

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

AN ORDINANCE TO AMEND SECTIONS 138-4.438, 138-10.107, 138-10.312 AND 138-11.102 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REVISE THE STANDARDS FOR THE KEEPING OF POULTRY, PROVIDE STANDARDS FOR SWIMMING POOL FENCES, PROVIDE FOR A MAXIMUM PARAPET HEIGHT AND ADDRESS FRONT YARD PARKING IN RESIDENTIAL DISTRICTS AND TO ENSURE CONSISTENCY ACROSS VARIOUS ORDINANCE SECTIONS; TO, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

**SECTION 1.** Section 138-4.438 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Section 138-4.438 Raising and Keeping of Animals**

- A. The keeping of the following animals will be allowed without a permit under the following circumstances in any zoning district, unless there are sections in this ordinance which are in conflict, and the raising and keeping of such animals is not for the purpose of breeding or selling them as a source of income:
1. [Unchanged.]
  2. [Unchanged.]
  3. Poultry, if there are no more than 12 and the parcel or lot is at least one acre in area.
  4. [Unchanged.]
- B. The keeping of the animals mentioned in subsection A of this section 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 in accordance with the procedures of Section 138-1.203. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.
- C. 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 a 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.
- D. No person shall allow animals under the person's control or ownership to constitute a nuisance. The violation of this section may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary, this section shall not be a limitation on, lessen the effect of, nor interfere with any other City ordinance pertaining to animals and the enforcement of it.

**SECTION 2.** Section 138-10.107 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-10.107 **Fences**

**A. Applicability**

1. The standards for fences contained in subsections B and C below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection 2 below.
2. This article shall not apply to the following fences installed or replaced:
  - a. In accordance with an approved site plan; or
  - b. Swimming pool enclosures shall meet the standards of Section 138-10.107.B.1 and Section 138-10.107.C.2.

**B. In General**

1. Fences shall be installed and maintained free from defects, safety hazards and collapse and shall be in kept in good repair.
2. [Unchanged.]

**C. Residential Fences**

1. [Unchanged.]
2. Fences that are located along the side and rear lot lines shall be a maximum of six (6) feet in height and may not extend closer to the front lot line than the front of the dwelling of the minimum front setback, whichever is less, unless otherwise provided for in this ordinance. In no instance shall an obscuring fence over three (3) feet high be placed between the front of a residence and minimum front setback line, unless otherwise provided for in this ordinance. Fences on corner lots shall meet the standards for corner lots as provided in Section 138-10.103.
3. – 5. [Unchanged.]

**D. Non-Residential Fences** [Unchanged.]

**SECTION 3.** Section 138-10.312 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby added as follows:

Section 138-10.312 Maximum Parapet Height

A. The maximum parapet height of any structure is ----.

**SECTION 4.** Section 138-11.102 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

Section 138-11.102 **General Standards**

The following general standards shall apply to all off-street parking and loading facilities:

- A. – C. [Unchanged.]
- D. **Residential Parking.** Residential off-street parking spaces for single-family and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve. No parking is permitted in the front yard of single-family and

two-family dwellings except in a driveway or garage. Allowable driveway surface materials shall include asphalt, concrete, brick pavers, gravel, aggregate or similar materials.

E. - I. [Unchanged.]

**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 \_\_\_\_\_, 2021, following its publication in the *Oakland Press* on \_\_\_\_\_, 2021.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2021.

---

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 \_\_\_\_\_, 2021.

---

Leann Scott, Clerk  
City of Rochester Hills