

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 138, ZONING, SECTION 138-1.203, SECTION 138-2.207, SECTION 138-4.101, SECTION 138-4.200, SECTION 138-4.300, SECTION 138-4.425, SECTION 138-5.205, SECTION 138-10.100, SECTION 138-10.102, SECTION 138-10.107, SECTION 138-10.311, SECTION 138-10.401, SECTION 138-11.305, SECTION 138-12.108, AND TO ADD SECTION 138-11.205, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO AMEND PUBLIC HEARING NOTIFICATION PROCEDURES, SITE PLAN REVIEW PROCEDURES, ZONING MAP AND DISTRICT BOUNDARIES, TABLE OF PERMITTED USES, SCHEDULE OF REGULATIONS, GENERAL PROVISIONS, OFF STREET PARKING AND LOADING, BICYCLE PARKING, LANDSCAPING AND SCREENING, AND PRESCRIBE A PENALTY FOR VIOLATIONS, AND REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

SECTION 1. Section 138-1.203-Public Hearing Procedures of Chapter 2 Administration, of Article 1 Administration and Enforcement, of Chapter 138-Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-1.203 - Public Hearing Procedures

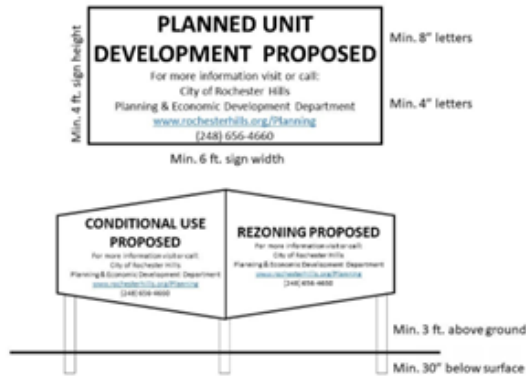
The body charged with conducting a public hearing by this ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended). The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

A. **General Public Hearing Procedures.**

1. **To remain unchanged**
2. The following procedures are applicable to public hearings required for zoning map amendments, conditional use requests and planned unit development requests.
 - a. An applicant requesting a zoning map amendment, conditional use request or planned unit development request **shall allow the City to place ~~construct and install~~ a sign(s) indicating the requested zoning map amendment, conditional use request or planned unit development request. The sign shall be ~~placed on the site-installed~~ no less than 15 days prior to the scheduled public hearing. The sign shall be ~~installed on parcel(s) requested for the zoning map amendment, conditional use request or planned unit development request consideration and shall be~~ clearly visible from an adjoining roadway. Parcels with frontage on multiple roads, ~~may shall~~ have a sign placed along each road frontage **or may have a single sign placed at the intersection of the two (2) roadways that is clearly visible in each direction.****

The sign will not be placed within a public right-of-way, nor will the sign obstruct clear vision for motorists.

- i. ~~This sign shall comply with the following sign specifications:~~
 - ~~(a) Black letters on white background.~~
 - ~~(b) Size: minimum four feet vertical by six feet horizontal.~~
 - ~~(c) Signs face must be exterior plywood, aluminum or similar material.~~
 - ~~(d) Signs shall be a double-faced, V-shaped sign.~~
 - ~~(e) Wording shall be as follows:~~



- ~~(f) Sign support system must be structurally sound and mounted with a four inch by four inch "s" or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.~~
- ii. Signs shall be removed by the City promptly following within seven days of action by the City Council or within seven days of withdrawing of the request.
- iii. ~~Failure to remove the sign in the aforementioned period may result in removal of the sign by the City, following notice and an opportunity to cure, at the owner's expense.~~

ACTIONS REQUIRING A PUBLIC HEARING

Section	Action	Reviewing Body
Section 138-1.200.B	Ordinance amendments	PC
Section 138-2.207.D	Rescinding site plan approval	PC
Section 138-2.301	Conditional use review	PC
Article 2 , Chapter 4	Variances and appeals - various actions	ZBA

Section	Action	Reviewing Body
Section 138-4.415.C	Home occupation violation determinations	ZBA
Section 138-4.437.A	Private stables	PC
Section 138-4.438.B	Raising & keeping of animals - nuisance determination	ZBA
Section 138-5.101.H	Rear yard setback modification in B-3 district	PC
Section 138-7.105.A	PUD review process	PC
Section 138-9.205.C	Steep slope permit review	PC
Section 138-10.400.E	Height modification for small wind energy systems	PC
Chapter 122 Land Division, Article III Subdivisions	Preliminary Plat Review	PC
Chapter 122 Land Division, Article IV One-Family Residential Detached Condominiums	Preliminary Plan Review	PC

SECTION 2. Section 138-2.207 – General Provisions of Chapter 2 Site Plan Review, of Article 2 Administrative Organization and Procedures, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-2.207 - General Provisions

A. Expiration of site plans.

1. ~~Preliminary~~ An approved site plans shall expire two (2) years ~~365 days~~ after the date of approval of the Planning Commission or administration, unless a land improvement permit and/or a building permit has been issued and construction commenced. ~~unless the final site plan for the project has been submitted to the Planning Department for conditions review.~~
2. ~~Final site plans shall expire two (2) years 365 days after the date of final approval of the Planning Commission or administration, unless a Land Improvement Permit has been issued or building permits have been issued or has been issued and construction has commenced. The date of final approval is established by the most recent date stamp on the final plans.~~
3. If building and land improvement permits have been issued and ~~or~~ construction has commenced, final site plan approval shall continue for a period of five (5) years from the date thereof. ~~If such construction lapses for more than 180 continuous days, said approval shall immediately expire.~~

4. Upon written request received by the City prior to the expiration date, the Planning and Economic Development Director may grant up to ~~one three one~~ extension of up to 365 days ~~each~~ to any site plan approval, either preliminary or final, provided that the approved site plan conforms to current Zoning Ordinance standards. ~~The Planning Commission may grant one (1) additional extension of up to 365 days to any site plan approval previously extended by the Planning and Economic Development Director, provided that the site plan conforms to current Zoning Ordinance standards. The Planning and Economic Development Director or the Planning Commission may place reasonable conditions on any such extension and/or require reasonable evidence that the applicant can complete the work required by the approved site plan within the timeframe of such extension. The Planning Commission may grant one additional extension of up to 365 days to any site plan approval extended by the Planning and Development Director provided that the site plan conforms to current Zoning Ordinance standards.~~

SECTION 3. Section 138-4.101 – Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-4.101 - Zoning Map and District Boundaries

The boundaries of the zoning districts are established as shown on the zoning map. The map, all notations, references, and other information shown thereon is as much a part of this ordinance as if fully described in this [Article 4](#), provided:

- A. Unless clearly shown otherwise on the Map, the boundaries of the districts are:
1. Lot lines;
 2. The centerlines of streets, alleys, roads, watercourses, or such lines extended; and
 3. The corporate limits of the City.
- B. Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this ordinance there is any uncertainty, contradiction, or conflict as to the location of any district boundaries shown thereon, an interpretation concerning the exact location of district boundary lines shall be determined by the **Planning and Economic Development Director** ~~Building Official~~, upon written application or upon its own motion. Any decision of the **Planning and Economic Development Director** ~~Building Official~~ in these matters may be appealed to the Zoning Board of Appeals as set forth in [Section 138-2.405](#)

SECTION 4. Section 138-4.200 – Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-4.200 - RE, R-1, R-2, R-3, ~~and R-4~~, and R-5 One-Family Residential Districts

Remainder of section remains unchanged

SECTION 5. Section 138-4.300 – Table of Permitted Uses by District, Table 4. Permitted Uses by Zoning District, of Article 4 Zoning Districts and Permitted Uses, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Residential Uses													
One-Family Detached Dwellings	P	P	P	-	-	-	-	-	-	-	-	C	<p>Section 138-6.700–138-6.702 In the SP district follow the requirements of the R-1 district In the RM-1 district follow the requirements of the R-3 district</p>
Attached Dwelling Units	-	P	P	-	-	-	-	P	-	-	-	-	<p>R-5 District - Section 138-6.700–138-6.702 up to 4 units attached</p> <p>BD District - Not permitted on the first floor in the BD district and must meet the following: 1. Each dwelling unit must contain the minimum number of sq. ft. as follows set forth below based on the number of bedrooms in the unit: 1 bedroom: 600 sq. ft., 2 bedrooms: 900 sq. ft.; 3 bedrooms: 1,100 sq. ft., more than 3 bedrooms: 1,100 sq. ft. + an additional 200 sq. ft. for each bedroom over 3. 2. Each dwelling unit must contain its own separate bath and kitchen facilities, shared facilities are not permitted. 3. 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</p>

														are equipped with hard wired smoke alarms, battery operated alarms are not permitted. 4. Applicable restrictions under the city fire code and/or fire prevention code shall not be subject to waiver or variance of any kind.
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Commercial, Office and Service Uses														
Adult Regulated Businesses	-	-	-	-	C	-	-	-	-	-	-	-	-	Section 138-4.400
Alcoholic Beverage Sales (for on-premises consumption) Accessory to a Permitted Use	C	C	C	C	C	C	C	C	C	C	C	C	C	Chapter 6 Alcoholic Liquor
Automotive Gasoline Service Stations and Associated Retail Uses	-	-	-	C	C	P	P	-	-	-	-	-	-	Section 138-4.404. In the BD District only existing gas stations are permissible
Automotive Service Centers	-	-	-	-	C	C	-	-	-	-	-	C	-	Section 138-4.405
Banks and Credit Unions	-	-	-	P	P	P	P	P	P	-	-	-	-	
Car Washes	-	-	-	-	-	C	-	-	-	-	-	-	-	
Drive-Through Accessory to a Permitted Use	-	-	-	C	C	C	C	C	C	-	-	-	-	Section 138-4.40710, Not permitted on sites with frontage on Auburn in REC districts, In the BD District, only existing drive throughs are permissible

Section 6. Section 138-4.425 Outdoor Storage: Accessory of Chapter 4 Design Standards, of Article 4 Zoning Districts and Permitted Uses, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-4.425 - 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. EC Districts. Outdoor storage of equipment, vehicles, and/or other materials may occur on the same site as and accessory to a principal use.
- B. Screening.**
1. Any storage shall be screened from public view from a public street and from adjoining residential properties by an enclosure consisting of a wall, opaque fence, or opaque evergreen landscape screen not less than the height of the equipment, vehicles and all materials to be stored.
 2. Any storage shall be screened from adjacent business or office districts by an enclosure consisting of a wall, opaque fence or opaque evergreen screening not less than six feet in height.
 3. Screening shall not be required on the interior of the industrial district where the storage area is not visible from a thoroughfare or any zoning district other than an industrial district.
 4. The type and style of screening shall be approved by the reviewing authority.
- C. Walls and Fences.** Masonry walls or wood fences shall be repaired, maintained and kept in good condition by the owners. The maximum height for any freestanding screening wall or fence shall be eight feet, but walls may be taller if they are wing walls that attach to a building. If screening higher than eight feet is required to conceal the material or vehicles being stored, the screening shall consist of evergreen screening sufficient to form an opaque screen equal to the height of the material or equipment within three years of planting.
- D. Dumpster and trash storage areas** are subject to the requirements of [Section 138-10.311](#).
- E. Paving.** All outdoor storage areas shall be paved with either bituminous asphalt or concrete, pursuant to City specifications, unless such requirement is specifically waived by the Planning and Economic Development Department or Planning Commission upon a showing that the pavement would serve no useful purpose or could be damaged by the types of vehicles, machinery, or materials being stored.

Section 7. Section 138-5.205 Standard Methods of Measurement of Chapter 2 Supplemental Provisions and Exceptions, of Article 5 Schedule of Regulations, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-5.205 Standard Methods of Measurement

- A. Required yards.** Attached accessory garages and other structures, and enclosed porches, patios, terraces and decks shall be deemed a part of such main building for the purpose of determining compliance with the yard requirements of this ordinance.

- B. **Lot coverage.** Attached and detached accessory garages and other structures, including open and enclosed porches, ~~patios, terraces, and decks~~ shall be deemed a part of such main building for the purpose of determining compliance with the lot coverage requirements of this ordinance.
- C. **Buildable lot area, open space and recreation area calculations.**
 - 1. Lakes, ponds, state or federally regulated wetlands, utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.
 - 2. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard or front yard building setback required by this ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this ordinance.

Section 8. Section 138-10.100 General Standards for All Accessory Structures of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-10.100 General Standards for All Accessory Structures

- A. **Appearance.** The exterior façade materials and architectural design of all accessory structures shall be similar to and coordinated with those of the principal building on the lot. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.
- B. **Temporary Accessory Structures.** Temporary accessory structures that do not require permanent attachment to the ground, but have similar characteristics as an accessory structure including but not limited to inflatable swimming pools and moveable carports shall comply with the setback requirements for detached accessory structures.
- C. **Area.** The combined floor area of detached and attached accessory structures shall not exceed the floor area of the first and second floor of the main building.
- D. **Roof Structures.**
 - a. Any roof structure that is open 50 percent or more to allow the passage of the elements shall be considered an accessory structure and must meet all applicable standards for an attached or detached structure, this includes decks, enclosed porches, open porches, gazebos, and other accessory structures. Such a roof structure will not count toward lot coverage.
 - b. Any roof structure that is open less than 50 percent and located within ten feet of the principal structure must comply with the setback requirements for the principal building. This includes enclosed porches, open porches, gazebos, and other accessory structures. Such a roof structure will count toward lot coverage.

Section 9. Section 138-10.100 General Standards for All Accessory Structures of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-10.102 - Detached Accessory Structures

- A. **Area.** Detached structures accessory to a residential or non-residential building may be located in the side or rear yard. Such structures shall not be located in the front yard. The combined floor area of all detached accessory buildings on a single parcel shall not exceed the limits set forth in the following table, so long as total building area of all structures does not exceed the maximum lot coverage as provided in [Section 138-5.100](#):

Table remains unchanged

For purposes of this subsection, floor area of an accessory structure shall be defined as the exterior footprint of the structure supporting a roof measured from the exterior of the exterior walls, assembly or structural supports. A structure shall be considered detached when it is completely separate from the main structure and when it does not meet one of the conditions noted in Section 138-10.101.A.2, above.

1. **Exception: Decks constructed in the front yard shall be permissible provided such deck does not exceed the width of the residence and does not project more than ten (10) feet from the front plane of the residence.**

Section 10. Section 138-10.107 Fences of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-10.107 Fences

- D. **Non-Residential Fences.** Fences in non-residential district shall comply with the following:
1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to the fence conforming to the requirements of the zoning district in which it is located and to the requirements of this section.
 2. The maximum height for all fences shall be eight (8) feet, unless otherwise provided for in this Ordinance. Security fences made of anodized aluminum, or other approved ornamental material, may be permitted to a maximum height of ten (10) feet at the discretion of the Planning Commission. Barbed wire cradles that face inward may be permitted, at the discretion of the Planning Commission and City Council.
 3. **Fence material and designs used** shall be decorative wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. **The use of standard chain link fencing shall be prohibited except in instances where the Planning and Economic Development Department (or the Planning Commission if appropriate) determines that the fence will not be visible from an abutting roadway, highway or expressway. If allowed, chain link fencing shall be vinyl coated (or similar).**
 4. Fabric-type materials hung on, or otherwise affixed to a fence are not permitted (unless as a part of a temporary construction fence). **Open, wire fences shall be of a chain link variety only.** Plastic, vinyl, aluminum, or wood slates or similar devices

placed through ~~the chain link wire fences, are not permitted. shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.~~

5. Fencing on a nonresidential property or for a nonresidential use shall only be permitted when necessary and in conjunction with a permitted principally permitted, approved conditional use, or permitted applicable accessory use within the specific district in which it is located.
6. Fencing shall not be permitted within the required front yard. Fencing shall only be permitted within the non-required front yard. For those fences located in the non-required front yard, additional landscaping between the fence and the street right of way may be required by the Planning Department (or the Planning Commission if appropriate). Fencing may be permitted within the required side yard setback and within the required rear yard setback.

Section 11. Section 138-10.311 Dumpster and Trash Storage Screening of Chapter 3 General Provisions, of Article 10 General Provisions, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-10.311 - Dumpster and Trash Storage Screening

- ~~A. Screening shall be required for all trash receptacles or other outdoor storage of refuse or waste bins or materials whenever the storage area is visible from a public or private road or from an adjacent property. When the dumpster or trash storage area is accessory to an industrial use, and is not visible from a public road or from any property located in a zoning district other than the industrial district, screening may not be required at the discretion of the reviewing authority based on site conditions.~~
 - ~~B. When screening is required for trash receptacles or other outdoor storage of refuse or waste, an enclosure constructed of masonry material and sturdy obscuring wood gates shall be provided. The enclosure shall be at least six feet in height or equal to the height of the receptacle or waste material being stored, whichever is greater. If the enclosure is in a conspicuous location or visible from a public road or residential zoning district, the Planning Commission or official approving the site plan may specify the type and/or appearance of masonry material to be used to construct the enclosure.~~
- A. The location of trash receptacles, trash compactors, recycle, shredding and grease bins shall be indicated on a site plan. All such trash receptacles, compactors, and bins shall be located on the site so as to facilitate collection and minimize any negative impact to persons occupying the development site, neighboring properties, site traffic circulations patterns or any public right-of-way.
 - B. All trash receptacles and bins shall be screened on three sides by decorative masonry walls which are similar to or compatible with the exterior construction materials used elsewhere on the site. A door or gate of an enclosure screening trash receptacles or dumpsters shall be constructed of steel materials with a decorative wood or other decorative durable face material. Concrete or metal bollards shall be placed between the trash receptacle or dumpster and the rear wall of the enclosure.

1. For sites that utilize a trash compactor, the trash compactor shall be appropriately screened with a decorative wall, matching the heights of the trash compactor and that matches the architecture of the building. Other suitable screening mechanisms may be approved by the Planning Department (or the Planning Commission as the case may be), provided the screening is equivalent to the required wall.
- C. Any screen around a trash receptacle or bin shall be six feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. All trash receptacles shall be located on the site so as to be as accessible as possible without interfering with vehicular traffic patterns.

Section 12. Section 138-10.401 Solar Energy Systems of Chapter 4 Sustainable Energy Generation, of Article 10 General Provisions, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-10.401 Solar Energy Systems

A. Definitions.

Solar Energy System. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Solar Storage Battery. A device that stores energy from the sun and makes it available in an electrical form.

B. Rooftop Solar Energy Systems. Rooftop and building mounted solar energy systems are permitted in all zoning districts., subject to the following regulations:

1. Roof mounted systems shall not extend more than four feet above the surface to which it is affixed.
2. No solar energy system may protrude beyond the edge of the roof.
3. A building permit shall be required for installation of rooftop and building mounted systems.

C. Ground Mounted Solar Energy Systems. Ground mounted solar energy systems, **temporary and permanent**, are permitted in all zoning districts, subject to the following regulations:

1. Location. The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of five feet from any side or rear property line.
2. Height.
 - a. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
 - b. If the solar energy system is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to

buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.

3. Building Permit. A building permit shall be required for any ground mounted solar energy system.
 4. Area. No more than 20 percent of the total lot area may be covered by a ground mounted solar energy system.
- D. **Batteries.** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- E. **Removal.** If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12-month period.

SECTION 13. Section 138-11.205 – Bicycle Parking, of Chapter 2 Minimum and Maximum Parking Required, of Article 11 Off Street Parking and Loading, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

Section 138-11.205 Bicycle Parking

- A. A minimum of one bicycle rack with spaces to park at least three bicycles shall be installed at each multiple family and each nonresidential building. The bicycle rack(s) shall be placed in one or more conspicuous location(s) within 50 feet of a building entrance and in a manner that pedestrian access to the entrance or pedestrian movement on the site is not impeded.

SECTION 14. Section 138-11.305 – Stacking Spaces, of Chapter 3 Parking Design Standards, of Article 11 Off Street Parking and Loading, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

SECTION 138-11.305 - Stacking Spaces

Where required by this Article, stacking spaces shall be ~~eight~~ **nine (9)** feet wide by ~~16~~ **twenty (20)** feet long. Stacking spaces shall not intrude into any street right-of-way or interior maneuvering lane.

SECTION 15. Section 138-12.108 – Performance Guarantee, of Chapter 1 Generally, of Article 12 Landscaping and Screening, of Chapter 138 – Zoning, of the Code of Ordinances of the City of Rochester Hills is hereby amended 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 applicant shall** ~~may~~ be required to post a Performance Bond prior to the issuance of a **Land Improvement Permit** ~~temporary or final Certificate of Occupancy~~ to ensure the completion of landscaping (including irrigation). ~~If the landscaping is not 100 percent complete when any certificate of occupancy is requested, the City will inspect the~~

~~landscaping and determine the percentage of completion and a performance bond must be submitted to the City by the Developer in the sum equal to the unfinished portion of the landscape work. The City will have the authority to determine the percentage of completion and the bond amount required. If the landscaping is 100 percent complete and approved no Performance Bond will be required.~~

2. ~~If A Performance Bond is required it~~ 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.~~
3. ~~All residential developments must post a Performance Bond (100 percent of estimated cost of landscaping) prior to the issuing of the Land Improvement Permit.~~

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. issuance of any Certificate of Occupancy (including temporary).~~ 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.~~

~~For all residential developments the Maintenance Bond must be posted prior to the release of the Performance Bond. The Maintenance Bond shall be released as specified above.~~

Section 16. 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 17. Penalty. Except as otherwise provided therein, 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 \$500.

Section 18. 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 _____, the day following its publication in the *Oakland Press* on _____, 2025.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2025.

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
_____, 2025.

Leanne Scott, Clerk
City of Rochester Hills