



Planning and Economic Development

Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP, Planning Manager
To: Members of the Planning Commission and City Council
Date: 7/13/2020
Re: Potential Zoning Ordinance Amendments

Planning staff has been working on potential amendments for the past several months, along with input from the City's planning consultant Giffels Webster, the Building Department and the City Attorney. Below please find a description of each proposed amendment. The actual text of the amendments has not been drafted at this time. Staff intends to proceed with the proposed amendments and is seeking input and/or any objections on the amendments from the Planning Commission and City Council.

Also included is a memo from Giffels Webster addressing parking standards for multiple family developments through a discussion of nationwide and more local trends and findings, along with recommendations for Rochester Hills.

On-Site Signage for Planned Unit Development Requests

Issue

More clearly notify residents/business owners of a potential PUD

Discussion

A few years ago text was added to the Zoning Ordinance to require a 4 ft. x 6 ft. sign be posted on all properties where a rezoning or conditional use is proposed. This sign is required to be in place 15 days prior to the public hearing (in accordance with State of Michigan notice requirements for mailings and newspaper notices) and to remain in place until a decision is made by the City Council or the applicant withdraws the request. Staff is proposing an identical provision for such signage be included for Planned Unit Developments as well given the fact that anticipated uses and density for a property can change significantly with the approval of a PUD.

Potential Amendment

Add 'and Planned Unit Developments' to the to the text in Section 138-1.203.B Public Hearing Procedures.

Pathways and Sidewalks

Issue

Ensure walkability in all parts of the City

Discussion

The ordinance currently requires an eight foot pathway to be constructed in all rights-of-way abutting a subject property which are either existing or planned rights-of-way of 120 feet or greater. Staff is proposing that five foot sidewalks be required on all public and private roads with an existing or planned right-of-way less than 120 feet. This would not apply to natural beauty roads. This amendment would be in accordance with the City's policy of encouraging pathways and sidewalks throughout the community.

Potential Amendment

Amend Section 138-2.205.C.5 Engineering Requirements: Nonmotorized Vehicle-Pedestrian Paths and Sidewalks to require five foot sidewalks on all private and public roads with rights-of-way less than 120 feet. Consideration should be given to allowing for a Planning Commission waiver if certain conditions exist; for example, less than a certain number of units, site constraints such as natural features are present, etc.

Barrier Height for Outdoor Dining

Issue

Create a pleasant outdoor seating environment for restaurants on major roads

Discussion

Barriers such as fencing or landscaping are currently permitted to be a maximum of three feet and six inches high for all outdoor dining areas City-wide. This has led to some consternation from restaurant owners with establishments along major thoroughfares or in existing shopping centers who would like to provide an outdoor dining opportunity for their customer but have concerns with road noise and aesthetics.

Potential Amendment

Amend Section 138-4.428.F Outdoor Dining to allow fencing or landscaping up to six feet.

Other Considerations

Care will need to be taken to ensure outdoor dining areas with taller barriers do not create a 'blank wall' effect in those areas of the City where a more open feel would be more appropriate.

Vehicle Storage in Non-Residential Off-Street Parking Areas

Issue

Parking of 'prohibited vehicles' in non-residential parking areas

Discussion

The Planning and Economic Development Department was approached by the Oakland County Sheriff's Office regarding enforcement issues related to drivers parking tractor trailers in commercial, office, etc. parking areas.

Potential Amendments

Revise Section 138-11.102.H as follows:

H. **Prohibited Activities.** The outdoor storage of merchandise, motor vehicles for sale, trucks or equipment, wrecked, junked or unlicensed vehicles including all commercial vehicles parked overnight in an area designated for customer parking (i.e. retail centers, etc.), or the repair of vehicles in areas designated for parking (including the maneuvering lane) is prohibited.

Attached Accessory Structures

Issue

Unclear when an accessory structure is considered attached

Discussion

Questions have arisen within the last year as part of the implementation of the February 2018 amendments concerning when an accessory structure is considered attached to the main building for the purpose of determining lot coverage, setback, etc. A provision addressing this was included in the former ordinance and staff is proposing including it in the most recent iteration of the accessory structure provisions.

Potential Amendments

Amend Section 138-10.101 to indicate an accessory structure is also considered attached when it is located within ten feet of a main building.

Vibration

Issue

In recent applications, the City's current vibration ordinance has been shown to be unreasonable

Discussion

A recent complaint about the vibration emanating from a contractor's business required the City to apply the vibration standards detailed in the ordinance. Upon application, it was found that it was difficult to identify the vibration attributable to a specific property/business independent of the vibrations caused by surrounding uses, the roadway, etc. In a brief review of ordinances in our surrounding communities, it appears that vibration is more typically measured as that which is 'perceptible to the human sense of feeling'.

Potential Amendment

Amend Section 138-10.310.D.2 Vibration to eliminate the 'Particle Velocity in Inches-Per-Second' maximums and instead refer to vibration that is perceptible to the human sense of feeling at the property line. This could be fine-tuned to require such a standard only abutting certain properties; for example, I Industrial properties could be exempted from the regulation.

Residential Exterior Lighting

Issue

Motion-activated lighting mounted on residential homes/garages spills onto adjacent property

Discussion

The Building Department has gotten several complaints from residents that a neighbor's motion-activated flood lighting has spilled onto their property and in some cases, is shining into their home. As currently written, all residential lighting is exempt from Chapter 2: Exterior Lighting of the Zoning Ordinance. Commercial lighting is required to be directed downward and shielded and is not permitted to spill onto an adjacent property.

Potential Amendment

Add language to indicate Section 138-10.201.C Glare and Light Trespass applies to residential lighting. This section requires exterior lighting sources to be designed and located so as not cause off-site glare onto neighboring properties and rights-of-way.

Residential Open Space

Issue

Provide a gathering space for single-family developments

Discussion

There have been several instances within the past year where both the Planning Commission and the City Council have noted the need for a neighborhood gathering space in single family developments. Developers have been somewhat accommodating in providing such a space depending on the size of the development but the Zoning Ordinance does not currently require it outside of the provisions for utilizing very specific types of development options such as Open Space Plans and Flex Overlay developments.

Potential Next Steps

Staff would research area ordinances to recommend an appropriate amount of gathering space in new residential developments.

Average Lot Width in Lot Size Variation

Issue

Developments using the Lot Size Variation option are permitted average lot widths below the required minimum lot width for the district

Discussion

The Lot Size Variation option in the ordinance allows a developer to reduce lot widths and lot sizes for single family developments up to 10% below the minimum standard of the district provided the average lot size meets the minimum lot size for the zoning district. There are no regulations stating the average minimum lot width shall also meet the minimum lot width of the zoning district. The intent of the Lot Size Variation option is to permit more variation in lot size within developments without creating whole developments that are out of character with the zoning district.

Potential Amendment

Add the following text to Section 138-5.200.A: "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."

Pavement Striping

Issue

Inconsistent application of double striping standards

Discussion

The ordinance currently requires parking spaces for customers or clients in the B, FB, REC-M and O-1 Districts to be double striped with four-inch-wide lines spaced twenty-four inches apart to facilitate vehicle movement and to center parked cars within the parking space in high-turnover spaces. This requirement may be waived by the Planning Commission where lower traffic volumes reduce or eliminate the need for double striping. This requirement has more often than not been waived by the Planning Commission via approval of a site plan showing single striping. In those developments with single striping (which is the majority of developments in the City), staff has not noted an increase vehicle parking conflicts.

Potential Amendment

Strike Section 138-11.304 Pavement Striping from the ordinance.

Street Trees

Issue

Street Trees not required on private roads

Discussion

Per Section 138-12.304 of the Zoning Ordinance, all developments along public rights-of-way require the installation of one street tree per 35 lineal feet. Since this requirement only pertains to public rights-of-way, developments along private roads are not required to install any street trees. The Ordinance notes that street trees are intended to “...enhance the visual character of City streets and minimize adverse impacts of vehicular traffic on adjacent uses.”

Potential Amendment

Amend Section 138-12.304 to require street trees along private roads.

Maximum Parapet Height

Issue

The Zoning Ordinance does not address maximum parapet height

Discussion

Parapets, as a means to enhance building design and screen rooftop mechanical equipment, are referenced several times throughout the Ordinance but standards for a maximum parapet height (which is not included in the measured building height) are not provided.

Potential Amendment

Add a new Section 138-10.312 to Chapter 3 General Provisions to establish a maximum parapet height.

Additional Amendments

Planning staff will continue to work on the amendments/issues noted below along with input from our consultants and other City departments and bring items for discussion in the near future.

- **Residential Off-street Parking** – Address vehicles parked in the front and side yard lawn area of residential homes
- **Recreational Vehicle Storage** – The storage of several recreational vehicles on a single residential property has led to blight in single family residential districts.
- **Indoor Recreation in Industrial Areas** – A proliferation of indoor recreation/fitness uses is occupying needed light industrial space.
- **Front Yard Setback in Flex Business Districts** – Revisit the optional front yard setback in Flex Business Districts.
- **Density in Flex Business Districts** – Examine adding a maximum density in the Flex Business Districts.
- **Shared Parking** – Shared parking standards for all uses are not consistent with shared parking standards in the new BD Brooklands District.
- **Units of Measurement for Parking Calculations** – Parking requirement calculations include common areas that are not typically occupied separate from the main use of the building(s).
- **Exterior Vending Machines** – Shopping centers and businesses have begun placing exterior vending machines on their property.
- **Parking Requirements** – Re-evaluate parking standards with a focus on multiple-family.
- **Residential Development Entry Signs** – Add regulations to the sign ordinance for entry signs in residential developments.