

December 11, 2006

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Ms. Jean A. Farris  
Supervisor of Procurement  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, Michigan 48309

**Subject: Proposal and Addendum To Professional Service Agreement  
For Master Land Use Plan Preparation To Include Zoning  
Ordinance Update, City of Rochester Hills, Michigan.**

Dear Ms. Farris:

We have recently prepared your updated Master Land Use Plan. The next step for the City is the update of their Zoning Ordinance, because the Zoning Ordinance is the regulatory tool that implements the Master Land Use Plan.

### **Rochester Hills Team**

For the past several years, Amy Chesnut, AICP, Senior Principal Planner, has been both the Community and Project Manager providing the day-to-day professional services to the City of Rochester Hills. During the last year, James Breuckman, AICP, Principal Planner, assumed the role of Project Manager and Amy has remained the Community Manager. Both Jim and Amy are very familiar with Rochester Hills and pledge to continue to provide quality planning services to the City.

As project manager, Jim is responsible for the management of day-to-day activities and is the daily point of contact for planning services. Jim has five years of professional experience that he currently applies to Rochester Hills. Mr. Breuckman graduated from the University of Notre Dame with degrees in History and Computer Applications and Michigan State University with a Master's degree in Urban and Regional Planning. He is also a nationally-certified planner. Jim and Amy will work in tandem on your Zoning Ordinance Update.

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Suite 105  
Northville, MI 48167  
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Hudson, OH 44236  
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If you have any questions or wish to discuss our proposal further, please call Amy, Jim or me. We will be glad to answer your questions or meet with you at your convenience.

**Authorization**

We are also submitting three copies of an addendum to Section III.B., Additional Services, of our current Master Land Use Plan Agreement (9-23-04) to include the Zoning Ordinance Update under the hourly rates listed in section 6.C of the addendum. The hourly fees in the addendum are the same as the hourly rates listed in the updated contract we recently sent you entitled Contract For Professional and Technical Planning Services, dated November, 2006.

If you find the terms agreeable, please sign three copies of the addendum and return one signed copy to us. The other two copies are for the City's records.

It is a pleasure to continue working with you. Thank you.

Respectfully submitted,

McKENNA ASSOCIATES, INCORPORATED



Phillip C. McKenna, AICP, PCP  
President

Attachment: Proposal, Zoning Ordinance Update, City of Rochester Hills

Enclosures: Addendum to Professional Service Agreement for Master Land Use Plan Preparation  
to Include Zoning Ordinance Update  
Professional Services Agreement – Master Land Use Plan, (dated September 23, 2004).

cc: Edward Anzek, AICP, Director of Planning and Development  
Amy Chesnut, AICP, Senior Principal Planner  
James Breuckman, AICP, Principal Planner

# Proposal

## Zoning Ordinance Update

### City of Rochester Hills

#### 1. WORK PROGRAM

The following is our proposed work program for the completion of the Zoning Ordinance Update. The following work program is based on our effective client-consultant working relationship, and will successfully achieve the creation of an updated Zoning Ordinance that incorporates both conventional and design-based zoning standards that will support the policies of the Master Land Use Plan.

McKenna will work with a technical committee consisting of representatives from the City Council, Planning Commission, and City Staff to coordinate the process of updating the Zoning Ordinance. Periodic reports will also be made to the City Council and Planning Commission.

While the following work program is the outline for the process, McKenna Associates, Inc. (McKenna) will work with City officials to prepare a detailed date-specific work plan that meets the City's specific needs, schedule and budget at the project kick-off meeting.

#### A. REVIEW AND ANALYSIS OF THE EXISTING ZONING ORDINANCE

##### TASK 1: PROJECT INITIATION

###### **Kick-off Meeting with Administration.**

McKenna Associates will prepare for and meet with City Staff and any persons identified by City Staff to discuss the overall project goals and issues, the project schedule, and the procedures. The purpose of the discussions will be to identify major issues to be addressed during the process; to review work completed to-date on the Zoning Ordinance update; to agree upon the final work program and project schedule; and to agree on the roles of all parties involved in the project.

An important item of discussion at the kick-off meeting will be determining the process by which the draft Zoning Ordinance will be reviewed by the City. One option would be to create a Zoning Ordinance Technical Committee comprised of members of City Staff, the Planning Commission, and the City Council. This would result in a similar review and approval process for the City as that used during the Master Land Use Plan update.

###### **Create Zoning Ordinance Outline**

Based on the meeting between McKenna Associates and City Staff, McKenna will prepare a Zoning Ordinance Outline. The Outline will list all of the Articles and sections within Articles to be drafted, and will allow the City and McKenna to

identify portions of the existing adopted Zoning Ordinance and the unfinished draft Zoning Ordinance that can be incorporated into the new Zoning Ordinance. The Outline will also identify Articles or sections of the Zoning Ordinance which must be substantially revised or created from scratch.

## B. PREPARATION OF ZONING ORDINANCE TEXT

### TASK 1: DRAFT ZONING ORDINANCE TEXT

McKenna will begin the process of developing, presenting, and reviewing sections of the Zoning Ordinance with City Staff, the City Attorney, any other individuals or City departments identified by City Staff, and possibly the Zoning Ordinance Technical Committee. The revised articles will be drafted in modules comprised of related topics, and will be presented and reviewed incrementally at separate meetings.

#### Principal Issues to be Addressed

Based on our experience working with the City providing continuing services and drafting the Master Land Use Plan, we believe the following items will be the principal issues to be addressed during the Zoning Ordinance update process:

- Definitions. Definitions will be amended to clarify and streamline existing language, to add new definitions or delete inapplicable and ambiguous definitions, and provide illustrations to better explain the concepts. Cross-references will be included where appropriate.
- Zoning District Permitted Uses and Regulations. Zoning District Permitted Uses and Regulations will be modernized and updated to reflect contemporary uses and existing conditions. Permitted uses in each district will be clearly defined, along with standards, conditions and review criteria, where appropriate. One option is to create a matrix of permitted uses, conditional uses, etc. instead of providing a list of uses in separate Articles for each individual Zoning District. The advantage of creating such a matrix is that it locates all of the permitted uses in a table, allowing the user to quickly identify where a use is permitted or may be permitted as a conditional use.
- Specific Standards Applicable to Uses. The existing use regulations will be examined for completeness and adequacy. Many uses have evolved over the years, new uses have been created, more effective standards for some uses have been developed, and some uses have become completely obsolete. Therefore, all uses currently listed in the Zoning Ordinance must be examined for their relevance and appropriateness, and the need to include new uses must be considered.
- Design Standards for Flexible Use Areas. One of the key recommendations of the Master Land Use Plan is the creation of various flexible use areas, such as the Business/Flexible use areas, the Regional Employment Center, and the Mixed Residential area. Consistent with the recommendation of the Master Plan, overlay districts containing design-intensive zoning standards will be created to implement the recommendations of the Master Plan.

- Create an Estate Residential Zoning District. An Estate Residential Zoning District will be created consistent with the recommendation of the Master Land Use Plan.
- Off-street parking and loading requirements. The parking and loading requirements will be updated to reflect contemporary standards including number and area of spaces required, maximum parking standards, alternative parking layouts, compact cars, shared parking, parking requirements for mixed use sites and areas, etc. In addition, standards for parking lot design including more specific landscaping and screening requirements may be created.
- Compliance with the Requirements of P.A. 110. The administrative procedures contained in the Zoning Ordinance, including public hearing notices, adoption of Zoning Map and text amendments, etc. will be brought into compliance with the new requirements of P.A. 110 of 2006, the Michigan Zoning Enabling Act.
- Sign Regulations. Sign regulations may be incorporated into the Zoning Ordinance. In particular, new sign requirements that are consistent with a walkable, pedestrian oriented environment will have to be created for the Flexible Use areas. This is an optional task, and may be completed if the City desires. Otherwise, the City's existing sign ordinance will be left unchanged.
- Diagrams, Tables, and Illustrations. The new Zoning Ordinance will incorporate an extensive array of diagrams, tables, and illustrations to clarify the text of the Ordinance and make the document as user-friendly as possible. The use of diagrams, tables, and illustrations can also reduce the need for lengthy sections of text.
- Coordinate Input With Other City Departments, Attorney, ZBA and Ordinances. McKenna will review the Zoning Board of Appeals minutes to identify any issues that are creating multiple requests for appeals. It will be important to coordinate the Zoning Ordinance requirements with ordinances and procedures developed and used by other City departments, such as the fire department, engineering department, City attorney, building official, planners and zoning administration.
- Create a "How To" Guide. The new Zoning Ordinance will also include a "How To" guide geared towards the general public. The guide will assist users of the Zoning Ordinance in:
  - Determining the zoning of their property.
  - Determining what uses are permitted on their property.
  - Understanding the site plan review process and when it is required.
  - Finding accessory building and home occupation regulations in the Ordinance.
  - Understanding the process for variances, conditional uses, and other administrative procedures.

**TASK 2: ZONING MAP PREPARATION & REVISION  
(OPTIONAL)**

If desired by the City, McKenna will note changes to the zoning map that will be required by the new zoning provisions during the preparation of the zoning ordinance text. Zoning map revisions may be necessary to implement the recommendations of the Master Plan.

**TASK 3: PREPARE DRAFT ZONING ORDINANCE FOR CITY  
ATTORNEY REVIEW AND PUBLIC HEARING**

McKenna will prepare a proposed Zoning Ordinance for the public hearing, with accompanying index, summary, explanatory materials and graphics samples. These documents will be prepared for distribution to the public and the media prior to the public hearing. The City Attorney will provide input and final review of the documents prior to their release to the public and media.

The material will be provided to the City in time for reproduction and distribution in advance of the public hearing.

**Work Product.**

McKenna Associates will provide a reproducible copy of the zoning ordinance as approved for presentation at the public hearing.

**TASK 4: ATTEND PLANNING COMMISSION PUBLIC HEARING  
AND REVISE DRAFT ZONING ORDINANCE AS  
NECESSARY**

McKenna will assist with the presentation of the proposed Zoning Ordinance at the public hearing and respond to questions from City Council and the public. Based on input received at the public hearing, McKenna will prepare revisions to the Ordinance (if necessary). Following the hearing any necessary revisions to the draft will be submitted to the Planning Department for its final review.

If requested by the City, McKenna will meet with City Staff, the Zoning Ordinance Technical Committee, and/or the Planning Commission to discuss and review the changes to the Zoning Ordinance text that result from public input at the public hearing.

**TASK 5: ATTEND CITY COUNCIL MEETING FOR ZONING  
ORDINANCE ADOPTION**

McKenna will present the final draft of the new Zoning Ordinance at a City Council meeting.

## 2. SCHEDULE

This is a tentative schedule of the tasks outlined above. The schedule can be adapted to meet City requirements.

### City of Rochester Hills Zoning Ordinance Schedule

Project Element:	Month								
	1	2	3	4	5	6	7	8	9
<b>A. REVIEW AND ANALYSIS OF THE EXISTING ZONING ORDINANCE</b>									
Task 1: Project Initiation	✓								
<b>B. PREPARATION OF ZONING ORDINANCE TEXT</b>									
Task 1: Draft Zoning Ordinance Text		✓	✓	✓	✓	✓			
Task 2: Zoning Map Preparation and Revision (Optional)				✓	✓	✓			
Task 3: Prepare ZO for Public Hearing							✓		
Task 4: Attend Public Hearing and Revise ZO								✓	
Task 5: Present Final Draft to City Council for Adoption									✓
<b>MEETINGS:</b>									
Kickoff meeting w/ City administration/staff	●								
Working Meetings (6 meetings)		●	●	●	●	●	●		
Public Hearing (1 meeting)								●	
City Council (1 meeting)									●

## 3. END PRODUCTS

The following end products will be delivered to the City:

### A. DRAFT ZONING ORDINANCE

Up to twenty (20) copies of each draft of the zoning ordinance will be presented for review by the Zoning Ordinance Technical Committee, Planning Commission or other review group appointed to oversee the project.

### B. FINAL ZONING ORDINANCE

After City Attorney review, a camera-ready final ordinance including a cover layout and all text and graphics will be presented to the City in digital form (Microsoft Word and Adobe Portable Document formats will be provided). McKenna will provide hard copies of the Zoning Ordinance to the City at documented reproduction cost.

C. **PUBLIC HEARING and ADOPTION NOTICES**

McKenna will assist with the preparation of public hearing and ordinance adoption notices, for City Attorney review.

D. **FINAL ZONING MAP (Optional)**

If directed by the City, McKenna will deliver a disk with an Arc-View Zoning Map including lot line boundaries, and make changes to the City's Zoning Map. The Map may then be continually updated and revised by the City to reflect zoning changes.

#### 4. **MEETINGS**

Our Zoning Ordinance Scope of Services includes attendance by McKenna professionals at the following meetings:

- One (1) kick-off meeting with the City Staff;
- Six (6) working meetings with the Zoning Ordinance Technical Committee, Planning Commission, and/or City Council;
- One (1) public hearing meeting;
- Presentation to City Council for adoption at a public meeting.

If requested by the City, we will attend additional meetings beyond the 9 meetings specified above. Our attendance at any additional meetings beyond those specified in this Scope of Services will be billed separately at our hourly rates listed in the ADDENDUM TO PROFESSIONAL SERVICE AGREEMENT FOR MASTER LAND USE PLAN PREPARATION TO INCLUDE ZONING ORDINANCE UPDATE, Section 6.C.

#### 5. **PROFESSIONAL FEE**

A. **ZONING ORDINANCE FEE**

McKenna Associates, Incorporated, will prepare the updated Zoning Ordinance for the City of Rochester Hills for the following fee:

Zoning Ordinance Text Preparation:                 \$65,000

Our fee is reflective of the work program presented in this proposal. Additional meetings requested by the Township beyond those specified in the work plan will be billed hourly according to the ADDENDUM TO PROFESSIONAL SERVICE AGREEMENT FOR MASTER LAND USE PLAN PREPARATION TO INCLUDE ZONING ORDINANCE UPDATE, Section 6.C.



**B. ZONING MAP PREPARATION (OPTIONAL)**

McKenna Associates, Incorporated will create a revised Zoning Map for the City for a fee of \$4,000.00.

**C. REIMBURSABLES**

Documented reimbursables will be invoiced to the City, not to exceed \$1,500.

**D. ADDITIONAL SERVICES**

If requested by the City, McKenna will provide additional services to the City that are beyond the Work Plan, End Products, and Meetings specified above, including attendance at additional meetings and other technical, planning and design services. For such additional services McKenna shall be compensated on an hourly basis, according to the ADDENDUM TO PROFESSIONAL SERVICE AGREEMENT FOR MASTER LAND USE PLAN PREPARATION TO INCLUDE ZONING ORDINANCE UPDATE, Section 6.C.

**E. PAYMENT**

The payment of said sums shall be monthly based upon McKenna's estimated percent complete and a description of services performed or a description of professional time expended and title of personnel. McKenna shall submit an invoice describing the services performed, and the Township shall within thirty (30) days satisfy itself as to the performance of such work and pay the amount for services and reimbursement requested by said invoice.

## **6. TERM OF PROPOSAL**

The terms of this proposal are valid for ninety (90) days.