

ARTICLE IV

R-1A, R-1B, R-1C, R-1, R-2, R-3, AND R-4, ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These residential districts are designed to provide for one family low density dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City. The uses permitted by right and on special condition as special land uses permitted are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noise.

SECTION 400. PRINCIPAL USES PERMITTED:

In the R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One Family Residential Districts no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. One (1) family detached dwellings, including detached one-family site condominium units.
2. Farms, when on parcels totaling five (5) acres or more.
3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
4. Municipal buildings and uses.
5. Accessory buildings and accessory uses customarily incidental to any of the above principal uses permitted.
6. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Section 1827 and which are not listed below as special land uses.

(Amended: 5-07-01 per Ordinance No. 673)

(Amended: 1-24-05 per Ordinance No. 746)

(Amended: 4-04-05 per Ordinance No. 749)

SECTION 401. SPECIAL LAND USES PERMITTED:

The following uses may be permitted under the purview of Section 1818 by the City Council, after site plan review and Public Hearing by the Planning Commission, and subject further to such other reasonable conditions which, in the opinion of the City Council, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and City of Auburn Hills:

1. Utility and public service facilities and uses (without storage yards) such as regulator stations and electrical substations subject to the following:
 - A. Such uses shall be planned so as to not be a nuisance to adjacent areas, and shall be planned so as to be harmonious with the adjacent neighborhood.
2. Churches, subject to the following conditions:
 - A. The site shall be so located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty-six (86) feet in width as shown on the current Major Thoroughfare Plan of the City of Auburn Hills.
3. Cemeteries provided such uses are developed on sites of five (5) acres or more, and on a thoroughfare of at least eighty-six (86) feet in right-of-way.
4. Home occupations subject to the following provisions:
 - A. Such occupation shall be conducted by resident occupants in their residence, provided, however, no more than one (1) nonresident may be employed by the resident occupants to assist them in conducting the occupation.
 - B. No more than twenty-five (25%) percent of the gross area of any residence shall be used for such purpose. Use of accessory structures for these purposes is prohibited.
 - C. Traffic and delivery of goods created by the home occupation shall not exceed that normally created by residential uses.

- D. No use shall occasion internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure, or the fire district in which the structure is located.
 - E. No home occupation shall cause an increase in the use of water or sewer utilities so that the combined total use for the dwelling in home occupation purposes exceeds the average for residences in the neighborhood.
 - F. There shall be no outside storage of any kind related to the home occupation.
 - G. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than is usually experienced in the average residential occupancy in the District in question under normal circumstances wherein no home occupation exists.
 - H. Only one (1) nonilluminated sign, not to exceed two (2) square feet in area shall be allowed. Said sign shall be attached and parallel to the front wall of the residence.
 - I. Operating a business, or carrying on a business activity in excess of the limitations of the home occupation as defined and allowed in this Ordinance in a Residential District is prohibited. The conducting of a business or a business activity which results in violations of the limitations or is not a home occupation as defined herein, may be prosecuted in the District Court, or may be enjoined in the Circuit Court. As an alternative, the Building Inspector may refer the matter first to the Board of Zoning Appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from a neighbor, the Building Inspector shall make an investigation and either take action against the violator, refer the matter to the Board of Zoning Appeals or advise the complainant there is no violation and the reason(s) for that determination. If a question concerning a home occupation is referred to the Board of Zoning Appeals, that Board shall hold a public hearing with notice to all property owners within three hundred (300) feet of the property and shall determine whether there are, in fact, any violations of the above limitations. The Board of Zoning Appeals may take no further action, or may issue a permit for the continuation of said use, with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.
- 5. Funeral homes provided that they are located on existing or planned thoroughfares of at least eighty-six (86) feet in right-of-way.
 - 6. Private recreational areas, institutional recreation centers, swimming pool clubs, and outdoor tennis courts, provided the following conditions are met:
 - A. The organization proposing any use permitted in this sub-section shall have at least two-thirds (2/3) of its membership composed of residents of the City of Auburn Hills.
 - B. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare of at least one hundred and twenty (120) feet as shown on the current Major Thoroughfare Plan of the City of Auburn Hills, and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.
 - C. Front, side and rear yards shall respectively be at least fifty (50) feet wide and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition.
 - D. 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.
 - E. Off-street parking shall be provided so as to accommodate at least one-fourth (1/4) of the member family and/or individual members.
 - 7. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.
 - 8. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.
 - 9. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Section 1828.

(Amended: 5-07-01 per Ordinance No. 673)

(Amended: 1-24-05 per Ordinance No. 746)

SECTION 402. ONE FAMILY DWELLING REGULATIONS:

A one family dwelling and any additions or alterations thereto, erected or placed in the City, other than mobile homes located in a licensed mobile home park approved under the provisions of Article V herein, shall conform to the following regulations in addition to all other regulations of this Ordinance:

1. It shall comply with all pertinent building, construction and fire codes for one family dwellings.
2. The plan outline of the dwelling, including only the heated living area, shall be large enough to contain within it a square of twenty (20) feet on a side. This size requirement shall not make any house existing at the date of amendment nonconforming so that it cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling, and constructed of such materials and type as required in the applicable building code for one family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have a towing mechanism, undercarriage or chassis exposed.
5. It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Oakland County Health Department.
6. It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, and yards in the Zoning District in which it is located.
7. It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Community Development Department to determine whether this standard is met. The Community Development Department may, in its discretion, refer the matter to the Planning Commission for the determination. Any party aggrieved by an adverse decision by the Community Development Department and Planning Commission may appeal to the Board of Appeals, which Board shall make the determination with findings, based on its independent judgment, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design, and appearance of residential dwellings located outside of mobile home parks within two thousand (2,000) feet to the extent of not less than twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of the residential dwellings generally found throughout the City. The determination of compatibility shall also be based upon compliance with the following standards:
 - A. The dwelling unit shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.
 - B. The dwelling shall have steps and/or porches which provide access to exterior doors, and which are comparable to steps and/or porches to homes typically found in the neighborhood in which it is to be located.
 - C. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
 - D. There shall be at least two (2) exterior doors to the living portion and these doors shall be located on two (2) different sides.
9. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located even if all the above conditions do not exist, provided

it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible with homes in the District. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour, or relief from the common or standard designed home.

(Amended: 1-24-05 per Ordinance No. 746)

SECTION 403. AREA AND BULK REQUIREMENTS:

See Article XVII, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

SECTION 404. LOTS OF RECORD IN THE R-1A, R-1B, AND R-1C DISTRICTS

Notwithstanding any other Ordinance provisions to the contrary, a single-family dwelling and customary accessory building may be erected on a single lot of record in an R-1A, R-1B, or R-1C zoning district at the effective date of adoption or amendment of this section subject to the provisions contained herein. This provision shall apply even though such lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the R-1A, R-1B, or R-1C zoning district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the R-1A, R-1B, or R-1C zoning district.

If two or more lots, or combination of lots and portions of lots with continuous frontage in single ownership in an R-1A, R-1B, or R-1C zoning district are of record at the time of adoption of this section, and if all or part of the lots do not meet the requirements for lot width and lot area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and lot area requirements for an R-1A, R-1B, or R-1C zoning district.

(Amended: 1-24-05 per Ordinance No. 746)

(Amended: 4-04-05 per Ordinance No. 749)

SECTION 405. DWELLING UNIT DENSITY IN THE R-1A DISTRICT

Dwelling unit density for developments within the R-1A District may not exceed two (2.0) one-family dwelling units per gross acre, with the exception that density may be increased from two (2.0) to three (3.0) one-family dwelling units per gross acre under the "R-1A, Open Space Development Option."

A. R-1A, Open Space Development Option

1. An applicant seeking approval under said option shall follow the requirements and procedures of Section 1830. Planned Unit Development Option of the Auburn Hills Zoning Ordinance.
2. A minimum twenty-five (25%) percent of the gross acreage shall be dedicated or set aside in perpetuity as "open space area."
3. "Gross acreage" as used in this Section means the total parcel acreage minus the public road rights-of-way and/or public road easements.
4. "Open space area" as used in this Section means an area of land that remains primarily undeveloped and in its natural state or designated as private park common area. For the purposes of this Section, retention basins, green space within designated lots/units, and green space within required building setbacks for condominium units shall not be considered open space area.
5. "Condominium development envelope area" as used in this Section means the area formed by the required yard setbacks around the building structure. "Condominium unit area" as used in this Section means that area shown as a condominium unit on the condominium site plan and/or in the condominium Master Deed.
6. The R-1A, Open Space Development Option is only permitted in those areas designated as three (3.0) one-family dwelling units per gross acre on the City's Northeast Corner Neighborhood Master Plan.

B. The following types of residential developments may be permitted via this option, subject to the provision of open space areas:

1. Detached Dwelling Units. Developments with conventional subdivision lots or condominium units for detached one-family dwelling units may reduce the size of said lot

or unit smaller than those normally permitted within the R-1A zoning district, subject to the following:

- a. In no case shall said lot area, condominium unit area, or condominium development envelope area be less than six thousand (6,000) square feet in size or have less than fifty (50) feet of frontage width.
 - b. All roads within the development shall be private roads. Road width shall be at least thirty (30) feet back-of-curb to back-of-curb to allow on-street parking on one side of the road. Private roads shall be located within a sixty (60) foot private road easement.
 - c. Buildings shall meet the setback requirements for the R-1 district in Section 1700, Schedule of Regulations. Front yard setbacks shall be measured from the nearest private road easement boundary line or public road right-of-way line (if applicable).
 - d. Dwelling units shall be setback a minimum of one hundred (100) feet from an exterior boundary road of the development and arranged on site so that none face directly onto said road. No dwelling unit shall have direct access to an exterior boundary road of the development.
 - e. The lot area, condominium unit area, or condominium development envelope area may not include bodies of water, wetland buffer areas, and or regulated wetlands or watercourses.
 - f. Concrete pedestrian sidewalks of five (5) feet in width shall be provided along both sides of all roads within the development.
 - g. Any additional restrictions or conditions the Planning Commission and City Council may believe are necessary to meet the intent of the R-1A, Open Space Development Option.
2. Duplex Attached Dwelling Units. Two-unit attached one-family dwelling unit developments subject to the following:
- a. In no case shall said lot area, condominium unit area, or condominium development envelope area be less than six thousand (6,000) square feet of gross area for each unit (or twelve thousand (12,000) square feet total per duplex), or have less than forty (40) feet for each unit (or eighty (80) feet total per duplex) of frontage width
 - b. Requirements listed above in Subsection B.1 (b-g) of this Section.

*(Added: 5-07-01 per Ordinance No. 673)
 (Amended: 2-04-02 per Ordinance No. 689)
 (Amended: 3-03-03 per Ordinance No. 717)
 (Amended: 1-24-05 per Ordinance No. 746)
 (Amended: 2-27-17 per Ordinance No. 885)*

SECTION 406. OPEN SPACE PRESERVATION OPTION

The intent of this Section is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Act 179 of the Public Acts of 2001. The applicant for an open space preservation option shall be entitled to an approval under this section; provided, the following aspects of the proposed development plan are met:

A. Eligibility Requirements

This Ordinance shall be applicable to residential properties zoned R-1A, One-Family Residential District. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning district in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

B. Open Space Preservation Option

Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this Section.

C. Density Calculation

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.

1. A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this section), and the requirements of all other applicable State and municipal regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
2. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable City ordinance requirements and, based on the parallel plan, determine the number of units permitted under the open space preservation option provided in this section.

D. Design and Application Requirements

The following design and application requirements shall apply to a proposed open space development under this section. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the Land Division Act, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

1. A minimum of twenty (20%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section F., below.
2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to the following; however, in an open space development under this Section, an "undeveloped state" shall not include a golf course:
 - a. Wetlands, floodplains, and natural watercourses;
 - b. Woodlands;
 - c. Scenic views;
 - d. Historical structures;
 - e. Recreational pathways and other permitted recreational facilities;
 - f. Buffers from major thoroughfares and more intense land uses; and
 - g. Similar features acceptable to the approving body.
3. The area and width of the resulting individual lots and building setback requirements under the open space preservation option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width and setback requirements under the open space preservation option plan shall be approved by the approving body, in the manner set forth in Section G., below.
4. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space

development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the Zoning Board of Appeals.

5. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
 6. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.
 7. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
 8. Restrictions.
 - a. Nothing in this section shall allow the construction of multi-family or attached residential units in a single family residential district.
 - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
 - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
 - d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
 - e. Any development proposed utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 179 of 2001, comply with all zoning regulations and design standards applicable to the property.
- E. Open Space Maintenance and Preservation
1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the City attorney prior to acceptance by the approving body.
 2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.
- F. Review Process
1. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedure applicable under this ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this section and other applicable ordinances.
 - a. The "approving body", as referenced in this section, shall refer to the City Council as having the authority to grant final plan approval to the proposed open space preservation option development. The Planning Commission shall hold a public hearing and provide its recommendation on the plan prior to City Council consideration.
 2. In addition to all other submittals and information required under this ordinance, all open space preservation option plans submitted to the City shall include a resource inventory that contains the following:
 - a. All floodplains, wetlands, and bodies of water;

- b. A woodlands analysis identifying all regulated woodlands;
 - c. All wildlife habitat areas;
 - d. An analysis of on-site soils and topography to identify limitations to development; and
 - e. An analysis of the cultural features of the site, including but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.
3. In addition to all other review considerations applicable under other sections of this ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of subsections A. through F. of this section as part of the overall review process applicable to the particular development.
- G. Definitions
The definitions set forth in Act 179 of the Public Acts of 2001 shall be incorporated, and considered a part of, this Section.

*(Added: 1-06-03 per Ordinance No. 715)
(Amended: 1-24-05 per Ordinance No. 746)*

SECTION 407. ATTACHED ONE-FAMILY DWELLING UNITS

Attached one-family dwelling units may be permitted in R-1A, R-1B, R-1C, R-1, R-2, R-3, and R-4 One Family Residential Districts subject to the requirements and procedures of Section 1830. Planned Unit Development Option of the Auburn Hills Zoning Ordinance. Attached one-family dwelling unit developments may not exceed the planned dwelling units per acre depicted on the City of Auburn Hills Master Land Use Plan and/or associated neighborhood master plans. For purposes of clarification, attached one-family dwelling unit developments proposed in the R-1A District shall be subject to the requirements of Section 405 of this Article.

(Added: 2-27-17 per Ordinance No. 885)