

05/07/2015

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 138-4.300, 138-4.302 and 138-8.200 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO ADD ALCOHOLIC BEVERAGE SALES (FOR ON-PREMISES CONSUMPTION) TO THE TABLE OF PERMITTED USES BY DISTRICT, REPEAL INCONSISTENT PROVISIONS, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-4.300 of Chapter 138 of the Code of Ordinances shall be amended, as follows:

**Sec. 138-4.300 Table of Permitted Uses by District**

**Table 4. Permitted Uses by Zoning District**

Use	Key:													Additional Standards
	P: Permitted Use			C: Conditional Use					[-]: use not permitted					
	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP			
<b>Animal and Agriculture Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP		Additional Standards	
Agriculture	P	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 138-4.401</a>	
Kennels	C	-	-	-	-	-	-	-	-	C	-	-	<a href="#">Section 138-4.418</a>	
Pet boarding facilities	-	-	P	P	P	-	-	-	-	P	-	-	<a href="#">Section 138-4.418</a>	
Plant material nurseries	C	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 138-4.432</a>	
Private stables	P	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 138-4.435</a>	
Public Stables, riding academies and hunt clubs	-	-	-	-	-	-	-	-	-	-	C	-	<a href="#">Section 138-4.435</a>	
Raising and keeping of animals	P	P	P	P	P	P	P	P	-	P	P	-	<a href="#">Section 138-4.436</a>	
Veterinary hospitals or clinics	-	-	P	P	P	-	-	C	-	P	-	-	<a href="#">Section 138-4.442</a>	
<b>Residential Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP		Additional Standards	
One-family detached dwellings	P	P	-	-	-	-	-	-	-	-	C	-	<ul style="list-style-type: none"> <li>Single family dwellings in the RM-1 district follow the requirements of the R-3 district.</li> <li>Single family dwellings in the SP district follow the requirements of the R-1 district</li> </ul>	
Attached dwelling units	-	P	-	-	-	-	-	-	-	-	-	-		
Two-family dwellings	-	P	-	-	-	-	-	-	-	-	-	-	Two family dwellings in the RM-1 district shall be constructed according to the requirements of the R-4 district.	
Boarding and rooming dwellings	-	P	-	-	-	-	-	-	-	-	-	-		
Nursing Homes, Convalescent Homes, and Assisted Living Facilities	-	P	-	C	C	-	-	-	-	-	P	-	<a href="#">Section 138-4.423</a>	
State licensed residential facilities (6 or fewer residents)	P	P	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 138-4.439</a>	
State licensed residential facilities (more than 7 but not more than 12 residents)	C	C	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 138-4.439</a>	

Key: P: Permitted Use C: Conditional Use [--]: use not permitted

Use	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
<b>Community, Public, and Recreation Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
Cemeteries	C	--	--	--	--	--	--	--	--	I	--	Minimum site size of 5 acres
Colleges, universities, or other institutions of higher learning offering courses in general, technical, or religious education	--	--	--	--	--	P	--	--	P	--	P	<u>Section 138-4.4</u> (ORT district only)
Concert halls and auditoriums	--	--	--	--	--	--	--	--	--	--	C	
Facilities for community groups such as theatrical groups	--	--	--	--	--	--	--	--	--	--	P	
Fraternities and sororities	--	--	--	--	--	--	--	--	--	--	C	
Golf courses (may or may not be operated for-profit)	C	--	--	--	--	--	--	--	--	--	--	<u>Section 138-4.412</u>
Hospitals	--	--	--	--	--	--	--	--	--	--	C	<u>Section 138-4.415</u>
Libraries and museums	P	P	P	P	P	P	P	P	P	P	P	<u>Section 138-4.426</u> (ORT district only) <u>Section 138-4.431</u>
Municipal buildings and uses	P	P	P	P	P	P	P	P	P	P	P	<u>Section 138-4.426</u> (ORT district only)
Nursery schools, day nurseries, child care centers, adult foster care large group homes, and adult foster care congregate facilities	C	C	P	P	P	--	--	P	--	--	--	<u>Section 138-4.422</u>
Places of worship	P	P	P	P	P	P	P	P	--	P	P	<u>Section 138-4.431</u>
Primary and secondary schools (public, private and parochial)	P	P	--	--	--	--	--	--	--	--	--	
Private clubs, fraternal organizations, and lodge halls	--	--	--	P	P	--	--	--	--	--	--	
Private recreation areas, swim clubs, and tennis courts	C	--	--	--	--	--	--	--	--	--	--	<u>Section 138-4.433</u>
Privately operated recreational facilities located on publicly owned park properties	P	P	P	P	P	P	P	P	--	P	P	
Publicly owned buildings and public utility buildings	--	--	--	C	C	--	--	P	--	P	--	Outdoor storage yards are permitted only in the I district
Transit passenger stations	--	--	P	P	P	P	P	P	--	P	P	
Essential utilities	P	P	P	P	P	P	P	P	P	P	P	<u>Section 138-4.441</u>
<b>Commercial and Retail Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
Adult regulated businesses	--	--	--	--	--	--	--	--	--	--	--	<u>Section 138-4.400</u>
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C	C	C	C	C	C	I	C	C	C	C	
Automotive gasoline service stations and associated retail uses	--	--	--	--	--	P	P	--	--	--	--	<u>Section 138-4.404</u>
Automotive service centers	--	--	--	--	C	--	C	--	--	C	--	<u>Section 138-4.405</u>
Banks, credit unions, and similar uses	--	--	P	P	P	--	--	P	--	--	--	<u>Section 138-4.406</u>
Banquet halls/conference centers	--	--	--	P	P	--	--	C	P	--	--	<u>Section 138-4.426</u> (ORT district only)
Car washes	--	--	--	--	--	--	C	--	--	--	--	
Drive-through accessory to a permitted use	--	--	C	C	C	C	C	C	--	--	--	<u>Section 138-4.410</u>
Dry cleaners	--	--	P	P	P	--	--	--	--	--	--	<u>Section 138-4.445</u>
Health or exercise clubs	--	--	P	P	P	P	--	--	C	--	P	<u>Section 138-4.426</u> (ORT district only)
Home improvement store	--	--	--	C	P	--	--	--	--	--	--	No fabrication, processing, or manufacturing shall occur on site.
Indoor theatres, including movie theatres	--	--	--	P	P	--	--	--	--	--	--	
New car office, sales or showroom	--	--	--	--	P	--	--	--	--	--	--	Accessory bump shops incidental to the main business may be permitted by the Planning Commission if screened.
Office/showroom or workshop establishment	--	--	P	P	P	--	--	--	--	--	--	No more than five persons may be employed at any time in the fabrication, repair and other processing of goods.
Outdoor display and sales of goods	--	--	P	P	P	--	--	--	--	--	--	<u>Section 138-4.425</u>
Outdoor recreation, commercial	--	--	--	--	P	--	--	--	--	--	--	<u>Section 138-4.428</u>
Outdoor sales of used cars, recreational vehicles, travel trailers, and manufactured homes	--	--	--	C	C	--	--	--	--	--	--	<u>Section 138-4.429</u>
Private indoor recreational facilities	--	--	--	P	P	--	--	--	--	P	P	<u>Section 138-4.419</u>
Restaurant, drive-in or drive-through	--	--	--	C	C	C	--	--	--	--	--	<u>Section 138-4.410</u>

Key: P: Permitted Use C: Conditional Use [--]: use not permitted

Use	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
Restaurant, sit down	--	--	--	P	P	P	--	--	P	--	--	<a href="#">Section 138-4.426</a> (ORT district only)
Retail sales establishments	--	--	P	P	P	P	--	--	P	--	--	<a href="#">Section 138-4.426</a> (ORT district only)
Sales and service of food outdoors	--	--	--	P	P	P	P	--	--	--	--	<a href="#">Section 138-4.427</a>
<b>Office and Service Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
Dry cleaners	--	--	P	P	P	--	--	--	--	--	--	Service only, not plants
Funeral Homes	C	--	--	--	--	--	--	P	--	--	--	<a href="#">Section 138-4.411</a>
Hotel, motel and residential inn	--	--	--	--	C	P	--	--	C	--	--	<a href="#">Section 138-4.416</a> <a href="#">Section 138-4.426</a> (ORT district only)
Medical offices and clinics	--	--	P	P	P	P	--	P	P	P	--	<a href="#">Section 138-4.426</a> (ORT district only)
Personal service establishments	--	--	P	P	P	--	--	--	--	--	--	
Professional offices	--	--	P	P	P	P	--	P	P	P	--	<a href="#">Section 138-4.424</a> (B-4 district only) <a href="#">Section 138-4.426</a> (ORT district only)
Retail businesses normally associated with and complementary to office districts (e.g. stationery shops, office supplies, coffee shops, etc.)	--	--	--	--	--	--	--	P	--	--	--	No entrance or exit directly to the outside of the building from the retail businesses shall be permitted.
Research and development and/or technical training, including data processing and computer centers	--	--	--	--	--	--	--	P	P	P	--	<a href="#">Section 138-4.426</a> (ORT district only)
Studios or instruction centers for music, art, dance, crafts, martial arts, etc.	--	--	P	P	P	--	--	--	--	--	--	
<b>Industrial, Research, and Technology Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	Additional Standards
Airports, landing fields, heliports, platforms, hangars, masts and other aeronautical facilities	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.402</a>
Assembly and machining operations when adjunct to research and development activities occurring at the same location.	--	--	--	--	--	--	--	--	C	P	--	<a href="#">Section 138-4.421</a> <a href="#">Section 138-4.426</a> (ORT district only)
Auto racetracks, including midget, carting, and snow-manufactured tracks	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.403</a>
Automobile and machinery assembly plants	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Building material storage and sales	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Caretaker's or manager's residence	--	--	--	--	--	--	--	--	--	P	--	Permitted only when accessory to a principal use. Residence may not exceed 750 square feet of total living area
Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.409</a>
Contractor's or builder's office including a storage equipment yard if related to the contracting or building business	--	--	--	--	--	--	--	--	--	P	--	
Dry cleaning plants	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.420</a>
Equipment and trailer rental facilities	--	--	--	--	--	--	--	--	--	P	--	
Freight yards and terminals	--	--	--	--	--	--	--	--	--	C	--	
Gun clubs (for-profit or not-for-profit)	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.413</a>
Heating and electric power generating plants	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.420</a>
Junkyards	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.417</a>
Laboratories (experimental, film, or testing)	--	--	--	--	--	--	--	P	C	P	--	<a href="#">Section 138-4.419</a> <a href="#">Section 138-4.426</a> (ORT district only)
Lumber and planning mills	--	--	--	--	--	--	--	--	--	C	--	Such uses shall be completely enclosed and located in the interior of the district so that no property line shall form the exterior boundary of the I district
Manufacture, compounding, processing, packaging or treatment of finished or semi-finished products, articles, or merchandise where the external and physical effects are restricted to the site and will not impact neighboring land uses.	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Manufacture, compounding, processing, or packaging	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.420</a>

Use	Key: P: Permitted Use C: Conditional Use [--]: use not permitted											Additional Standards
	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	
of raw materials into finished or semi-finished products, or manufacturing, compounding, packaging or recycling operations that will generate external physical effects that will be felt to some degree by neighboring land uses.												
Manufacture of scientific instruments, electrical or electronic prototypes, and specialized display and exhibit materials	--	--	--	--	--	--	--	--	C	P	--	<a href="#">Section 138-4.426</a> (ORT district only)
Metal plating, buffing and polishing	--	--	--	--	--	--	--	--	--	C	--	Appropriate measures to control noxious odors and/or nuisances shall be provided
Media and entertainment production facilities	--	--	--	P	P	--	--	P	P	P	--	Such uses shall be primarily operated within an enclosed building, but may include an outdoor element provided that the use is operated in conformance with <a href="#">Section 138-10.310</a> , Performance Standards
Painting and varnishing shops	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Recreational vehicle storage yards	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.437</a>
Tool, die, gauge and machine shops	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Tractor and trucking facilities, including storage and repair	--	--	--	--	--	--	--	--	--	C	--	Outdoor storage of vehicles subject to the requirements of <a href="#">Section 138-4.437</a>
Vehicle Collision Repair and Undercoating	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Warehousing and wholesale establishments	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Section 138-4.419</a>
Waste lagoon ponds	--	--	--	--	--	--	--	--	--	C	--	<a href="#">Section 138-4.443</a>
Water supply and sewage disposal plants	--	--	--	--	--	--	--	--	--	P	--	
Water and gas tank holders	--	--	--	--	--	--	--	--	--	P	--	
<b>Temporary, Special Event, and Other Uses</b>	R	RM-1	B-1	B-2	B-3	B-4	B-5	O-1	ORT	I	SP	<b>Additional Standards</b>
Accessory buildings and accessory uses customarily incidental to the permitted uses in this section	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Article 10, Chapter 1</a>
Home occupations	P	--	--	--	--	--	--	--	--	--	--	<a href="#">Section 138-4.414</a>
Outdoor storage	--	--	--	P	P	--	--	--	--	P	--	<a href="#">Section 138-4.430</a>
Roadside stands and markets and Christmas tree sales	P	P	P	P	P	P	P	P	--	P	P	<a href="#">Section 138-4.438</a>
Temporary construction	P	P	P	P	P	P	P	P	--	P	P	<a href="#">Section 138-4.440</a>
Wireless telecommunication facilities	C	C	C	P	P	P	P	C	P	P	C	<a href="#">Section 138-4.444</a>

Section 2. Section 138-4.302 of Chapter 138 of the Code of Ordinances shall be amended, as follows:

**Sec. 138-4.302 Table of Permitted Uses - REC Districts**

**Table 5. Permitted Uses in the REC Districts**

Use	Key: P: Permitted Use C: Conditional Use [--]: use not permitted				Additional Standards
	REC-W	REC-C	REC-I	REC-M	
<b>Animal and Agriculture Uses</b>	REC-W	REC-C	REC-I	REC-M	<b>Additional Standards</b>
Kennels	C	--	--	--	<a href="#">Section 138-4.418</a>
Pet boarding facilities	P	--	--	--	<a href="#">Section 138-4.418</a>
Raising and keeping of animals	P	P	P	P	<a href="#">Section 138-4.436</a>
Veterinary hospitals or clinics	P	P	P	P	<a href="#">Section 138-4.442</a>

Key: P: Permitted Use C: Conditional Use [--]: use not permitted

Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
<b>Residential Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Attached dwelling units	--	--	P	P	Not permitted on first floor in REC-I
Nursing Homes, Convalescent Homes, and Assisted Living Facilities	--	--	--	C	<a href="#">Section 138-4.423</a>
<b>Community, Public, and Recreation Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Colleges, universities, or other institutions of higher learning offering courses in general, technical, or religious education	--	C	C	--	
Libraries and museums	P	P	P	P	<a href="#">Section 138-4.431</a>
Municipal buildings and uses	P	P	P	P	
Nursery schools, day nurseries, child care centers, adult foster care large group homes, and adult foster care congregate facilities	--	--	--	P	<a href="#">Section 138-4.422</a>
Places of worship	P	P	P	P	<a href="#">Section 138-4.431</a>
Private clubs, fraternal organizations, and lodge halls	--	--	--	P	
Privately operated recreational facilities located on publicly owned park properties	P	P	P	P	
Public utility buildings	P	P	--	--	
Essential utilities	P	P	P	P	<a href="#">Section 138-4.441</a>
<b>Commercial and Retail Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
<a href="#">Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use</a>	C	C	C	C	
Automotive gasoline service stations and associated retail uses	--	--	C	--	<a href="#">Section 138-4.404</a>
Automotive service centers	C	C	C	--	<a href="#">Section 138-4.405</a>
Banks, credit unions, and similar uses	--	--	P	P	<a href="#">Section 138-4.406</a>
Banquet halls/conference centers	--	--	P	--	
Car washes	--	--	C	--	
Drive-through accessory to a permitted use	--	--	C	C	<a href="#">Section 138-4.410</a>
Dry cleaners	--	--	P	P	<a href="#">Section 138-4.445</a>
Health or exercise clubs	--	P	P	P	
Office/showroom or workshop establishment	--	--	P	P	No more than five persons may be employed at any time in the fabrication, repair and other processing of goods.
Outdoor display and sales of goods	--	--	P	P	<a href="#">Section 138-4.425</a>
Outdoor sales of used cars, recreational vehicles, travel trailers, and manufactured homes	--	--	--	C	<a href="#">Section 138-4.429</a>
Private indoor recreational facilities	P	P	--	--	<a href="#">Section 138-4.419</a>
Restaurant, drive-in or drive-through	--	--	C	C	<a href="#">Section 138-4.410</a> Not permitted on sites with frontage on Auburn
Restaurant, sit down	--	--	P	P	
Retail sales establishments	--	--	P	P	
Sales and service of food outdoors	--	--	P	P	<a href="#">Section 138-4.427</a>
<b>Office and Service Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Dry cleaners	--	--	P	P	Service only, not plants
Hotel, motel and residential inn	--	P	P	--	<a href="#">Section 138-4.416</a>
Medical offices and clinics	P	P	P	P	
Personal service establishments	--	--	P	P	
Professional offices	P	P	P	P	
Research and development and/or technical training, including data processing and computer centers	P	P	P	--	
Studios or instruction centers for music, art, dance, crafts, martial arts, etc.	--	--	P	P	

Key:	P: Permitted Use	C: Conditional Use	[--]: use not permitted		
Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
<b>Industrial, Research, and Technology Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Assembly and machining operations when adjunct to research and development activities occurring at the same location.	P	P	P	--	<a href="#">Section 138-4.421</a>
Automobile and machinery assembly plants	P	P	--	--	<a href="#">Section 138-4.419</a>
Building material storage and sales	P	P	--	--	<a href="#">Section 138-4.419</a>
Caretaker's or manager's residence	--	--	--	--	Permitted only when accessory to a principal use. Residence may not exceed 750 square feet of total living area
Contractor's or builder's office including a storage equipment yard if related to the contracting or building business	P	P	C	--	<a href="#">Section 138-4.430</a>
Dry cleaning plants	C	C	--	--	<a href="#">Section 138-4.420</a>
Equipment and trailer rental facilities	P	P	C	--	<a href="#">Section 138-4.430</a>
Freight yards and terminals	C	C	--	--	
Gun clubs (for-profit or not-for-profit)	C	C	--	--	<a href="#">Section 138-4.413</a>
Junkyards	C	--	--	--	<a href="#">Section 138-4.417</a>
Laboratories (experimental, film, or testing)	P	P	P	--	<a href="#">Section 138-4.419</a>
Manufacture, compounding, processing, packaging or treatment of finished or semi-finished products, articles, or merchandise where the external and physical effects are restricted to the site and will not impact neighboring land uses.	P	P	--	--	<a href="#">Section 138-4.419</a>
Manufacture, compounding, processing, or packaging of raw materials into finished or semi-finished products, or manufacturing, compounding, packaging or recycling operations that will generate external physical effects that will be felt to some degree by neighboring land uses.	C	C	--	--	<a href="#">Section 138-4.420</a>
Manufacture of scientific instruments, electrical or electronic prototypes, and specialized display and exhibit materials	P	P	P	--	
Metal plating, buffing and polishing	C	C	--	--	Appropriate measures to control noxious odors and/or nuisances shall be provided
Media and entertainment production facilities	P	P	P	--	Such uses shall be primarily operated within an enclosed building, but may include an outdoor element provided that the use is operated in conformance with <a href="#">Section 138-1-.310</a> Performance Standards
Painting and varnishing shops	P	P	--	--	<a href="#">Section 138-4.419</a>
Recreational vehicle storage yards	C	C	--	--	<a href="#">Section 138-4.437</a>
Tool, die, gauge and machine shops	P	P	--	--	<a href="#">Section 138-4.419</a>
Tractor and trucking facilities, including storage and repair	C	C	--	--	Outdoor storage of vehicles subject to the requirements of <a href="#">Section 138-4.437</a>
Vehicle Collision Repair and Undercoating	P	P	--	--	<a href="#">Section 138-4.419</a>
Warehousing and wholesale establishments	P	P	--	--	<a href="#">Section 138-4.419</a>
<b>Temporary, Special Event, and Other Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Accessory buildings and accessory uses customarily incidental to the permitted uses in this section	P	P	P	P	<a href="#">Article 10, Chapter 1</a>
Home occupations	--	--	P	P	<a href="#">Section 138-4.414</a>
Outdoor storage	P	P	P	--	<a href="#">Section 138-4.430</a>
Roadside stands and markets and Christmas tree sales	P	P	P	P	<a href="#">Section 138-4.438</a>
Temporary construction	P	P	P	P	<a href="#">Section 138-4.440</a>
Wireless telecommunication facilities	P	P	C	C	<a href="#">Section 138-4.444</a>

Section 3. Section 138-8.200 of Chapter 138 of the Code of Ordinances shall be amended, as follows:

**Sec. 138-8.200 Permitted Uses**

**Table 9. Permitted Uses in Flex Business Districts**

Key: P: Permitted Use C: Conditional Use [--]: use not permitted

Use	FB-1	FB-2	FB-3
<b>Residential Uses</b>			
Dwelling unit in a mixed-use building	P	P	P
Live/work unit	P	P	P
Multiple-family dwelling unit	P	P	P
One-family detached dwellings	P	C	--
State licensed residential facilities (all types)	P	P	P
<b>Lodging Uses</b>			
Bed & Breakfast	P	P	P
Inn	C	C	P
Hotel	--	C	P
<b>Commercial Uses</b>			
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C	C	C
Bar, Tavern, or other Alcohol Service Establishment	C	P	P
Drive-Through Facility accessory to a principal use	C	C	C
Entertainment and recreation	--	P	P
General Commercial	--	P	P
Open Air Retail	--	C	C
Place of Assembly	--	P	P
Restaurant	C	P	P
<b>Office Uses</b>			
Office	P	P	P
<b>Civic Uses</b>			
Childcare Center	P	P	P
Community Facility	P	P	P
Place of Worship	C	P	P
Recreational Facility	P	P	P
Essential Services	P	P	P
Public Parking	P	P	P
Transit Facilities	P	P	P
<b>Education Uses</b>			
Learning Center	P	P	P
Research Facility	P	P	P
School	P	P	--
Special Training/Vocational	P	P	P

**Section 4. Severability.** This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Section 5. 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 6. Repeal, Effective Date, Adoption.

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

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, following its publication in the *Oakland Press* on \_\_\_\_\_, 2015.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2015.

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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 \_\_\_\_\_, 2015.

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Tina Barton, Clerk  
City of Rochester Hills