

AN ORDINANCE TO AMEND TO ARTICLE 4 - ZONING DISTRICT AND PERMITTED USES, ARTICLE 5 - SCHEDULE OF REGULATIONS, ARTICLE 6 - SUPPLEMENTAL DISTRICT STANDARDS, ARTICLE 8 - FLEX BUSINESS OVERLAY DISTRICT, ARTICLE 11 - OFF-STREET PARKING AND LOADING, ARTICLE 12 - LANDSCAPING AND SCREENING, AND ARTICLE 13 - DEFINITIONS OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, 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 138-4.100 in Article 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**SECTION 138-4.100 - Zoning Districts Established**

For the purposes of this ordinance, the City of Rochester Hills is divided into the following districts:

**Table 3. 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
R-5	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
<del>B-1</del>	<del>Local Business District</del>
<del>NB-2</del>	<del>General Neighborhood Business District</del>
<del>CB-3</del>	<del>Shopping Center Community Business District</del>
<del>B-5</del>	<del>Automotive Service Business District</del>
<del>HB</del>	<del>Highway Business District Regional</del>
<del>REC-1</del>	<del>Employment Center – Interchange</del>
FB	Flex Business (overlay) District
BD	Brooklands District
<del>O-1</del>	<del>Office Business District</del>
<del>ORT</del>	<del>Office, Research and Technology District</del>
I	Industrial District
SP	Special Purpose District

REC-W	<del>Regional Employment Center – Workplace District</del>
REC-C	<del>Regional Employment Center – M-59 Corridor</del>
REC-M	<del>Regional Employment Center – Mixed Use</del>

**SECTION 2.** Sections 138-4.205 through 4.218 in Article 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills are hereby modified as follows:

**SECTION 138-4.205 – B-1 Local Business District**

~~The B-1 local business districts are designed for the convenience shopping of persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which, by their very nature and size, are not related to the shopping pattern of the Citywide or regional shopping centers.~~

**SECTION 138-4.206-205 - NB-2 General Neighborhood Business District**

~~The NB-2 general neighborhood business districts are designed to cater to the needs of the larger consumer population than serviced by the B-1 local business district. intended to provide for residents' convenient access to small-scale businesses providing goods, services, dining, and entertainment, and which, by their very nature, size, and proximity to neighborhoods are not regional shopping destinations.~~

**SECTION 138-4.207-206 - CB-3 Shopping Center Community Business District**

~~The CB-3 shopping center community business districts are designed to cater to the general consumer needs of the larger consumer population, than served by the B-1 local business district and the B-2 general business district and so are mapped typically in shopping center locations. Uses in these districts are primarily accessed by automobile and may include commercial uses with a regional customer base or that have greater impacts on surrounding uses than those permitted in the Neighborhood Business district. These areas are typically characterized by establishments so grouped as to generate larger volumes of vehicular and pedestrian traffic.~~

**SECTION 138-4.207 Highway Business District**

~~The HB highway business district is intended to create a gateway into the City at the Crooks and M-59 interchange. This area has direct access to the regional road system, making it an appropriate location for higher intensity commercial development with a regional or freeway service character.~~

**SECTION 138-4.208 – B-5 Automotive Service Business District**

~~The B-5 automotive service business districts are established to accommodate those uses which attract and generate a high volume of moving or standing vehicular traffic. These districts are designed to be located on major thoroughfares in the City, other than freeways, and are generally incompatible with residential vehicular traffic from secondary thoroughfares (86-foot right-of-way) and local thoroughfares (60-foot right-of-way).~~

**SECTION 138-4.209-208 - BD, Brooklands District [Renumbered]**

**SECTION 138-4.210-209 - O-1 Office Business District**

~~The O-1 office business districts are is designed to accommodate office uses, office sales uses and basic personal services. Development may include stand-alone offices as well as particularly larger planned office complexes and office centers. These areas also provide for satisfactory transitions to surrounding land use areas.~~

#### **SECTION 138-4.211 – ORT Office, Research and Technology District**

The ORT district is established to:

- A. ~~Permit the combination of certain uses that are complementary to one another within the same structure or within the same zone.~~
- B. ~~Provide for orderly and integrated planning, so as to avoid fragmentary, short-term, or speculative investments and to avoid delay in achieving the highest and best use of the area.~~
- C. ~~Optimize the City's tax base and encourage economic development.~~
- D. ~~Provide a tool for redeveloping and revitalizing areas where existing buildings and infrastructure are located.~~
- E. ~~Provide for satisfactory transitions to surrounding land use areas.~~

#### **SECTION 138-4.215-210 - REC-W Regional Employment Center Workplace District**

The ~~REC-W employment center~~ district ~~is located along the perimeter of the overall REC area, and~~ consists primarily of the City's existing industrial and technology parks developed in the 1980s and 1990s. It is the intent of the ~~REC-W~~ district to allow for their continued evolution ~~and support job creation in the city~~ while maintaining compatibility with residential land uses abutting the perimeter of the ~~REC areas~~ district. The ~~REC-W~~ district corresponds with the "Workplace" category as described in the M-59 Corridor Plan and as shown on the development plan therein.

#### **SECTION 138-4.212-211 - I Industrial District [Renumbered]**

#### **SECTION 138-4.213-212 - SP Special Purpose Districts [Renumbered]**

#### **138-4.214-213 - FB Flex Business (Overlay) District [Renumbered]**

#### **SECTION 138-4.216 – REC-C Regional Employment Center M-59 Corridor District**

The REC-C district is located adjacent to M-59, forming a corridor along the freeway. Sites in the REC-C district are visible from M-59 and are a potential location for a range of industrial and office land uses that benefit from visibility from a major regional highway. Lands in the REC-C district primarily consist of existing industrial and technology parks developed in the 1980s and 1990s. It is the intent of the REC-C district to allow for their continued evolution and intensification. Lands in the REC-C district are not adjacent to residential land uses, reducing the potential for land use conflicts and supporting higher maximum height limits in the REC-C district. The REC-C district corresponds with the "Technology and Office Image Corridor" category as described in the M-59 Corridor Plan and as shown on the development plan therein.

#### **SECTION 138-4.217 – REC-I Regional Employment Center Interchange District**

The REC-I district is intended to create a gateway into the REC district and the City at the Crooks and M-59 interchange. This area is not adjacent to existing residential development and has direct access to the regional road system, making it an appropriate location for higher intensity development, potentially with mixed land uses. The REC-I district corresponds with the "Interchange" category as described in the M-59 Corridor Plan and as shown on the development plan therein.

#### **SECTION 138-4.218 – REC-M Regional Employment Center Mixed Use District**

REC-M districts are located along major roads at the perimeter of the REC area. The REC-M district is intended to allow for the development and redevelopment of property with mixed land uses that upgrade the image of the area and that provide services and living accommodations to support the businesses within the REC district and in adjacent areas. The REC-M district corresponds with the "Corridor Mixed Use" category as described in the M-59 Corridor Plan and as shown on the development plan therein.

**SECTION 3.** Sections 138-4.300 and 4.301 in Article 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills are hereby modified as follows:

**SECTION 138-4.300 - Table of Permitted Uses by District SEE ATTACHED TABLE**

**SECTION 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 ~~NB-1, B-2, CB-3~~, and BD 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.
  - 3. Existing Health, recreation and physical education facilities established in the NB District and having a valid certificate of occupancy prior to the effective date of adoption of this chapter (July 8, 2023) shall be considered a permitted use, provided that the current building/tenant configuration and size (square footage) are not expanded or increased.
- 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.~~
- C. 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.

**SECTION 4.** Sections 138-4.404 through 4.440 in Article 4 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills are hereby modified as follows:

**SECTION 138-4.404 - Automotive Gasoline Service Stations**

- A. **Standards Applicable to All Gas Stations.**
  - 1. An automotive gasoline service station shall be located only at the intersection of two principal or minor arterials and/or freeways of at least 120-foot right-of-way as defined by the current City master thoroughfare plan, with frontage on both thoroughfares.
  - 2. Automotive gasoline service stations shall require a minimum site area of one (1) acre. Lot frontage on the principal thoroughfare shall not be less than 100 feet.
  - 3. The indoor retail component of an automotive gasoline service station shall have a minimum floor area of 2,000 square feet.

4. All site improvements, including buildings, shall comply with the corner clearance requirements of Section 138-5.204.
  5. Loading spaces may be located in a yard other than a rear yard.
  6. Entrances and exits shall be no less than 35 feet from any two street right-of-way lines.
  7. Entrances and exits shall be no less than 50 feet from any residential district.
  8. Sidewalks shall be provided to connect the front door of any building to the public sidewalks along any streets.
  9. Major engine and body repair, steam cleaning, and undercoating are expressly prohibited.
  10. The storage of damaged or wrecked vehicles, or those waiting for minor repair or service, shall comply with the Property Maintenance Code and shall be obscured from public view in an area provided for such purpose on the site, and no vehicle of any kind shall be stored in the open for a period exceeding one week.
  11. In no instance shall more than five vehicles be allowed to accumulate on the site at any one time, and the storage area shall be kept free of trash and debris.
  12. Permanently installed and/or nonportable hoists, ramps or heavy equipment for the repair of vehicles shall be located inside an enclosed building.
  13. Underground storage tanks, gasoline pumps, air and water hose stands, and other appurtenances shall be set back not less than 20 feet from all existing and/or proposed street right-of-way lines.
  14. Whenever a pump island is located such that it will have reasonable visibility from or impact on a nearby residential district, the Planning Commission may require a Type C landscape buffer along the property line facing the residential district. See Section 138-12.300 for buffer requirements.
  15. Fueling positions may be counted as parking spaces for the purpose of determining required parking for the use.
  16. ~~In the case of automotive gasoline service stations, the minimum lot area shall be 15,000 square feet and so arranged that ample space is available for vehicles which are required to wait. Lot frontage on the principal thoroughfare shall not be less than 100 feet.~~
- B. **Front Building/~~Rear Canopy~~ Gas Stations.** Gas stations may be developed according to the following design standards which allow for the building to be closer to the street with the pump islands and canopy located behind the building. The standards of this subsection B shall take precedence over any conflicting design or dimensional requirement contained elsewhere in this ordinance.
1. Principal building setbacks. The principal building shall be set back a minimum of ten feet from the front property line.
  2. Canopy location and setbacks. The pump canopy shall be located to the rear of the principal building, and shall comply with all requirements of Footnote S to the Schedule of Regulations (Section 138-5.501). Additionally, any pump canopy shall be set back a minimum of 100 feet from any residential district. If such a setback cannot be achieved, this design option may not be used.
  3. **Site Design.**
    - a. ~~Vehicle access. On corner sites, driveways shall be located as far from intersections as possible and no more than one driveway access shall be permitted per street frontage unless otherwise approved by the Planning Commission.~~
    - b. ~~Pedestrian access. Sidewalks shall be provided to connect the front door of any building to the public sidewalks along any streets.~~
    - c. *Landscaping.* Whenever a pump island is located such that it will have reasonable visibility from or impact on a nearby residential district, the Planning Commission may require a

Type C landscape buffer along the property line facing the residential district. See [Section 138-12.300](#) for buffer requirements.

- d. *Corner clearance.* All site improvements, including buildings, shall comply with the corner clearance requirements of [Section 138-5.204](#).

4. **Building Requirements.**

- a. *Transparency.* The building shall have a minimum transparency of 60% on any façade facing a pump island or the front lot line. Transparency shall be measured based on the total wall area of the façade. False windows, spandrel glass or similar shall not be counted towards the transparency requirement.
- b. *Design.* All sides of the building shall incorporate a consistent architectural style, including horizontal or vertical design elements that have sufficient relief to create shadow lines. The type of element (i.e., horizontal or vertical) will be determined by the intended design aesthetic of the building.
- c. *Materials.* Building materials for gas stations shall comply with the standards of [Section 138-8.502.B](#).

- C. 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:
  1. Canopies shall be located not less than ten feet from a right-of-way or side lot line, and not less than 20 feet from a rear lot line. The amount of lot area covered by canopies shall not exceed 40 percent.
  2. Canopies shall not exceed 17 1/2 feet in height, and a minimum clearance of 14 feet from grade shall be maintained.
  3. Canopies shall not be attached to any other building or structure.
  4. Canopies shall be of a type readily demountable not requiring unusual demolition procedure.
  5. Canopies shall be supported by columns and shall not be supported or enclosed by walls. Canopy columns shall be faced in decorative materials such as brick.

**SECTION 138-4.405 - Automotive Service Centers**

- A. **In the ~~CB-3~~ District.** Automotive service centers (~~but not fueling stations~~) are permitted in the ~~CB-3~~ district only when physically attached and incidental to another permitted nonautomotive retail use that is part of a larger planned shopping center. Freestanding automotive service centers are not permitted in the ~~CB-3~~ zoning district.
- B. **In the I District.** Automotive service centers in the I district may conduct major mechanical repairs, collision work, undercoating and painting. The sale of gasoline and other fuels is prohibited.

~~**SECTION 138-4.406 Banks**~~

~~Banks with drive-in facilities are permitted only when drive-in facilities are incidental to a principal bank use on the site.~~

~~**SECTION 138-4.407 – Banquet Halls and Conference Centers**~~

~~Banquet halls and conference centers in the O-1 district shall comply with the following requirements:~~

- A. ~~Such uses shall have frontage on and access to a thoroughfare with an existing or planned right-of-way of at least 120 feet.~~
- B. ~~Events open to the general public, such as brunches or dinners, shall be prohibited.~~

~~**SECTION 138-4.408 – Bowling Alleys**~~

~~Bowling alleys shall be located at least 100 feet from any adjacent residential zoning district.~~

**SECTION 138-4.409 406 - Commercial Communication Towers [Renumbered]**

**SECTION 138-4.410-407 - Drive-Through Facilities [Renumbered]**

**SECTION 138-4.411-40.8 - Dry Cleaners [Renumbered]**

**SECTION 138-4.412-409 - Funeral Homes**

A. [Unchanged]

B. **Funeral homes located in CB and O-1 districts** shall comply with the following standards:

1. The minimum lot area shall be 25,000 square feet and so arranged that adequate assembly area is provided off street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
2. The site shall be so located as to have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto such major thoroughfare or a marginal access service road.
3. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. ~~No building~~ **Buildings** shall not be located closer than 50 feet to the outer perimeter (property line) of the district when such property line abuts any residential district.
5. A caretaker's residence may be provided within the main building of the mortuary establishment.
6. Loading and unloading areas used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view with a solid masonry wall six feet in height or alternate method of screening acceptable to the Planning Commission.

**SECTION 138-4.413-410 - Golf Courses [Renumbered]**

**SECTION 138-4.414-411 - Gun Clubs [Renumbered]**

**SECTION 138-4.412 Health, Recreation & Physical Education Facilities**

- A. For such facilities, regardless of size, the applicant shall demonstrate that there is safe and adequate circulation and parking for the maximum number of users at any one time.
- B. Outdoor activity areas may be conditionally approved where the principal use is permitted, following the process provided in Article 2 – Administrative Organization and Procedures, Chapter 3 Conditional Use Approval of Chapter 138 – Zoning of the Code of Ordinances.

**SECTION 138-4.415-413 - Home Occupations [Renumbered]**

**SECTION 138-4.416-414 – Hospitals [Renumbered]**

**SECTION 138-4.417-415 - Hotels, Motels, and Residential Inns [Renumbered]**

**SECTION 138-4.418-416 - Industrial Uses: Assembly and Machining Operations [Renumbered]**

**SECTION 138-4.419-417 - Industrial Uses: ~~Heavy~~**General****

- A. **Performance Standards.** All activities shall comply with the Performance Standards in ~~Section 138-10.310~~ Chapter 46-Environment, -Article IV Performance Standards of the Code of Ordinances.
- B. ~~Site Area. A minimum site area of ten acres is required for heavy industrial land uses.~~

- C. **Setbacks.**
1. A minimum setback of 1,500 feet is required between any building or outdoor area involved in the heavy industrial use and a one-family residential zoning district or a detached one-family residential dwelling unit.
  2. Offices and components of the use which are not characterized as or qualify as heavy industrial uses are not subject to the 1,500-foot setback requirement.
- D. **Outdoor Storage.** Outdoor storage of raw materials used in the operation may be permitted, provided that:
1. Storage piles shall have a maximum height of 12 feet and shall be set back a minimum of 100 feet from any property line. The storage pile height may be increased to a maximum of 35 feet provided that 2.5 feet of additional set back is provided over and above the 100-foot minimum setback for each one foot of additional pile height.
  2. The perimeter of any material storage areas shall be surrounded by an obscuring masonry wall or wood fence of at least eight feet in height.
  3. ~~Measures shall be taken to control dust, odor, or any other detectable impact of the materials being stored.~~
- D. ~~SECTION 138-4.421—Junkyards.~~ ~~Junkyards~~ Such uses must be located on a minimum of five (5) acres and shall be entirely enclosed with an eight-foot obscuring wall. ~~No b~~ Burning on site is not permitted. All industrial processes including the use of equipment for cutting, processing or packaging shall be conducted within a completely enclosed building.
- E. ~~SECTION 138-4.445—Waste Lagoon Ponds.~~ ~~Because W~~ waste lagoon ponds are industrially oriented and permanent in character and because of technical treatments necessary for the proper operation of lagoon ponds, they may be permitted, provided the following conditions are met:
1. In no instance shall a waste lagoon pond be closer than 500 feet to an existing or proposed street right-of-way or abutting residential district
  2. An eight-foot fence shall be erected around the entire site or lagoon pond, at the property owner's option, and control gates, etc., shall be installed.
  3. In lieu of a wall or fence an earth embankment in the form of a berm with a minimum height of eight feet may be utilized at the discretion of the City Council upon recommendation by the Planning Commission.
- F. **Hours of Operation.** The City Council may establish restrictions on the hours of operation as a condition of conditional use approval.
- G. **Internal Vehicle Use Areas.** All internal roads and vehicle circulation areas within the site shall be paved with asphalt or concrete.
- H. **Existing Heavy Industrial Uses.** Heavy industrial uses and operations that lawfully existed at the date of adoption of this ordinance on properties zoned I-2 under the previous zoning ordinance are subject to the following regulations:
1. Continuation of Use. Such uses may continue as permitted uses on said formerly zoned I-2 properties. Such uses or operations, including any structures and equipment relating to such uses or operations, may be improved, repaired, relocated, replaced or expanded on the property without being required to meet the requirements of *subsections 138-4.420.C.1, C.2, D.1, D.2, and F.*
  2. Setbacks. Buildings associated with a heavy industrial use that lawfully existed at the date of adoption of this ordinance shall comply with the setback requirements of the former I-2 district, including a 100-foot front yard setback, 50-foot side yard setback, and 75-foot rear yard setback.
  3. Outdoor Storage. Screening shall be provided for outdoor storage areas as required by *footnote Q of the schedule of regulations.*

4. Review Process.
  - a. *Activities Permitted by Right.* Any development activity on the property that requires administrative or sketch plan review under Table 1 [Section [138-2.200](#)] of this ordinance shall be considered a permitted use, and shall be reviewed following the administrative or sketch plan review procedures, as the case may be.
  - b. *Activities Requiring Conditional Use Approval.* Any development activity on the property that requires site plan review under Table 1 [Section [138-2.200](#)] of this ordinance shall be considered a conditional use requiring approval by the City Council under [Article 2, Chapter 3](#) of this ordinance. The City Council may impose reasonable conditions in accordance with [Section 138-2.301](#) in order to limit or restrict the off-site impacts of the heavy industrial uses and operations to those off-site impacts existing prior to the date of adoption of this ordinance.

**SECTION 138-4.~~420-418~~ - Industrial Uses: Light** [Renumbered]

**SECTION 138-4.~~422-419~~ – Kennels** [Renumbered]

**SECTION 138-4.~~423-420~~ - Nursing Homes, Convalescent Homes, and Assisted Living Facilities** [Renumbered]

**SECTION 138-4.~~424-421~~ - Nursery Schools, Day Nurseries and Child Care Centers** [Renumbered]

**SECTION 138-4.~~425-422~~ - Oil and Gas Wells** [Renumbered]

**SECTION 138-4.~~426-423~~ - Outdoor Display and Sales of Goods** [Renumbered]

**SECTION 138-4.427 – ORT Use Standards**

All uses in the ORT district shall comply with the following standards:

- A. ~~**Noise and Vibration.** All uses located in the ORT district shall be designed and operated so as to produce no sound, glare or vibration discernable at the property line in excess of the normal intensity of street or traffic noises or vibration noticeable at such points.~~
- B. ~~**Retail and Restaurant Uses** may only be permitted in a building containing another non-retail or restaurant use. The total area devoted to restaurant and retail uses may not exceed 25 percent of the total floor area of the building. Parking requirements for restaurant and retail uses shall be calculated separately from the requirements for the other uses of the building.~~
- C. ~~**Special Submission Requirements.** The applicant shall provide the following submissions with the site plan application for any use allowed in the ORT office, research, technology district:~~
  1. ~~A development planning analysis, by a urban planner, registered architect or registered landscape architect, which describes the relation of the proposed project to existing uses and to the overall development of the ORT district, as envisaged in the City's master plan or in other official published planning materials. The analysis shall also set forth evidence that the proposed project, and the use or combination of uses proposed, will contribute to realization of the fullest economic potential of the district and demonstrate that the intent and purpose of this ORT district (i.e., intent) has been met. The analysis should include or be accompanied by a study or analysis showing the fiscal impact of the proposed project on the City and a market study with respect to the proposed uses. If a project is proposed to be developed in stages or phases, the development analysis shall take into account the time of each stage or phase.~~

2. ~~Traffic studies demonstrating that the anticipated maximum traffic, including pedestrian traffic that might be generated by the project can be efficiently and safely accommodated by existing, abutting major streets and walkways, or by any future street improvements planned and committed to by the City.~~
3. ~~Concurrency of facilities analysis demonstrating availability and adequacy of public utilities and infrastructure contemporaneously with the completion of the proposed development. If there are any deficiencies in the ability of the streets and walkways to accommodate the traffic generated by the proposed development or in the public utility systems the applicant shall submit plans and evidence of finance commitment to cure such deficiencies.~~

~~The Planning Commission may, in its sole discretion, waive any of the required submissions or portions thereof set forth in items 1—3 when it determines that it has available sufficient data to provide the necessary information or when it determines that the information is not necessary or relevant to its evaluation of the proposed project.~~

- D. ~~**Underground utilities.** All lines for telephone, electric, television, and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission.~~
- E. ~~**Compatibility of uses, materials and signs.**~~
  1. ~~Site layouts and orientation of structures shall be designed so as to minimize adverse, visual impacts on developments on contiguous ORT and R, RCD, RM-1 or RMH zoning districts. For example, blank walls should not be placed opposite from and in close proximity to windows in a building in a contiguous ORT development. The site plan should attempt to maximize light, air, and vistas, so long as such attempts do not unreasonably interfere with the proposed use.~~
  2. ~~Where lots in the ORT district and adjacent or abutting an R, RCD, RM-1 or RMH district are contiguous or in close proximity and if the Planning Commission determines that it would be beneficial to the lots as a whole and to the sound development of the district, the Planning Commission may develop and adopt standards relating to architectural treatment, materials and signage designed to achieve a compatible appearance. Such standards shall be determined based on the City's master plan, other related urban design studies, and on the particular site plan under consideration and as recommended by the City's Planning Department and/or Planning Consultant.~~
- F. ~~**Vehicular and pedestrian circulation.**~~
  1. ~~Access to the development shall be provided in such locations and number so as not to create unnecessary burden or unnecessary traffic hazards on exterior roadways, considering the need to provide safe and efficient internal traffic circulation.~~
  2. ~~The site plan shall be designed to provide safe and efficient internal traffic circulation and to protect pedestrians from unnecessary exposure to vehicular safety hazards.~~
  3. ~~Where the lot is contiguous to other ORT-zoned land, the Planning Commission may, if it determines that there is a likelihood of vehicular or pedestrian traffic between the lot and such other contiguous land, require that provisions be made for safe and direct traffic connection between them.~~
  4. ~~Whenever existing, abutting major streets and walkways and any planned and committed improvements will not be adequate to efficiently and safely accommodate the anticipated maximum traffic reasonably expected by the proposed development, a condition for~~

~~development may be imposed to require the applicant to provide passing, deceleration and acceleration lanes on abutting roads to cure any such deficiencies.~~

**SECTION 138-4.428-424 - Outdoor Dining** [Renumbered]

**SECTION 138-4.429 – Outdoor Recreation, Commercial**

~~Commercial outdoor recreational space for amusement parks, miniature golf, golf driving ranges, athletic facilities and clubs are subject to the following requirements:~~

- ~~A. All lighting shall be shielded from adjacent residential districts.~~
- ~~B. Children's amusement parks must be fenced on all sides with a four-foot, six-inch wall or fence.~~
- ~~C. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Such fence shall be no less than six feet high. Pits shall not exceed four feet in depth, shall be drained at all times and shall be filled with earth to grade when the use is discontinued. All manufacturers' specifications for spacing, safety and construction shall be complied with.~~
- ~~D. No loudspeaker or public address system shall be used except by the written consent of the City Council where it is deemed that no public nuisance or disturbance will be established.~~

**SECTION 138-4.431-425 - Outdoor Storage: Accessory**

**A. Where Permitted.**

- 1. Industrial Districts. Outdoor storage of equipment, vehicles, and/or other materials may occur on the same site as and accessory to a principal use or as a principal use. If the outdoor storage constitutes a principal use the storage area shall comply with the front and rear yard setbacks of the industrial district.
- 2. Business Districts. The outdoor storage of any equipment, vehicles and/or other materials shall only occur on the same site as and accessory to a principal use. The materials being stored shall be incidental to and related to the principal use of the site, and shall not constitute a second permitted use.
- 3. REC Districts. Outdoor storage of equipment, vehicles, and/or other materials may occur on the same site as and accessory to a principal use ~~or as a principal use.~~

B-D. [Unchanged]

**SECTION 138-4.432-426 - Pet Boarding Facility** [Renumbered]

**SECTION 138-4.433-427 - Places of Worship; Libraries and Museums or Assembly**

~~Churches and publicly owned and operated libraries and museums~~Places of worship or assembly may be permitted ~~in any zoning district~~ subject to the following conditions:

- A. The site shall be so located as to provide for ingress to and egress from such site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least 120 feet in width as shown on the current City master thoroughfare plan. For Places places of Worship, worship or, Libraries and Museums assembly established before the adoption of this ordinance, ingress and egress onto a major or secondary thoroughfare with an existing or planned right-of-way of at least 86 feet in width shall meet this condition.
- B. Buildings of greater than maximum height as allowed by *Section 138-5.100* of this ordinance may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- C. Steeples, bell towers, and similar architectural features are exempt from the height requirements of this ordinance.

- D. For places of worship or assembly greater than 5,000 square feet, abutting a property that contains a residential use, a Landscape Buffer D shall be required in the rear and side yards.

**SECTION 138-4.434-428 - Plant Material Nurseries [Renumbered]**

**SECTION 138-4.435-429 - Private Recreational Areas, Swim Clubs, Golf Courses and Tennis Courts [Renumbered]**

- A. When the proposed site is not to be situated on a lot of record, the proposed site shall have one property line abutting a major thoroughfare of at least 120 feet as shown on the current master thoroughfare plan, and the site shall be so planned as to provide ingress and egress directly onto such major thoroughfare.
- B. Front, side and rear yards shall, respectively, be at least 40 feet wide and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition.
- C. All lighting used to light the grounds shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
- D. All parking shall be surfaced as required in Article 11 of this ordinance.
- E. Whenever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence or an obscuring coniferous planting six feet in height shall be provided along that entire side of the parking area.
- F. Whenever a swimming pool is involved, such pool shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate or turnstile.

**~~SECTION 138-4.436 - Privately Operated Recreational Facilities on Publicly Owned Parkland-~~**

~~Privately operated recreational facilities located on publicly owned park properties, which shall be limited only to those uses set forth in the City master recreation plan, may be permitted in any zoning district subject to the following conditions:~~

- ~~A. Buildings of greater than maximum height as allowed in Section 138-5.100 may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.~~
- ~~B. Front, side and rear yards shall, respectively, be at least 50 feet wide and shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. Where such facility directly or indirectly abuts residentially zoned property, adequate screening in accordance with the requirements of Article 12 shall be provided.~~
- ~~C. All lighting used to light the grounds shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site. Lighting shall comply with Article 10, Chapter 2 (Exterior Lighting).~~
- ~~D. All parking shall be surfaced as required in the general provisions for off-street parking requirements.~~
- ~~E. Whenever the parking plan is so laid out as to beam automobile headlights toward any residentially zoned land, an obscuring wall or fence or an obscuring coniferous planting six feet in height shall be provided along that entire side of the parking area.~~
- ~~F. A loudspeaker or public address system may be permitted by the City Council following the procedures for a conditional use where it is deemed that no public nuisance or disturbance will be established.~~

**SECTION 138-4.438-430 - Raising and Keeping of Animals [Renumbered]**

**SECTION 138-4.439-431 - Roadside Stands/Markets, Christmas Tree Sales and Temporary Outdoor Display and Sales of Goods**

A.-B. [Unchanged]

C. Temporary Outdoor Display and Sales of Goods. Except as regulated in *Section 138-4.439*, for purposes of this section, temporary outdoor sales events, commonly referred to as "tent sales", that meet all of the following criteria are permitted ~~on zoning lots~~ in the ~~NB-1 and CB-2 and B-3~~ districts. The outdoor display and sales of goods shall require a special events permit from the Building Department. For purposes of this section, the term "temporary outdoor sales event" shall have the meaning ascribed to it in *Section 79-2* of this Code.

1.-6. [Unchanged]

**SECTION 138-4.430-432 - ~~Outdoor~~ Sales of Used Vehicles**

A. ~~All lighting shall be shielded from adjacent residential districts.~~

B. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

C. An obscuring wall or fence ~~four feet six inches~~ 6 feet in height must be provided when abutting ~~or adjacent a property that contains a districts are zoned for~~ residential use.

D. ~~No m~~Major repair or major refinishing shall not be done on the lot.

**SECTION 138-4.433 Small-Scale Breweries, Wineries and Distilleries**

A. When permitted in the CB and HB districts, an on-site retail component is required that occupies at least 25% of the size of the facility.

B. When permitted in the NB district, an on-site retail component is required that occupies at least 50% of the size of the facility.

**SECTION 138-4.437-434 - ~~Private and Public~~ Stables, Riding Academies and Hunt Clubs [Renumbered]**

**SECTION 138-4.440-435 - State Licensed Residential Facilities [Renumbered]**

**SECTION 138-4.441-436 - Temporary Construction [Renumbered]**

**SECTION 138-4.442-437 – Utilities [Renumbered]**

**SECTION 138-4.443-438 - Vehicle and Equipment Storage Yards [Renumbered]**

**SECTION 138-4.444-439 - Veterinary Hospitals or Clinics**

A. All activities shall be conducted within a totally enclosed building.

B. Veterinary hospitals or clinics located in the ~~NB-2 or CB~~ districts shall be set back at least 40 feet from any R, RCD, RM-1, or RMH zoning district with a Type C buffer provided along any common property line.

**SECTION 138-4.446-440 - Wireless Telecommunication Facilities [Renumbered]**

SECTION 5. Section 138-5.100 and Section 5.101 in Article 5 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills are hereby modified as follows:

**SECTION 138-5.100 - Schedule of Regulations**

**Table 6. Schedule of Regulations - RESIDENTIAL DISTRICTS**

District	Minimum Lot		Maximum Building Height <sup>A</sup>		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		
RE	43,560	120	2	35	40 <sup>B</sup>	15 <sup>C, D</sup>	30 <sup>D</sup>	35 <del>FO</del>	1,500	25%
R-1	20,000	100	2	35	40 <sup>B</sup>	15 <sup>C, D</sup>	30 <sup>D</sup>	35 <del>FO</del>	1,500	25%
R-2	15,000	100	2	35	40 <sup>B</sup>	15 <sup>C, D</sup>	30 <sup>D</sup>	35 <del>FO</del>	1,400	25%
R-3	12,000	90	2	30 <del>WP</del>	30 <sup>B</sup>	10 <sup>C, D</sup>	20 <sup>D</sup>	35 <del>FO</del>	1,200	30%
R-4	9,600 <del>WR</del>	80 <del>WR</del>	2	30 <del>WP</del>	25 <sup>BJ</sup>	10 <sup>C, D</sup>	20 <sup>D</sup>	35 <del>FO</del>	912	30%
R-5	See <a href="#">Article 6</a> , Chapter 7 for one-family flex residential district regulations									
RM-1	See <a href="#">Article 6</a> , Chapter 1 for multiple family district regulations									
RCD	See <a href="#">Article 6</a> , Chapter 2 for one-family residential cluster district regulations									
RMH	See <a href="#">Article 6</a> , Chapter 4 for manufactured housing park district regulations									
MR	See <a href="#">Article 6</a> , Chapter 5 for mixed residential (overlay) district regulations									

**Table 7. Schedule of Regulations - NONRESIDENTIAL DISTRICTS**

District	Minimum Lot		Maximum Building Height		Minimum Yard Setback (feet) <sup>K</sup>				Min. Yard Setback (feet)	Min. Floor Area (sq. ft.)
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (each)	Side (total)	Rear		
<del>B-1</del>	<del>(F)</del>	<del>(F)</del>	<del>2</del>	<del>30</del>	<del>25 <sup>N</sup></del>	<del>0 <sup>F, N</sup></del>	<del>50 <sup>N</sup></del>	<del>50 <sup>J</sup></del>	<del>—</del>	<del>—</del>
<del>B-2NB</del>	<del>(E)</del>	<del>(E)</del>	<del>2</del>	<del>30</del>	<del>50 <sup>N, S</sup></del>	<del>0 <sup>F, N</sup></del>	<del>50 <sup>N</sup></del>	<del>50 <sup>H</sup></del>	<del>—</del>	<del>—</del>
<del>B-3CB</del>	<del>5 acres <sup>E</sup></del>	<del>400 <sup>E</sup></del>	<del>2</del>	<del>30</del>	<del>75 <sup>N, S</sup></del>	<del>25 <sup>F, N, V</sup></del>	<del>50 <sup>N</sup></del>	<del>75 <sup>G, H, J</sup></del>	<del>—</del>	<del>—</del>
<del>HB</del>	<del>(E)</del>	<del>(E)</del>	<del>3</del>	<del>42</del>	<del>25</del>	<del>25</del>	<del>50</del>	<del>30</del>		
<del>B-5</del>	<del>(F)</del>	<del>(F)</del>	<del>2</del>	<del>30</del>	<del>25 <sup>J, N, S</sup></del>	<del>0 <sup>G, J, N, S</sup></del>	<del>50 <sup>J, N</sup></del>	<del>50 <sup>J</sup></del>	<del>—</del>	<del>—</del>
<del>O-1</del>	<del>(E)</del>	<del>(E)</del>	<del>3 <sup>WQ</sup></del>	<del>42 <sup>WQ</sup></del>	<del>35</del>	<del>0 <sup>F</sup></del>	<del>50</del>	<del>35</del>	<del>—</del>	<del>—</del>
<del>ORT</del>	<del>(F)</del>	<del>(F)</del>	<del>3 <sup>V</sup></del>	<del>40 <sup>V</sup></del>	<del>30 <sup>J</sup></del>	<del>0 <sup>P, R</sup></del>	<del>0 <sup>P, R</sup></del>	<del>30 <sup>P, R</sup></del>		
<del>EC</del>	<del>(E)</del>	<del>(E)</del>	<del>3 <sup>Q</sup></del>	<del>42 <sup>Q</sup></del>	<del>25 <sup>U</sup></del>	<del>25 <sup>F, M, T</sup></del>	<del>50 <sup>M, T</sup></del>	<del>30 <sup>M</sup></del>		
<del>I</del>	<del>(E)</del>	<del>(E)</del>	<del>3</del>	<del>42</del>	<del>50 <sup>L, N, P</sup></del>	<del>50 <sup>M, N</sup></del>	<del>100 <sup>L, M</sup></del>	<del>50 <sup>N, P</sup></del>	<del>—</del>	<del>—</del>
<del>SP</del>	<del>(E)</del>	<del>(E)</del>	<del>2</del>	<del>30</del>	<del>50</del>	<del>50</del>	<del>100</del>	<del>50</del>	<del>—</del>	<del>—</del>
BD	See <a href="#">Article 6</a> , Chapter 3 for Brooklands district regulations									
FB	See <a href="#">Article 8</a> for flex business (overlay) district regulations									
REC	See <a href="#">Article 6</a> , Chapter 6 for regional employment center district regulations									

**SECTION 138-5.101 - Footnotes to the Schedule of Regulations**

A-D. Unchanged

E. **Nonresidential Lot Requirements.** The minimum lot area and minimum lot width shall be determined by the use meeting all minimum yard requirements and all other requirements of this ordinance. In ~~CB-3~~ districts, parcels with less area or width than the minimum requirement may be permitted provided all of the following exist:

1. ~~The parcel is part of a larger cohesive development.~~
2. The parcel is accessed through existing access points. Additional access points may only be constructed upon approval by the Planning Commission.
3. A covenant restriction prohibiting additional ingress/egress drives from abutting public thoroughfares without Planning Commission approval, shall be recorded at Oakland County.
4. Cross access easement(s) must be provided to neighboring parcels, if feasible.
5. Any parcel created as a result of this ordinance shall not be entitled to a separate freestanding monument sign.

F. **Side Yard Setbacks.** Side yards shall comply with the following:

1. If walls of structures facing interior side lot lines contain windows or other openings, the minimum yard requirements in the schedule of regulations shall be met.
2. Where ~~a NB-1 and B-2~~ districts abuts ~~an~~ R, RCD, RM-1 and MH districts, the minimum side yard requirement shall be 50 feet. This requirement shall not apply to the BD district.
3. Where a ~~CB-3 or EC~~ district abuts R, RCD, RM-1, MH, SP and BD districts, the minimum side yard shall be 75 feet.
4. Where an ~~O-1~~ district abuts an R, RCD, RM-1 or MH district, the minimum side yard requirement shall be 30 feet.
5. In ~~NB-1, B-2~~ and ~~O-1~~ districts, a 25-foot setback is required for a side street yard on a corner lot and for the exterior side of parcel or lot on the exterior of the district.
6. In the ~~CB-3~~ district a front yard setback shall be required on any street frontage and from any adjacent parcel not zoned ~~CB-3~~.

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

H. **Rear Yard Setback Adjacent to a Residential District.** Where a ~~CB-3~~ district abuts an R, RCD, RM-1 or MH district, the minimum rear yard shall be 100 feet. The rear yard may be reduced to 50 feet with the approval of the Planning Commission after a public hearing in accordance with [Section 138-1.203](#) and submittal of a plan which ensures there will be no significant negative impacts on the adjacent property as a result of the rear yard reduction.

I. **Rear Yard Setback Adjacent to a Nonresidential District.** Where a ~~NB-1, B-2~~ or ~~CB-3~~ district abuts ~~a B, O-1, I (industrial) SP or BD any other non-residential~~ districts, the rear yard for the NB or CB district may be reduced to ten feet with the approval of the Planning Commission, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties.

J. ~~Front Building Gas Stations are permitted, and shall comply with the design requirements of Section 138-4.404.B. The design standards and dimensional requirements of Section 138-4.404.B shall take precedence over the standard setback requirements for the B-5 district contained in Table 6.~~

K. ~~Front Yard Parking Prohibited. Parking is prohibited in the required front yard setback area in the ORT zoning district.~~

L.I. **Industrial Reduced Front Yard Setback.** [Renumbered]

J. ~~M. Industrial Reduced Side Yard Setback.~~ [Renumbered]

K. ~~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 right-of-way lines shall be 50 feet, except as allowed in footnote ~~L~~I with both frontages to be considered as the front yard setback. ~~On corner lots in the B-5 district, the setback from the right-of-way line shall be 25 feet, with both frontages to be considered as the front yard setback.~~

**~~L~~O. Industrial Large Buildings.** [Renumbered]

**~~M~~P. Parking in Required Side and Rear Yards.** Parking and loading spaces may be located in required side and rear yards in the I (industrial) and ~~ORT-EC~~ORT-EC districts subject to Planning Commission approval. The Planning Commission shall approve such parking or loading only if sufficient access is provided to the building and that the location of the parking or loading spaces will not imperil the health, safety or welfare of employees in the building. Loading spaces that are thusly located and will be visible from a public thoroughfare or any adjacent property not zoned I or ~~ORT-EC~~ORT-EC shall be screened. Such screening shall be opaque to a minimum height of six feet.

**~~QN~~QN. Outdoor Use Areas in the I (Industrial) District.** [Renumbered]

**~~R~~R. Yard Requirements when Adjacent to Residential Zoning Districts.** Any yard abutting an R, RCD, RM-1, or RMH zoning district shall be as established by the Planning Commission, depending on the similarity of the proposed use to uses permitted on the O-1 and I (industrial) zoning districts. In addition, a Type D landscaping buffer yard shall be provided in such yards in accordance with the requirements of Section 138-12.300.

**~~S~~S. Freestanding Canopies.** In the B-5 district, freestanding canopies may be permitted within the required front yard and/or within the required side yard adjacent to a public right-of-way subject to the following conditions:

1. ~~Canopies shall be located not less than ten feet from a right-of-way or side lot line, and not less than 20 feet from a rear lot line. The amount of lot area covered by canopies shall not exceed 40 percent.~~
2. ~~Canopies shall not exceed 17-1/2 feet in height, and a minimum clearance of 14 feet from grade shall be maintained.~~
3. ~~Canopies shall not be attached to any other building or structure.~~
4. ~~Canopies shall be of a type readily demountable not requiring unusual demolition procedure.~~
5. ~~Canopies shall be supported by columns and shall not be supported or enclosed by walls. Canopy columns shall be faced in decorative materials such as brick.~~

**~~TO~~TO. Rear Yards Adjacent to Parks or Open Space.** [Renumbered]

**~~UP~~UP. Increased Building Height.** [Renumbered]

**~~VQ~~VQ. Increased Building Height.** The maximum height for buildings in the O-1 and ~~ORT-EC~~ORT-EC districts may exceed the maximum noted in Section 138-5.100 in accordance with the following requirements:

1. Height modifications for projects located on sites with less than five acres shall require conditional use approval in accordance with the procedures of Article 2, Chapter 3 (Conditional Use Approval).
2. Height modifications for projects located on sites with five or more acres of land are subject to Planning Commission approval.
3. For those buildings with a pitched roof, the maximum height may not exceed 55 feet as measured to the mid-point of the roof system.
4. Any structure in the O-1 or ~~ORT-EC~~ORT-EC district abutting land planned for one-family residential land uses on the Master Land Use Plan Future Land Use Map shall increase the required yard abutting the residential district by two feet for every foot in height above 30 feet as measured to the top of the highest beam for flat roof systems or to the mid-point of pitched roofs.

**~~WR~~WR. Reduced Minimum Lot Width and Area in the R-4 District.** [Renumbered]

- S. **Average Front Yard Setbacks in Business Districts.** In the NB and CB districts, the front setback may be reduced to the average setback of structures within 300 feet of the subject parcel, along the same side of the street.
- T. **Leach Road Side Yards.** For properties along Leach Road, the minimum side yard setback shall be 15 feet.
- U. **Employment Center Front Yards.** When any building in the EC district is expanded or redeveloped to have a front yard setback less than 30 feet, a sidewalk shall be provided across the entire street frontage of the property.
- V. **Community Business Side Yards.** When a side yard in the CB district abuts a NB, CB or HB zoned property and appropriate landscaping has been provided, the required side yard may be reduced to less than twenty five (25) feet provided the total of both side yards is at least fifty (50) feet.

**SECTION 6.** Chapter 3 in Article 6 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**SECTION 138-6.300 - Principal Uses Permitted**

Uses permitted in the BD district are listed in *Section 138-4.300*.

- A. ~~Retail sales including, but not limited to, specialized food stores, bakeries, department stores, general merchandise stores, pet shops, apparel and accessory stores, drug stores, video rental, and bookstores.~~
- B. ~~Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, television, shoe, jewelry and the like), tailor shops, beauty parlors, barber shops, and self-service laundries.~~
- C. ~~Existing Gas stations, auto repair and service establishments established prior to the effective date of adoption of this chapter (Dec. 2, 2019), provided that the current number of pumps, tanks and/or service bays are not expanded or increased.~~
- D. ~~Existing accessory drive-through facilities established prior to the effective date of adoption of this chapter (Dec. 2, 2019), provided that no expansion of the accessory drive-through facilities are permitted.~~
- E. ~~Artist studios and galleries.~~
- F. ~~Eating and drinking establishments, including bakeries/cafés, restaurants/bars, provided a restaurant/café or other eating and drinking establishment shall not include a drive-through facility or in-the-vehicle services.~~
- G. ~~Outdoor dining subject to the provisions of Section 138-4.428.~~
- H. ~~Physical fitness facilities such as health clubs or recreation centers.~~
- I. ~~Professional or business offices.~~
- J. ~~Medical offices and clinic.~~
- K. ~~Banks and similar financial institutions.~~
- L. ~~Residential uses on second floor or higher meeting the following requirements:~~
  - 1. ~~Each dwelling unit must contain the minimum number of square feet set forth below based on the number of bedrooms in the unit:~~
    - a. ~~One bedroom: 600 square feet.~~
    - b. ~~Two bedrooms: 900 square feet.~~
    - c. ~~Three bedrooms: 1,100 square feet.~~
    - d. ~~More than three bedrooms: 1,100 square feet plus an additional 200 square feet for each bedroom over three.~~

2. ~~Each dwelling unit must contain its own separate bath and kitchen facilities. Shared facilities are not permitted.~~
  3. ~~Detached single-family housing and two-family housing shall not be permitted.~~
  4. ~~Dwelling units shall not be located above any establishment engaged in food preparation of any kind involving heating, baking and/or cooking on the premises unless both of the following fire safety measures are in place:~~
    - a. ~~The establishment is protected by a sprinkler fire suppression system; and~~
    - b. ~~The dwelling units and all common aisles, corridors, etc. adjacent to the dwelling units are equipped with hard-wired smoke alarms. Battery-operated alarms are not permitted.~~
  5. ~~Applicable restrictions under the city fire code and/or fire prevention code shall not be subject to waiver or variance of any kind.~~
- M. ~~Media and entertainment production facility.~~
- N. ~~Civic and education uses.~~
- O. ~~Place of worship.~~
- P. ~~Uses of a similar and no more objectionable character and impact as the above uses. Also permitted are customer accessory uses to the above provided there shall be no drive-through or other auto-oriented uses in this district.~~

~~SECTION 138-6.301 – Conditional Uses —~~

- A. ~~Small-scale Breweries, Wineries and Distilleries.~~
- B. ~~Makerspaces.~~
- C. ~~Assembly and Machining Operations subject to the provisions of Section 138-4.418.~~
- D. ~~Professional or business offices located on the first floor.~~
- E. ~~Libraries or museums.~~
- F. ~~Government offices and assembly halls.~~
- G. ~~Theaters, auditoriums, concert halls and similar places of assembly.~~
- H. ~~Uses of a similar and no more objectionable character as the above uses, as determined by City Council following a recommendation by the Planning Commission.~~

~~SECTION 138-6.302-301 - Required Conditions [Renumbered]~~

~~SECTION 138-6.303-302 - Area, Height and Typology Requirements [Renumbered]~~

~~SECTION 138-6.304-303 - Building Design Standards [Renumbered]~~

~~SECTION 138-6.305-304 - Parking and Loading [Renumbered]~~

~~SECTION 138-6.306-305 - Landscaping and Screening [Renumbered]~~

**SECTION 7.** Chapter 6 in Article 6 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**CHAPTER 6. - [Reserved]**

**~~REC – REGIONAL EMPLOYMENT CENTER-~~**

**~~SECTION 138-6.600 – Setback Requirements~~**

**~~Table 8. Schedule of Regulations – REC Districts~~**

District	Minimum Lot		Maximum Building Height	Minimum/Maximum Yard Setback (feet)			
	Area (sq-ft)	Width (ft)	Feet	Front (min.)	Front (max.)	Side (min.)	Rear (min.)

	ft.)	{ft.)				}	}
<b>REC-W</b>	<del>—</del>	<del>—</del>	<b>42</b>	<b>10-A</b>	<del>—</del>	<b>25-B</b>	<b>30</b>
<b>REC-C</b>	<del>—</del>	<del>—</del>	<b>80-C</b>	<b>10-A</b>	<del>—</del>	<b>25-B</b>	<b>30</b>
<b>REC-I</b>	<del>—</del>	<del>—</del>	<b>80-C</b>	<b>5</b>	<b>80</b>	<b>0</b>	<b>25</b>
<b>REC-M</b>	<del>—</del>	<del>—</del>	<b>42</b>	<b>0</b>	<b>10-D</b>	<b>0</b>	<b>25-E</b>

Notes to Table 8:

- A. ~~When any building in the REC-W that is expanded or redeveloped to have a setback less than 30 feet, a sidewalk shall be provided across the entire street frontage of the property.~~
- B. ~~For properties along Leach Road, the minimum side yard setback shall be 15 feet.~~
- C. ~~Buildings that exceed 80 feet in height may be approved by the Planning Commission provided that the building is set back at least 500 feet from any one family dwelling.~~
- D. ~~The front yard setback may be increased to 80 feet by the Planning Commission for sites in the REC-M district with a depth of greater than 180 feet.~~
- E. ~~Cross-access easements that allow for the interconnection of parking areas behind buildings in the REC-M district shall be required.~~

**SECTION 138-6.601 – Street Layout and Design**

- A. ~~**Street Layout.** Development or redevelopment in the REC districts shall provide for the street connections as shown on the Development Plan map in the M-59 Corridor Plan.~~
- B. ~~**Street Design.**~~
  - 1. ~~Internal streets in the REC districts should be designed with on-street parking. Buildings within the REC district should be located along these internal streets to create an internal circulation system that creates a walkable environment.~~
  - 2. ~~All internal streets within the REC district shall have sidewalks. Existing sites on internal streets that do not have sidewalks shall not be required to construct sidewalks unless a building expansion that reduces the front yard setback to less than 30 feet or that increases building area by more than 25 percent is proposed.~~

**SECTION 138-6.602 – Cross-Referenced Standards**

Development in the REC district shall meet all applicable standards within this Zoning Ordinance, including but not limited to the following:

- A. ~~**Review and Approval Process.** Refer to Section 138-2.200 for the type of site plan review and approval process required in the REC districts.~~
- B. ~~**REC District Purpose Statements.** Refer to Article 4, Chapter 2 for the purpose statements for the REC-I, REC-W, REC-C, and REC-M districts.~~
- C. ~~**Permitted Uses.** Refer to Section 138-4.302.~~
- D. ~~**Supplemental Provisions and Exceptions.** Refer to Article 5, Chapter 2.~~
- E. ~~**General Provisions.** Refer to Article 10.~~
- F. ~~**Parking and Loading.** Refer to Article 11.~~
- G. ~~**Landscaping.** Refer to Article 12 for landscaping requirements. For the purposes of required landscaping calculations, the REC-W and REC-C districts shall meet the same requirements applicable in the I district, while the REC-I and the REC-C districts shall meet the requirements for the B districts.~~

**SECTION 8.** Chapter 2 in Article 8 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**38-8.200 - Permitted Uses**

Uses permitted in the FB overlay district are listed in *Section 138-4.300*.

[these are the uses, as listed in that section] (Note: asterisk indicates a defined term)

<b>Use</b>	<b>FB</b>
<b>Residential Uses</b>	
Dwelling unit in a mixed-use building	P
Live/work unit*	P
Attached dwelling units*	P
State licensed residential facilities (6 or fewer residents)	P
State Licensed Residential Facilities (7-12 residents)	P
<b>Commercial Uses</b>	
Alcoholic beverage sales (for on-premises consumption) accessory to a permitted use	C
Banks, Credit Unions and Similar Uses	P
Drive-Through Facility accessory to a principal use	C
Private Indoor Recreation Facilities*	P
Open Air Retail*	C
Places of Assembly	P
Restaurants, Carry-Out	P
Restaurants, Sit-Down	P
Retail Sales Establishments	P
Sales and Service of Food-Outdoors	P
<b>Office and Service Uses</b>	
Professional Offices	P
Medical Offices and Clinics	P
Personal Service Establishments	P
Hotels, Motels and Residential Inns	C
Studios or Instruction Centers for Music, Art, Dance, Crafts, Martial Arts, etc.	P
<b>Community, Public, and Recreation Uses</b>	
Nursery Schools, Day Nurseries, Child Care Centers, Adult Foster Care Large Group Homes, and Adult Foster Care Congregate Facilities	P
Community Facilities	P
Places of Worship	P
Recreational Facilities, Non-Commercial	P
Public Parking Facilities	P
Transit Passenger Stations	P
Vocational Training Facilities	P
<b>Industrial Uses</b>	
Small-scale breweries, wineries and distilleries	C
Makerspaces*	C
Assembly and machining operations	C
Research Facilities	P

SECTION 9. Section 138-11.102 in Article 11 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. **Provision of Spaces.** There shall be provided in all zoning districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as prescribed in this section.
- B. **Location of Spaces.**
  - 1-2. [unchanged]
  3. Location in Required Front and Side Yards. Off-street parking shall not be permitted in a side or front yard setback except as follows:
    - a. Off-street parking may be permitted to occupy a required front yard after approval of the parking plan layout, provided that there shall be maintained a minimum unobstructed and landscaped setback of 20 feet in I (Industrial) districts and ten feet in all other nonresidential districts between the nearest point of the off-street parking area, exclusive of driveways, and the nearest right-of-way line. The buffer area between the parking lot and the right-of-way line shall be landscaped in accordance with *Section 138-12.301.B*.
    - b. In I (Industrial), ~~REC-W~~, and ~~REC-C~~ districts, required side yards may be utilized for parking and loading and unloading provided that in such instances the Planning Commission shall review the plans for such area to ensure sufficient access to the building or any storage or related areas to provide for the health, safety and general welfare of employees in the building. All off-street loading and unloading areas shall be provided with adequate obscuring screening at least six feet in height, except it shall not be required on the interior of the district where the area is not visible from a thoroughfare or other zoning district.
    - 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-5, CI, O-1, ORT, REC-I, REC-M, NB, CB, HB, O, EC~~ and SP districts provided that there shall be an unobstructed and landscaped setback of at least ten 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 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.
    - d. Off-street parking may be located in the required interior side yard in SP districts provided that type B screening is provided as required by [Section 138-12.300](#) between the nearest point of the off-street parking lot, exclusive of driveways, and the interior side lot line.

**SECTION 10.** Section 138-11.303 in Article 11 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

### SECTION 138-11.303 - Off-Street Loading

There shall be provided and maintained on the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. **Spaces Required - NB, CB, and HBREC-I, and REC-M Districts.** In all NB, CB and HBREC-I, and REC-M districts, except the B-5 automotive service district, at least one off-street loading space shall be provided in the rear yard for all buildings over 20,000 square feet in floor area. Alternatively, off-street loading may be provided in the side yard upon Planning Commission review and approval of a plan depicting the method of screening or obscuring the loading area. All loading spaces in NB, CB and HB districts shall have a minimum width of ten feet and a minimum length of 40 feet.
- B. **Spaces Required - I, REC-W, REC-C, and SP Districts.** All spaces in the I (industrial), REC-W, REC-C, and SP districts shall be laid out in the dimension of at least ten by 50 feet with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:
1. - 4. [Unchanged]
- C.-E. [Unchanged]

**SECTION 11.** Table 20 in Section 138-12.300 in Article 12 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**SECTION 138-12.300 - Buffer Requirements**  
**Table 20. Required Buffer Types**

Adjoining Zoning District	Developing Zoning District										
	R <sup>1,3</sup>	RM-1	RMH	<del>B-1</del>	<del>NB-2</del> <del>REC-M</del> <del>REC-I</del>	<del>CB-3</del> <del>HB</del>	<del>B-5</del>	<del>O-1</del>	<del>ORT</del>	<del>I, REC-W</del> <del>REC-C</del>	SP
R	—	C <sup>2</sup>	A <sup>2</sup>	<del>D<sup>2</sup></del>	D <sup>2</sup>	D <sup>2</sup>	<del>D<sup>2</sup></del>	C <sup>2</sup>	<del>E<sup>2</sup></del>	E	A
RM-1	B <sup>2</sup>	—	B	<del>B</del>	C	C	<del>C</del>	C	<del>E</del>	E	B
RMH	B	B	—	<del>C<sup>2</sup></del>	D	D	<del>D</del>	C <sup>2</sup>	<del>E<sup>2</sup></del>	E	B
<del>B-1</del>	<del>B<sup>2</sup></del>	<del>B</del>	<del>B<sup>2</sup></del>	<del>—</del>	<del>—</del>	A	A	<del>—</del>	<del>—</del>	<del>D</del>	<del>C</del>
<del>NB-2, REC-M, REC-I</del>	B <sup>2</sup>	C	B <sup>2</sup>	<del>—</del>	—	A	A	—	<del>—</del>	D	C
<del>CB-3, HB</del>	B <sup>2</sup>	C	B <sup>2</sup>	A	—	—	<del>B</del>	B	<del>—</del>	D	C
<del>B-5</del>	<del>B<sup>2</sup></del>	<del>C</del>	<del>B<sup>2</sup></del>	<del>A</del>	<del>A</del>	<del>—</del>	<del>—</del>	<del>C</del>	<del>—</del>	<del>D</del>	<del>C</del>
<del>O-1</del>	B <sup>2</sup>	C	B <sup>2</sup>	A	A	B	<del>C</del>	—	<del>—</del>	D	C
<del>I, REC-W, REC-C</del>	B	E	B	<del>D</del>	D	D	<del>D</del>	C	<del>C</del>	—	D
SP	B	C	B	<del>D</del>	D	D	<del>D</del>	C	<del>D</del>	E	—
M-59 <sup>4</sup>	D	D	D	<del>D</del>	D	D	<del>D</del>	D	<del>B</del>	D	D

**SECTION 12.** Section 138-13.101 in Article 13 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Section 138-13.101 Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ACCESSORY BUILDING – APARTMENT BUILDING** [Unchanged]

**ARTISAN MANUFACTURING**, means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products. All artisan manufacturing uses shall have a storefront for sales, and the size and impact of the use shall be consistent with other retail and offices uses in the district. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

**ASHES– GUN CLUB** [Unchanged]

**HEALTH, RECREATION AND PHYSICAL EDUCATION FACILITIES** means an establishment which is equipped and arranged for recreational activities and/or provides for instruction or activities which improve or affect a person’s physical condition through movement. This may include, but shall not be limited to, personal training facilities; yoga, Pilates and barre studios; martial arts; dance; sports training; bowling alleys, gymnastics centers, laser tag, and the like.

**HOME OCCUPATION – HOTEL or MOTEL** [Unchanged]

**INDUSTRY, LIGHT** means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

**INDUSTRY, GENERAL** means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. “General industry” shall also mean those uses engaged in the operation, parking, storage, and maintenance of vehicles, automobile repair garages, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, junkyards and truck terminals.

**JUNKYARD – YARD** [Unchanged.]

**SECTION 13. 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 14. 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 15. 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 \_\_\_\_\_, 2023, following its publication in the *Oakland Press* on \_\_\_\_\_, 2023.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2023.

\_\_\_\_\_  
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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Leanne Scott, Clerk  
City of Rochester Hills