

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 138-4.410, 138-11.204, AND 138-13.101 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROVIDE ADDITIONAL SPECIFIC DESIGN STANDARDS FOR DRIVE THROUGH FACILITIES, CLARIFY THE NUMBER OF STACKING SPACES REQUIRED, AND PROVIDE A NEW DEFINITION FOR DRIVE THROUGH FACILITY, AND TO ENSURE CONSISTENCY ACROSS VARIOUS ORDINANCE SECTIONS; TO, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-4.410 of Chapter 4 Design Standards for Specific Uses, of Article 4 Zoning Districts and Permitted Uses, of Chapter 138 – Zoning, 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 138-4.410 regulates drive-through uses as follows:

~~Section 138-4.410 Drive-Through Facilities~~

~~Any use or building that contains a drive through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:~~

- ~~A. Drive through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.~~
- ~~B. Drive through uses must be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front building wall of the primary structure.~~
- ~~C. Drive through uses shall be configured such that glare from headlights is obstructed from shining into a public right of way or neighboring residential use.~~
- ~~D. Unless a more intense buffer is required by Section 138-12.300, a type B landscape buffer shall be provided along rear and side lot lines of a drive through use located adjacent to a residentially zoned or used property.~~

Section 138-4.410 Drive-Through Facilities

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:

- A. Drive-through facilities may be conditionally permitted as accessory to a permitted use where the principal use occupies space in a structure larger than 2,000 square feet. Any new structure shall be placed on a permanent foundation and designed to be compatible with neighboring development in terms of material and appearance.
- B. Drive-through facilities shall be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.
- C. Drive-through uses service windows shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front building wall of the primary structure.

- D. Drive-through uses shall be configured such that glare from headlights is obstructed from shining into a public right-of-way or neighboring residential use.
- E. Unless a more intense buffer is required by Section 138-12.300, a type D landscape buffer shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.
- F. Any use with a drive-through shall also provide customers with a means of accessing services inside the building.
- G. Drive through facilities, ~~All drive-through lanes, except those that have no more than two (2) drive through lanes, each having three (3) or fewer stacking spaces, shall have drive through lanes that are~~ separated from general maneuvering circulation lanes by way of curbed landscape islands with a planting bed a minimum of three (3) feet wide (measured back of curb to back of curb).
- H. All designated pedestrian areas which pass through any area intended for vehicular circulation shall be clearly marked through pavement striping, alternative paving material, a stamped pattern or texture in the pavement, or a combination thereof.
- I. Drive-through lanes shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet per vehicle. Drive-through lanes shall have a minimum centerline turning radius of twenty-five (25) feet.
- J. Stacking lanes shall not conflict with other vehicle circulation on the site, including maneuvering lanes for parking spaces.
- K. These standards do not apply to any development or building project that has received approval for construction or that has submitted complete plans to the City for site plan and conditional use approval prior to May 8, 2023.

SECTION 2. Section 138-11.204 of Chapter 2 - Minimum and Maximum Parking Required, of Article 11 Off-Street Parking and Loading, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Article 11 - Off-Street Parking and Loading

Chapter 2 – Minimum and Maximum Parking Required.

Section 138-11.204 - Parking Requirements

COMMERCIAL, OFFICE and RETAIL USES	
Car wash	1 space per employee + four stacking spaces per wash line or bay + 1 exit stacking space for post-wash detailing
Drive-in or drive-through establishments facilities stacking space requirements	3 stacking spaces per general use service window or station, or 10 stacking spaces per restaurant service lane window, plus one (1) space beyond the delivery window
Hotel, motel, or other lodging	1.1 spaces per room
Office, medical or professional	1 space per 350 sq. ft. of floor area
Places of Assembly (where parking demand is generated by occupancy rather than floor area, such as banquet halls, movie theatres, etc.)	1 space per 3 persons permitted at maximum occupancy
Restaurant	1 space per 2 persons permitted at maximum occupancy
Retail sales and service establishments	1 space per 300 sq. ft. of floor area

SECTION 3. Section 138-13.101 of Article 13 Definitions, of Chapter 138 Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Article 13 – **Definitions**

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 – DISTRICT [Unchanged.]

~~**DRIVE-THROUGH ESTABLISHMENT.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.~~

DRIVE-THROUGH FACILITY. An element of a commercial business designed to provide service to patrons while in their motor vehicles, rather than within a building or structure, so that consumption off the premises or within the vehicle may be facilitated.

DWELLING – YARD [Unchanged.]

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 _____, 2023, following its publication in the *Oakland Press* on _____, 2023.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2023.

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 _____, 2023.

Leanne Scott, Clerk
City of Rochester Hills