations							

SECTION 2. Section 138-5.101 – Footnotes to the Schedule of Regulations – footnote (D) of Chapter 1 Schedule of Regulations, of Article 5 Schedule of Regulations, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Section 138-5.101 – Footnotes to the Schedule of Regulations – Footnotes A-C to remain as is.

Section 138-5.101 Footnotes to the Schedule of Regulations

- D. **Reduced Side Yard on Narrow Lots.** If the lots or parcel is less than 60 feet in width, one side yard may be reduced to five (5) feet providing the total of the two (2) side yards shall be a minimum of fifteen (15) feet, except as denoted in Section 138-5.101.C above. **To reduce a side yard to five (5) feet, the existing side yard on the abutting lot shall be a minimum of ten (10) feet.**

SECTION 3. Section 138-5.101 – Footnotes to the Schedule of Regulations – footnote (H) of Chapter 1 Schedule of Regulations, of Article 5 Schedule of Regulations, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Section 138-5.101 – Footnotes to the Schedule of Regulations – Footnotes E-G to remain as is.

- H. **Rear Yard Setback Adjacent to a Nonresidential District.** Where an NB, ~~or~~ CB, or HB district abuts any other non-residential district, the rear yard for the NB, ~~or~~ CB, or HB district may be reduced to ten feet with the approval of the Planning Commission, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties.

SECTION 4. Section 138-5.101 – Footnotes to the Schedule of Regulations – footnote (P) of Chapter 1 Schedule of Regulations, of Article 5 Schedule of Regulations, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Section 138-5.101 – Footnotes to the Schedule of Regulations – Footnotes H-O to remain as is.

- P. **Increased Building Height.** In the R-3 and R-4 districts, the maximum building height may be increased up to 35 feet when all of the following conditions are met:
1. The building site shall contain at least 13,500 square feet of lot area.
 2. Minimum side yard setbacks, including the total of two, shall be increased by one-half-foot for each one foot or part thereof by which the proposed building height is in excess of 30 feet.
 3. If an increase in building height is proposed on a lot which shares a common side yard with a lot occupied by an existing dwelling, the increased height of the proposed dwelling shall not be more than 190 percent of the height of a dwelling on a lot sharing a common side yard.

In the R-3 and R-4 districts, the maximum building height **shall be limited** to 24 feet when the following conditions are met:

1. **The lot or parcel is 60 feet in width or less, or**
2. **The setback has been reduced as denoted in Section 138-5.101(D) above.**

Section 138-5.101 – Footnotes to the Schedule of Regulations – Footnotes Q-V to remain as is.

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 _____, 2024, 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