

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

AN ORDINANCE TO AMEND SECTIONS 138-4.300, 138-4.404, 138-4.405, 138-4.410, 138-4.427, 138-4.437, 138-5.100, 138-5.101, 138-12.108, 138-12.300, 138-12.301, 138-12.307, 138-12.308, 138-13.101 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN TO REFLECT OTHER PROPOSED CHANGES TO USE STANDARDS AS LISTED IN OTHER AMENDMENTS, TO INCLUDE EV FUELING STATIONS WITH AUTOMOTIVE GASOLINE SERVICE STATIONS, TO ADD DESIGN REQUIREMENTS AND TO DELETE THE CURRENT AUTOMOTIVE SERVICE CENTER PROVISION, TO REPLACE AUTOMOTIVE SERVICE CENTERS WITH ANIMAL CAFES AND TO ADD REQUIREMENTS FOR ANIMAL CAFES, TO ALLOW FOR A POTENTIAL REDUCTION IN THE REQUIRED SETBACK FOR BUILDINGS/STRUCTURES IF CERTAIN CONDITIONS ARE MET, TO REFLECT THAT PLACES OF WORSHIP OR ASSEMBLY MAY BE PERMITTED SUBJECT TO CERTAIN REQUIREMENTS, TO EXPAND A UTILITIES PROVISION TO INCLUDE COMMUNITY FACILITIES AND TO ADD A PROVISION TO NONPROFIT ORGANIZATIONS, TO REMOVE A CAVEAT FOR FRONT YARD SETBACKS IN THE R-4 ONE FAMILY RESIDENTIAL ZONING DISTRICT, TO REMOVE THE OPTION FOR A REDUCED MINIMUM LOT WIDTH AND AREA IN THE R-4 ONE FAMILY RESIDENTIAL ZONING DISTRICT, TO REQUIRE THE DEVELOPER TO ENSURE A LANDSCAPE BOND REMAINS VALID THROUGHOUT THE DEVELOPMENT PROCESS, TO ADD A PROVISION TO REQUIRE A LANDSCAPE BUFFER WHEN A PUBLIC OR PRIVATE ROAD IS PROPOSED TO BE CONSTRUCTED PARALLEL OR GENERALLY PARALLEL AND WITHIN TWENTY (20) FEET OF AN EXTERIOR PROPERTY LINE OF A DEVELOPMENT, TO ADD A LANDSCAPE REQUIREMENT FOR LANDSCAPE ISLANDS AND PARKING LOT DIVIDER MEDIANS, TO ADD A SECTION FOUNDATION PLANTINGS AND RENUMBER CURRENT AND SUBSEQUENT SECTIONS TO ADD REQUIREMENTS FOR FOUNDATION PLANTINGS, AND TO ADD AND/OR AMEND THE FOLLOWING DEFINITIONS: AUTOMOTIVE GASOLINE SERVICE STATION; AUTOMOTIVE REPAIR GARAGE; AUTOMOTIVE SERVICE CENTER; COMMUNITY FACILITY; INDUSTRY, GENERAL; AND STATE LICENSED RESIDENTIAL FACILITY; TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

AMEND ARTICLE 4 – ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 3 – LAND USE TABLE, BY AMENDING SECTION 138-4.300 TABLE OF PERMITTED USES BY DISTRICT, AS FOLLOWS:

Commercial, Office and Service Uses													
	R	R-5	RM-1	NB	CB	HB	BD	FB	O	EC	I	SP	
Adult Regulated Businesses	–	–	–	–	C	–	–	–	–	–	–	–	<a href="#">Section 138-4.400</a>
Alcoholic Beverage Sales (for on-premises consumption) Accessory to a Permitted Use	C	C	C	C	C	C	C	C	C	C	C	C	Chapter 6 Alcoholic Liquor
<b>Animal Cafes</b>	–	–	–	C	C	C	C	–	–	–	–	–	<b>Section 138-4.405 – Animal Cafes</b>
Automotive <b>Fueling Gasoline Service</b> Stations and Associated Retail Uses	–	–	–	C	C	P	P	–	–	–		–	<a href="#">Section 138-4.404</a> , In the BD District only

														existing gas stations are permissible
Automotive Repair Garages	-	-	-	-	-	C	-	-	-	C	C	-		
Automotive Service Centers	-	-	-	-	C	C	-	-	-	-	C	-	<a href="#">Section 138-4.405</a>	

Community, Public, and Recreation Uses														
	R	R-5	RM-1	NB	CB	HB	BD	FB	O	EC	I	SP	Additional Standards	
Cemeteries	C	-	-	-	-	-	-	-	-	-	-	-	Minimum site size of 5 acres	
Colleges, Universities, or Other Institutions of Higher Learning Offering Courses in General, Technical, Vocational or Religious Education	-	-	-	-	-	C	-	P	-	-	-	P		
Community facilities <b>and utilities</b> , including Libraries, Museums and Parks,	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 138-4.437</a>	

**AMEND ARTICLE 4 – ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 4 - DESIGN STANDARDS FOR SPECIFIC USES, BY AMENDING SECTION 138-4.404 AUTOMOTIVE GASOLINE SERVICE STATIONS, AS FOLLOWS:**

**SECTION 138-4.404 – Automotive ~~Fueling Gasoline Service~~ Stations**

- A. EV Charging stations that are accessory to an otherwise principal or conditional use shall be considered permissible accessory uses and are not held to the requirements of subsection B below.
- B. **Standards Applicable to All Automotive ~~Fueling Gas~~ Stations.**
  1. An automotive ~~fueling 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 ~~fueling 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. ~~Existing gas stations may be redeveloped.~~
  3. The indoor retail component of an automotive ~~fueling 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. **Fueling positions shall be designed so that no sidewalk or other dedicated walkway is encumbered by a fueling hose or cord.**
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, **EV charging stations and their ancillary equipment**, 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 **fueling position 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. **All ground mounted utilities, transformers, chargers (located along the edges of parking areas) etc. shall be fully screened from view and abutting property lines. Further, for an EV charging facility and dependent on the level of chargers being provided, screening and/or buffering may be required to ensure noise generated from the EV chargers, associated transformers, etc. is maintained at an acceptable level at the property line.**
17. **If the use is primarily for an EV charging facility, the application shall include an analysis and preliminary review by DTE that the City's existing electrical grid infrastructure and capacity is sufficient to supply the proposed use.**
18. **If the use is primarily for an EV charging facility, space shall be dedicated for those vehicles that may be waiting for a fueling station.**
19. **As a part of the conditional use approval the Fire Department shall provide their preliminary review of their ability to safely and effectively handle any fire or emergency situation that may occur onsite.**

**C. Front Building 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. **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.
  - b. **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.
- D. 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 17½ 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.

**AMEND ARTICLE 4 –ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 4 - DESIGN STANDARDS FOR SPECIFIC USES, BY AMENDING SECTION 138-4.405 AUTOMOTIVE SERVICE CENTERS, AS FOLLOWS:**

**SECTION 138-4.405 – ~~Animal Cafes~~ ~~Automotive Service Centers~~**

- ~~A.~~ ~~Animal cafes shall provide two (2) distinct use areas that allows for the separation of any food preparation areas and the remaining portions of the tenant space. Cafes shall be provided with insulation and a ventilation system adequate to ensure there are no nuisances to abutting tenants or the general public as a result of noise or odor. ~~In the CB District, Automotive service centers are permitted in the CB 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 zoning district.~~~~
- ~~B.~~ ~~As a part of the submission for conditional use, the applicant shall submit a complete business plan delineating the operations of the animal café, including, but not limited to: types of animals to be kept, hours, staffing, plan for sanitation, a floor plan showing adequate space and use areas for the keeping of animals, dedicated seating and food preparation areas, any outdoor use areas, etc. ~~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.~~~~

**AMEND ARTICLE 4 –ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 4 - DESIGN STANDARDS FOR SPECIFIC USES, BY AMENDING SECTION 138-4.410 GOLF COURSES, AS FOLLOWS:**

**SECTION 138-4.410 - Golf Courses**

- A. Any such use developed and requiring a structure shall have such structure so located on the site as not to be closer than 200 feet from the lot line of any adjacent residential land. ~~This setback may be modified by the Planning Commission or by the Planning Department upon a showing that the full setback is not necessary given the surrounding context, the use of the building will not create a nuisance, the lack of impacts to surrounding property and/or where appropriate screening has been provided to minimize the impact of such building.~~
- B. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or proposed right-of-way at least 86 feet as shown on the City's master thoroughfare plan.
- C. Parking areas, and ingress and egress, shall be so located so as to not become a nuisance to any adjacent residential area.

**AMEND ARTICLE 4 –ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 4 - DESIGN STANDARDS FOR SPECIFIC USES, BY AMENDING SECTION 138-4.427 PLACES OF WORSHIP OR ASSEMBLY, AS FOLLOWS:**

**SECTION 138-4.427 - Places of Worship or Assembly**

Places of worship or assembly may be permitted ~~in any zoning district~~ subject to the following conditions:

Remainder of the text remains as is.

**AMEND ARTICLE 4 –ZONING DISTRICTS AND PERMITTED USES, BY AMENDING CHAPTER 4 - DESIGN STANDARDS FOR SPECIFIC USES, BY AMENDING SECTION 138-4.437 UTILITIES AS FOLLOWS:**

**SECTION 138-4.437 – Community Facilities and Utilities**

**A. Utilities**

1. Utility and public service facilities and uses such as gas regulator stations and electrical substations, may be permitted in any zoning district when operating requirements necessitate the locating of such facilities in order to serve the immediate vicinity, and when the following conditions are met:
  - a. Adequate screening in the form of a masonry wall, redwood fence, berm or greenbelt planting shall be provided to serve as a buffer between the utility and adjacent residential area. The type and quantity of screening landscaping is subject to Planning Department approval.
  - b. All requirements of Section 138-10.310 pertaining to performance standards.
  - c. Outdoor storage yards are permitted in the I district, but are prohibited in all other zoning districts.

**B. Nonprofit Organizations**

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.

**AMEND ARTICLE 5 SCHEDULE OF REGULATIONS, BY AMENDING CHAPTER 1 SCHEDULE OF REGULATIONS, BY AMENDING SECTION 138-5.100 - SCHEDULE OF REGULATIONS, AS FOLLOWS:**

**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 <sup>0</sup>	1,500	25%
R-1	20,000	100	2	35	40 <sup>B</sup>	15 <sup>C, D</sup>	30 <sup>D</sup>	35 <sup>0</sup>	1,500	25%
R-2	15,000	100	2	35	40 <sup>B</sup>	15 <sup>C, D</sup>	30 <sup>D</sup>	35 <sup>0</sup>	1,400	25%

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		
R-3	12,000	90	2	30 <sup>P</sup>	30 <sup>B</sup>	10 <sup>C, D</sup>	20 <sup>D</sup>	35 <sup>O</sup>	1,200	30%
R-4	9,600 <sup>R</sup>	80 <sup>R</sup>	2	30 <sup>P</sup>	25 <sup>B, J</sup>	10 <sup>C, D</sup>	20 <sup>D</sup>	35 <sup>O</sup>	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									

**AMEND ARTICLE 5 SCHEDULE OF REGULATIONS, CHAPTER 1 SCHEDULING OF REGULATIONS, SECTION 138-5.101 FOOTNOTES TO THE SCHEDULE OF REGULATIONS, AS FOLLOWS:**

~~**R. Reduced Minimum Lot Width and Area in the R-4 District.** Where a proposed parcel is located within a plat where the underlying platted lots are less than the minimum lot width required in the R-4 district and where the resultant lot width would be consistent with the character of the existing one-family neighborhood the minimum lot width may be reduced to the width of the underlying platted lot or 60 feet, whichever is greater. When a reduced lot width is permitted the minimum lot area shall be 7,000 square feet. Buildings on such reduced lots shall comply with the minimum setbacks and all other requirements not involving lot width or area otherwise applicable in the R-4 district.~~

And re-letter Subsection S-V accordingly including the footnotes in Tables 6 and 7.

**AMEND ARTICLE 12 LANDSCAPING AND SCREENING, BY AMENDING CHAPTER 1 – GENERALLY, BY AMENDING SECTION 138-12.108 PERFORMANCE GUARANTEE, AS FOLLOWS:**

**SECTION 138-12.108 - Performance Guarantee**

**A. Performance Bond.**

1. Whenever a site plan requires any type of landscaping, the owner of the property shall be required to post a Performance Bond prior to the issuance of a Land Improvement Permit to ensure the completion of landscaping (including irrigation).
  2. A Performance Bond must be a cash bond or a corporate surety bond or irrevocable bank letter of credit in the full amount of the sum due as determined by the City, including all applicable fees.
- B. **Maintenance Bond.** A Maintenance Bond in the sum of 25 percent of estimated cost of landscaping (including irrigation) must be posted prior to the release of the performance bond, unless the performance bond can also be utilized for maintenance bond purposes. If the performance bond can also be utilized for maintenance purposes, the performance bond can be reduced to 25 percent of the original amount. The Maintenance Bond is held for a period two years, at the end of which time the City shall inspect the landscaping. Once inspection issues are addressed, the unused balance of the Maintenance Bond will be released.
- C. Performance and Maintenance bonds shall remain valid and shall not expire, until the bond is specifically released by the City. **It shall be the responsibility of the development (applicant) to ensure the bond remains valid throughout the entire development process.**

**AMEND ARTICLE 12 – LANDSCAPING AND SCREENING, CHAPTER 3 LANDSCAPING, SECTION 138-12.300 BUFFER REQUIREMENTS, BY AMENDING THE TABLE NOTES TO READ AS FOLLOWS:**

**Table Notes:**

1. Landscape requirements apply only to subdivision or condominium development in one family residential zoning districts. The buffer yard may be accommodated on or within lots, and need not be provided in a separate landscape area.
2. The Planning Commission may require a six-foot tall decorative masonry screen wall in addition to the landscape requirements.
3. Where the rear yard of lots or units in a plat or condominium face a perimeter road, a minimum eight-foot tall opaque screen shall be provided along the entire length of frontage. Such screen may be provided by preserving existing vegetation and/or by additional plantings.
4. In respect to the designation of M-59, M-59 is not a zoning district. It is intended that the buffer and screening shall be for any zoning district with frontage along the M-59 Freeway.
5. **Where a public or private road is proposed to be constructed as a part of a development, that will be parallel or generally parallel to and within twenty (20) feet of a property line that is not otherwise a part of the subject development, a Buffer C shall be provided.**

**AMEND ARTICLE 12 – LANDSCAPING AND SCREENING, CHAPTER 3 LANDSCAPING, SECTION 138-12.301 PARKING LOT LANDSCAPING, AS FOLLOWS:**

**SECTION 138-12.301 - Parking Lot Landscaping**

- A. **Interior Landscaping.** Interior landscaping shall be provided within the boundaries of the parking lot unless otherwise approved by the Planning Commission. If interior landscaping is provided along the perimeter of the parking lot, it shall be in addition to the perimeter landscaping requirements.
1. Interior landscaping areas equivalent to five percent of the vehicle use area shall be required in all parking lots of 20 spaces or more. One deciduous shade tree shall be required for each 150 square feet of required interior landscape area. The vehicle use area includes all areas used for vehicular circulation and parking.
  2. Terminal landscape islands shall be provided at the end of each row of parking spaces to separate parking from adjacent drive aisles. Terminal islands shall be curbed, and shall be at least 144 square feet in area and 18 feet long for each single row of parking spaces. Each landscape island shall have a minimum of one shade tree. The Planning Commission may waive the requirement for terminal landscape islands in the interest of meeting barrier-free requirements.
  3. Interior landscape islands shall have a minimum area of 160 square feet and a minimum width of eight feet (measured from the back of curb). Each landscape island shall have a

minimum of one deciduous shade tree unless waived by the reviewing authority consistent with [Section 138-12.308](#).

4. Parking lot divider medians with a minimum width of eight feet (measured from the back of curb) may be used to meet interior landscape requirements and shall form a continuous strip between abutting rows of parking. One shade tree or two ornamental trees shall be required for each 25 lineal feet of divider median or fraction thereof. Shrubs shall be planted to form a continuous hedge the full length of divider medians which separate parking areas from access drives.
5. Two feet of interior landscape areas (except parking lot divider medians) may be part of each parking space required by [Section 138-11.204](#) of this ordinance. Wheel stops or curbing shall be installed to prevent vehicles from encroaching more than two feet into any interior landscaped area. If a landscape area is used for parking overhang, at least two feet of clear area planted with lawn or covered with mulch shall be provided where cars will overhang the curb to protect landscape plantings from damage.
6. The landscape islands and parking lot divider medians shall be planted with shrubs or other flowering plants that provide coverage of at least 50% of the area of the island.

**AMEND ARTICLE 12 LANDSCAPING AND SCREENING, BY AMENDING CHAPTER 3 – LANDSCAPE REQUIREMENTS, BY ADDING A NEW SECTION 138-12.307 FOUNDATION PLANTINGS AND RENUMBERING THE CURRENT AND SUBSEQUENT SECTIONS ACCORDINGLY.**

#### **SECTION 138-12.307 FOUNDATION PLANTINGS**

- A. Foundation plantings shall be installed along a minimum of 50% of the linear footage of each side of an office or commercial building. Depending on the building configuration, Planning Staff may waive the requirement for foundation plantings along the rear of the building. Buildings located on an outlot of a shopping center or otherwise built in front of the established front building line shall be landscaped with foundation plantings on those sides of the building that are clearly visible to the general public from the parking lot of the overall shopping center or site. For industrial sites, the landscaping requirement shall apply to that area of the industrial building dedicated to office and administrative use.
- B. The foundation planting area shall be at least three feet deep and may include in-ground landscaping, raised landscape beds, decorative container planters, or a combination of these. Planning staff may approve other alternative landscaping schemes, such as green walls, increased landscaped island space, etc., consistent with the intent of this section.
- C. The required landscaping shall be planted within 12 feet of the exterior building walls. When a use contains an outdoor dining area or similar outdoor plaza area along the building facade, the foundation planting area may be permitted to extend beyond the 12-foot area to up to 25 feet from the building or to a distance necessary to provide a landscaped treatment and/or screening along the perimeter sides of the outdoor dining area or outdoor plaza area which are furthest from the building, whichever is greater.

**Renumber 138-12.307-138-12.308 accordingly**

**AMEND ARTICLE 13 – DEFINITIONS, BY AMENDING SECTION 138-13.101 DEFINITONS BY ADDING AND/OR AMENDING THE FOLLOWING DEFINITIONS:**

**AUTOMOTIVE FUELING GASOLINE SERVICE STATION.** A building or premises to be used for the retail sale of gasoline, ~~or other alternative~~-motor fuel including electricity for the propulsion of motor vehicles and which may include facilities for minor services such as tuneups, brake adjustments and repair, shock absorber repair and replacement, wheel alignments, the changing and repairing of tires, washing, polishing, oil changes, lubrication and other minor servicing, but excluding painting, engine rebuilding and other major repairs, ~~unless incidental to the principal permitted use~~. The provision of such activities and similar service activities on the premises shall not be permitted unless the premises are used primarily for the retail sale of gasoline **or other alternative motor fuel and oil and other automotive products**. The retail sale of nonalcoholic beverages,

cigarettes and other convenience store items shall be permitted within the gasoline service station provided such sales do not constitute the principal use of the premises.

**AUTOMOTIVE REPAIR GARAGE.** A building or premises where the following services may be carried out in a completely enclosed building: major repairs, including, but not limited to, engine rebuilding and the rebuilding of motor vehicles; application of paint preservation materials; radiator repair and replacement; transmission repair and replacement; ~~automobile and van customizing~~; collision service, such as body, frame or fender straightening and repair; the painting and rustproofing of automobiles; tire recapping; and upholstery work. Automotive repair garages may also include facilities and/or equipment allowing for the repair of other motor vehicles including trucks, recreational vehicles, vans and buses, among others.

**AUTOMOTIVE SERVICE CENTER.** A building or premises used primarily for the sale and installation of major automobile accessories, including, but not limited to, tires, batteries, sunroofs, radios, electronic devices, air conditioners, windows and mufflers, plus such services as brake repair and adjustment, shock absorber installation and repair, wheel alignment and balancing, oil changes and lubrication, tuneups, exterior reconditioning excluding paint or painting and major mechanical work, and vehicle inspection pollution compliance facilities, but excluding any major mechanical repairs, collision work, undercoating or painting. ~~Sale of gasoline and other fuels for the propulsion of motor vehicles, stored only in underground tanks, and the retail sale of oil and other automotive products shall not be the primary use of the premises. The primary use of the premises shall be devoted to one or more of the listed service activities.~~

**COMMUNITY FACILITY.** A non-commercial facility, ~~including non-profit organizations~~, for the benefit of and service to the general public, including, but not limited to, community centers, cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.

**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, ~~and storage, and maintenance~~ of vehicles, ~~automobile repair garages~~, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, ~~data centers~~, recycling establishments, junkyards and truck terminals.

**STATE LICENSED RESIDENTIAL FACILITY.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes (see Human Services Facilities Subject to State Licensing Chart).

**A. Adult foster care facility** means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).

1. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
2. Adult foster care facility does not include any of the following:
  - a. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in Section 3(4f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
  - b. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
  - c. An establishment commonly described as an alcohol or a substance abuse rehabilitation center; a residential facility for persons released from or assigned to

adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.

- d. A veterans' facility created by 1885 PA 152, MCL 36.1 to 36.12.
3. The following types of adult foster care facilities are provided for by this ordinance:
- a. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- b. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. ~~Facilities with the approved capacity for seven or more adults are subject to conditional use approval.~~
- c. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. ~~Facilities are subject to conditional use approval.~~
- d. *Adult foster care congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. ~~Facilities are subject to conditional use approval.~~

	Number of Persons	Private Home?	Supplemental Use Standards
Less Than 24-Hour Care			
Persons under age 18			
Family Day Care Home	<a href="#">1-6</a>	Yes	<del>Section 138-4.440</del> Section 138-4.435
Group Child Day Care Home	7-12	Yes	<a href="#">Section 138-4.440</a> Section 138-4.435
Child Care Center or			
Day Care Center	1 or more	No	<a href="#">Section 138-4.422</a> Section 138-4.421
24-Hour Care			
Persons under age 18			
Foster Family Home	<a href="#">1-4</a>	Yes	<a href="#">Section 138-4.440</a> Section 138-4.435
Foster Family Group Home	4-6	Yes	<a href="#">Section 138-4.440</a> Section 138-4.435
	Number of Persons	Private Home?	Supplemental Use Standards
Persons age 18 and Over			

Adult Foster Care Family Home	<a href="#">1-6</a>	Yes	<a href="#">Section 138-4.414</a> <a href="#">Section 138-4.435</a>
Adult Foster Care Small Group Home	<a href="#">1-12</a>	Yes	<a href="#">Section 138-4.440</a> <a href="#">Section 138-4.435</a>
Adult Foster Care Large Group Home	13-20	No	<a href="#">Section 138-4.440</a> <a href="#">Section 138-4.435</a>
Adult Foster Care Congregate Facility	20 or more	No	<a href="#">Section 138-4.440</a> <a href="#">Section 138-4.435</a>
Nursing Home	2 or more	No	<a href="#">Section 138-4.423</a> <a href="#">Section 138-4.420</a>

**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 \_\_\_\_\_, 2026, following its publication in the *Oakland Press* on \_\_\_\_\_, 2026.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2026.

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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 \_\_\_\_\_, 2026.

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Leanne Scott, Clerk  
City of Rochester Hills