

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

AN ORDINANCE TO AMEND ARTICLE 4 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY USES IN THE REC-I REGIONAL EMPLOYMENT CENTER – INTERCHANGE DISTRICTS, DELETE THE B-4 FREEWAY SERVICE BUSINESS DISTRICT, REPEAL INCONSISTENT PROVISIONS, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Article 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Sec. 138-4.100 Zoning Districts Established**

**Table 1. Zoning Districts**

Symbol	Name
R-1	One-family Residential District
R-2	One-family Residential District
R-3	One-family Residential District
R-4	One-family Residential District
RE	One-family Residential District
RCD	One-family Residential Cluster District
RM-1	Multiple-Family Residential District
RMH	Manufactured Housing Park District
MR	Mixed Residential (overlay) District
B-1	Local Business District
B-2	General Business District
B-3	Shopping Center Business District
<del>B-4</del>	<del>Freeway Service Business District</del>
B-5	Automotive Service Business District
FB-1	Flex Business (overlay) District
FB-2	Flex Business (overlay) District
FB-3	Flex Business (overlay) District
CI	Commercial Improvement District
O-1	Office Business District
ORT	Office, Research and Technology District
I	Industrial District
SP	Special Purpose District
REC-W	Regional Employment Center – Workplace
REC-C	Regional Employment Center – M-59 Corridor
REC-I	Regional Employment Center – Interchange
REC-M	Regional Employment Center –Mixed Use

~~**Sec. 138-4.208 B-4 Freeway Service Business District**~~

~~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. B-4 freeway service districts are intended to be~~

located 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.

- Sec. 138-4.~~209~~208 B-5 Automotive Service Business District
- Sec. 138-4.~~210~~209 CI Commercial Improvement District
- Sec. 138-4.~~211~~210 O-1 Office Business District
- Sec. 138-4.~~212~~211 ORT Office, Research and Technology District
- Sec. 138-4.~~213~~212 I Industrial District
- Sec. 138-4.~~214~~213 SP Special Purpose District
- Sec. 138-4.~~215~~214 FB-1, FB-2, and FB-3 Flex Business (Overlay) District
- Sec. 138-4.~~216~~215 REC-W Regional Employment Center Workplace District
- Sec. 138-4.~~217~~216 REC-C Regional Employment Center M-59 Corridor District
- Sec. 138-4.~~218~~217 REC-I Regional Employment Center Interchange District
- Sec. 138-4.~~219~~218 REC-M Regional Employment Center Mixed Use District

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 <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	
<b>Animal &amp; Agriculture Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Agriculture	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Section 138-4.4401
Kennels	C	--	--	--	--	--	--	--	--	C	--	C	--	C	--	Section 138-4.418422
Pet boarding facilities	--	--	P	P	P	--	--	--	--	P	--	P	--	P	--	Section 138-4.418432
Plant material nurseries	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Section 138-4.432434
Private stables	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Section 138-4.435437
Public stables, riding academies & hunt clubs	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	Section 138-4.435437
Raising & keeping of animals	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	Section 138-4.436438
Veterinary hospitals or clinics	--	--	P	P	P	--	--	C	--	P	P	P	P	P	--	Section 138-4.442444
<b>Residential Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards

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

Use	P: Permitted Use					C: Conditional Use								[--]: use not permitted		Additional Standards
	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	
One-family detached dwellings	P	P	--	--	--		--	--	--					--	C	Single family dwellings in the SP district follow the requirements of the R-1 district Single family dwellings in the RM-1 district follow the requirements of the R-3 district
Attached dwelling units	--	P	--	--	--		--	--	--			P	P	--	--	Not permitted on first floor in REC-I
Two-family dwellings	--	P	--	--	--		--	--	--					--	--	Two family dwellings in the RM-1 district shall be constructed according to follow the requirements of the R-4 district
Boarding & rooming dwellings	--	P	--	--	--		--	--	--					--	--	
Nursing homes, convalescent homes & assisted living facilities	--	P	--	C	C		--	--	--				C	--	P	Section 138-4.423
State licensed residential facilities (6 or fewer residents)	P	P	--	--	--		--	--	--					--	--	Section 138-4.439
State licensed residential facilities (more than 7 but not more than 12 residents)	C	C	--	--	--		--	--	--					--	--	Section 138-4.439
<b>Community, Public, &amp; Recreation Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Cemeteries	C	--	--	--	--		--	--	--					--	--	Minimum site size of 5 acres
Colleges, universities, or other institutions of higher learning offering courses in general, technical, or religious education	--	--	--	--	--	P	--	--	P		C	C		--	P	Section 138-4.426 (ORT district only)
Concert halls & auditoriums	--	--	--	--	--		--	--	--					--	C	
Facilities for community groups such as theatrical groups	--	--	--	--	--		--	--	--					--	P	
Fraternities & sororities	--	--	--	--	--		--	--	--					--	C	
Golf courses (may or may not be operated for-profit)	C	--	--	--	--		--	--	--					--	--	Section 138-4.41413
Hospitals	--	--	--	--	--		--	--	--					--	C	Section 138-4.415416
Libraries & museums	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 138-4.426 (ORT district only) Section 138-4.431433
Municipal buildings & uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 138-4.426 (ORT district only)
Nursery schools, day nurseries, child care centers, adult foster care large group homes & adult foster care congregate facilities	C	C	P	P	P		--	P	--			C	P	--	--	Section 138-4.422424
Places of worship	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	Section 138-4.431433
Primary & secondary schools (public, private & parochial)	P	P	--	--	--		--	--	--					--	--	
Private clubs, fraternal organizations & lodge halls	--	--	--	P	P		--	--	--				P	--	--	
Private recreational areas, swim clubs & tennis courts	C	--	--	--	--		--	--	--					--	--	Section 138-4.433435

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

Use	P: Permitted Use					C: Conditional Use								[--]: use not permitted		Additional Standards
	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-J	REC-M	I	SP	
Privately operated recreational facilities located on publicly owned parkland	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Publicly owned buildings & public utility buildings	--	--	--	C	C	I	--	P	--	P	P	P	--	P	--	Outdoor storage yards are permitted only in the I district
Transit passenger stations	--	--	P	P	P	P	P	P	--	I	I	P	I	P	P	
Essential utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 138-4.442</a>
<b>Commercial &amp; Retail Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-J	REC-M	I	SP	Additional Standards
Adult regulated businesses	I	I	I	I	C	I	I	I	I	I	I	I	I	I	I	<a href="#">Section 138-4.400</a>
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	-
Automotive gasoline service stations & associated retail uses	--	--	--	--	--	P	P	--	--	I	I	C	I	--	--	<a href="#">Section 138-4.404</a>
Automotive service centers	--	--	--	--	C	I	C	--	--	C	C	C	I	C	--	<a href="#">Section 138-4.405</a>
Banks, credit unions & similar uses	--	--	P	P	P	I	--	P	--	I	I	P	P	--	--	<a href="#">Section 138-4.406</a>
Banquet halls/conference centers	--	--	--	P	P	I	--	C	P	I	I	P	I	--	--	<a href="#">Section 138-4.426</a> (ORT district only) <a href="#">Section 138-4.407</a> (O-1 district only)
Car washes	--	--	--	--	--	I	C	--	--	I	I	C	I	--	--	
Drive-through accessory to a permitted use	--	--	C	C	C	C	C	C	--	I	I	C	C	--	--	<a href="#">Section 138-4.410</a>
Dry cleaners	--	--	P	P	P	I	--	--	--	I	I	P	P	--	--	<a href="#">Section 138-4.445</a> <a href="#">411</a>
Health or exercise clubs	--	--	P	P	P	P	--	--	C	I	P	P	P	--	P	<a href="#">Section 138-4.426</a> (ORT district only)
Home improvement store	--	--	--	C	P	I	--	--	--	I	I	I	I	--	--	No fabrication, processing, or manufacturing shall <b>not</b> occur on site
Indoor theatres, including movie theatres	--	--	--	P	P	I	--	--	--	I	I	I	I	--	--	
New car office, sales or showroom	--	--	--	--	P	I	--	--	--	I	I	I	I	--	--	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	I	--	--	--	I	I	P	P	--	--	No more than <b>A</b> maximum of 5 persons may be employed at any time in the fabrication, repair & other processing of goods
Outdoor display & sales of goods	--	--	P	P	P	I	--	--	--	I	I	P	P	--	--	<a href="#">Section 138-4.425</a> <a href="#">426</a>
Outdoor recreation, commercial	--	--	--	--	P	I	--	--	--	I	I	I	I	--	--	<a href="#">Section 138-4.428</a> <a href="#">429</a>
Outdoor sales of used cars, recreational vehicles, travel trailers & manufactured homes	--	--	--	C	C	I	--	--	--	I	I	I	C	--	--	<a href="#">Section 138-4.429</a> <a href="#">430</a>
Private indoor recreational facilities	--	--	--	P	P	I	--	--	--	P	P	P	I	P	P	<a href="#">Section 138-4.419</a> <a href="#">408</a>

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

Key:	P: Permitted Use					C: Conditional Use					[-]: use not permitted					Additional Standards
	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	
Restaurant, drive-in or drive-through	-	-	-	C	C	C	-	-	-	-	-	C	C	-	-	<i>Section 138-4.410, not permitted on sites with frontage on Auburn in REC districts</i>
Restaurant, sit down	-	-	-	P	P	P	-	-	P	-	-	P	P	-	-	<i>Section 138-4.426 (ORT district only)</i>
Retail sales establishments	-	-	P	P	P	P	-	-	P	-	-	P	P	-	-	<i>Section 138-4.426 (ORT district only)</i>
Sales & service of food outdoors	-	-	-	P	P	P	P	-	-	-	-	P	P	-	-	<i>Section 138-4.427, 4.428</i>
<b>Office &amp; Service Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Dry cleaners	-	-	P	P	P	I	-	-	-	-	-	P	P	-	-	Service only, not plants
Funeral Homes	C	-	-	-	-	I	-	P	-	-	-	-	-	-	-	<i>Section 138-4.411, 4.412</i>
Hotel, motel & residential inn	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	<i>Section 138-4.416, 7, Section 138-4.426 (ORT district only)</i>
Medical offices & clinics	-	-	P	P	P	P	-	P	P	P	P	P	P	P	-	<i>Section 138-4.426 (ORT district only)</i>
Personal service establishments	-	-	P	P	P	I	-	-	-	-	-	P	P	-	-	
Professional offices	-	-	P	P	P	P	-	P	P	P	P	P	P	P	-	<i>Section 138-4.424 (B-4 district only); Section 138-4.426 (ORT district only)</i>
Retail businesses normally associated with & complementary to office districts (e.g. stationery shops, office supplies, coffee shops, etc.)	-	-	-	-	-	I	-	P	-	-	-	-	-	-	-	<i>No Entrances or exits directly to the outside of the building from the retail businesses shall not be permitted</i>
Research & development and/or technical training, including data processing & computer centers	-	-	-	-	-	I	-	P	P	P	P	P	-	P	-	<i>Section 138-4.426 (ORT district only)</i>
Studios or instruction centers for music, art, dance, crafts, martial arts, etc.	-	-	P	P	P	I	-	-	-	-	-	P	P	-	-	
<b>Industrial, Research, &amp; Technology Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>DC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Airports, landing fields, heliports, platforms, hangars, masts & other aeronautical facilities	-	-	-	-	-	I	-	-	-	-	-	-	-	C	-	<i>Section 138-4.402</i>
Assembly & machining operations when adjunct to research & development activities occurring at the same location	-	-	-	-	-	I	-	-	C	P	P	P	-	P	-	<i>Section 138-4.421, 4.418, Section 138-4.426 (ORT district only)</i>
Auto racetracks, including midget, carting & snow-manufactured tracks	-	-	-	-	-	I	-	-	-	-	-	-	-	C	-	<i>Section 138-4.403</i>
Automobile & machinery assembly plants	-	-	-	-	-	I	-	-	-	P	P	P	-	P	-	<i>Section 138-4.419, 4.420</i>
Building material storage & sales	-	-	-	-	-	I	-	-	-	P	P	P	-	P	-	<i>Section 138-4.419, 4.420</i>
Caretaker's or manager's residence	-	-	-	-	-	I	-	-	-	-	-	-	-	P	-	Permitted only when accessory to a principal use, residence may not exceed 750 sq. ft. of total living area

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

Use	P: Permitted Use					C: Conditional Use								[--]: use not permitted		Additional Standards
	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-J	REC-M	I	SP	
Commercial communication towers, including commercial television, radio & public utility transmitting &/or receiving towers & 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	--	<a href="#">Section 138-4.431</a>
Dry cleaning plants	--	--	--	--	--	+	--	--	--	C	C			C	--	<a href="#">Section 138-4.420419</a>
Equipment & trailer rental facilities	--	--	--	--	--	+	--	--	--	P	P	C		P	--	<a href="#">Section 138-4.431</a>
Freight yards & terminals	--	--	--	--	--	+	--	--	--	C	C			C	--	
Gun clubs (for-profit or not-for-profit)	--	--	--	--	--	+	--	--	--	C	C			C	--	<a href="#">Section 138-4.413414</a>
Heating & electric power generating plants	--	--	--	--	--	+	--	--	--					P	--	<a href="#">Section 138-4.420419</a>
Junkyards	--	--	--	--	--	+	--	--	--	C				C	--	<a href="#">Section 138-4.417421</a>
Laboratories (experimental, film, or testing)	--	--	--	--	--	+	--	P	C	P	P	P	--	P	--	<a href="#">Section 138-4.419420</a> , <a href="#">Section 138-4.426 (ORT district only)</a>
Lumber & planing mills	--	--	--	--	--	+	--	--	--					C	--	Such uses shall be completely enclosed & 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 & physical effects are restricted to the site & will not impact neighboring land uses	--	--	--	--	--	+	--	--	--	P	P	P		P	--	<a href="#">Section 138-4.419420</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	C		C	--	<a href="#">Section 138-4.420419</a>
Manufacture of scientific instruments, electrical or electronic prototypes, & specialized display & exhibit materials	--	--	--	--	--	+	--	--	C	P	P	P		P	--	<a href="#">Section 138-4.426 (ORT district only)</a>
Metal plating, buffing & polishing	--	--	--	--	--	+	--	--	--	C	C	C		C	--	Appropriate measures to control noxious odors &/or nuisances shall be provided
Media & entertainment production facilities	--	--	--	P	P	+	--	P	P	P	P	P		P	--	Such uses shall be primarily operated within an enclosed building, but may include an outdoor element provided that

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	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	
																the use is operated in conformance with <a href="#">Section 138-10.310</a>
Oil or gas well	--	--	--	--	--		--	--	--					P	--	<a href="#">Section 138-4.425</a>
Painting & varnishing shops	--	--	--	--	--		--	--	--	P	P			P	--	<a href="#">Section 138-4.419420</a>
Recreational vehicle storage yards	--	--	--	--	--		--	--	--	C	C	C		P	--	<a href="#">Section 138-4.437443</a>
Tool, die, gauge & machine shops	--	--	--	--	--		--	--	--	P	P	P		P	--	<a href="#">Section 138-4.419420</a>
Tractor & trucking facilities, including storage & repair	--	--	--	--	--		--	--	--	C	C	C		C	--	Outdoor storage of vehicles subject to the requirements of <a href="#">Section 138-4.437</a>
Vehicle collision repair & undercoating	--	--	--	--	--		--	--	--	P	P	P		P	--	<a href="#">Section 138-4.419420</a>
Warehousing & wholesale establishments	--	--	--	--	--		--	--	--	P	P	P		P	--	<a href="#">Section 138-4.419420</a>
Waste lagoon ponds	--	--	--	--	--		--	--	--					C	--	<a href="#">Section 138-4.443445</a>
Water supply & sewage disposal plants	--	--	--	--	--		--	--	--					P	--	
Water & gas tank holders	--	--	--	--	--		--	--	--					P	--	
<b>Temporary, Special Event, &amp; Other Uses</b>	R <sup>A</sup>	RM-1	B-1 <sup>B</sup>	B-2 <sup>B</sup>	B-3 <sup>B</sup>	B-4 <sup>C</sup>	B-5 <sup>BC</sup>	O-1 <sup>ED</sup>	ORT	REC-W	REC-C	REC-I	REC-M	I	SP	Additional Standards
Accessory buildings & accessory uses customarily incidental to the permitted uses in this section	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Article 10, Chapter 1</a>
Home occupations	P	--	--	--	--		--	--	--			P	P	--	--	<a href="#">Section 138-4.414415</a>
Outdoor storage	--	--	--	P	P		--	--	--	P	P	P		P	--	<a href="#">Section 138-4.430</a>
Roadside stands & markets & Christmas tree sales	P	P	P	P	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	P	P	P	P	<a href="#">Section 138-4.440</a>
Wireless telecommunication facilities	C	C	C	P	P	P	P	C	P	P	P	C	C	P	C	<a href="#">Section 138-4.444446</a>

**Sec. 138-4.301 Footnotes to the Table of Permitted Uses by District**

A. R districts include RE, R-1, R-2, R-3, and R-4.

B. All uses in the B-1, B-2, B-3, and CI districts are subject to the following conditions:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing, storage and processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

~~C. All uses in the B-4 district are subject to the following conditions:~~

- ~~1. All development shall be physically separated from the adjacent public road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized access ways.~~
- ~~2. Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two access ways from an adjacent public road. Such access ways shall not be located closer than 300 feet to the point of intersection of an entrance or exit ramp baseline and the feeder road centerline. When the ramp baseline and the feeder road centerline do not intersect, no access way shall be located closer than 300 feet from the point of tangency of the ramp baseline and the feeder road pavement. When properties fronting on a feeder road are of such width or are in multiple ownerships and access ways to the property cannot be provided in accord with the minimum 300 foot distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.~~

**D.C. All uses in the B-5 district are subject to the following conditions:**

1. Entrances and exits shall adhere to the following standards:
  - a. Entrances and exits shall be no less than 35 feet from any two street right-of-way lines, with the exception that for car washes, entrances and exits shall be at least 75 feet from the intersection of any two street right-of-way lines.
  - b. Entrances and exits shall be no less than 50 feet from any residential district, with the exception that for car washes, entrances and exits shall be located at least 200 feet from any adjacent residential district.
  - c. All principal uses and conditional uses permitted shall be located only on major thoroughfares of at least 120-foot right-of-way as indicated on the current City master thoroughfare plan.

**E.D. All uses in O-1 office business districts shall be subject to the following conditions:**

1. The outdoor storage of goods or materials shall be prohibited, irrespective of whether or not they are for sale.
2. Warehousing or indoor storage of goods or material, beyond that normally incidental to the permitted uses in this division, shall be prohibited.

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

~~The following Table 5 lists permitted and conditional land uses in the REC districts. Any use not listed in the following table is not permitted in the REC district.~~

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

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



Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
<b>Animal and Agriculture Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Kennels	C	I	I	I	<a href="#">Section 138-4.418</a>
Pet boarding facilities	P	I	I	I	<a href="#">Section 138-4.418</a>
Raising and keeping of animals	P	P	P	P	<a href="#">Section 138-4.437</a>
Veterinary hospitals or clinics	P	P	P	P	<a href="#">Section 138-4.443</a>
<b>Residential Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Attached dwelling units	I	I	P	P	Not permitted on first floor in REC-I
Nursing homes, convalescent homes, and assisted living facilities	I	I	I	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	I	C	C	I	
Libraries and museums	P	P	P	P	<a href="#">Section 138-4.432</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	I	I	I	P	<a href="#">Section 138-4.422</a>
Places of worship	P	P	P	P	<a href="#">Section 138-4.432</a>
Private clubs, fraternal organizations, and lodge halls	I	I	I	P	
Privately operated recreational facilities located on publicly owned park properties	P	P	P	P	
Public utility buildings	P	P	I	I	
Essential utilities	P	P	P	P	<a href="#">Section 138-4.442</a>
<b>Commercial and Retail Uses</b>	REC-W	REC-C	REC-I	REC-M	Additional Standards
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C	C	C	C	
Automotive gasoline service stations and associated retail uses	I	I	C	I	<a href="#">Section 138-4.404</a>
Automotive service centers	C	C	C	I	<a href="#">Section 138-4.405</a>
Banks, credit unions, and similar uses	I	I	P	P	<a href="#">Section 138-4.406</a>
Banquet halls/conference centers	I	I	P	I	

Key:

P: Permitted Use

C: Conditional Use

[ - ]: use not permitted

Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
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 138-4.446</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 138-4.430</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 138-4.428</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	
<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>

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

Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
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 138-4.431</a>
Dry cleaning plants	C	C	--	--	<a href="#">Section 138-4.420</a>
Equipment and trailer rental facilities	P	P	C	--	<a href="#">Section 138-4.431</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 138-10.310</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 138-4.438</a>

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

Use	REC-W	REC-C	REC-I	REC-M	Additional Standards
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 138-4.438</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>	<b>REC-W</b>	<b>REC-C</b>	<b>REC-I</b>	<b>REC-M</b>	<b>Additional Standards</b>
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 138-4.431</a>
Roadside stands and markets and Christmas tree sales	P	P	P	P	<a href="#">Section 138-4.439</a>
Temporary construction	P	P	P	P	<a href="#">Section 138-4.441</a>
Wireless telecommunication facilities	P	P	C	C	<a href="#">Section 138-4.445</a>

- Sec. 138-4.[446411](#) Dry Cleaners
- Sec. 138-4.[411412](#) Funeral Homes
- Sec. 138-4.[412413](#) Golf Courses
- Sec. 138-4.[413414](#) Gun Clubs
- Sec. 138-4.[414415](#) Home Occupations
- Sec. 138-4.[415416](#) Hospitals
- Sec. 138-4.[416417](#) Hotels, Motels, and Residential Inns
- Sec. 138-4.[421418](#) [Industrial Uses](#): Assembly and Machining Operations
- Sec. 138-4.[420419](#) [Heavy Industrial Uses](#): [Heavy](#)

Sec. 138-4.~~419~~420      ~~Light Industrial Uses:~~ Light

Sec. 138-4.~~417~~421      **Junkyards**

Sec. 138-4.~~418~~422      **Kennels**

~~A.~~      ~~Kennels.~~ The boarding, breeding, raising, grooming, or training of three or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted only after review by the Planning Commission and City Council approval, provided the following requirements are met:

~~1.~~A. **Minimum Site Area.** Such activity shall be permitted only on a parcel of land not less than five acres in area and provided, further, that such parcel shall not abut or be adjacent to any lot or parcel which is part of a recorded residential subdivision.

~~2.~~B. **Enclosures.** All animals shall be kept in pens or cages designed, constructed and maintained so as to be harmonious and appropriate in appearance with the character of the general area in which located, and such use will not affect the character of the same area in a negative way.

~~3.~~C. **Enclosure Setbacks.** All pens or cages shall be located not less than 100 feet from any property line, and all animals shall be kept therein or within a building. No animal shall be allowed to run at large.

~~4.~~D. **Noise and Odor.** Such activity shall be conducted so as not to be detrimental to any person, property or the general welfare by reason of excessive noise or odor.

~~5.~~E. **Nuisance Prohibited.** The keeping of the animals described in this subsection shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing with notice to all property owners within 300 feet of the property where the animals are kept. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.

If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.

~~6.~~F. No person shall allow animals under such person's control or ownership to constitute a nuisance. The violation of this subsection may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary in this ordinance, this subsection shall not be a limitation on, lessen the effect of, or interfere with any other City ordinance pertaining to animals, and the enforcement of it.

**Sec. 138-4.422424 Nursery Schools, Day Nurseries and Child Care Centers**

~~Sec. 138-4.424 Office Uses in the B-4 District~~

~~B. Office buildings with a minimum floor area of 15,000 square feet are permitted for any of the following occupations: executive, administration, professional, accounting, writing, clerical, stenographic, drafting and sales, medical offices, and clinics.~~

**Sec. 138-4.432 Pet Boarding Facility**

~~G.~~ -A pet boarding facility is a business for the temporary boarding and care of common household pets generally during daytime hours, but in some cases including overnight boarding. Pet boarding facilities may provide related services such as grooming or training, but no animals may be bred or sold at a pet boarding facility unless the pet boarding facility is accessory to a principal retail use. Pet boarding facilities are subject to the following requirements:

- ~~1.A.~~ A maximum of 10% of the gross floor area of the building or lease space may be used for retail sales of goods related to pets.
- ~~2.B.~~ Pets may be boarded at the facility for a maximum of 168 continuous hours (one week).
- ~~3.C.~~ On-site vehicular circulation shall be configured to accommodate vehicles within the boundaries of the site. In no case shall vehicles awaiting drop-off or pick-up of a pet be allowed to encroach onto a public or private street.
- ~~4.D.~~ Any pets being boarded overnight shall be confined to the building from the hours of 9 pm until 6:30 am.
- ~~5.E.~~ Pet boarding facilities shall be constructed, maintained, and operated so that the sounds and smell of animals cannot be discerned outside of the building. Outdoor runs shall be maintained so that no odors are discernible from adjacent properties.
- ~~6.F.~~ Outdoor runs where pets will be permitted either on or off-leash shall be set back a minimum of 100 feet from any adjacent residential zoning district. The 100 foot setback notwithstanding, outdoor runs shall be located as far as practicable from any adjacent residential zoning district. Any outdoor runs where pets will be permitted off-leash shall be surrounded by a minimum 54-inch tall fence. If the fence will be visible from any adjacent residential district or road right-of-way, the fence shall be decorative in nature.
- ~~7.G.~~ Outdoor runs shall be fully enclosed with a decorative fence.
- ~~8.H.~~ The Planning Commission may require a landscaped buffer or solid wall to be provided between the outdoor run and any adjacent residential district if the location of the proposed outdoor run could negatively impact adjacent or nearby residential uses.

**Sec. 138-4.432433 Places of Worship; Libraries and Museums**

- Sec. 138-4.~~433~~434 Plant Material Nurseries
- Sec. 138-4.~~434~~435 Private Recreational Areas
- Sec. 138-4.~~435~~436 Privately Operated Recreational Facilities on Publicly Owned Parkland
- Sec. 138-4.~~436~~437 Private and Public Stables
- Sec. 138-4.~~437~~438 Raising and Keeping of Animals
- Sec. 138-4.~~438~~443 Vehicle and Equipment Storage Yards
- Sec. 138-4.~~443~~444 Veterinary Hospitals or Clinics
- Sec. 138-4.~~444~~445 Waste Lagoon Ponds
- Sec. 138-4.~~445~~446 Wireless Telecommunication Facilities

Section 2. Article 5 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Sec. 138-5.100 Schedule of Regulations**

**Table 2. Schedule of Regulations – NON-RESIDENTIAL DISTRICTS**

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-1	(E)	(E)	2	30	25 <sup>N</sup>	0 <sup>F,N</sup>	50 <sup>N</sup>	50 <sup>I</sup>	--	--
B-2	(E)	(E)	2	30	50 <sup>N</sup>	0 <sup>F,N</sup>	50 <sup>N</sup>	50 <sup>I</sup>	--	--
B-3	5 acres <sup>E</sup>	400 <sup>E</sup>	2	30	75 <sup>N</sup>	25 <sup>F,N</sup>	50 <sup>N</sup>	75 <sup>H,I</sup>	--	--
<del>B-4</del>	<del>(E)</del>	<del>(E)</del>	<del>2</del>	<del>30</del>	<del>75<sup>N,S</sup></del>	<del>25<sup>F,N,S</sup></del>	<del>50<sup>N</sup></del>	<del>50<sup>I</sup></del>	<del>--</del>	<del>--</del>
B-5	(E)	(E)	2	30	25 <sup>J,N,S</sup>	0 <sup>G,J,N,S</sup>	50 <sup>J,N</sup>	50 <sup>I,J</sup>	--	--
O-1	(E)	(E)	3 <sup>V</sup>	42 <sup>V</sup>	35	0 <sup>F</sup>	50	35	--	--
ORT	(E)	(E)	3 <sup>V</sup>	40 <sup>V</sup>	30 <sup>J</sup>	0 <sup>P,R</sup>	0 <sup>P,R</sup>	30 <sup>P,R</sup>	--	--
I	(E)	(E)	3	42	50 <sup>L,N,O</sup>	50 <sup>M,N,O,P,Q</sup>	100 <sup>N,O,P</sup>	50 <sup>N,O,P,Q</sup>	--	--
SP	(E)	(E)	2	30	50	50	100	50	--	--
CI	See <a href="#">Article 6, Chapter 3</a> for commercial improvement district regulations									
FB	See <a href="#">Article 8</a> for flex business (overlay) district regulations									
REC	See <a href="#">Article 6, Chapter 6</a> for regional employment center district regulations									

\* Superscript text: see footnotes in [Section 138-5.101](#).

**Sec. 138-5.101 Footnotes to the Schedule of Regulations**

- G. Side Yard Setbacks Adjacent to a Residential District. Where a ~~B-4~~ or B-5 district abuts R, RCD, RM-1 or MH districts, the minimum side yard requirement shall be 50 feet.

- 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 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 25 feet, with both frontages to be considered as the front yard setback.
- S. Freestanding Canopies. In the ~~B-4 and B-5 districts~~, freestanding canopies may be permitted within the required front yard and/or within the required side yard adjacent to a public road right-of-way subject to the following conditions:

Section 3. Article 11 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Sec. 138-11.102 General Standards**

**B. Location of Spaces.**

3. Location in Required Front and Side Yards.

- c. Off-street parking may be located in a required side yard abutting a nonresidential zoning district in B-1, B-2, B-3, ~~B-4~~, B-5, CI, O-1, ORT, REC-I, REC-M, and SP districts provided that there shall be an unobstructed and landscaped setback of at least ten (10) feet maintained between the nearest point of the off-street parking lot, exclusive of driveways, and the side lot line. Such unobstructed and landscaped setback shall extend continuously and uninterrupted along the side lot line from the nearest existing or proposed right-of-way line or private road easement to the rear yard. The unobstructed and landscaped setback of at least ten feet may be reduced or waived by the planning commission or planning and development director (relative to site plans not submitted to the planning commission) upon determining that such reduction or waiver is compatible with and/or part of a comprehensive plan with the adjacent properties.

Section 4. Article 12 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Sec. 138-12.300 Buffer Requirements**

**Table 3. Required Buffer Types**

Adjoining Zoning District	Developing Zoning District											
	R <sup>(1, 3)</sup>	RM-1	RMH	B-1	B-2 REC-M REC-I	B-3	<del>B-4</del>	B-5	O-1	ORT	I REC-W REC-C	SP
R	--	C <sup>(2)</sup>	A <sup>(2)</sup>	D <sup>(2)</sup>	D <sup>(2)</sup>	D <sup>(2)</sup>	<del>D<sup>(2)</sup></del>	D <sup>(2)</sup>	C <sup>(2)</sup>	E <sup>(2)</sup>	E	A
RM-1	B <sup>(2)</sup>	--	B	B	C	C	<del>C</del>	C	C	E	E	B
RMH	B	B	--	C <sup>(2)</sup>	D	D	<del>D</del>	D	C <sup>(2)</sup>	E <sup>(2)</sup>	E	B
B-1	B <sup>(2)</sup>	B	B <sup>(2)</sup>	--	--	A	<del>A</del>	A	--	--	D	C
B-2, REC-M, REC-I	B <sup>(2)</sup>	C	B <sup>(2)</sup>	--	--	A	<del>A</del>	A	--	--	D	C
B-3	B <sup>(2)</sup>	C	B <sup>(2)</sup>	A	--	--	<del>--</del>	B	B	--	D	C



B-4	B <sup>(2)</sup>	C	B <sup>(2)</sup>	A	A	--	--	--	C	--	D	C
B-5	B <sup>(2)</sup>	C	B <sup>(2)</sup>	A	A	--	--	--	C	--	D	C
O-1	B <sup>(2)</sup>	C	B <sup>(2)</sup>	A	A	B	C	C	--	--	D	C
I, REC-W, REC-C	B	E	B	D	D	D	D	D	C	C	--	D
SP	B	C	B	D	D	D	D	D	C	D	E	--
M-59 <sup>(4)</sup>	D	D	D	D	D	D	D	D	D	B	D	D

**Section 5. 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 6. 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 7. 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 \_\_\_\_\_, 2016, following its publication in the *Oakland Press* on \_\_\_\_\_, 2016.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Tina Barton, Clerk  
 City of Rochester Hills