

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 138 ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REVISE HANDICAP ACCESSIBLE PARKING REQUIREMENTS, TO REVISE DRIVE-THROUGH RESTAURANT REQUIREMENTS, TO ALLOW FOR ALTERNATE METHODS OF PARKING LOT SURFACING, TO AMENDING PARKING SPACE STRIPING REQUIREMENTS, TO AMEND THE SETBACK REQUIREMENTS IN THE B-5 AUTOMOTIVE BUSINESS DISTRICT, TO REVISE THE DEVELOPMENT STANDARDS APPLICABLE IN THE RMH MANUFACTURED HOUSING DISTRICT, TO AMEND THE LIST OF USES PERMITTED IN ZONING DISTRICTS, TO AMEND STANDARDS APPLICABLE TO THE RECONSTRUCTION OF NONCONFORMING STRUCTURES, TO AMEND THE STANDARDS REGARDING ESTABLISHED BUILDING LINE SETBACKS, AND TO AMEND PERMIT PROCEDURES FOR SIGNS IN FLEXIBLE BUSINESS OVERLAY DISTRICTS.

THE CITY OF ROCHESTER HILLS ORDAINS:

BARRIER FREE PARKING AMENDMENTS

SECTION 1. Section 138-11.300 shall be replaced with the following:

- A. **Minimum Number of Barrier Free Spaces.** Barrier free parking spaces shall be provided per the following Table 14:

Note: the existing Table 14 will be deleted in its entirety and replaced with the following:

Table 14. Barrier Free Parking Requirements

Total Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required
Up to 25	1
26-50	2
51-75	1 + 4% of total parking provided in lot
76-100	1 + 4% of total parking provided in lot
101-150	2 + 3.33% of total parking provided in lot
151-200	2 + 3.33% of total parking provided in lot
201-300	4 + 2.33% of total parking provided in lot
301-400	5 + 2% of total parking provided in lot
401-500	5 + 2% of total parking provided in lot
501-1,000	5 + 2% of total parking provided in lot
1,001 and over	15 + 1% of total parking provided in lot

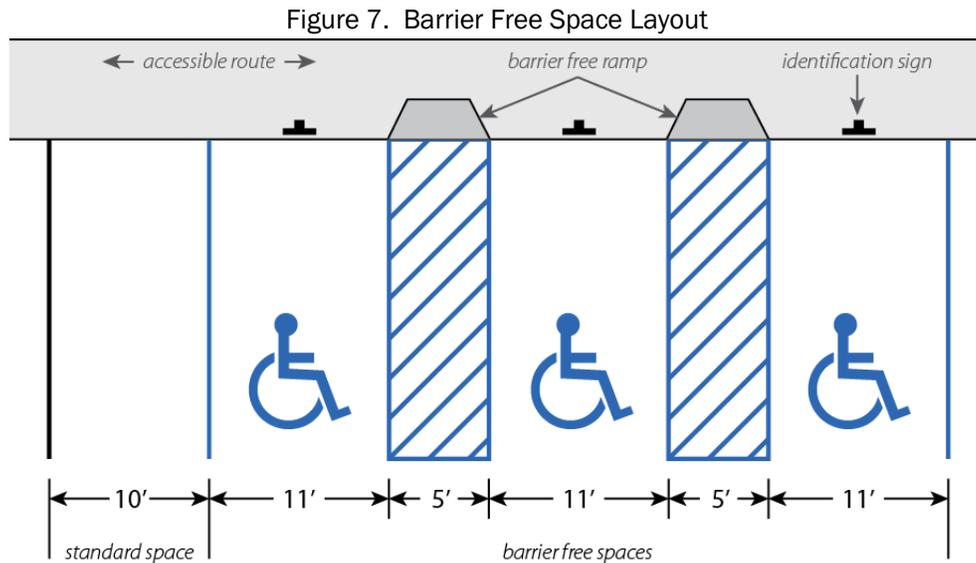
Notes to Table 14:

- Fractional Spaces. Whenever a fractional space is required by the above Table 14, it shall be rounded to the nearest whole number.
- Example Calculation. A parking lot with 140 parking spaces would have a minimum barrier free parking space requirement of 2 spaces plus $140 \times .0333 = 2 + 4.66 = 6.66$ spaces, rounded up to 7 spaces.
- Van Accessible Spaces. All barrier free parking spaces are required to use the Universal Design concept to allow van access in any barrier free space, and therefore no spaces need be designated specifically for van access.

The above Table 14 is greater than the 2010 ADA requirements for accessible design, as published by the US Department of Justice as of the date of adoption. If new ADA standards affecting barrier-free parking

requirements are adopted that are greater than those contained in this Ordinance, they shall supersede Table 14.

- B. **Barrier Free Space Layout.** All barrier free spaces shall be designed using universal barrier free design. All spaces shall be 132 inches (11 feet) in width with a 60 inch (5 foot) access aisle (see the following Figure 7).



The Planning Commission may permit 96 inch (8 foot) wide barrier free spaces with an adjacent 60 inch (5 foot) access aisle when the applicant can demonstrate that providing 132 inch (11 foot) wide spaces will constitute a hardship in meeting the minimum parking requirement or other site design requirements. When 96 inch (8 foot) spaces are permitted, a minimum of one out of every 8 spaces shall be van accessible (with at least one van accessible space being provided on-site in all cases).

C. **Location and Construction.**

1. Barrier free spaces shall be accessible from and conveniently located near each primary building entrance.
2. All access aisles shall be level with the parking space, and access aisles cannot include a ramp or sloped area to accommodate a person with a disability using a lift or ramp.
3. The access aisle must be connected to an accessible route to the appropriate accessible entrance of a building or facility.
4. The parking access aisle must either blend with the accessible route or have a curb ramp complying ADA standards. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries.
5. Barrier free spaces shall be identified by above-grade signs and pavement striping in accordance with ADA standards.

DRIVE THROUGH RESTAURANT AMENDMENTS

SECTION 2. Section 138-4.300 shall be amended as follows:

The use “Restaurant, drive-in or drive-through” under commercial and retail uses, the existing section reference in the additional standards column shall be deleted and replaced with new section reference 138-4.410.

SECTION 3. Section 138-4.438 shall be deleted in its entirety, and subsequent Sections 138-4.439 through 138-4.445 shall be renumbered to Sections 138-4.438 through 138-4.444 and all cross references to such sections updated accordingly throughout.

PARKING STRIPING and SURFACING REQUIREMENTS

SECTION 4. Section 138-11.304 shall be amended to read as follows:

~~All parking spaces shall be clearly striped with double four (4) inch wide lines, spaced twenty four (24) inches apart, to facilitate movement and help maintain an orderly parking arrangement. Refer to Figure 8.~~

- A. **Customer or Client Spaces In B, FB, and O-1 Districts** shall be double striped with 4-inch wide lines spaced 24 inches apart to facilitate vehicle movement and to center parked cars within the parking space in high-turnover spaces. The Planning Commission may waive the requirement for double striped spaces in instances where a low volume of parking turnover will reduce or eliminate the need for double striping. Refer to Figure 8.
- B. **Employee Spaces in B, FB, and O-1 Districts and All Parking Spaces in Any Other District** may be single striped with 4-inch wide stripes.

(note: the existing Figure 8 will be retained.)

SECTION 5. Section 138-11.307 shall be amended to read as follows:

The entire parking area, including parking spaces and maneuvering lanes required under this section shall be provided with ~~asphaltic or concrete surfacing~~ asphalt, concrete, brick pavers, or an equivalent material. Stone or similar material may be approved by the reviewing authority in cases where the parking lot will be infrequently used, or where alternate parking lot surfacing would be more in character with the site and its surroundings. Only alternate surfacing materials that will be non-dusting and will be sufficient to meet all other requirements of this Ordinance may be approved. All parking lot surfacing shall be in accordance with specifications approved by the City engineer

The parking area shall be surfaced within one year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the City engineer.

B-5 DISTRICT SETBACK REQUIREMENTS and ESTABLISHED BUILDING LINE REQUIREMENTS

SECTION 6. Section 138-5.100 shall be amended to delete the existing setback requirements in the B-5 district and apply the following dimensional requirements in the B-5 district:

District	Minimum Lot		Maximum Building Height		Minimum Yard Setback (feet)				Min. Floor Area (sq. ft.)	Max. Lot Coverage (all buildings)
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (each)	Side (total)	Rear		
B-5	(E)	(E)	2	30	25 ^{N, J}	0 ^{G, J, N, S}	50 ^{J, N}	50 ^{I, J}	--	--

SECTION 7. Section 138-5.100 footnote J will be replaced in its entirety and footnotes B and N will be amended to read as follows:

- 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 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 and on the same side of the street as the subject parcel, or 60 feet, whichever is less.

Note: no changes are proposed to the 2nd and 3rd paragraphs of footnote B.

- J. **Front Building Gas Stations** are permitted, and shall comply with the design requirements of Section 138-4.404.B. The design standards and dimensional requirements of Section 138-4.404.B shall take precedence over the standard setback requirements for the B-5 district contained in Table 6.
- 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~~ **K** with both frontages to be considered as the front yard setback. On corner lots in the B-4 and B-5 districts, the setback from the proposed right-of-way line shall be ~~75~~ 25 feet with both frontages to be considered as the front yard setback.

FRONT BUILDING/REAR CANOPY GAS STATIONS

SECTION 8. Section 138-4.404 will be amended to place existing items A-F as items 1-6 under new subsection A, and an entirely new subsection B will be added:

- A. **Standards Applicable to All Gas Stations.**
 1. Major engine and body repair, steam cleaning, and undercoating are expressly prohibited.
 2. The storage of damaged or wrecked vehicles, or those waiting for minor repair or service, shall comply with the Property Maintenance Code and shall be obscured from public view in an area provided for such purpose on the site, and no vehicle of any kind shall be stored in the open for a period exceeding one week.
 3. In no instance shall more than five vehicles be allowed to accumulate on the site at any one time, and the storage area shall be kept free of trash and debris.

4. Permanently installed and/or nonportable hoists, ramps or heavy equipment for the repair of vehicles shall be located inside an enclosed building.
5. Underground storage tanks, gasoline pumps, air and water hose stands, and other appurtenances shall be set back not less than 20 feet from all existing and/or proposed street right-of-way lines.
6. In the case of automotive gasoline service stations, the minimum lot area shall be 15,000 square feet and so arranged that ample space is available for vehicles which are required to wait. Lot frontage on the principal thoroughfare shall not be less than 100 feet.

B. **Front Building/Rear Canopy Gas Stations.** Gas stations may be developed according to the following design standards which allow for the building to be closer to the street with the pump islands and canopy located behind the building. The standards of this subsection B shall take precedence over any conflicting design or dimensional requirement contained elsewhere in this Ordinance.

1. Principal Building Setbacks. The principal building shall be set back a minimum of 10 feet from the front property line.
2. Canopy Location and Setbacks. The pump canopy shall be located to the rear of the principal building, and shall comply with all requirements of Footnote S to the Schedule of Regulations (Section 138-5.501). Additionally, any pump canopy shall be set back a minimum of 100 feet from any residential district. If such a setback cannot be achieved, this design option may not be used.
3. Site Design.
 - a. Vehicle Access. On corner sites, driveways shall be located as far from intersections as possible and no more than one driveway access shall be permitted per street frontage unless otherwise approved by the Planning Commission.
 - b. Pedestrian Access. Sidewalks shall be provided to connect the front door of any building to the public sidewalks along any streets.
 - c. Landscaping. Whenever a pump island is located such that it will have reasonable visibility from or impact on a nearby residential district, the Planning Commission may require a Type C landscape buffer along the property line facing the residential district. See Section 138-12.300 for buffer requirements.
 - d. Corner Clearance. All site improvements, including buildings, shall comply with the corner clearance requirements of Section 138-5.204.
4. Building Requirements.
 - a. Transparency. The building shall have a minimum transparency of 60% on any façade facing a pump island or the front lot line. Transparency shall be measured based on the total wall area of the façade. False windows, spandrel glass or similar shall not be counted towards the transparency requirement.
 - b. Design. All sides of the building shall incorporate a consistent architectural style, including horizontal or vertical design elements that have sufficient relief to create shadow lines. The type of element (i.e. horizontal or vertical) will be determined by the intended design aesthetic of the building.
 - c. Materials. Building materials for gas stations shall comply with the standards of Section 138-8.502.B.

MISCELLANEOUS CORRECTIONS

SECTION 9. Section 138-3.104.C Reconstruction of Nonconforming Structures shall be revised to read as follows:

- C. **Reconstruction.** Nonconforming structures that are declared to be physically unsafe by the building official or otherwise damaged or destroyed by any means to an extent that the repair cost is greater than the ~~state equalized value~~ assessed value of the ~~property structure~~ shall not be restored, repaired, or rebuilt except in complete compliance with the requirements of this Ordinance. Buildings or structures that are listed on a local, state, or national register of historic buildings or places may be reconstructed provided that the nonconformity that existed prior to destruction is not increased.

SECTION 10. Section 138-4.300 Table of Permitted Uses shall be revised as follows:

- Add a “P” for private indoor recreational facilities in B-2 and B-3 districts.
- Revise “Undercoating Shops” to “Vehicle Collision Repair and Undercoating”.
- Add medical offices and clinics as a principal permitted use in the B-4 district under the office and service uses category.

SECTION 11. Section 138-8.603 Signs shall be revised to add a new subsection H as follows:

- H. **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.

RMH DISTRICT STANDARDS

SECTION 12. Article 6, Chapter 4 shall be deleted in its entirety and replaced with the following:

Chapter 4 RMH – MANUFACTURED HOUSING PARK DISTRICT

Section 138-6.400 Relation to Manufactured Housing Commission Rules

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Chapter 4 of Article 6 exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and preliminary plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the City’s residents.

Section 138-6.401 Operation of a Community

A manufactured housing community owner shall operate the community according to the standards established and referenced in the Act and Manufactured Housing Commission Rules.

Section 138-6.402 Permitted Uses

- A. **Principal Permitted Uses.** The following uses are permitted by right in the RMH district:
1. Manufactured home parks.
 2. Municipal buildings and uses.

3. Primary and secondary schools (public, private and parochial).
4. Publicly owned and operated parks and recreational facilities.
5. Home occupations, in accordance with the requirements of Section 138-4.414.
6. Utilities, in accordance with the requirements of Section 138-4.441.

B. **Conditional Uses.** The following uses may be permitted following conditional use approval:

1. Nursery schools, day nurseries, and child care centers, in accordance with the requirements of **Error! Reference source not found.** Section 138-4.422.
2. Places of worship, in accordance with the requirements of Section 138-4.431.
3. Wireless telecommunication facilities, in accordance with the requirements of Section 138-4.444.

Section 138-6.403 Development Standards

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

- A. **Flood Areas.** A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality.
- B. **Minimum Site Area.** A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square foot average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under Rules R125.1946, R125.1941, and R125.1944, and this Chapter.
- C. **Maximum Height.** In the RMH manufactured home park district, all structures shall comply with the height requirements applicable in the R-1 zoning district. Refer to Section 138-5.100 (Schedule of Regulations).
- D. **Setbacks from Perimeter Property Lines.**
 1. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
 2. Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall be set back at least 50 feet from the property line. If the property line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. This setback does not apply to internal roads dedicated for public use.
- E. **Required Distances Between Homes and Other Structures.**
 1. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

- a. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
 - c. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - d. Fifty feet from permanent community-owned structures, such as clubhouses or maintenance and storage facilities.
 - e. One hundred feet from a baseball or softball field.
 - f. Twenty-five feet from the fence of a swimming pool.
2. Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.
 3. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - a. Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.
 - b. Seven feet from a parking space on an adjacent home site or parking bay off a home site.
 - c. Seven feet from a common sidewalk.
 - d. Twenty-five feet from a natural or man-made lake or waterway.
 4. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:
 - a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.
 - b. Roof overhang shall be set back 2 feet or more from the edge of the internal road.
 5. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.
 6. A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.
- F. **Landscaping and Screening.** Manufactured housing communities are subject to the landscaping requirements of R125.1945.
- G. **Open Space.**

1. Open space shall be provided in any manufactured housing community containing fifty (50) or more manufactured home sites. A minimum of two percent (2%) of the park's gross acreage or 25,000 square feet of contiguous space, whichever is greater, shall be dedicated to well drained, usable open space complying with the drainage standards in State Rule R125.1714.
 2. Required property boundary setback areas may not be used in the calculation of open space.
 3. Optional improvements shall comply with state construction codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.
 4. If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.
- H. **Lighting.** Except in a seasonal manufactured housing community, all internal street and sidewalk systems within a manufactured housing community shall be lighted as follows:
1. Access points shall be lighted. If the public thoroughfare is lighted the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
 2. At all internal road intersections and designated pedestrian crosswalks the minimum illumination shall be not less than .15 footcandles.
 3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.
 4. Lighting fixtures for site-built buildings shall comply with the state electrical code.
- I. **Swimming Pools.** Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et. Seq., Public Act 368 of 1978, and Rule R125.1941(1)(f).

Section 138-6.404 Streets, Driveways, and Parking Areas

All streets, driveways, and parking areas in manufactured housing communities shall comply with the following design requirements:

- A. **Access.**
1. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
 2. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.
- B. **Composition and Surfacing.** All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (AAASHTO), pursuant to Rule R125.1922. Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).
- C. **Curbing.** If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928 (a). (Rule R125.1923)
- D. **Parking spaces; Streets.** All internal roads shall be two-way and have driving surfaces that are not less than the following widths:

1. Two-way, no parking 21 feet
2. Two-way, parallel parking, 1 side 31 feet
3. Two-way, parallel parking, 2 sides 41 feet.

E. **Road Configurations.** An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections of more than two internal roads are prohibited.

F. **Road Widths, Street Names, Addresses & Traffic Control.**

1. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections 2 through 4.
2. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
3. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
4. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
5. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
6. School bus stops, if provided, shall be located in an area that is approved by the school district.
7. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

Section 138-6.405 Sidewalks

- A. Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.
- B. Common sidewalks shall be constructed in compliance with all of the following requirements:
 1. Sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Public Act 8 of 1973, an act that regulates barrier-free sidewalk access.
 2. All common sidewalks shall meet the standards established in Rule R125.1928.

3. Except in a seasonal community, an individual sidewalk shall be constructed between at least one entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.
- C. An individual site sidewalk with a minimum width of 3 feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.

Section 138-6.406 Parking

- A. **Resident Parking.** A minimum of two (2) hard-surfaced parking spaces shall be provided for each manufactured home site. Parking may be either on or off the individual home site.
1. If the two resident vehicle parking spaces required by this section are provided off the home site, the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
 2. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
 3. If vehicle parking is provided on the home site it shall comply with the following provisions:
 - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade compliant with the standards of AASHTO.
 - b. The parking spaces may be either in tandem or side-by-side. If spaces are tandem, the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side-by-side the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.
- B. **Visitor Parking.** A minimum of one visitor parking space shall be provided for each three home sites.
1. Visitor parking shall be located within 500 feet of the sites it is intended to serve, as measured along a road or sidewalk.
 2. Individual visitor parking spaces shall have a clear width of 10 feet and a clear length of 20 feet.

Section 138-6.407 Utilities

The following utility standards apply to all manufactured home communities:

- A. **Connections and Lines.** All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.
- B. **Drainage.**
1. All drainage outlet connections shall be subject to review and approval by the Drain Commissioner.
 2. Drainage systems shall be reviewed and approved by the Michigan Department of Environmental Quality, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act.

3. Drain utility connections shall comply with Rule R125.1603(c).
- C. **Electricity.** Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).
- D. **Fuel & Gas Heating Service.** The installation, maintenance, operation and service of manufactured housing community fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).
- E. **Telephone Communication Lines.** All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.
- F. **Television.** Television service installation shall comply with requirements of Rule R125.1940(1).
- G. **Water & Sewage.** All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the Michigan Department of Environmental Quality, pursuant to MDEQ Rules R325.3321 and R325.3331 through R325.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R325.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a.
- H. **Utility Cabinets.** Public utility (water, sewer, electrical, etc.) cabinet design shall be approved by the City prior to development. Utility cabinets shall be designed, located, and screened in a manner which minimizes their visibility and appearance, and which will not create sight-line conflicts for motorists or pedestrians.

Section 138-6.408 Disposal of Garbage and Trash

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in a sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

Section 138-6.409 Emergency & Safety

- A. **Fire Protection.** All manufactured homes built, sold, or brought into this state shall be equipped with at least one fire extinguisher approved by the national fire protection association and one smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement under Public Act 133 of 1974, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules.
- B. **Disaster & Severe Weather.** Each manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and nearest shelter location.

Section 138-6.410 Required Conditions

- A. **In-Community Home Sales.** New or pre-owned manufactured homes which are to remain on-site in the manufactured housing community may be sold by the resident, owner, or licensed retailer or broker, provided that the manufactured housing community management permits the sale, as

established in Section 28a of Public Act 96 of 1987, as amended, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e).

- B. **Installation and Anchoring.** Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code, pursuant to Rules R125.1605 and R125.1607. The installation of manufactured housing on each site within a community shall conform to the requirements of Rules R125.1602 and R125.1602a.
- C. **Utility Connections.** All utility connections within the community shall comply with the requirements of Rule R125.1603. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary.
- D. **Storage.**
1. A manufactured home site shall be kept free of fire hazards, including combustible materials under the home.
 2. One storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.
 - a. Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
 - b. A detached storage shed shall be at least 10 feet from all adjacent homes.
 - c. All storage sheds shall be securely anchored in accordance with the Michigan Residential Code.
 3. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- E. **Skirting.**
1. Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of a certificate of occupancy and shall be installed within 60 days of placement of the home on the site unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued pursuant to Section 13 of Public Act 230 of 1972, as amended.
 2. Skirting shall be vented as required by Rule R125.1604.
 3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained by the resident.
 4. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules.

F. **Recreational Vehicles.**

1. If recreational vehicle storage is provided within the manufactured housing community, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.
2. The storage area shall be limited to use by the residents and management of the manufactured housing community.

Section 138-6.411 Licenses and Permits

- A. **Site Plan Review Required for Community.** The City shall review the preliminary plan for the manufactured housing community pursuant to Section 12 of the Act and Rules R325.33851-3385 of the Michigan Department of Environmental Quality's Mobile Home Park Health Standards.
- B. **License.** No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- C. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- D. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- E. **Site-Constructed Buildings.** Site constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- F. **Individual Homes.** Site plan review is not required for individual homes in a manufactured housing community.

SECTION 13. 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 14. 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.

Section . 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 *Rochester Post* on _____, 2012.
3. **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2012.

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 _____, 2012.

Jane Leslie, Clerk
City of Rochester Hills