

# memorandum

**DATE:** January 26, 2022  
**TO:** Rochester Hills Planning Commission  
**FROM:** Jill Bahm & Joe Tangari, Giffels Webster  
**SUBJECT:** Zoning Issue Discussion – FB Districts

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## Introduction

Along with discussions about non-residential uses, conversations with staff have addressed the need to review the FB districts to see if the original intent of the districts is being achieved. As such, this memo provides a review of what uses are permitted and at what intensity, and can serve as a starting point for a discussion of the level of street, site and building design standards desired, and which parcels are appropriate for form-based standards.

## Master Plan

The 2012 Future Land Use Map included three Business/Flexible Use categories to accommodate a range of residential, office, and commercial uses as standalone uses, or within mixed use buildings or areas. The descriptive text that supported those categories was included in the 2018 Master Plan. The general intent is "...to encourage the introduction of additional uses into existing commercial areas...in each flex area." These areas then would allow for non-commercial uses on commercial sites or provide for the wholesale redevelopment of commercial site in accordance with the intended uses in each flex area. The envisioned mix of uses included residential, public, institutional, office, business and personal service uses, and retail; these uses could be located within "single-use or mixed-use buildings or within a mixed-use area or site designed as an integrated development."

Per the original concept (2012), the flexible use areas are intended to serve two functions:

1. To substantially correspond with conventional uses and development patterns of the five business zoning districts, B-1 through B-5, typically located along arterial or collector roads and at major intersections. These conventional areas typically include a range of old and new commercial, service and office developments that do not contain residential uses.
2. To provide "responsiveness and incentive" for property owners to redevelop older commercial developments, specifically, with a wider range of uses and "careful consideration of appearance, design and function with the ultimate goal of encouraging the redevelopment of older commercial sites in order to enhance property values and the overall appearance of the City."

## Future Land Use Map

The Master Plan includes a future land use map that shows the Residential Office Flex primarily at intersections. Commercial Residential Flex 2 and 3 are found at intersections and also along the Rochester Road corridor, south of the City of Rochester.

## Zoning Districts & Permitted Uses

The Zoning Ordinance provides for three Flex Business Overlay Districts. The standards are optional and allow all of the uses permitted in the underlying district as well as additional uses intended to allow more

flexibility. Standards are form-based, meaning they regulate building form and design in order to create public spaces with a specific character.

The ordinance includes considerable provisions for street types, “street networks and blocks” and street design. There are also standards for interior streets as well – these include a “main street” and “minor street.” These standards would apply with a large-scale development; this suggests the assembly of parcels is envisioned.

The FB districts also include building design standards that regulate façade transparency, building materials, building height, and encroachments. Building heights are regulated as follows:

- FB-1 District. 2 stories or 30 feet.
- FB-2 District. 2 stories or 30 feet. Heights may be increased to a maximum of 3 stories or 45 feet with:
  - At least 100 feet of frontage on Rochester Road
  - Building setback of at least 100 feet from any single-family residential zoning district located outside of a form-based overlay district
  - Building setback 50 feet from any other conventional zoning district located outside of a form-based overlay district.
- FB-3 District. 3 stories or 45 feet. Heights may be increased to a maximum of 4 stories or 60 feet with:
  - Rochester Road frontage
  - Building setback at least 125 feet from any single-family residential zoning district located outside of a form-based overlay district
  - Building setback at least 75 feet from any other conventional zoning district located outside of a form-based overlay district.

Additional uses are defined in the FB section. These include dwellings in mixed-use buildings and live/work units, all of which are permitted in each of the FB districts. There are a few other uses that are permitted in the FB districts that are not permitted in other underlying districts, including one-family detached dwellings (permitted in FB-1 and conditional in FB-2), essential services, public parking, non-commercial recreational facilities and “educational uses,” such as schools and vocational training. General commercial uses and indoor recreation uses are permitted in the FB districts; they may be permitted in the underlying districts.

Of note in these provisions is the ability for the Planning Commission to provide waivers of certain requirements, which the Planning Commission has tended to grant, as in many instances the specific requirements don’t make sense for an isolated property being developed under the FB overlay. Section 138-8.604 includes a process and criteria for modification.

## Discussion

The Planning Commission has reviewed several projects in the FB districts over the years as listed in the table on the following page. Many of them have been residential developments that allowed for more units than may have otherwise been permitted in traditional districts. Several projects have included a request for modification from the standards. The Planning Commission has expressed some concerns with these requests and it may be time to re-evaluate the standards.

## Constructed, Approved and Proposed Flex Business Developments

Project Name	Square Footage/# of Units	Project Status
Bebb Oak	94 units, 10,245 sq. ft. retail & 3,503 sq. ft. drive-through restaurant	Proposed
Avon & Rochester Mixed Use	26,575 sq. ft. retail/office with drive-through	Approved
Priya	172,779 sq. ft. senior living	Approved
North Row	20 units multiple-family	Approved
Tienken Traillofts	12 units multiple-family	Approved
RH Trio	125 units multiple-family, 10,500 sq. ft. retail & 10,500 sq. ft. office	Under construction
Cedar Valley	86 units multiple-family	Phase 1 constructed
Culver's	4,062 sq. ft. drive-through restaurant	Constructed
First State Bank	6,100 sq. ft. bank with drive-through	Constructed
Genisys Credit Union	3,528 sq. ft. credit union with drive-through	Constructed
Goddard School	10,992 sq. ft. day care	Constructed
KLM Bikes	2,280 sq. ft. retail addition	Constructed
Winchester District Redevelopment	146,105 sq. ft. retail	Constructed
Pines of Rochester Hills	50 units assisted living	Constructed
Steinmart	5,590 sq. ft. retail addition	Constructed
Stonecrest	100 bed senior living	Constructed
Silver Spoon	3,986 sq. ft. restaurant	Never built

Given the available properties identified on the future land use map and zoning map, and the number and size of parcels likely to redevelop, the FB districts could be consolidated and simplified. Areas outside of the Rochester Road corridor may no longer need the FB designation. The Rochester Road corridor and some of the other areas may benefit from flexibility with respect to land uses; however, there may be few parcels that could see the level of redevelopment envisioned by the Master Plan/Zoning Ordinance. The Bordine's site may be one such location, the Ferber site another – and these redevelopments could potentially be better served by identifying the specific standards that apply to larger sites. This combination of strategies would encourage redevelopment in the corridor at a scale that may be more appropriate and tailor zoning standards to match the practical aspects of how this corridor developed over time.

The FB districts could be consolidated into one set of flexible zoning standards that accomplish the following:

- Set a minimum lot size for parcels to qualify for FB district flexibility
- Allow for a mix of residential and commercial uses
- Refine standards for allowing the additional story (3 or 4 stories as currently allowed) – with setbacks from single-family residential districts and defined “public benefits” provided by the project, such as:
  - o LEED accreditation to encourage sustainable building and site design
  - o Additional public amenities geared at encouraging walkability, like street furnishings, bike racks and enhanced landscaping.
  - o Integrated non-residential uses that support local residents like offices, retail and restaurant spaces.

Update the “outdoor amenity space” standard. This term is not defined in the ordinance and the standard states a “minimum area of 2% of the gross land area of the development” is required but that “the emphasis of the amenity space requirement is on the quality rather than the quantity of the space.” An alternative could be to better illustrate what is intended by this standard, which is likely intended to reflect placemaking elements within a site. Reframing this standard as “Places of Interest” reflects the type of spaces that are intentionally and integrally designed to serve users of the site as well as passersby. A “menu” of options could be added to help define the range of places of interest. Such options could include: boardwalks, green spaces, plazas, and outdoor dining. Attached is an example from West Bloomfield Township’s Township Center District.

# Township Center District (Continued) 3.1.22

**Table 3.1.22.K Places of Interest**

Place of interest	Required elements	Proximity and Accessibility Requirement
Art installation	Any work of art created by visual artists or public context designer that is sited in a public place for people to experience. This can include murals, outdoor sculptures, or infrastructure such as public fixtures or furniture and other functional elements that are designed and/or built by visual artists or public context designers.	Publicly accessible locations for viewing art. The applicant shall demonstrate how the art component relates to the development as a whole and how it activates a space or serves a function (seating, wayfinding, lighting, etc.).
Garden	Land used for the cultivation of fruits, vegetables, plants, flowers, or herbs. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.  If vertical gardens or green walls are created, the area of continuous green wall shall count towards fifty (50) percent of the required place of interest area.	A garden shall be located in an area that is accessible and shall be placed so that it can be experienced by the users of the site. No retail sales are permitted for anything grown on site. A fruit and vegetable garden shall be located in the rear of a property and be separated from parking areas and other open space by a fence no higher than four (4) feet.
Nature path	Nature paths shall allow users to observe the natural resources of a site or adjacent sites, which may include the promotion of the conservation of soils, wetlands and waterways, habitat, and special plants, animals, and plant communities. Nature paths shall be a minimum of eight (8) feet wide. Seating shall be provided every five hundred (500) feet. At least 50% of a nature path shall be accessible (which means ADA-compliant) by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel.	An ADA-compliant pathway shall connect a nature path to the building to which it relates.
Nature viewing area	Nature viewing areas may consist of preserved natural features on site or landscaping that creates a park-like setting. It shall include seating and be connected by a path to the building to which it serves. Bird houses, feeders, and the like are encouraged if properly maintained. Signage for vegetation and/or habitat being viewed shall be provided. The area encompassing improvements made by an applicant to enhance the viewing of nature shall be considered a place of interest.	A nature viewing area shall be accessible by users of all ages and abilities from the building to which it relates.
Outdoor dining areas	See Section J above.	Outdoor dining shall be provided in a location that is accessible to patrons or users as well as accessible for maintenance and upkeep.

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Purpose and Introduction

**2**  
Definitions

**3**  
Zoning Districts

**4**  
Use Standards

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Site Standards

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Development Procedures

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Admin and Enforcement



## 3.1.22 Township Center District (Continued)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

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7 Admin and Enforcement

**Table 3.1.22.K Places of Interest (continued)**

Place of interest	Required elements	Proximity and Accessibility Requirement
Paseo/pedestrian pass-through	<p>All paseos/pedestrian pass-throughs shall be at least eighteen (18) feet wide. This requirement may be modified by the Planning Commission if it is demonstrated that the paseo is designed with architectural elements that reinforce an appropriate pedestrian scale.</p> <p>When uncovered, the paseo shall include enhanced pavement that distinguishes the paseo from adjacent sidewalks. Whether uncovered or enclosed, a paseo shall also include seating, trash receptacles, live plants, and pedestrian scaled lighting. A bike rack shall be within the paseo or located within thirty (30) feet of the paseo entrance.</p>	A paseo shall be available to the general public and shall serve as a passageway through a building, connecting significant site elements . When uncovered, a paseo shall be located within twenty (20) feet of the building to which it relates, connecting either the front of the property with the rear. A paseo may also connect adjacent properties when located within twenty (20) feet of the buildings on each respective site.
Plaza	A plaza shall be designed to attract users of the building. It shall include moveable seating, at least one trash receptacle and one or more of the following additional items: a garden, landscape containers/ planters, and/or water feature (fountain, reflecting pool, pond, waterfall, and the like).	A plaza is separated from parking areas and other required open space by a buffer, such as a wall, decorative fence, or landscape plantings at least three feet in height.
Fitness trail	A minimum ¼ mile trail with fitness-related amenities, such as directional signage, fitness stations, and at least three pieces of fitness equipment, such as a sit-up bench, pull-up bar, or push-up bar. At least fifty percent (50%) of a fitness trail shall be accessible by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel. Signage shall be provided to define hours of availability.	Same as nature path, above.
Children's playground	A children's playground shall consist of a minimum six hundred (600) square foot area to provide short-term active and passive activities for supervised children aged five (5) years and under. It shall include seating designed for children and adults, age-appropriate equipment and signage to define safety and define hours of availability.	A children's playground shall serve the general public and be fully accessible from the building to which it serves.



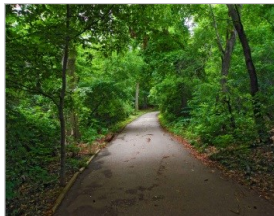
# Township Center District (Continued) 3.1.22

## PLACES OF INTEREST - EXAMPLES

### Art installation



### Nature path



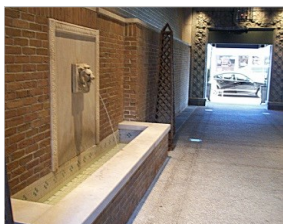
### Nature viewing area



### Outdoor dining areas



### Paseo (inside a building and adjacent to a building)



### Plaza



### Fitness trail



### Garden



**1** Purpose and Introduction

**2** Definitions

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**4** Use Standards

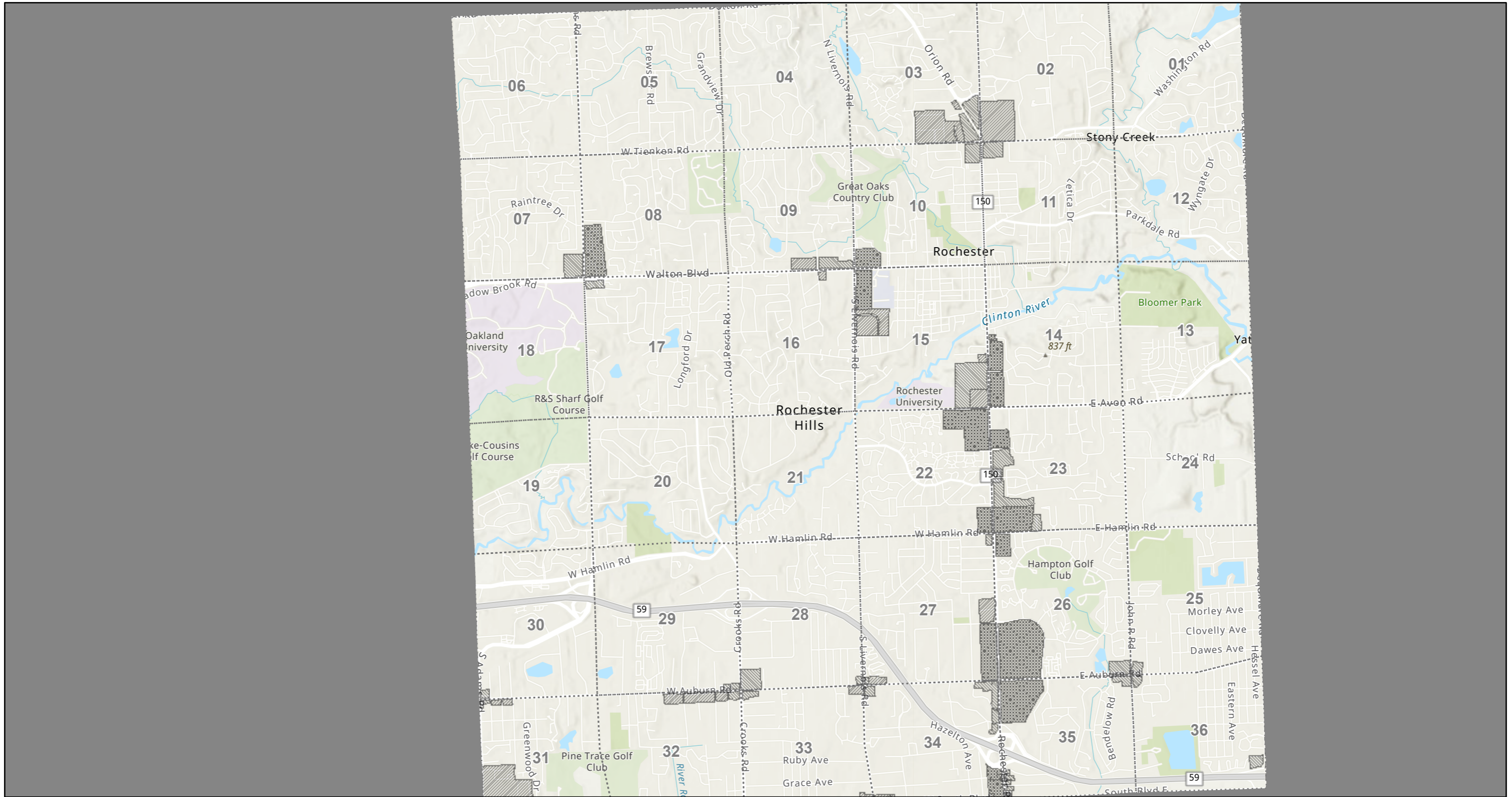
**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



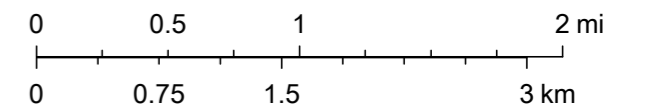
# ArcGIS Web Map



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- |                            |                                    |  |                              |
|----------------------------|------------------------------------|--|------------------------------|
| City Shading               | RCD One-Family Residential Cluster | O-1 Office Business                              | FB-1 Flex Business Overlay   |
| PLSS Section (OC)          | RM-1 Multiple-Family Residential   | ORT Office, Research & Technology                | FB-2 Flex Business Overlay   |
| <b>Zoning</b>              | RMH Manufactured Housing Park      | I Industrial                                     | FB-3 Flex Business Overlay   |
| RE One-Family Residential  | B-1 Local Business                 | SP Special Purpose                               | MR Mixed Residential Overlay |
| R-1 One-Family Residential | B-2 General Business               | REC-W Regional Employment Center - Workplace     | PUD Overlay                  |
| R-2 One-Family Residential | B-3 Shopping Center Business       | REC-C Regional Employment Center - M-59 Corridor |                              |
| R-3 One-Family Residential | B-5 Automotive Service Business    | REC-I Regional Employment Center - Interchange   |                              |
| R-4 One-Family Residential | BD Brooklands District             | REC-M Regional Employment Center - Mixed Use     |                              |

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