

**NOTICE**

At a Regular Rochester Hills City Council Meeting held at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Oakland County, Michigan on Monday, December 14, 2020:

Present: President Ryan Deel, Members David Blair, Susan Bowyer, Ph.D., Dale Hetrick, Theresa Munglioli, Stephanie Morita and David Walker

Absent:

**QUORUM PRESENT**

**MOTION BY** Hetrick, seconded by Walker that **Ordinance No. 188**, an ordinance to amend 138-1.203, 138-2.206.C.5, 138-5.200.A, 138-10.101.A.2, 138-10-308.2.e, 138-11.304 and 138-12.304 OF CHAPTER 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to require public hearing signs for Planned Unit Developments, to require sidewalks on roads with a right-of-way of 120 feet or less, to clarify regulations for lot size variation, to clarify regulations for accessory structures, to remove regulations inconsistent with the sign ordinance, to modify parking lot striping requirements, to require street trees along private roads and to ensure consistency across various ordinance sections; to, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

**BE AND IS HEREBY ADOPTED** and shall become effective on Monday, December 21, 2020, following its publication in the Oakland Press.

Ayes: Blair, Bowyer, Deel, Hetrick, Morita, Munglioli and Walker

Nays: None

Absent: None

**MOTION CARRIED**

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**ORDINANCE NO. 188**

THE CITY OF ROCHESTER HILLS ORDAINS:

**SECTION 1.** Section 138-1.203 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Section 138-1.203 Public Hearing Procedures**

The body charged with conducting a public hearing required 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 following. 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. [Unchanged.]

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**B. Zoning Ordinance Text and Map Amendments**

1. Map or Text Amendments Affecting Requiring Notice to 10 or Fewer Parcels. If the proposed map or text amendment will ~~impact~~ require notice to 10 or fewer parcels, notice shall be given as specified in Section 138-1.203.A.
2. Map or Text Amendments Affecting Requiring Notice to 11 or More Parcels. If the proposed map or text amendment will ~~impact~~ require notice to 11 or more parcels, notice shall be given as specified in Section 138-1.203.A, with the exception that the notice need not list street addresses of properties that ~~require notice will be impacted by the map or text amendment.~~
3. [Unchanged.]
4. Notice of Proposed Map Amendment Signs. An applicant requesting a zoning map amendment shall construct and install a sign indicating the requested zoning map amendment. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for the zoning map amendment consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The signs shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

a. The sign shall comply with the following sign specifications:

- i. Black letters on white background.
- ii. Size: minimum four (4) feet vertical by six (6) feet horizontal.
- iii. Signs face must be exterior plywood, aluminum or similar material.
- iv. Signs shall be a double-faced, V-shaped sign.
- v. Wording shall be as follows:

**REZONING PROPOSED**  
For more information visit or call:  
City of Rochester Hills  
Planning & Economic Development Department  
[www.rochesterhills.org/Planning](http://www.rochesterhills.org/Planning)  
(248) 656-4660

} -Min. 8" high letters  
} -Min. 4" high letters

- vi. Sign support system must be structurally sound and mounted with 4'x4' "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.

b. - c. [Unchanged.]

5. [Unchanged.]

**C. Conditional Use Requests.**

1. - 3. [Unchanged.]

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4. Notice of Proposed Conditional Use Signs. An applicant requesting a conditional use approval shall construct and install a sign indicating the requested conditional use. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for the conditional use consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The signs shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

a. The sign shall comply with the following sign specifications:

- i. Black letters on white background.
- ii. Size: minimum four (4) feet vertical by six (6) feet horizontal.
- iii. Signs face must be exterior plywood, aluminum or similar material.
- iv. Signs shall be a double-faced, V-shaped sign.
- v. Wording shall be as follows:

<p><b>CONDITIONAL USE PROPOSED</b> For more information visit or call: City of Rochester Hills Planning &amp; Economic Development Department <a href="http://www.rochesterhills.org/Planning">www.rochesterhills.org/Planning</a> (248) 656-4660</p>
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} -Min. 8" high letters  
} -Min. 4" high letters

vi. Sign support system must be structurally sound and mounted with 4'x4' "s" or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.

b. - c. [Unchanged.]

5. [Unchanged.]

**D. Planned Unit Development Request**

- 1. Planned Unit Development Requests Requiring Notice to 10 or Fewer Parcels. If the proposed planned unit development will require notice to 10 or fewer parcels, notice shall be given as specified in Section 138-1.203.A.
- 2. Planned Unit Development Requests Requiring Notice to 11 or More Parcels. If the proposed planned unit development will require notice to 11 or more parcels, notice shall be given as specified in Section 138-1.203.A, with the exception that the notice need not list street addresses of properties that require notice.
- 3. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

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4. Notice of Planned Unit Development Request Signs. An applicant requesting a planned unit development shall construct and install a sign indicating the requested planned unit development. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for the planned unit development consideration and shall be clearly visible from an adjoining roadway. Parcels with frontage on multiple roads shall place a sign along each road frontage. The signs shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

a. The sign shall comply with the following sign specifications:

- i. Black letters on white background.
- ii. Size: minimum four (4) feet vertical by six (6) feet horizontal.
- iii. Signs face must be exterior plywood, aluminum or similar material.
- iv. Signs shall be a double-faced, V-shaped sign.
- v. Wording shall be as follows:

**PLANNED UNIT DEVELOPMENT PROPOSED**  
For more information visit or call:  
City of Rochester Hills  
Planning & Economic Development Department  
[www.rochesterhills.org/Planning](http://www.rochesterhills.org/Planning)  
(248) 656-4660

} -Min. 8" high letters  
} -Min. 4" high letters

vi. Sign support system must be structurally sound and mounted with 4"x4"s or "u" channel steel posts. The posts shall be set in the ground at least thirty (30) inches below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.

b. Planned unit development signs shall be removed within seven (7) days of action by the City Council or within seven (7) days of withdrawing the planned unit development request.

c. 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.

5. Additional Information Required in Notice. Any notice required under this section shall include the places and times at which the proposed planned unit development may be examined.

**SECTION 2.** Section 138-2.205.C.5 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

**Section 138-2.205.C.5 Engineering Requirements**

5. Nonmotorized vehicle-pedestrian paths and sidewalks.

a. *Nonmotorized vehicle-pedestrian paths*

i. Eight-foot asphalt nonmotorized vehicle-pedestrian paths shall be provided in

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all rights-of-way abutting the subject property which are either existing or planned rights-of-way of 120 feet in width or greater, as designated on the master thoroughfare plan of the City adopted by resolution of the City Council.

- ii. A five-foot concrete nonmotorized pedestrian path shall be provided along all private roads with a road easement of less than 120 feet or public roads in all rights-of-way abutting the subject property which are either existing or planned rights-of-way of less than 120 feet in width, as designated on the master thoroughfare plan of the City adopted by resolution of the City Council. If the existing right-of-way is less than 120 feet in width and the planned right-of-way is 120 feet in width or greater, then subsection 5.a.i shall control. The Planning Commission may modify this requirement to protect significant natural features.
  - iii. Nothing shall prohibit the construction of a nonmotorized pathway on a road with an existing or planned right-of-way of less than 120 feet.
- b. *Natural Beauty Roads.* When a road has been designated a natural beauty road pursuant to Public Act No. 59 of 1995 (as amended), nonmotorized paths may be constructed in the right-of-way but are not required.
  - c. [Unchanged.]

**SECTION 3.** Section 138-5.200.A of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

### **Section 138-5.200 Lot Size Variation**

[Unchanged.]

- A. **Lot Width.** In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent below that area or width required in the schedule of regulations and shall not create an attendant increase in the number of lots. The average lot width shall not be less than the minimum lot width as required in this Article or elsewhere in this ordinance for the district in which the subdivision is located.
- B. – E. [Unchanged.]

**SECTION 4.** Section 138-10.101 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

### **Section 138-10.101 Attached Accessory Structures**

#### **A. Compliance with standards for main building.**

1. [Unchanged.]
2. An accessory structure is considered attached when:
  - a. – b. [Unchanged.]
  - c. For the purpose of determining lot coverage and setback, an accessory structure located within 10 feet of a main building shall be considered “attached”.
3. [Unchanged.]

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**SECTION 5.** Section 138-10.308 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

### Section 138-10.308 Parking and Storage of Commercial and Recreational Vehicles

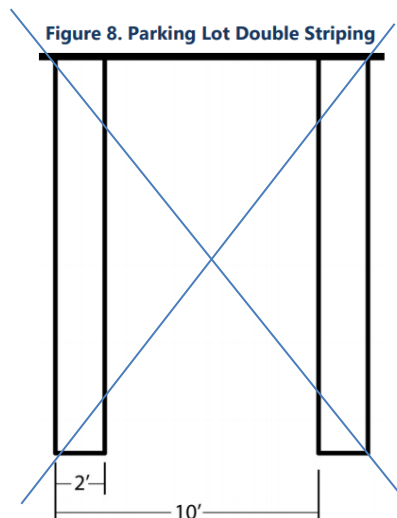
#### A. Commercial Vehicles and Equipment

1. [Unchanged.]
2. Residential Districts
  - a. - d. [Unchanged.]
  - e. ~~A person shall not park or store a vehicle outside of an enclosed building in a residential district if there is a sign on it not directly related to the vehicle's use.~~

**SECTION 7.** Section 138-11.304 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby amended as follows:

### Section 138-11.304 Pavement Striping

~~A. Customer or Client Spaces in B, FB, REC M and O 1 Districts shall be double-striped with 4 inch wide lines spaced 24 inches apart to facilitate vehicle movement and to center parked cars within the parking spaces in high turnover spaces. The Planning Commission may waive the requirement for double striped spaces in instances where a low volume of parking turnover will reduce or eliminate the need for double striping. Refer to Figure 8.~~



~~B. Employee Spaces in B, FB, REC M and O and All Parking Spaces in Any Other District may shall be single striped with 4-inch wide stripes per the standards in the Michigan Manual of Uniform Traffic Devices.~~

**SECTION 8.** Section 138-12.304 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

### Section 138-12-.304 Right-of-Way Landscaping

[Unchanged.]

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A. **Street Trees.** Street plantings shall be required for all development projects adjacent to or along the margins of street rights-of-way and private road easements in the City, subject to the following:

1. - 3. [Unchanged.]

B. - E. [Unchanged.]

**SECTION 9. 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 10. 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 11. 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 December 21, 2020, following its publication in the *Oakland Press* on December 20, 2020.
- (3) **Adoption.** This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on December 14, 2020.

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Bryan K. Barnett, Mayor

**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 DECEMBER 14, 2020.

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Tina Barton, City Clerk  
City of Rochester Hills

Accepted for First Reading: 12/7/2020

CAW: 12/14/2020