

CITY OF ROCHESTER HILLS

**P**lanning and  
Development

Ed Anzek – 248.841.2572



DATE: January 25, 2010

TO: Planning Commissioners

RE: Zoning Ordinance Amendments

Proposed amendments to the Zoning Ordinance are being presented to the Planning Commission for discussion purposes only.

A few months ago the Building Department proposed some tweaking to the newly adopted Zoning Ordinance to establish some standards to require home under construction to place erosion control/landscaping if the construction went dormant.

Council directed the Ordinance to the Planning Commission for a public hearing and recommendation as the process to amend the ordinance prescribes.

Staff decided to seize the opportunity to include some housekeeping corrections. These are the ones that I continually reminded the Planning Commission and City Council would be coming back as issues with implementation and clarification were realized.

There have also been some additional elements arise. To wit: shortly after we adopted our Ordinance the State changed the Manufactured Housing standards. We are required to adopt these standards in our Zoning Ordinance even though we are not the party responsible for enforcement and implementation.

Following you will see the

- 1) Brief listing of the "housekeeping" changes.
- 2) The Manufactured Housing standards and a letter from the State Commission providing direction to make our standards comply. **I would recommend you not waste your valuable time reading these since we do not enforce and you will never see one come before you for approval.**
- 3) Next is the ordinance that started this process calling for the additional standards for front yard landscaping, and
- 4) Lastly, we have a page of some tweaking to the definitions.

I will provide a brief presentation of these, gain your input and get them moved on to John Staran for Ordinance preparation.

Thank you.



6. (Page 82) SECTION 138-5.101B Established Building Line, Schedule of Regulations Footnotes – previously there was a minimum setback, no longer a minimum.

**B. Established Building Line.** In the event that there is an established building line along a street (as determined by the official reviewing the application), the front yard or side street yard setback requirement shall be the established building line. The established building line is equal to the average front yard setbacks of adjacent dwellings within 200 feet and on the same side of the street as the subject parcel.

~~The front setback of an adjacent structure shall be measured at the shortest distance between the structure's exterior surface and the front lot line. In the event that any of the parcels located within 200 feet of the subject parcel is vacant, the minimum setback required by Section 138-5.100 shall be used as the front yard setback for that parcel in calculating the average setback.~~

~~In no case shall a front yard setback be reduced to less than 20 feet, regardless of the established building line, and in no case shall a garage door be located closer to the front property line than the minimum setback required in the zoning district by Section 138-5.200.~~

*(Bob White offered...)*

*Section 138-5.101B "Established Building Line. "In the event that there is an established building line along a street (as determined by the official reviewing the application), the front yard or side street yard setback requirement shall be the established building line. The established building line is equal to the average front yard setbacks of adjacent dwellings within 200 feet and on the same side of the street as the subject parcel.*

**In no case shall a front yard setback be reduced to less than the minimum setback depth required in this section for the zoning district in which the proposed dwelling is to be located. Nor shall this require a front yard setback of greater depth than 50 feet. In no case shall a garage door be located closer to the front property line than the minimum setback required in the zoning district by Section 138-5.200."**

8. (Page 136) SECTION 138-8.603 Signs. Note: This is a section in Article 8 that addresses the standards for signs in Flex Business Overlay Districts. A sentence needs to be added that using the sign provisions contained within this Article still requires a Sign Permit to be issued by the Building Department. A corresponding amendment to the sign ordinance is not necessary as the Flex Provisions of the ZO will be the triggering mechanism and not the sign ordinance in and of itself.]

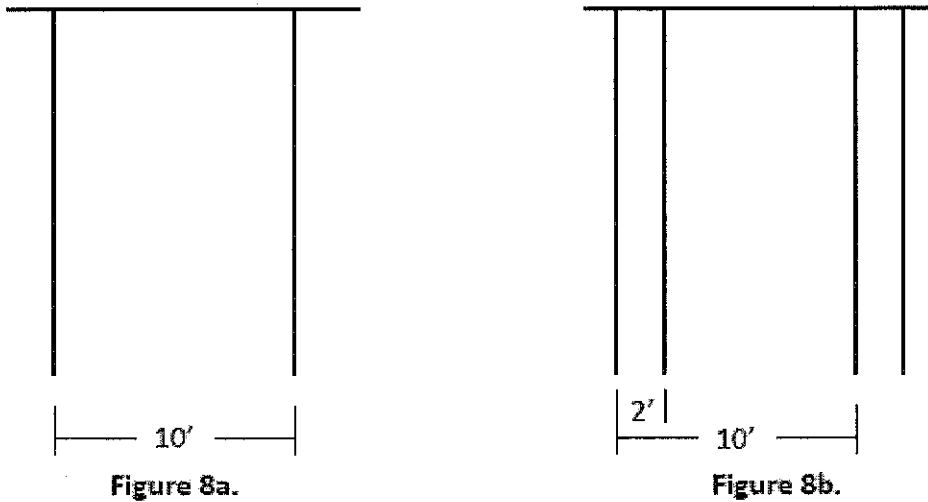
Add to the end of...

**SECTION 138-8.603:**

**H. A Sign Permit shall be issued by the building department for all signs permitted as part of this Section.**

9. (Page 192) SECTION 138-11.304 Pavement Striping – adding single striping!  
SECTION 138-11.304 Pavement Striping  
All parking spaces shall be clearly striped with single (see Figure 8a) or double four (4) inch wide lines (see Figure 8b). ~~Spaced twenty-four inches apart, to facilitate movement and to help maintain an orderly parking arrangement. Refer to Figure 8.~~

**Figure 8. Parking Lot Striping**



refers back to #5 on "HOUSEKEEPING"

Key:	P: Principal Permitted Use		C: Conditional Use		[shaded]: Use not permitted		ADDITIONAL STANDARDS					
	RM-1	B-1 b	B-2 b	B-3 b	B-4 e	B-5 a		O-1 e	ORT	I	SP	
<b>OFFICE and SERVICE USES</b>												
Dry cleaners				P	P	P						Service only, not plants
Funeral Homes	C						P					Section 138-4.411
Hotel, motel and residential inn					C	P						Section 138-4.416
Medical offices and clinics				P	P	P						Section 138-4.426 (ORT district only)
Personal service establishments				P	P	P						Section 138-4.426 (ORT district only)
Professional offices				P	P	P						Section 138-4.424 (B-4 district only) Section 138-4.426 (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												Section 138-4.426 (ORT district only)
Studios or instruction centers for music, art, dance, crafts, martial arts, etc.				P	P	P						
<b>RESIDENTIAL USES</b>												
One-family detached dwellings	P	P										<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 in the RM-1 district shall be constructed according to the requirements of the R-4 district.
Two-family dwellings		P										
Boarding and rooming dwellings		P										
Nursing Homes, Convalescent Homes, and Assisted Living Facilities		P		C	C							Section 138-4.423
State licensed residential facilities (6 or fewer residents)		P										Section 138-4.440
State licensed residential facilities (more than 7 but not more than 12 residents)		C										Section 138-4.440

#2

MANUFACTURED HOUSING COMMISSION  
BUREAU OF CONSTRUCTION CODES  
2501 Woodlake Circle  
Okemos, Michigan 48864

In the Matter of:

JUL 1 2009

**City of Rochester Hills** (Oakland County)

Mr. James Breuckman  
McKenna Associates, Inc.  
235 East Main Street, Suite 105  
Northville, Michigan 48167

**ORDER OF THE MANUFACTURED HOUSING COMMISSION**  
**TO CONDITIONALLY APPROVE PROPOSED**  
**LOCAL ORDINANCE PURSUANT TO**  
**THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Manufactured Housing Commission (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq.; MSA 3.560(101) et seq.; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq.; MSA 19.855(101) et seq. (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), received a proposed local ordinance comprising a higher standard from the City of Rochester Hills on April 6, 2009; and

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on June 17, 2009; and

IT IS THEREFORE ORDERED that the following proposed local ordinance higher standard to the Manufactured Housing Commission Rules submitted by the local government on April 6, 2009 is APPROVED as amended:

403 (D) (2), if revised to quote Section 1600 (g) of the Model Ordinance verbatim.

403 (G) (1), p. 103, if revised to quote Section 1300 (i) of the Model Ordinance verbatim.

**The following higher standards are DENIED, pursuant to Section 7 (1) of the Act and Rule R125.1120:**

Section 138-6.403 (F), p. 103/Article 12 [*Landscaping and Screening*], pp. 199-212, is a higher standard than Rule R125.1945 and is DENIED as not in the public interest. When considering the approval of a higher screening standard, the Commission looks critically at whether the standard requires the developer to screen against later-arriving uses. The Commission, in the past, has deemed it inequitable and unreasonable for local governments to require developers to establish greenbelts to demarcate undeveloped property and has traditionally approved only a “last-arrival provides screen” policy.

Sections 138-6.403 (H) (1) and (H) (3)/Article 10 [*Exterior Lighting*], Chapter 2, pp. 174-176, is DENIED, absent detailed explanation of how the City proposes to enforce specific code provisions of its higher lighting standards to the illumination of community areas specified in subsections b and c of Rule R125.1929. These subsections merely require at least .15 foot-candles of illumination at road intersections and crosswalks and at least .05 foot-candles of illumination on roads, parking bays and sidewalks. To more accurately surmise what more the City seeks manufactured housing communities to do to comply with its apparent discretionary application of these higher regulations, the Commission needs to know whether simply the use full-cut pressurized sodium lighting fixtures will satisfy City requirements in these areas, or whether a separate illumination engineered site plan—an additional higher standard referenced in Section 138-10.204 on page 176—is needed, as well. The Commission understands, however, that it may reasonably be within the public interest to apply the proposed regulations to developers who want to install sophisticated multi-purpose lighting systems for commercial advertising, recreational venues, or other “higher-tech” displays.

Section 138-6.410 (G), p. 108, is DENIED because it is unreasonable and not in the public interest to preclude the siting and display of manufactured homes used temporarily as sales offices and model homes. Distinguished from street sales centers more appropriate for commercial zones, on-site model homes are important and appropriate marketing mechanisms for community development. The present higher standard prohibits model homes not immediately occupied by single-family residents, notwithstanding the intended eventual goal of occupying those homes. Section 4 (1) (c) of the Act establishes the Commission's authority to

determine the sufficiency of manufactured housing ordinances which regulate manufactured housing businesses.

Section 138-6.411 (A)/Article 2, Chapter 2 [*Site Plan Review*], pp. 16-32, is DENIED because the reference to Site Plan Review lends to confusion over whether site plans, preliminary plans, or both, are required, thus posing to readers imprecise language that is not in the public interest. Section 11 of the Act limits local review of manufactured housing community projects to the preliminary plan. A multi-tiered review, including site plan review, which generally means construction plan review, is limited to the Department, pursuant to Section 12 of the Act. See Rules R325.3381-3385 of the Michigan Department of Environmental Quality's Mobile Home Park Health Standards for details regarding the preliminary plan process. Preliminary Plan Review is the local review process municipalities may employ to examine manufactured housing community projects. Contrary to the assertion in the page 2 justification letter, the City's Article 2 review mechanism is a higher standard that is more onerous than those proposed by either Section 11 of the Act or Model Ordinance Section 2200.

Section 138-6.412, p. 109, is a higher standard that is DENIED. The Commission believes performance bonds may be required only for public amenities, as items maintained by the local government. It views mandatory bonding of private amenities as arbitrary, unreasonable and not in the public interest, pursuant to Section 7 of the Act. However, the Department may require a performance bond under Rule R125.1214n (1) (a).

**The following sections are unapproved, unenforceable lower standards than the Act or mobile home code:**

Section 138-6.403 (D) (2), [*Setbacks from Perimeter Property Lines*], p. 102, is unacceptable as written because the clause "shall not be set back at least 50 feet from the property line" renders this provision a lower, unenforceable standard than the minimum 50-foot state setback standard established in Rule R125.1944 (2).

Section 138-6.403 (G) (1), [*Open Space*] p. 103, is unacceptable as written because the clause "well drained, usable open space" renders this provision a lower, unenforceable standard. The minimum state drainage standards established and referenced in Rule R125.1714 are more specific and comprehensive than the draft language quoted.

**The following sections are either beyond the Commission's jurisdiction or are not considered because they are not related to a specific section of the mobile home code, per Section 7 (1) of the Act:**

Section 138-4.203 RMH purpose statement, p. 46 [*Zoning designation and placement*].  
Section 138-5.100 [*Maximum Building Heights*], p. 81.  
Section 138-6.402 (A) (2) through (B) [*Permitted Uses*], p. 101.



Section 138-6.403 (C) [*Maximum Height*], p. 102.

Except for those sections previously deemed approved in staff's April 15, 2009, analysis of the City of Rochester's April 6, 2009, submission, all other Sections of this ordinance appear unrelated to the code.

The cover letter for this submission indicates that many of the aforementioned sections were proposed for review. This analysis "presumes" that sections of this ordinance not specifically cited or referenced herein do not govern manufactured housing communities. Other provisions that the city may deem applicable would have to be identified and justified as outlined in Rule R125.1120.

As discussed in this Order's Findings, the Petitioner, the City of Rochester, has provided sufficient written justification that some of the preceding provisions comprising this proposed higher standard to Section 125.2307 (1) are reasonable and related to a specific section of the code, as required by Section 125.2307 (1) of the Act, 1987 PA 96, and the Administrative Procedures Act, 1969 PA 306. However, the Petitioner has failed to provide sufficient written justification that other previously identified provisions comprising this proposed higher standard to Section 125.2307 (1) are reasonable *or* related to a specific section of the code, as required by Section 125.2307 (1) of the Act, 1987 PA 96, and the Administrative Procedures Act, 1969 PA 306.

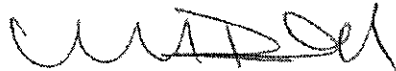
**THEREFORE**, the Manufactured Housing Commission approves in part, denies in part and declines to consider in part the aforementioned proposal comprised of a higher standard to

the Rules, pursuant to Section 125.2307 (1) of 1987 PA 96, as amended, MCL 125.2307 (1).

This Order is binding on all parties.

IT IS FURTHER ORDERED that, pursuant to R 125.1125(2), Rule 125(2), the sections of the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Energy, Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G. DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.



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MANUFACTURED HOUSING COMMISSION  
Ronald A. Blank, Chairperson

June 17, 2009

## CHAPTER 4. RMH – MANUFACTURED HOUSING PARK DISTRICT

### SECTION 138-6.400 Relation to Manufactured Housing Commission Rules

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Ordinance exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and preliminary plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the City's residents.

### SECTION 138-6.401 Operation of a Community

A manufactured housing community owner shall operate the community according to the standards established and referenced in the Act and Manufactured Housing Commission Rules.

### SECTION 138-6.402 Permitted Uses

- A. **Principal Permitted Uses.** The following uses are permitted by right in the RMH district:
1. Manufactured home parks.
  2. Municipal buildings and uses.
  3. Primary and secondary schools (public, private and parochial).
  4. Publicly owned and operated parks and recreational facilities.
  5. Home occupations, in accordance with the requirements of Error! Reference source not found..
  6. Utilities, in accordance with the requirements of Error! Reference source not found..
- B. **Conditional Uses.** The following uses may be permitted following conditional use approval:
1. Nursery schools, day nurseries, and child care centers, in accordance with the requirements of Error! Reference source not found..
  2. Places of worship, in accordance with the requirements of Error! Reference source not found..
  3. Wireless telecommunication facilities, in accordance with the requirements of Error! Reference source not found..

### SECTION 138-6.403 Development Standards

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

- A. **Flood Areas.** A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality.
- B. **Minimum Site Area.** A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square foot average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as

open space. This open space shall be in addition to that required under Rules R125.1946, R125.1941, and R125.1944, and this Chapter.

**C. Maximum Height.** In the RMH manufactured home park district, all structures shall comply with the height requirements applicable in the R-1 zoning district. Refer to Error! Reference source not found. (Schedule of Regulations) on page Error! Bookmark not defined..

**D. Setbacks from Perimeter Property Lines.**

1. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
2. Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall be set back at least 50 feet from the property line. If the property line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. This setback does not apply to internal roads dedicated for public use.

**E. Required Distances Between Homes and Other Structures.**

1. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
  - a. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
  - b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
  - c. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
  - d. Fifty feet from permanent community-owned structures, such as clubhouses or maintenance and storage facilities.
  - e. One hundred feet from a baseball or softball field.
  - f. Twenty-five feet from the fence of a swimming pool.
2. Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.
3. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings decks, carports or garages, or similar structures shall be set back the following minimum distances:
  - a. Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.
  - b. Seven feet from a parking space on an adjacent home site or parking bay off a home site.
  - c. Seven feet from a common sidewalk.
  - d. Twenty-five feet from a natural or man-made lake or waterway.

4. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:
    - a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.
    - b. Roof overhang shall be set back 2 feet or more from the edge of the internal road.
  5. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.
  6. A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.
- F. Landscaping and Screening.** Manufactured housing communities are subject to the landscaping requirements of R125.1945.
- G. Open Space.**
1. Open space shall be provided in any manufactured housing community containing fifty (50) or more manufactured home sites. A minimum of two percent (2%) of the park's gross acreage or 25,000 square feet of contiguous space, whichever is greater, shall be dedicated to well drained, usable open space complying with the drainage standards in State Rule R125.1714.
  2. Required property boundary setback areas may not be used in the calculation of open space.
  3. Optional improvements shall comply with state construction codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.
  4. If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.
- H. Lighting.** Except in a seasonal manufactured home community, all internal street and sidewalk systems within a manufactured housing community shall be lighted as follows:
1. Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
  2. At all internal road intersections and designated pedestrian crosswalks the minimum illumination shall not be less than .15 footcandles.
  3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.
  4. Lighting fixtures for site-built buildings shall comply with the state electrical code.
- I. Swimming Pools.** Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et. Seq., Public Act 368 of 1978, and Rule R125.1941(1)(f).

## **SECTION 138-6.404 Streets, Driveways, and Parking Areas**

All streets, driveways, and parking areas in manufactured housing communities shall comply with the following design requirements:

- A. **Access.**
  - 1. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
  - 2. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.
  
- B. **Composition and Surfacing.** All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (AAASHTO), pursuant to Rule R125.1922. Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).
  
- C. **Curbing.** If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928 (a). (Rule R125.1923)
  
- D. **Parking spaces; Streets.** All internal roads shall be two-way and have driving surfaces that are not less than the following widths:
  - 1. Two-way, no parking 21 feet
  - 2. Two-way, parallel parking, 1 side 31 feet
  - 3. Two-way, parallel parking, 2 sides 41 feet.
  
- E. **Road Configurations.** An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections of more than two internal roads are prohibited.
  
- F. **Road Widths, Street Names, Addresses & Traffic Control.**
  - 1. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections 2 through 4.
  - 2. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  - 3. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  - 4. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.

5. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
6. School bus stops, if provided, shall be located in an area that is approved by the school district.
7. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

#### **SECTION 138-6.405 Sidewalks**

- A. Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.
- B. Common sidewalks shall be constructed in compliance with all of the following requirements:
  1. Sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Public Act 8 of 1973, an act that regulates barrier-free sidewalk access.
  2. All common sidewalks shall meet the standards established in Rule R125.1928.
  3. Except in a seasonal community, an individual sidewalk shall be constructed between at least one entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.
- C. An individual site sidewalk with a minimum width of 3 feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.

#### **SECTION 138-6.406 Parking**

- A. **Resident Parking.** A minimum of two (2) hard-surfaced parking spaces shall be provided for each manufactured home site. Parking may be either on or off the individual home site.
  1. If the two resident vehicle parking spaces required by this section are provided off the home site, the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
  2. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
  3. If vehicle parking is provided on the home site it shall comply with the following provisions:
    - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade compliant with the standards of AASHTO.
    - b. The parking spaces may be either in tandem or side-by-side. If spaces are tandem, the width shall not be less than 10 feet and the combined length shall not be less than 40

feet. If spaces are side-by-side the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.

- B. Visitor Parking.** A minimum of one visitor parking space shall be provided for each three home sites.
1. Visitor parking shall be located within 500 feet of the sites it is intended to serve, as measured along a road or sidewalk.
  2. Individual visitor parking spaces shall have a clear width of 10 feet and a clear length of 20 feet.

## **SECTION 138-6.407 Utilities**

The following utility standards apply to all manufactured home communities:

- A. Connections and Lines.** All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.
- B. Drainage.**
1. All drainage outlet connections shall be subject to review and approval by the Drain Commissioner.
  2. Drainage systems shall be reviewed and approved by the Michigan Department of Environmental Quality, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act.
  3. Drain utility connections shall comply with Rule R125.1603(c).
- C. Electricity.** Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).
- D. Fuel & Gas Heating Service.** The installation, maintenance, operation and service of manufactured housing community fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).
- E. Telephone Communication Lines.** All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.
- F. Television.** Television service installation shall comply with requirements of Rule R125.1940(1).
- G. Water & Sewage.** All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the Michigan Department of Environmental Quality, pursuant to MDEQ Rules R325.3321 and R325.3331 through R325.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R325.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a.
- H. Utility Cabinets.** Public utility (water, sewer, electrical, etc.) cabinet design shall be approved by the City prior to development. Utility cabinets shall be designed, located, and screened in a



manner which minimizes their visibility and appearance, and which will not create sight-line conflicts for motorists or pedestrians.

#### **SECTION 138-6.408 Disposal of Garbage and Trash**

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in a sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

#### **SECTION 138-6.409 Emergency & Safety**

- A. **Fire Protection.** All manufactured homes built, sold, or brought into this state shall be equipped with at least one fire extinguisher approved by the national fire protection association and one smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement under Public Act 133 of 1974, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules.
- B. **Disaster & Severe Weather.** Each manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and nearest shelter location.

#### **SECTION 138-6.410 Required Conditions**

- A. **In-Community Home Sales.** New or pre-owned manufactured homes which are to remain on-site in the manufactured housing community may be sold by the resident, owner, or licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of Public Act 96 of 1987, as amended, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e).
- B. **Installation and Anchoring.** Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code, pursuant to Rules R125.1605 and R125.1607. The installation of manufactured housing on each site within a community shall conform to the requirements of Rules R125.1602 and R125.1602a.
- C. **Utility Connections.** All utility connections within the community shall comply with the requirements of Rule R125.1603. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary.
- D. **Storage.**
  - 1. A manufactured home site shall be kept free of fire hazards, including combustible materials under the home.
  - 2. One storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.

- a. Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
  - b. A detached storage shed shall be at least 10 feet from all adjacent homes.
  - c. All storage sheds shall be securely anchored in accordance with the Michigan Residential Code.
3. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

**E. Skirting.**

1. Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of a certificate of occupancy and shall be installed within 60 days of placement of the home on the site unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued pursuant to Section 13 of Public Act 230 of 1972, as amended.
2. Skirting shall be vented as required by Rule R125.1604.
3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained by the resident.
4. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules.

**F. Recreational Vehicles.**

1. If recreational vehicle storage is provided within the manufactured housing community, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.
2. The storage area shall be limited to use by the residents and management of the manufactured housing community.

**SECTION 138-6.411 Licenses and Permits**

- A. **Site Plan Review Required for Community.** The City shall review the preliminary plan for the manufactured housing community pursuant to Section 12 of the Act and Rules R325.33851-3385 of the Michigan Department of Environmental Quality's Mobil Home Park Health Standards.
- B. **License.** No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- C. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.

- D. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- E. **Site-Constructed Buildings.** Site constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- F. **Individual Homes.** Site plan review is not required for individual homes in a manufactured housing community.

#3

09/02/2009

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

AN ORDINANCE TO AMEND SECTION 138-1066 OF ARTICLE VIII OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE LANDSCAPING OF FRONT YARD AREAS, REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-1066 of Article VIII of Chapter 138 of the Code of Ordinances shall be amended, as follows:

**Sec. 138-1066. One-family dwellings.**

A one-family dwelling and any additions or alterations thereto erected or placed in the city, other than mobile homes located in a licensed mobile home park approved under division 5 of article VI of this chapter, shall conform to the following in addition to all other regulations of this chapter:

- (1) It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
- (2) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 20 feet on a side. This size requirement shall not make any house existing at the date of amendment nonconforming so that they cannot be enlarged or improved.
- (3) It shall be attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a rat wall under the entire perimeter of the structure, and shall be constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, as defined in this chapter, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required in this section.
- (4) If a dwelling is a mobile home as defined in this chapter, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (5) It shall be connected to a public sewer and water supply, if available, or if not available to private facilities approved by the county health department.

- (6) It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the zoning district in which it is located.
- (7) It shall comply with all pertinent building and fire codes. If a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (8) It shall be in compliance with the standards contained in this subsection, and shall be aesthetically compatible in character, design and appearance to residential dwellings located outside of mobile home parks, as follows:
  - a. If located in a platted subdivision with at least one existing home, it shall be compatible with homes in the particular plat of which it is a part.
  - b. If not located in a platted subdivision and the area within 2,000 feet has existing homes, it shall be compatible with those homes within the 2,000 feet that might reasonably be considered to be an identifiable neighborhood of which it would be a part.
  - c. Otherwise, it shall be compatible with homes generally located throughout the city.
  - d. The determination of compatibility shall be based upon compliance with the following standards:
    1. The dwelling shall have a roof covered with composition asphalt organic felt shingles or a material of similar texture, malleability and coarseness, not to exclude copper, wood, slate or clay material, as on roofs of homes with which the dwelling is to be compatible.
    2. The roof of the dwelling shall have a slope of not less than two vertical units to each 12 horizontal units.
    3. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, or which are comparable to steps and/or porches of homes with which the dwelling is to be compatible.
    4. The exterior surface of exterior walls of a dwelling and roof shall be covered with wood or stucco, or a material of metal, metal alloy, brick, masonry, vinyl or plastic with major actual or visual vertical or horizontal joints spaced at not more than eight inches apart.

5. The dwelling shall have windows located on the front elevations, and shall have exterior doors either on the front and rear, or front and side as generally found in homes with which the dwelling is to be compatible.
  6. The dwelling shall not have a detached garage, if attached garages are typical to homes with which the dwelling is to be compatible.
  7. The ratio of the horizontal dimension of the front to side elevation of the structure shall not be more than three units to one unit.
- e. If no more than two of the standards in this subsection are not met, a dwelling may be approved as aesthetically compatible in character, design and appearance, provided it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible with the homes with which it is to be compatible. This shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.
- f. An applicant for a building permit aggrieved by an adverse decision by the building department may appeal to the board of appeals, which board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances.

(9) The front yard (and for corner lots any side yard abutting a public or private right-of-way) shall be landscaped in trees, grass, ground cover, shrubs or other natural landscape materials, except for driveways and pathways, within six (6) months of the commencement of construction or prior to occupancy, whichever occurs earlier. The building department may grant one or more extensions of time for periods not more than 90 days each conditioned upon a satisfactory performance guarantee and maintenance of the front yard to prevent blight or unsightly or noxious weed growth.

Section 2. 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 3. 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.

Section 4. 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 *Rochester Post* on \_\_\_\_\_, 2009.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2009.

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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 \_\_\_\_\_, 2009.

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Jane Leslie, Clerk  
City of Rochester Hills

# 4

## DEFINITIONS

In the ZO we provide the following 2 definitions:

### SECTION 138-13.101 Definitions. (page 208)

**ASSISTED LIVING FACILITY.** A facility providing responsible adult supervision or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.

**CONVALESCENT or NURSING HOME.** A home for the care of children, the aged, the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A convalescent or nursing home is subject to licensing requirements of applicable State laws (Public Act 139 of 1956, as amended).

*Note: The following are offered for discussion with the Planning Commission to determine if they provide better understanding in how terms are applied when proposals come before the Planning Commission.*

*(CAUTION: One point staff would like to make is that specific definitions, when applied to permit specific activities can often create barriers that result in unintended consequences. It is not our intent that these facilities AS DEFINED be used against the city to deny something that is desired, needed or welcomed. One example is a blended facility. Some people would argue that if we do not have "blended" in our definitions it should not be permitted. Definitions are not intended to be used to permit or deny; only understand the terminology.)*

**Activity of Daily Living.** Common daily activities, including bathing, dressing, walking, eating, and continence.

**Assisted Living.** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with the activities of daily living. Assisted living beds are designed for frail seniors who need assistance with one or more activities of daily living, but do not require continuous skilled nursing care. Support services are available 24 hours a day.

**CCRC (Continuing Care Retirement Community).** A living arrangement that provides for or arranges for the provision of housing and health-related services for an older person under an agreement effective for the life of the person or for a specified period greater than one year. CCRC's may include any combination of independent, congregate, assisted living, and nursing units. The different types of units can be located in the same building, or located in different buildings in a campus-style environment. The purpose of a CCRC is to allow the senior to "age in place" with all of the different types of housing that seniors with varying levels of independence demand being located in one place.

**Congregate Housing.** Designed for seniors who pay for some congregate services (housekeeping, transportation, and meals, for example) as part of a monthly fee or rental rate and who require little, if any, assistance with the activities of daily living. Residents of congregate living units may or may not receive some health care services provided by in-house staff or an outside agency. Some congregate



housing communities also include a designated assisted living component. Congregate housing units are very similar to independent living units, with the principal difference being the method of payment. Congregate senior housing facilities will often charge an entrance fee and the cost of services are included in the monthly fee.

**Elderly.** The terms “senior” and “elderly” are used interchangeably in this ordinance. Senior or elderly persons are defined as persons aged 60 years or older, consistent with the definition of “aged” as used in Michigan Public Act 368 of 1978 and Michigan Public Act 218 of 1979.

**Home for the Aged.** A home for the aged is a facility other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides 24-hour room, board and supervised personal care to persons who are 60 years of age or older. Homes for the aged have a capacity for 21 or more unrelated, non-transient individuals, or a capacity of 20 or fewer individuals if the home for the aged is operated in conjunction with and as a distinct part of a licensed nursing home. Homes for the aged are licensed by the State of Michigan Department of Human Services under Public Act 368 of the Public Acts of 1978.

**Hospice.** A health care program that provides a coordinated set of services rendered at home or in outpatient or institutional settings for individuals suffering from a disease or condition with a terminal prognosis. Hospice facilities may be offered as part of any senior housing facility.

**Independent Living (IL).** Projects designed for seniors who do not require assistance with the activities of daily living. Independent living units are often similar to conventional multiple-family units, with the exception that independent living communities are geared toward senior residents and offer services and amenities targeted at this age group that may include, but are not limited to laundry services, meal programs, housekeeping services, transportation to and from shopping, entertainment, or medical facilities, and other social activities.

**Lifestyle Senior Housing.** Lifestyle senior housing is a form of independent housing that offers additional services for residents. It is designed for seniors who require little or no assistance with the activities of daily living, but who pay for some lifestyle services (for example, housekeeping, transportation, and/or meals) as part of a monthly fee or rental rate for the purpose of convenience or lifestyle.

Residents of lifestyle senior housing units may or may not receive some health care services provided by in-house staff or an outside agency. The physical character of individual housing units in a lifestyle facility are very similar to independent living units, with the principal difference being the method of payment. Lifestyle senior housing facilities will sometimes charge an entrance fee, and the cost of services are usually included in the monthly fee.

Lifestyle housing is sometimes found as part of a Continuing Care Retirement Community.

**Memory Care.** Memory care provides dedicated services for persons with Alzheimer’s disease or other dementia related disorders. Nursing Homes, Adult Foster Care homes and Homes for the Aged provide memory care services.

**Nursing Home.** Nursing homes and/or memory care facilities are designed for individuals who require a high level of 24-hour care. These facilities are typically very institutional in character, and in some ways are more similar to a hospital than a residential facility. Nursing homes are licensed by the State of Michigan under Public Act 368 of 1978 as Nursing Homes, or Skilled Nursing Facilities.

**Senior.** See "elderly."