



# Planning Consulting Services for Rochester Hills | October 2016



# Company Overview



# Introductions



**Rod Arroyo**  
Partner

Over 35 years of  
experience



**Jill Bahm**  
Principal Planner  
Project Manager

Over 20 years of  
experience



**Steve Cassin**  
Principal Planner  
Project Manager

Over 40 years of  
experience



## Planning | Zoning



# Updating Zoning Regulations

Responding to Regulatory, Case Law, & Community Changes



# Updating Zoning Regulations

We stay updated on zoning legislation & case law, sharing the findings with our clients

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October 2014  
PLANNING BRIEF

Focus on...  
Zoning & the Right to Farm Act

The Right to Farm Act (RTFA) was enacted in 1981 to support farmers in Michigan. The law gives the Michigan Commission of Agriculture and Rural Development (MCARD) the authority to develop and adopt General Accepted Agricultural and Management Practices (GAAMPs) that help farmers protect natural resources, offer sound management of agricultural inputs, and sustain the statewide agricultural industry. Compliance with the GAAMPs protects farmers from many nuisance-related complaints and lawsuits.

Earlier this year, the MCARD adopted new GAAMPs aimed at giving local governments the ability to accommodate small farms where the commission deems it appropriate. The Commission added a fourth category of sites covered by the GAAMPs. The four categories are:

- Category 1: Locations that are good for large animal operations because they are very rural and the neighborhood is almost all agricultural.
- Category 2: Locations that may be good for animal operations but that have more non-farm residences than Category 1 and need more guidance in terms of GAAMPs.
- Category 3: Locations that are generally bad for animal operations but can still be done if the community allows it.
- Category 4: Locations that are primarily residential (defined as more than 13 non-farm residences within 1/8 mile of the site or have any non-farm residence within 250 ft.) AND the local zoning does not allow agricultural uses in that zoning district. In this case, GAAMPs do not apply and RTFA protection is not afforded to farmers. Local zoning regulations apply and may be enforced.

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May 2015  
PLANNING BRIEF

Extra:  
Wireless Communications  
New Federal Rules—May Require Action

The ability of local governments to regulate wireless communications facilities is limited by layers of pre-emptive federal and state legislation. In April, new FCC rules went into effect that further govern the local approval process for these facilities. This brief updates two of our past briefs outlining the ways in which federal approval of wireless facilities. We strongly encourage local governments to revisit planning and legal experts to ensure compliance with new federal and state requirements. Federal rules are reviewed below; state legislation is reviewed on the reverse.

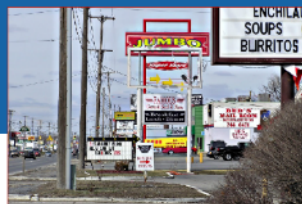
When HR 3630, referred to as the "Middle Class Tax Relief and Job Creation Act" contained a little-known provision, Section 6409(a), that impacts the local approval process for wireless facilities. The Act amends the federal telecommunications laws to limit the ability of local governments to request to modify existing wireless communications facilities or replace existing facilities.

Specifically, the bill states: "...a state or local government may not deny, and shall not require the modification of an existing wireless tower or base station that does not substantially increase the height of the tower or base station."

giffels webster  
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December 2015  
PLANNING BRIEF

Focus on...  
Sign Regulations  
Recent Court Case has Implications for Communities



2015 US Supreme Court Case: *Reed v. Town of Gilbert*

The US Supreme Court recently decided a case that has implications for local sign ordinances. The case, *Reed v. Town of Gilbert*, involved an Arizona community that regulated the size and duration of directional signs for events differently than other temporary signs. The defendant, the Town of Gilbert, insisted that the differences in the regulations were not based on any pre-conceived ideas about the speakers or messages of signs, rather, that the regulations were intended to "reduce visual clutter." The town contended that the distinction in sign types was based on the location and duration typically needed for those sign types. While all nine justices agreed that the regulations were content-based, and thus in violation of free speech, there

Important Sign Regulation Considerations

When evaluating a sign ordinance, the following key concepts should be included and considered:

- Substitution clause: This clause is essential for any sign ordinance and is worth going through the amendment process if only to

# Leaders & Educators in Zoning Trends

We develop articles for national publications & present educational sessions in Michigan and around the US



## FEEDING FRENZY

MAKING SENSE OF MOBILE FOOD VENDING

Rod Arroyo, AICP | American Planning Association | April, 2014



Images by Clearzoning, Inc.

## ZONING PRACTICE

SEPTEMBER 2013

AMERICAN PLANNING ASSOCIATION

ISSUE NUMBER 9

PRACTICE FOOD TRUCKS



# Reflecting Community Plans



**This one-story building does not comply.** There is no articulation of the façade, which is one large blank wall.



**This one-story building does comply.** There is articulation of the façade, including a change in the vertical plane when the material and/or the color changes.

Elements that project from the façade, such as canopies or awnings, help break up the mass of a building, creating interest and attracting users.



# The Clearzoning Product

It's your zoning code, only better. Making text-based ordinances easier to understand and navigate.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## 34-3-1.6 RA-3 One Family Residential (12,500 sq ft)

**A. INTENT**

The one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residential-related facilities which serve the residents in the district.

**9 User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

**R. PRINCIPAL PERMITTED USES**

- i. Site-built, one-family detached dwelling units
- ii. Farms<sup>9</sup> § 34-4.1
- iii. Neig barbecue parks
- iv. **Manufactured one-family detached dwelling units** § 34-4.2
- v. The following uses are permitted subject to the special conditions in Section 34-3-6:
  - a. Public, parochial or private elementary, intermediate or secondary schools offering courses in general education § 34-4.3
  - b. Golf courses<sup>9</sup>, not including driving ranges or miniature golf courses § 34-4.3
  - c. Churches § 34-4.4
  - d. Nursery schools, day nurseries, and day care centers § 34-4.5
  - e. Municipal buildings and uses not including any outdoor storage
  - f. Publicly owned and operated libraries, community wide parks and recreational facilities
  - g. Accessory buildings and uses<sup>9</sup> customarily incidental to any principal permitted use.

**C. SPECIAL APPROVAL USES**

The following uses are permitted subject to the special conditions in Section 34-3-6:

- i. Public utility<sup>9</sup> buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations § 34-4.6
- ii. Private noncommercial recreational areas, institutional or community recreation centers, a non-profit swimming pool club § 34-4.7
- iii. Colleges, universities and other such institutions of higher learning, public and private § 34-4.8

**D. ACCESSORY USES**

The following uses are permitted subject to the special conditions in Section 34-3-6:

- i. Electric vehicle<sup>9</sup> infrastructure § 34-4.9
- ii. Private swimming pools § 34-4.11
- iii. Private stables<sup>9</sup> § 34-4.12
- iv. Retail sale of farm goods § 34-4.13
- v. Commercial vehicles<sup>9</sup> § 34-4.14
- vi. Home occupations<sup>9</sup> § 34-4.15
- vii. State-licensed day care homes<sup>9</sup> § 34-4.16
- viii. Medical Marijuana<sup>9</sup> Cultivating § 34-4.17

## RA-3 One Family Residential (12,500 sq ft) 34-3-1.6

**E. DEVELOPMENT STANDARDS**

**Lot Size**

Minimum lot area <sup>9</sup>	10,000 sq ft
Minimum setbacks per subdivision	12,500 sq ft
Minimum lot width <sup>9</sup>	80 ft.

**Lot Coverage<sup>9</sup>**

Maximum lot coverage per unit: 35%

**Setbacks<sup>9</sup>**

Minimum front yard setback	30 ft.
Minimum rear yard setback	35 ft.
Minimum side yard setback	8 ft. one side
	20 ft. total two sides

**Building Height<sup>9</sup>**

Maximum building height: 25 ft.

**Floor Area<sup>9</sup>**

Total floor area minimum per unit	850 sq ft.
Ground floor area minimum per unit	500 sq ft.

**NOTES**

For additions to the above requirements, refer to Sections 34-8-2, B, D, E and V.

**SELECTED REFERENCES**

**3. Zoning Districts**

- District Standards § 34-3-2
- One-Family Clustering Option § 34-3.2
- Business District § 34-3.3
- Major Road Frontage Option § 34-3.3

**4. Use Standards**

- Special Land Use § 34-4.2
- Standards for Clubs or Taverns § 34-4.2

**5. Site Standards**

- Accessory Building and Structures § 34-4.1
- Lot and Parking Requirements
- Off-street Parking Space Layout Standards § 34-4.2
- Off-street Loading and Unloading § 34-4.2
- Signs § 34-4.2
- Homebased Homebased Business § 34-4.2
- Storage of Debris
- Equipment of Towers § 34-4.2
- Flood Zone Details § 34-4.2
- Erosion Control § 34-4.2
- Corner Curb § 34-4.2
- Frontage on Public Street § 34-4.2
- Fences § 34-4.2
- Access to Major or Secondary Through Streets § 34-4.2
- Landscaping Development § 34-4.2
- Signs and Billboards § 34-4.2
- Screen Walls § 34-4.2

**6. Development Procedures**

- Screening of Rooftop Equipment
- Tree Protection, Removal & Replacement § 34-4.2

**7. Admin and Enforcement**

- Site Plan Review § 34-4.2
- Notice of Public Hearing § 34-4.2
- Special Land Use and Special Approval Use Standards § 34-4.2
- Guarantee for Improvements § 34-4.2

1 Purpose and Introduction

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Farmington Hills Zoning Ordinance  
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Farmington Hills Zoning Ordinance  
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# The Clearzoning Product

Currently in five states

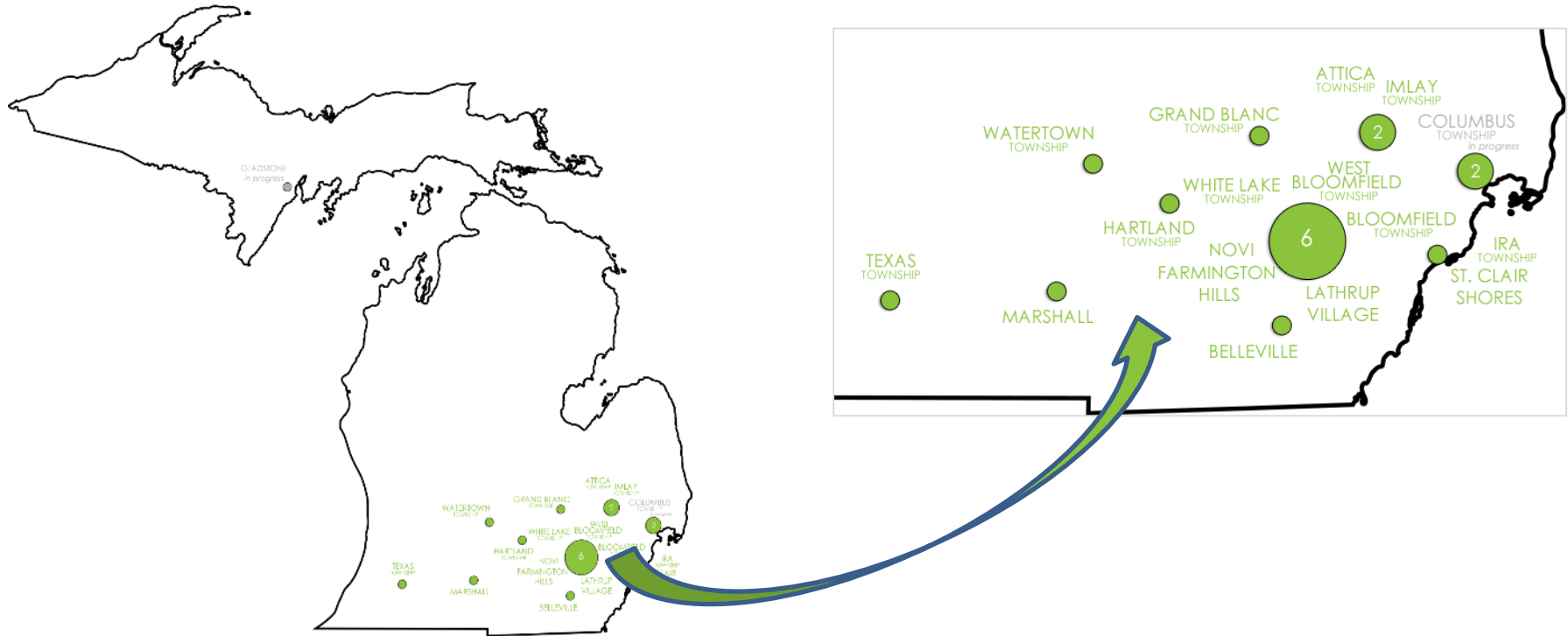
## 21 Communities Use the Clearzoning Product (as of 9/1/2016)



- Michigan (6 in Oakland County)
- Ohio
- West Virginia
- Louisiana
- Colorado (Steamboat Springs in process)

# The Clearzoning Product

Serving 18 communities in southern Michigan;  
our first Upper Peninsula project is underway



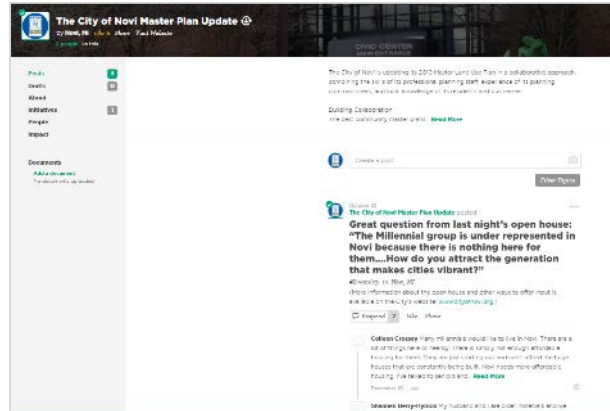
# Experience: Lathrup Village Zoning Ordinance

2012 John Keller Award for Planning Initiative

American Planning Association | Small Town & Rural Planning Division



# Experience: City of Novi 2016 Master Plan Update



## Public Input

- MySidewalk
- Online Survey
- Public Open House
- Planning Commission Study Sessions
- Web page



## Key Features

- Grand River Corridor
- Redevelopment Strategies
- Implementation

# Experience: City of Novi 2016 Master Plan Update

Analysis by Oakland County Planning & Economic Development Services  
(September 2, 2016):

- **“The City of Novi 2016 Master Plan Update is a well-written and well-researched plan.** It is comprehensive in nature and addresses timely issues such as the changing demographics, the shifting housing and retail market and natural resource protection.”
- **...the Plan is so reader-friendly and contains a wealth of graphics and maps, it should serve as an excellent resource for new and old residents alike.”**

# Experience: Clawson Downtown Master Plan

## 2016 Outstanding Downtown Master Plan – Main Street Oakland County



New form-based zoning code also in progress

- 1 Purpose and Introduction
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- 5 Site Standards
- 6 Development Procedures
- 7 Administration

### Downtown Core

**1. Frontage Type: Single- and Multiple-Story Shopfront**  
 This frontage type is intended to encourage ground floor commercial uses in single-story and multiple-story buildings that are typical in Downtown Clawson. Buildings feature simple windows for window displays and open views into activity areas. Primary entrances are prominent and street-facing and are placed on the adjacent sidewalk of the building (BLL).

**a. Building Placement and Form**

Build-to-Line (Distance from the Property Line)	
Front yard (primary street to facade)	0 ft (a)
Side yard (secondary street-facing)	0 ft (b)
Setback (Minimum Distance from the Property Line)	
Side yard (front and/or adjacent to Downtown Core)	0 ft min* (c)
Side yard (adjacent to Core Ring district)	0 ft min** (d)
Side or rear yard (adjacent to any Residential district)	10 ft min. (e)
Rear yard (adjacent to Downtown Core or Core Ring district)	10 ft min.** (f)
Rear yard (adjacent to any Residential district)	20 ft min. (g)
Building Form	
Primary street facade, percent built to Build-to-Line (BTL)	85% min* (h)
Side street-facing facade, percent built to BTL	35% min* (i)

\*Street facades must be built to the BTL, taking the 90-foot rear every corner. Any area along any portion of the BTL that is not required to be a building, outdoor dining area, plaza or other paved, non-vehicular plaza shall have a minimum 2.5-foot high masonry screen-wall. See Section 3.3.5.3.1. \*\*35-foot T1 no utility.

**b. Building Height and Floor/Ceiling Regulations**

Building height maximum	18 ft (j)
Building height maximum	2 stories 30 ft (k)
Accessory building maximum height	15 ft (l)
Finished ground floor level (max.)	6 inches above sidewalk (m)
First floor ceiling height (min.)	10 ft (n)
Upper floor ceiling height (min.)	9 ft (o)

\*Building may be a maximum of 3 stories and 42 ft if the third floor is setback 10 ft from all street-facing facades.

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City of Clawson Zoning Ordinance  
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City of Clawson Zoning Ordinance  
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# Experience: Big Beaver Corridor Study

2007 Outstanding Planning Project Award –  
Michigan Association of Planning







**Planning for and Reviewing Large Scale & Obsolete Sites**



# Experience: City of Rochester Hills

Obsolete & Challenging Sites

Rod Arroyo has served as a land use and zoning expert on several Rochester Hills cases include a previous proposal to develop a mobile home park on a former landfill.



# Experience: Other Experience

Large Development Proposals & Obsolete Sites

## **The Mall at Partridge Creek – Clinton Township**

Site design, engineering & traffic impact analysis for a shopping destination

## **The Village of Rochester Hills – Rochester Hills**

Site design and engineering for a shopping destination

## **The Heathers – Bloomfield Township**

Site design and engineering for former Borrow pit

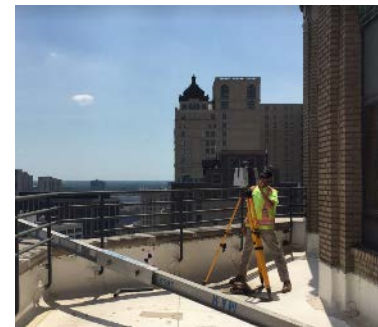
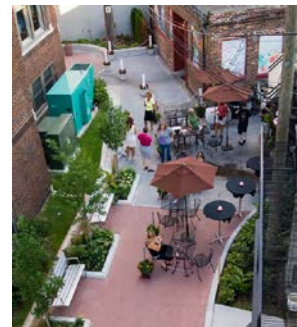
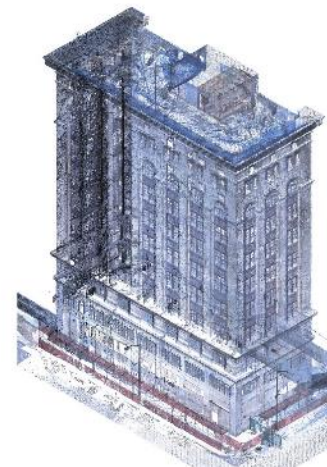
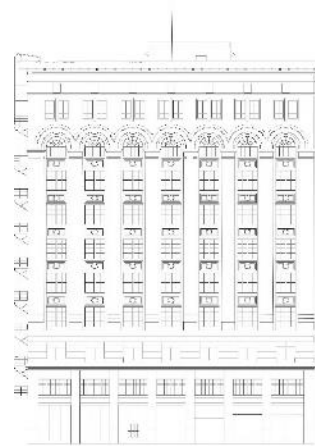
## **Little Caesars Arena – Detroit**

Site design & civil engineering



# Other Services

- Civil Engineering
- Landscape Architecture
- Laser Scanning
- Land Development Consulting
- Municipal Consulting
- Traffic and Parking Consulting
- Surveying
- Website Design





THANK YOU

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