



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

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Legislative File No: 2024-0273 V3

**TO:** Mayor and City Council Members

**FROM:** Sara Roediger, Planning and Economic Development Director, ext. 2573

**DATE:** June 13, 2024

**SUBJECT:** Acceptance for Second Reading – An Ordinance to amend Sections 138-5.100 and 138-5.101 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add conditions as to when reduced residential side yard setbacks are permitted and establish a maximum building height on existing lots of less than 60 feet in width; would allow the Planning Commission to consider a reduction in the required rear yard setback for nonresidential properties in the Highway Business District when the property adjoins another nonresidential district, and to ensure consistency across various Ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

**REQUEST:**

Accept for Second Reading of an Ordinance to amend Sections 138-5.100 and 138-5.101 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add conditions as to when reduced residential side yard setbacks are permitted and establish a maximum building height on existing lots of less than 60 feet in width; to allow the Planning Commission to consider a reduction in the required rear yard setback for nonresidential properties in the Highway Business District when the property adjoins another nonresidential district; to ensure consistency across various Ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

**BACKGROUND:**

The City has a number of “small lots”, particularly in the southern sections of the city, that do not comply with minimum lot size and area requirements. In general, these lots are existing lots of record and many of them can be developed with a single-family residence, albeit with some difficulty in meeting all City requirements. The City has for a number of years had zoning provisions that allow for the reduction in residential side yard setbacks, pursuant to several conditions, to help facilitate construction on these lots in a more appropriate manner. While the intent is to still allow for these setback reductions and single-family house construction, the proposed ordinance amendment provides “qualifiers” as to when and how the setbacks may be reduced.

Under the current ordinance as written, the potential exists to construct a single-family residence on one of these “small lots” that meets ordinance requirements (particularly in terms of height) but that creates unintended consequences for surrounding homes. The surrounding homes are generally older and smaller and the new home may appear to be more massive and imposing due to the reduced lot size, larger overall home size and steeper roof pitches typically desired by new homebuilders. The proposed amendments limit the height of new residential structures on these existing “small lots” with reduced setbacks, to limit impacts to surrounding, existing homes.

The second part of the proposed ordinance amendment relates to setbacks in the Highway Business District. As a part of the Nonresidential District rewrite that occurred last year, the adopted language allowed for the potential reduction of rear yard setbacks within the Neighborhood Business (NB) and Community Business (CB) Districts when the rear yard abuts similar or otherwise nonresidential districts. The Highway Business (HB) District was inadvertently omitted from this allowable modification. The second ordinance amendment proposes the insertion of the same modification provision for the HB District, so that the rear yard setback in the HB District can be modified by the Planning Commission when it determines that such a reduction is appropriate.

The Planning Commission discussed the initial draft of the proposed amendment at their April 16, 2024 meeting and established a public hearing to consider the amendment. At its May 21, 2024 meeting, the Planning Commission unanimously recommended approval of the proposed ordinance amendment. The City Council unanimously approved the first reading of the proposed amendments with no changes on June 10, 2024.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that City Council accepts for Second Reading of An Ordinance to amend Sections 138-5.100 and 138-5.101 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to add conditions as to when reduced residential side yard setbacks are permitted and establish a maximum building height on existing lots of less than 60 feet in width; to allow the Planning Commission to consider a reduction in the required rear yard setback for nonresidential properties in the Highway Business District when the property adjoins another nonresidential district, to ensure consistency across various Ordinance sections; to repeal conflicting or inconsistent ordinances; and prescribe a penalty for violations.

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APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy Clerk		

Contract Reviewed by City Attorney       Yes       N/A