

MEMORANDUM

TO: City Council, City of Rochester Hills

FROM: James Breuckman, AICP, Principal Planner

DATE: February 20, 2009

SUBJECT: Zoning Ordinance



I am pleased to forward the Zoning Ordinance to you for review. The attached Ordinance is a more user-friendly document, and one that addresses contemporary planning and zoning issues in a sensible and equitable manner.

The Zoning Ordinance update began in May of 2007 with the purpose of updating the existing Zoning Ordinance to incorporate changes recommended by the City's Master Land Use Plan, and to modernize and streamline the existing Zoning Ordinance. The majority of the attached Zoning Ordinance does not change how development is regulated in the City. Any time you change existing regulations there is a risk of unintended consequences. Accordingly, our philosophy in updating the Ordinance was to:

- Update regulations that were obsolete or vague,
- Add new regulations to implement the recommendations of the Master Plan (such as the Mixed Residential and Flex Business overlay districts),
- Make the Ordinance intuitive and user-friendly by reorganizing and reformatting it.

As you start to review the draft, I would like for you to keep the following in mind:

- The draft Zoning Ordinance is a reworking of the old Zoning Ordinance. We have not drastically changed how the ordinance works or what it regulates.
- Much of the ordinance is the same as the existing ordinance. When you are reading through it, text that is un-highlighted is existing language that is unchanged from the existing ordinance. **New language is highlighted.** We have done this to simplify your review of the Ordinance.
- The ordinance has been reorganized to, hopefully, be more intuitive and user friendly. This means that while much of the text is unchanged, it has been reorganized. If the ordinance feels unfamiliar or you have a hard time finding a provision because it has moved from its familiar place, I hope you will bear with it while you get used to the new organization. I think that in the end it will be a much easier document to use.

We have devoted nearly two years and 12 technical committee, Staff, and Planning Commission meetings to the development and review of the proposed Ordinance. I look forward to reviewing the ordinance with you at your March 2 meeting, and hope for a healthy discussion of both new and existing sections of the Ordinance.

A brief discussion of what we believe to be the major discussion points of the Ordinance begins on the following page.

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Article 1, Chapter 2 – Amendments. The amendment procedures and review criteria for rezonings have been updated. The existing ordinance offered little guidance in this respect, so the new criteria will give the PC and Council greater footing to stand on when reviewing rezoning requests.

Article 2, Chapter 2 – Site Plan Review. The site plan review procedures have been overhauled. The ordinance now provides for differing levels of review: administrative review, sketch plan review, and site plan review. There is also a table that specifies which kind of review is required for a range of activities.

The review procedures are also spelled out in greater detail (section 138-2.202), and site plan approval criteria are now provided (section 138-2.203).

Article 2, Chapter 3 – Conditional Use Approval. Section 138-2.301 establishes the Conditional Use procedures and requirements. Some new provisions governing the process and how Conditional Use Approval interfaces with site plan approval are now included in this section. These changes are procedural.

Chapter 3 – Nonconformities. Please review section 138-3.104, particularly with respect to the expansion of one-family dwelling requirements. These standards allow buildings with existing side or rear yard dimensional nonconformities to be expanded without the need for a setback variance. We believe it is important for the City to not unreasonably stand in the way of any homeowner from reinvesting in their house, and this provision will allow homeowners in the older parts of the City to expand and reinvest in their houses without having to procure a setback variance. The fact that the expansion can only protrude into a side or rear yard setback area the same distance as the existing nonconformity will limit any potential negative impacts of the expansion.

Article 4, Chapter 3 – Land Use Table. The land use table shows all zoning districts and identifies where uses are permitted. There have not been major changes to where uses are permitted, but please review the table now that all of the uses are collected in one place.

Article 4, Chapter 4 – Design Standards for Specific Uses. This chapter lists all of the specific standards applicable to various uses. In most cases these are existing standards that are listed under each use in the existing zoning ordinance. In many instances these standards are repeated for the same use in different zoning districts, so our intent in creating this new section was to streamline the ordinance and remove repetitiveness by collecting them in a central place and adding cross references to the new sections.

Article 5 – Schedule of Regulations. In most cases the dimensional requirements have not changed. The exception is the I district. The I district is a new district that combines the existing I-1 and I-2 districts. The dimensional standards in the I district have been somewhat relaxed to facilitate redevelopment/expansion of existing industrial sites consistent with today's design requirements. A higher maximum building height and a smaller front yard setback requirement are the most notable changes. Existing heavy industrial land uses are regulated by Section 138-4.420.

Article 6, Chapter 5 – Mixed Residential Option. This is a new chapter that implements the Mixed Residential Overlay concept of the Master Plan. This is an Overlay district that can be used at the property owner's option, so this does not constitute a burden or rezoning on any property owner. Please review these standards to ensure that you are comfortable with them.

Article 8 – Flex Business Overlay Districts. Another major recommendation of the Master Plan was to create form-based overlay districts to facilitate the redevelopment. The new Article 8 establishes those standards. These are overlay districts, so property owners will be able to choose whether they wish to develop or redevelop their site using the traditional B district standards or these new form-based overlay standards. Again, these new standards will not rezone any property or change the rights of any property

owner, but will provide property owners with an additional development option for their land.

Article 10, Chapter 1 – Accessory Buildings. We have made a few minor changes and clarifications to the accessory building standards. Any changes to the accessory building standards must be carefully considered, as the changes can have great impacts, possibly including creating large numbers of nonconforming accessory buildings. While I do not anticipate there being major issues with this chapter, please review it to ensure that you are comfortable with it.

Article 10, Chapter 2 – Exterior Lighting. One long overlooked site development characteristic that can have major community impact is exterior lighting. Poorly designed lighting can create nuisance light pollution, can create unsafe glare, and can be a source of great energy waste. The new exterior lighting standards are intended to address these issues and to ensure that outdoor lighting is properly designed in the City.

Section 10.311 – Performance Standards. This section in the existing zoning ordinance is very old and includes some confusing and outdated standards. We have therefore updated some of the performance standards to clarify and modernize them.

Article 10, Chapter 4 – Sustainable Energy Generation. This new chapter addresses a sector of growing demand and importance – distributed sustainable energy generation. Local wind and solar energy generating technology is advancing to the point of cost-competitiveness with centralized energy generation, so there will be growing demand for these kinds of uses.

This chapter includes standards for both “small wind” facilities, which are smaller scale turbines that provide energy for on-site use by one or a group of residences or businesses; and “utility wind” facilities, which are the large 1.5 megawatt turbines that provide energy for the grid. I anticipate that there will be much greater demand in Rochester Hills for small wind facilities on individual parcels, so please review this section to ensure you are comfortable with the small wind provisions.

Article 11, Chapter 2 – Minimum and Maximum Parking Required. The parking standards have been modernized to provide the City with greater flexibility in the application of parking requirements. Excessive parking can have negative design and stormwater impacts, so many new standards have been included in the Ordinance. These include a maximum parking requirement, shared parking provisions, deferred parking, and the ability for the Planning Commission to modify the parking requirements based on evidence submitted by the applicant that the parking requirement is not reasonable for their use.

Section 11.205 – Parking Requirements. The parking requirements table has been streamlined. This was done to both simplify the enforcement of the ordinance, and also to facilitate the reuse of buildings in the future. The existing zoning ordinance requires very specific parking standards for many uses which can make reuse of a building for a different purpose difficult because the new use has a different minimum parking requirement. The move to a more generalized set of parking standards is intended to address this situation and to allow new uses to more easily reuse old buildings without running into ordinance difficulties.

Article 12 – Landscaping. The landscaping requirements have been modernized and expanded, but the City’s existing requirements have not been fundamentally altered.

Section 12.205 – Existing Vegetation. This is a new section that allows existing vegetation that will be preserved to satisfy the landscaping requirements if the existing landscaping will provide an equal or better effect than the landscaping requirement. This provides the City and applicants with site development flexibility that we do not currently have, and will hopefully provide an additional incentive to preserve existing vegetation.