

04/26/2007

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

AN ORDINANCE TO AMEND SECTIONS 138-611 AND 138-612 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY THE STATEMENT OF INTENT OF THE B-4 ZONING DISTRICT, AUTHORIZE CERTAIN OFFICE BUILDINGS WITH A MINIMUM FLOOR AREA OF 15,000 SQUARE FEET AS A PRINCIPAL PERMITTED USE IN THE B-4 DISTRICT, REPEAL INCONSISTENT PROVISIONS, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

**Section 1.** Section 138-611 of Chapter 138, Zoning, shall be amended as follows:

**Sec. 138-611. Intent.**

The B-4 freeway service business districts are designed to provide for servicing the needs of automobile highway traffic, and to provide for uses that draw from a regional market and whose customers or clients rely to a great extent upon the freeway system, at the interchange areas of feeder roads and freeway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the freeway, and the protection of adjacent properties in other zones from the adverse influence of traffic are prime considerations in the application of this district.

**Section 2.** Section 138-612 of Chapter 138, Zoning, shall be amended as follows:

**Sec. 138-612. Principal Uses Permitted.**

In the B-4 freeway service business districts, no building, structure, or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Automotive gasoline service stations.
- (2) Bus passenger stations.
- (3) Retail establishments to service the needs of the highway traveler, including such facilities as drugstores, gift shops, restaurants (except drive-in restaurants).
- (4) Hotels, motels and residential inns, subject to the following:
  - a. No guest shall rent a unit at a motel or hotel for more than 30 days within any 12 consecutive months. This subsection shall not apply to residential inns.

- b. Each unit shall contain not less than 250 square feet of floor area.
- c. When reviewing developments complying with the requirements of this subsection, consideration shall be given to the effect created by the proposed use on existing and potential development patterns within the area. The construction of a hotel/motel or residential inn shall not conflict with and/or disrupt reasonable vehicular, pedestrian, building and use patterns characteristic of a planned commercial area and the principal uses permitted in this division.

(5) Wireless telecommunication facilities.

(6) Office buildings with a minimum floor area of 15,000 sq. ft. for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales, medical offices and clinics.

~~(6)~~(7) Accessory buildings and accessory uses customarily incidental to the permitted uses in this section.

~~(7)~~(8) Other uses similar to the uses in this section.

**Section 3.** 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 4.** Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

**Section 5.** 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 \_\_\_\_\_, 2007, following its publication in the *Rochester Eccentric* on \_\_\_\_\_, 2007.

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

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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 WEDNESDAY, \_\_\_\_\_, 2007.

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Jane Leslie, City Clerk  
City of Rochester Hills