

CHANGES HIGHLIGHTED

ORDINANCE NO. _____

AN ORDINANCE TO ADD SECTION 138-10.108 AND AMEND SECTIONS 138-1.203, 138-4.300, 138-4.433, 138-5.101, 138-6.303, 138-8.603, 138-10.102, 138-10.104, 138-10.108, 138-11.102, AND 138-13.101 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE POSTING OF NOTIFICATION SIGNS ON SITES PROPOSED FOR REZONING OR CONDITIONAL LAND USE APPROVAL; TO CHANGE REGULATIONS RELATED TO PLACES OF WORSHIP, LIBRARIES AND MUSEUMS; TO MODIFY REQUIREMENTS RELATING TO YARD SETBACKS IN THE RESIDENTIAL AND COMMERCIAL IMPROVEMENT ZONING DISTRICTS; TO MODIFY SIGN REGULATIONS APPLICABLE IN THE FLEX BUSINESS OVERLAY DISTRICTS; TO MODIFY FLOOR AREA AND SETBACK LIMITATIONS APPLICABLE TO DETACHED ACCESSORY STRUCTURES; TO REQUIRE A PERMIT FOR FENCES OVER 3 FEET IN HEIGHT OR MORE THAN 16 FEET IN LENGTH; TO MODIFY OFF-STREET PARKING SETBACK; TO DELETE THE DEFINITION OF "FENCE" AND MODIFY THE DEFINITION OF "YARD"; TO, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-1.203 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-1.203 Public Hearing Procedures

The body charged with conducting a public hearing by this ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

A. General Public Hearing Procedures. The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in subsection B, below.

1. Publication in a Newspaper of General Circulation. Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
2. Personal and Mailed Notice.
 - a. Notice shall be sent my mail or personal delivery to the owners of property for which approval is being considered.
 - b. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
 - c. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial

area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.

d. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

e. The City shall prepare a list of property owners and occupants to whom notice was mailed.

3. Content. Any notice published in a newspaper or delivered by mail shall:

a. Describe the nature of the request.

b. Indicate the property that is the subject of the request.

c. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

d. When and where the public hearing will occur.

e. When and where written comments may be submitted concerning the request.

B. Zoning Ordinance Text and Map Amendments

1. Map or Text Amendments Affecting 10 or Fewer Parcels. If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section 138-1.203.A.

2. Map or Text Amendments Affecting 11 or More Parcels. If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section 138-1.203.A, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.

3. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

4. Notice of Proposed Map Amendment Signs. An applicant requesting a zoning map amendment shall construct and install a sign indicating the requested zoning map amendment. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for the zoning map amendment consideration and shall be clearly visible from an adjoining roadway. **Parcels with frontage on multiple roads shall place a sign along each road frontage.** The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

a. The sign shall comply with the following sign specifications:

- 1) Black letters on white background
- 2) Size: minimum four (4) feet (vertical) by six (6) feet (horizontal)
- 3) Signs face must be exterior plywood, aluminum or similar material
- 4) Wording shall be as follows:



]-Min. 8" high letters

]-Min. 4" high letters

- 5) Sign support system must be structurally sound and mounted with 4"x4"s or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.

b. Rezoning signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the rezoning request.

c. Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.

C. Conditional Use Requests

1. General Requirements. Public notice shall comply with the provisions listed in Section 138-1.203.A of this ordinance
2. Notice of Proposed Conditional Use Signs. An applicant requesting conditional use approval shall construct and install a sign indicating the requested conditional use. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for the conditional use consideration and shall be clearly visible from an adjoining roadway. **Parcels with frontage on multiple roads shall place a sign along each road frontage.** The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

a. The sign shall comply with the following sign specifications:

- 1) Black letters on white background
- 2) Size: minimum four (4) feet (vertical) by six (6) feet (horizontal)
- 3) Signs face must be exterior plywood, aluminum or similar material
- 4) Wording shall be as follows:

CONDITIONAL USE PROPOSED
 For more information visit or call:
 City of Rochester Hills
 Planning & Economic Development Department
www.rochesterhills.org/Planning
 (248) 656-4660

]-Min. 8" high letters
]-Min. 4" high letters

- 5) Sign support system must be structurally sound and mounted with 4"x4"s or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.
 - b.Conditional use signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the rezoning request.
 - c. Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.
 - d.A conditional use sign is not required for alcoholic beverage sales (for on-premises consumption) accessory to a permitted use.
3. Additional Information Required in Notice. Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

ACTIONS REQUIRING A PUBLIC HEARING

Section	Action	Reviewing Body
<u>Section 138-1.200.B</u>	Ordinance amendments	PC
<u>Section 138-2.207.D</u>	Rescinding site plan approval	PC
<u>Section 138-2.301</u>	Conditional use review	PC
<u>Article 2, Chapter 4</u>	Variances and appeals – various actions	ZBA
<u>Section 138-4.415.C</u>	Home occupation violation determinations	ZBA
<u>Section 138-4.437.A</u>	Private stables	PC
<u>Section 138-4.438.B</u>	Raising & keeping of animals – nuisance determination	ZBA
<u>Section 138-5.101.H</u>	Rear yard setback modification in B-3 district	PC
<u>Section 138-7.105.A</u>	PUD review process	PC
<u>Section 138-9.205.C</u>	Steep slope permit review	PC
<u>Section 138-10.400.E</u>	Height modification for small wind energy systems	PC

SECTION 2. Section 138-4.300 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-4.300 Table of Permitted Uses by District

Table 4. Permitted Uses by Zoning District

Community, Public, and Recreation Uses	R^A	RM-1^B	B-1^B	B-2^B	B-3^B	B-5^D	O-1^E	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Libraries and Museums	P	C	P	P	P	P	P	P	P	P	P	P	P	P	Section 138-4.427 (ORT district only) Section 138-4.433
Places of Worship	P	C	P	P	P	P	P	-	P	P	P	P	P	P	Section 138-4.433
Publicly Owned Buildings and Public Utility Buildings	-	-	-	C	C	-	P	-	P	P	P	-	P	-	Outdoor storage yards are permitted only in the I district

SECTION 3. Chapter 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Article 4 Zoning Districts and Permitted Uses

Chapter 4 Design Standards for Specific Uses

Section 138-4.400 – 138-4.432 [Unchanged.]

Section 138-4.433 Places of Worship; Libraries and Museums

Churches and publicly owned and operated libraries and museums may be permitted in any zoning district subject to the following conditions:

- A. The site shall be so located as to provide for ingress to and egress from such site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least ~~120~~ 86 feet in width as shown on the current City master thoroughfare plan. For Places of Worship, Libraries and Museums established before the adoption of this ordinance, ingress and egress onto a major or secondary thoroughfare with an existing or planned right-of-way of at least 86 feet in width shall meet this condition.
- B. Buildings of greater than maximum height as allowed by Section 138-5.100 of this ordinance may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- C. Steeple, bell towers, and similar architectural features are exempt from the height requirements of this ordinance.
- D. A Landscape Buffer D shall be required in the rear and side yards.

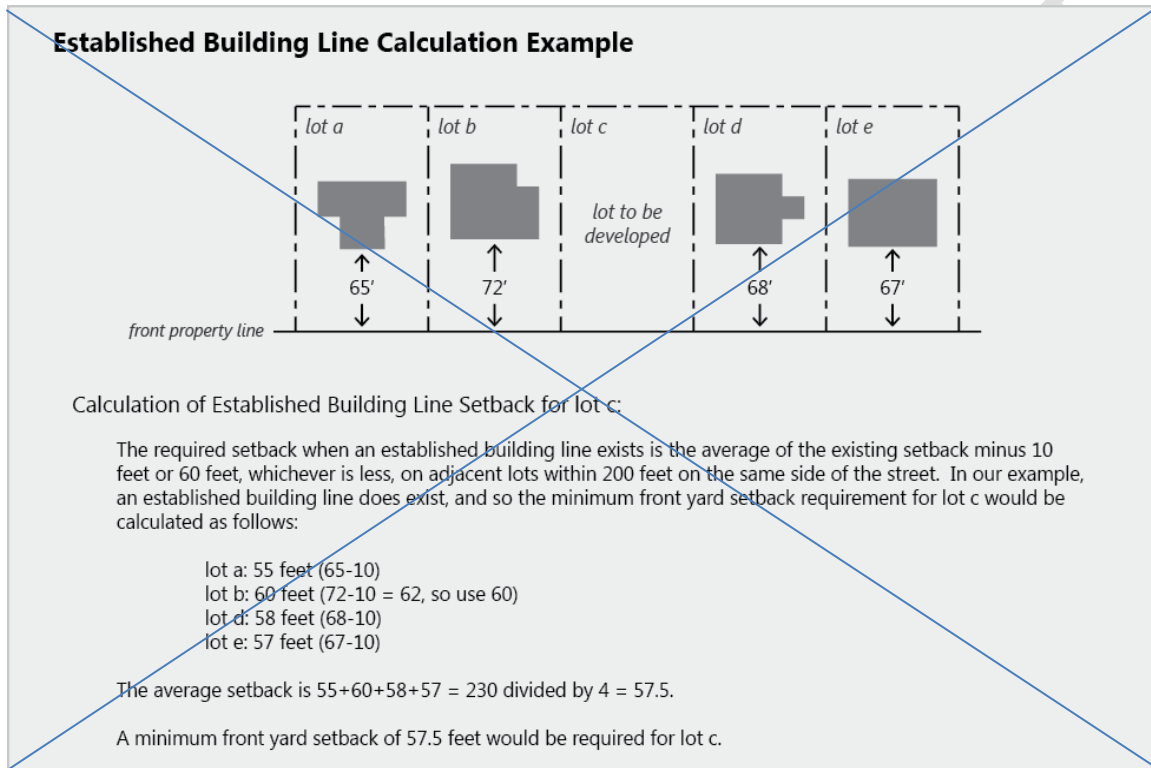
Section 138-4.434 – Section 138-4.443 [Unchanged.]

SECTION 4. Section 138-5.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-5.101 Footnotes to Schedule of Regulations

A. [Unchanged.]

~~B. **Established Building Line.** In the event that there is an established building line along a street (as determined by the official reviewing the application), the front yard and/or side street yard setback requirement shall be the established building line. The established building line is the average front yard setback minus 10 feet of adjacent dwellings within 200 feet of each side of the lot and on the same side of the street as the subject parcel, or 60 feet, whichever is less. Refer to the following illustration for an example of an Established Building Line calculation:~~



The front setback of an adjacent structure shall be measured at the shortest distance between the structure's exterior surface and the front lot line. In the event that any of the parcels located within 200 feet of the subject parcel is vacant, the minimum setback required by Section 138-5.100 shall be used as the front yard setback for that parcel in calculating the average setback.

Exceptions: If an established building line exists but the setback of the adjacent structures is greater than the minimum setback but less than 10 feet greater than the minimum setback, then the minimum setback for the district shall be the required setback. If an established building line exists that is less than the minimum setback for the district, then the minimum setback shall be the established building line without subtracting 10 feet from the setback of the adjacent dwellings. In no case shall a front yard setback be reduced to less than 20 feet, regardless of the established building line, and in no case shall a garage door be located closer to the front property line than the minimum setback required in the zoning district by Section 138-5.200.

B. **Average Front Setback.** If there are existing homes within 200 feet of a subject lot, on the same side of the street, that have an average setback that differs from the front setback as required within this ordinance by more than 10 (ten) feet, then the average front setback shall be used as the required

front setback, provided, however, that in no instance shall a front yard setback be reduced to less than twenty (20) feet.

- C. **Corner Lots.** For corner lots, the side ~~street~~ yard ~~abutting upon a street~~ shall not be less than 15 feet in the R-3 and R-4 district and 25 feet in the R-1, R-2, ~~R-3~~ and RE districts ~~unless a larger setback is required by footnote B because neighboring houses on the side street have a front yard relationship to the side street.~~
- 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 feet providing the total of the two side yards shall be a minimum of 15 feet, except as denoted in Section 138-5.101.C above.
- E. - M. [Unchanged.]
- N. **Building Spacing.** When there is more than one principal commercial or industrial building on a lot or parcel, or a combination of parcels included in a unified development, the minimum spacing between buildings shall be 25 feet unless otherwise provided for in this ordinance. On all corner lots in I (Industrial) districts, the setbacks from the ~~proposed or existing~~ right-of-way lines, ~~whichever is closer,~~ shall be 50 feet, except as allowed in footnote L with both frontages to be considered as the front yard setback. On corner lots in the B-5 district, the setback from the ~~proposed~~ right-of-way line shall be 25 feet, with both frontages to be considered as the front yard setback.
- O. - R. [Unchanged.]
- S. **Freestanding Canopies.** In the B-5 district, freestanding canopies may be permitted within the required front yard and/or within the required side yard adjacent to a public right-of-way subject to the following conditions:
 - 1. Canopies shall be located not less than ten feet from a ~~proposed~~ right-of-way or side lot line, and not less than 20 feet from a rear lot line. The amount of lot area covered by canopies shall not exceed 40 percent.
 - 2. Canopies shall not exceed 17 ½ feet in height, and a minimum clearance of 14 feet from grade shall be maintained.
 - 3. Canopies shall not be attached to any other building or structure.
 - 4. Canopies shall be of a type readily demountable not requiring unusual demolition procedure.
 - 5. Canopies shall be supported by columns and shall not be supported or enclosed by walls. Canopy columns shall be faced in decorative materials such as brick.

T. – W. [Unchanged.]

SECTION 5. Section 138-6.303 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-6.303 Area, Bulk and Development Requirements

In the CI Commercial Improvement district, there shall be compliance with all of the regulations pertaining to the B-2 district as contained in Article 5, Schedule of Regulations, except as modified as follows:

A. Minimum yard setbacks

1. Front yard. The minimum front yard building setback is 0 feet and the maximum front building setback is 10 feet. The Planning Commission may approve a larger maximum setback provided that the larger setback is necessary to accommodate the intended use or is justified by conditions on or adjacent to the site.

For buildings existing prior to April 4, 1986 ~~that are located within three feet of or in the proposed right-of-way,~~ architectural features such as canopies, awnings, false roofs or overhangs may project beyond the front of the building provided such features do not project more than three feet beyond the front building wall of the building and a minimum of 8-foot clearance is maintained between the sidewalk and the bottom of the projection.

2. Rear yard. The rear yard setback shall not be less than 25 feet, provided that a roof overhang may extend up to four feet into the required rear yard.
3. Side yards. No side yard setback is required in the CI district.

B. – I. [Unchanged.]

SECTION 6. Section 138-8.603 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-8.603 Signs.

~~The following exterior sign regulations are applicable~~ **Exterior signs** in the FB overlay districts ~~and shall supersede~~ **be governed by** the sign requirements of Article VI of Chapter 134 of the Code of Ordinances of the City of Rochester Hills. ~~Requirements of Chapter 134 not in conflict with the requirements of this Section 138-8.603 shall remain in effect in the form-based districts.~~

A. ~~Design and Materials~~

1. ~~Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.~~
2. ~~Signs should be professionally constructed using high quality materials such as metal, stone, hard wood, and brass. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name or logo is permitted; however, internal neon lighting or any other use of neon tubing is prohibited.~~
3. ~~Internally lit plastic letters or plastic box signs are prohibited.~~
4. ~~To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.~~

B. ~~Multiple Story Buildings.~~ The following regulations are applicable to multiple story buildings:

1. ~~Ground floor tenants shall place signs at the storefront level, below the expression line separating the ground floor from upper floors.~~
2. ~~Upper story tenants may only display window signs. Such window signs may not exceed 20% of the total window area appurtenant to the tenant's floor space.~~
3. ~~A directory sign shall be permitted at ground level entrances that provide access to upper story tenants.~~

4. ~~Permanent banner signs are permitted on the upper façade area of a multiple story building.~~

C. ~~Permitted Signs.~~ The following sign types are permitted in the form based districts:

1. ~~Wall Signs.~~ A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.

a. ~~Wall signs should be located on the upper portion of the storefront, and should not exceed the width of the storefront bay.~~

b. ~~Wall signs shall not exceed 15% of the area of the building façade on which they are mounted, placed, or painted.~~

c. ~~Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillework, piers, pilasters, or other ornamental features.~~

2. ~~Awning and Canopy Signs.~~ A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.

a. ~~Sign lettering or logos shall comprise no more than 30% of the total exterior surface of an awning or canopy.~~

b. ~~Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.~~

3. ~~Projecting Signs.~~ A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of the building.

a. ~~Projecting signs shall not be mounted above the second floor window sill in multi-story buildings.~~

b. ~~Projecting signs shall be small in scale and provide a minimum vertical clearance of 8 feet between the lowest point of the sign and the sidewalk.~~

c. ~~The entire sign area of the projecting sign shall fit inside an imaginary rectangle with a maximum area of 5 square feet.~~

d. ~~Mounting hardware shall be attractive and an integral part of the sign design.~~

e. ~~Marquee Signs are a form of projecting sign. A marquee sign is only permitted in conjunction with a theatre, cinema, or performing arts facility, and the sign may indicate the facilities name and a changeable copy portion of the sign highlighting current and future attractions. The permitted area of a Marquee Sign shall be determined by the Planning Commission.~~

4. Hanging Signs. A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy. Hanging signs are smaller than projecting signs due to their lower mounting height.
 - a. Hanging signs shall fit within an imaginary rectangle with a maximum area of 4 square feet (excluding supporting rods, chains, or similar hangers).
 - b. Hanging signs shall maintain a minimum vertical clearance of 7.5 feet between the lowest point of the sign and the sidewalk.
5. Window Signs. A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.
 - a. Window signs shall not exceed 15% of the first floor window area so that visibility into and out of the window is not obscured.
 - b. Sign copy shall not exceed 8 inches in height.
 - c. Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.
6. Plaque Signs. A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store entries or tenant entries.
 - a. Plaque signs shall fit into an imaginary rectangle with a maximum area of 2 square feet.
 - b. Plaque signs may project a maximum of 3 inches from wall surfaces.
7. Restaurant Menu Signs. A restaurant menu sign is a sign that incorporates a menu for the restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.
 - a. The maximum area for menu signs is 6 square feet.
 - b. Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry.
 - c. Restaurant menu signs shall be provided for all restaurants with table service.
8. Monument Signs. A freestanding sign that is typically used for a building or series of buildings that are separated from adjacent streets by substantial setbacks.
 - a. The maximum area for a monument sign is 60 square feet.
 - b. The maximum height for a monument sign is 7 feet.
 - c. Monument signs shall be oriented towards a primary street, and shall be set back a minimum of 5 feet from the right of way of any primary or interior street.

- d. Monument signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred.
 - e. Low level landscaping shall be provided around the base of the sign, but shall not obscure any part of the sign message.
 - f. Monument signs may only be used when buildings are located more than 20 feet from a street right-of-way.
9. Tenant Directory Signs. A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public street. Such tenants can be located in second story space, or in portions of the building that do not front on a street. Tenant directory signs are oriented toward the pedestrian.
- a. Tenant directory signs shall fit into an imaginary rectangle with a maximum area of 12 square feet.
 - b. Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign, or on a freestanding sign located on the property on which the tenants are located.
 - c. The maximum height for a freestanding tenant directory sign shall be 6 feet.
 - d. Tenant directory signs may include the following: building or project name, project logo, address, business tenant names, and suite numbers or letters.
10. A-Frame Signs. A-Frame signs are designed to stand on their own. Such signs are portable and are usually placed along public sidewalks to attract pedestrians to adjacent businesses.
- a. A-frame signs may have a maximum area of 6 square feet. The sign area is calculated on one side only.
 - b. A-frame signs may only be located on in the frontage or furnishings areas of the pedestrian area on an interior street. Such signs may not be located in the walkway or edge areas of the pedestrian area.
 - c. A-frame signs may not be permanently affixed to any object, structure, or the ground.
 - d. A-frame signs may only be displayed during business hours, and shall be removed when the business to which they are accessory is closed.
 - e. Each ground floor business with frontage on an interior street may have one A-frame sign. Businesses without ground floor frontage may not have an A-frame sign. The sign must be located adjacent to the business to which it is accessory.
11. Permanent Perpendicular Banner Signs. Permanent perpendicular banner signs often help to add interest and color to blank building facades and special buildings. They are vertically

oriented and compatible with the overall character and color of the building. This section does not include temporary banner signs that are secured to the face of the building, or any banner sign that is horizontally oriented.

- a. Permanent banner signs shall project perpendicularly from the face of the building, and may extend a maximum of 36 inches from the face of the building.
 - b. Permanent banner signs shall be mounted on metal brackets, and shall be designed appropriate to the architectural character of the building.
- B. **Sign Area.** Any one building or tenant space within a building can have multiple types of sign on a building or property. For example, a store can have a wall sign, a projecting sign, and an A-frame sign. No sign may exceed the maximum area permitted for that sign type by Section 138 8.603.C.

Further, the total sign area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space shall be based on the frontage width of the front façade of the building. For buildings that face more than one street and therefore have more than one front façade, the maximum sign area shall be measured independently for each street façade. The maximum sign areas are as follows:

Building Frontage (in feet)	Maximum Permitted Sign Area (square feet)
Less than 10:	15
10-20:	30
20-40:	42
40-60:	64
60-100:	86
More than 100:	100

- C. **Incidental Signs.** Incidental signs having an area of one square foot or less are permitted in the form-based districts. Incidental signs placed in windows may not cover more than 5% of the total area of the window they are placed in. Incidental signs are signs, emblems, or decals designed to inform the public of goods, facilities, or services available on the premises and include, but are not limited to, restroom signs, hours of operation signs, acceptable credit cards, property ownership or management, phone booths, recycling containers, etc.
- D. **Clear Vision Area.** No sign with a height between 2 and 8 feet may be located in the clear vision area, or shall be otherwise located so as to block or impede a motorist's vision of traffic or of traffic control signs.

- E. ~~Substitution.~~ Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.
- F. ~~Permit Required.~~ A sign permit issued by the Building Department shall be required for all signs permitted by subsection C of this Section 138-8.603.

SECTION 7. Chapter 1 of Article 10 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Article 10 General Provisions

Chapter 1 Accessory Structures and Buildings

Section 138-10.100 – Section 138-10.101 [Unchanged.]

Section 138-10.102 Detached Accessory Structures

- A. **Area.** Detached structures accessory to a residential or non-residential building may be located in the side or rear yard. ~~may occupy not more than 25 percent of a rear yard and~~ Such structures shall not be located in the front yard and shall not exceed the total square footage of the main building. ~~In no instance shall the combined floor area of all detached accessory structures located on a lot exceed the ground floor living area of the main building or 720 square feet, whichever is less, unless provided otherwise in Section 138-10.105. For purposes of this subsection, floor area of an accessory structure shall be defined as the area within an accessory structure’s walls, measured from the exterior of the exterior walls, assembly or structural supports.~~

The combined floor area of all detached accessory buildings on a single parcel shall not exceed the limits set forth in the following table, so long as total building area of all structures does not exceed the maximum lot coverage as provided in Section 138-5.100:

<u>Lot or Parcel Size</u>	<u>Maximum Permitted Combined Accessory Structure Floor Area</u>
<u>0.01 – 0.99 acres</u>	<u>1,000 square feet</u>
<u>1.00 – 1.99 acres</u>	<u>1,200 square feet</u>
<u>2.00 – 2.99 acres</u>	<u>1,400 square feet</u>
<u>3.00 – 3.99 acres</u>	<u>1,600 square feet</u>
<u>4.00 – 4.99 acres</u>	<u>1,800 square feet</u>
<u>5.00 or more acres</u>	<u>2,000 square feet</u>

For purposes of this subsection, floor area of an accessory structure shall be defined as the area within an accessory structure’s walls, measured from the exterior of the exterior walls, assembly or structural supports. A structure shall be considered detached when it is completely separate from the main structure or connected by a breezeway with a floor area less than seventy (70) sq. ft. or less.

- B. **Setbacks.** A detached structure accessory to a residential building shall be located no closer than five feet to any side or rear lot line. A detached structure accessory to a non-residential building shall be located no closer than ten feet to any side or rear lot line.

Section 138-10.103 [Unchanged.]

Section 138-10.104 **Corner Lots**

Buildings or structures accessory to a residential dwelling unit located on a corner lot shall comply with the greater of the following setbacks:

- A. **Side street setback.** The accessory structure shall be set back a minimum of ten (10) feet from ~~an existing or proposed street~~ right-of-way or utility easement.
- B. [Unchanged.]

Section 138-10.105 – Section 10.107 [Unchanged.]

Section 138-10.108 Fences

- A. **Applicability.**
1. The standards for fences contained in subsections B and C below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection 2 below.
 2. This article shall not apply to the following fences installed or replaced:
 - a. In accordance with an approved site plan; or
 - b. Swimming pool enclosures as specified in the state construction code.
- B. **In General**
1. Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair.
 2. No signs, words, letters, images or illustrations, except for those signs required in subsection C.5 of this section, may be painted or otherwise affixed to fences.
- C. **Residential Fences.** Fences in a residential district shall be subject to the following:
1. Residential fences may be located along a property line if the other provisions of this section are met.
 2. Fences that are located along the side and rear lot lines shall be a maximum of **six (6)** feet in height and may not extend closer to the front lot line than the front of the dwelling or the minimum front setback, whichever is less, unless otherwise provided for in this ordinance. In no instance shall an obscuring fence over three (3) feet high be placed between the front of a residence and minimum front setback line, unless otherwise provided for in this ordinance. Fences on corner lots shall meet the standards for corner lots as provided in Section 138-10.104.

3. Fences not to exceed three (3) feet in height shall be permitted within a required front yard setback or an side street yard setback; provided, however, that corner clearance as provided in Section 138-5.204 has been met.
 4. Materials used shall be wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted. Wire fences, barbed or razor wire, spikes, nails or any other sharp pointed instruments of any kind are prohibited.
 5. Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:
 - a. Sufficient proof has been presented that the fence will not be hazardous to persons or animals.
 - b. The power source shall be obtained from a listed electric fence controller; and
 - c. Signs shall be conspicuously located on the fence warning that the fence is electrified.
- D. **Non-Residential Fences.** Fences in non-residential district shall comply with the following:
1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to the fence conforming to the requirements of the zoning district in which it is located and to the requirements of this section.
 2. The maximum height for all fences shall be eight (8) feet, unless otherwise provided for in this Ordinance. Security fences made of anodized aluminum, or other approved ornamental material, may be permitted to a maximum height of ten (10) feet at the discretion of the Planning Commission. Barbed wire cradles that face inward may be permitted, at the discretion of the Planning Commission and City Council.
 3. Materials used shall be wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum, or wood slates or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.

SECTION 8. Section 138-11.102 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-11.102 General Standards

A. [Unchanged.]

B. Location of Spaces

1. Proximity to Site. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, provided, further, that such off-street parking may be located in a different zoning district than the building it

is intended to serve only if that building and its proposed use would also be permitted in the different zoning district.

2. Location in Non-Required and Rear Yards. Off-street parking may be located within any non-required yard and within the rear yard setback. Refer to Section 138-5.100 on for yard setback requirements.
3. Location in Required Front and Side Yards. Off-street parking shall not be permitted in a side or front yard setback except as follows:
 - a. Off-street parking may be permitted to occupy a required front yard after approval of the parking plan layout, provided that there shall be maintained a minimum unobstructed and landscaped setback of twenty (20) feet in I (Industrial) districts and ten (10) feet in all other nonresidential districts between the nearest point of the off-street parking area, exclusive of driveways, and the nearest ~~existing or proposed~~ right-of-way line. The buffer area between the parking lot and the right-of-way line shall be landscaped in accordance with Section 138-12.301.B.
 - b. In I (Industrial), REC-W, and REC-C districts, required side yards may be utilized for parking and loading and unloading provided that in such instances the Planning Commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare of employees in the building. All off-street loading and unloading areas shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.
 - c. Off-street parking may be located in a required side yard abutting a nonresidential zoning district in B-1, B-2, B-3, B-5, CI, O-1, ORT, REC-I, REC-M, and SP districts provided that there shall be an unobstructed and landscaped setback of at least ten (10) feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the side lot line. Such unobstructed and landscaped setback shall extend continuously and uninterrupted along the side lot line from the nearest ~~existing or proposed~~ right-of-way line or private road easement to the rear yard. The unobstructed and landscaped setback of at least ten feet may be reduced or waived by the Planning Commission or Planning and Development Director (relative to site plans not submitted to the Planning Commission) upon determining that such reduction or waiver is compatible with and/or part of a comprehensive plan with the adjacent properties.
 - d. Off-street parking may be located in the required interior side yard in SP districts provided that type B screening is provided as required by Section 138-12.300 between the nearest point of the off-street parking lot, exclusive of driveways, and the interior side lot line.

C. – I. [Unchanged.]

SECTION 9. 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 – FAMILY [Unchanged.]

FENCE. Structures or partitions of definite height and location intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this ordinance when placed in a manner or position to serve as such.

- A. ~~Chain-link Fence. A fence constructed of galvanized steel or similar materials for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.~~
- B. ~~Industrial Fence. A chain link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.~~
- C. ~~Living Fence. A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.~~
- D. ~~Ornamental Fence. A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.~~
- E. ~~Privacy Fence. A fence constructed of wood, vinyl or similar materials that blocks the vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.~~
- F. ~~Rail Fence. A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).~~
- G. ~~Temporary Fence. A fence constructed of canvas, plastic, chain link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.
 - 1. ~~Construction. A fence erected for the purpose of securing a construction site against unauthorized access.~~
 - 2. ~~Special Events. A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the City Council and Road Commission for Oakland County, where appropriate.~~~~

FILLING. – WETLAND. [Unchanged.]

YARD. An open space other than a courtyard located on the same lot as a main building or use, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to

determine the width of a yard, the minimum horizontal distance between the lot line and the main building shall be used.

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, a ~~proposed~~ right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.
- B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a ~~proposed~~ right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.
- C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a ~~proposed~~ right-of-way as indicated on the master thoroughfare plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building.

SECTION 10. 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 11. 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 12. 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 _____, 2018, following its publication in the *Oakland Press* on _____, 2018.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2018.

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 _____, 2018.

Tina Barton, Clerk
City of Rochester Hills

PLANNING COMMISSION DRAFT