



Planning and Economic Development

Sara Roediger, AICP, Director

From: Kristen Kapelanski
To: Planning Commissioners
Date: 5/11/2018
Re: Proposed Zoning Ordinance Amendments

Planning staff has been working on a group of ordinance amendments along with input from the City's Building Department and City Attorney. Attached are various amendments to the Zoning Ordinance, which require a Public Hearing and recommendation by the Planning Commission, and amendments to the Sign Ordinance and City Code, which do not require a Public Hearing but have been provided for the Planning Commission and public's review. A brief discussion of the proposed amendments are provided below.

Nomenclature for Conditional Use

In several instances in the ordinance, a conditional use is referred to as a conditional land use. The word land has been deleted to ensure consistency throughout the ordinance.

Site Plan Approval Standards and Discretionary Decisions

The ordinance has been clarified to note that decision makers should also take into account the criteria for discretionary decisions as part of site plan approval review. Additionally, text has been added to the Standards for Conditional Use Approval to note that those standards are also applicable to other discretionary decisions.

Personal Service Establishments

Personal Service Establishments such as shoe repair, tailoring, beauty parlors, nail salons and barbershops have been added as a permitted use in the O-1 Office Business District. This is in accordance with the stated purpose of the O-1 District, which is to "...accommodate office uses, office sales uses and basic personal services...".

Outdoor Play Areas for Nursery Schools, Day Nurseries and Child Care Centers

The size requirements for outdoor play areas have been revised to refer to the standards established by the State of Michigan.

Floor Area for Nursing Homes, Convalescent Homes and Assisted Living Facilities

Provisions for required floor area have been clarified to note that minimum studio and efficiency unit sizes apply only to assisted living facilities.

Roadside Stands/Markets, Christmas Trees Sales and Temporary Outdoor Display and Sales of Goods

Regulations governing roadside stands/markets, Christmas tree sales and temporary outdoor sales and display have been rewritten. General provisions, generally consistent with the previous iteration of the ordinance, have been included regulating hours of operation, lighting, signage, trash, etc. Standards for roadside stands/markets and Christmas tree sales have not substantially changed other than the elimination of a required bond to ensure compliance with City ordinances and effective clean-up. The Building Department has in recent practice not pursued this bond and feels adequate ordinance enforcement can account for any clean-up issues.

Standards for temporary outdoor sales, commonly referred to as 'tent sales' have been added. The new regulations would require these outdoor sales be accessory to the principal use of the site and would only be permitted in the B-1, B-2 and B-3 zoning districts. Time limits are imposed as well, restricting the sales event to no more than 14 consecutive days and a total of 28 days in a 12 month period. The sale could include one

primary tent and one additional temporary tent, storage container or trailer. No tent can exceed 2,400 square feet or 20 feet in height. Tents and storage containers/trailers must match the color scheme of the surrounding development or be a neutral color.

State Licensed Residential Facilities

References to home occupation conditions have been eliminated from regulations for state residential facilities in accordance with state law.

Nomenclature for Planned Unit Developments

In accordance with standard terms we now use for PUD developments, references to PUD concept plan have been changed to PUD preliminary plan and PUD contract has been changed to PUD agreement.

Hotels in the Flex Business Districts

In response to recent development projects where residents expressed concerns about hotels abutting residential properties, hotels have changed from a permitted to a conditional use in the Flex Business 3 District.

Accessory Structures

In conjunction with the Building Department, Chapter 1 Accessory Structures and Buildings has been amended to address review and enforcement concerns that have arisen in recent years and with the implementation of the February 2018 amendments. The definition of an attached accessory structure has been clarified to include structures attached by common walls or breezeways 10 feet in length or less. Required setbacks for detached accessory structures have been split into requirements for properties greater than and less than two acres. Larger setbacks are required for larger properties. Height requirements for detached accessory structures have been split into residential and non-residential zoned properties.

Fences

Section 84-6 of Chapter 84 of the City Code has been eliminated. This section regulated fences and provisions included here were moved to the Zoning Ordinance as part of the February 2018 amendments recently approved.

Signs

As the new sign ordinance has been implemented, several necessary changes have come to light. An addition has been made requiring inspection for all signs. Brightness measuring standards for illuminated signs have been adjusted. Size area standards for wall signs for commercial, retail and industrial uses, gas stations and freeway service businesses have been amended to include a maximum area of 100 square feet per sign. Maximum signage for gas canopies (which was previously not addressed) has been added. The permitted size for temporary signs has been increased to seven square feet and limited to one per address and maximum display time regulations have been added.

If the Planning Commission agrees with the proposed amendment, below is a motion for consideration.

MOTION by _____, seconded by _____, the Rochester Hills Planning Commission hereby recommends to City Council approval of an ordinance to amend Sections 138-2.101, 138-2.200, 138-2.203, 138-2.302, 138-4.300, 138-4.400, 138-4.423, 138-4.424, 138-4.426, 138-4.436, 138-4.439, 138-4.440, 138-5.202, 138-6.303, 138-7.105, 138-7.107, 138-8.200, 138-9.205 and 138-11.302 and Chapter 1 Article 10 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify language related to discretionary decisions, to allow personal service businesses in the O-1 District, to clarify requirements related to state licensed residential facilities, to conform to state regulations for outdoor play areas at child care centers, to clarify regulations related to floor area requirements for assisted living and convalescent/nursing facilities, to add regulations for the temporary outdoor display and sale of goods, to adjust

the nomenclature of items in the Planned Unit Development process, to change hotels from a permitted to a conditional use in the FB-3 Overlay District, to clarify regulations for accessory structures and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.