



Planning and Economic Development

Sara Roediger, AICP, Director

From: Chris McLeod, AICP, Planning Manager
Sara Roediger, AICP, Director
To: Planning Commission
Date: 2/12/2025
Re: Potential Zoning Ordinance Amendments

As discussed at our regular January Planning Commission meeting, the attached zoning ordinance amendments have been noticed for public hearing at tonight's meeting. After discussion at our January meeting, the Planning Commission made one amendment to the proposed zoning ordinance text regarding the number of site plan approval extensions that may be granted by the Planning & Economic Development Director. The number of one (1) year extensions has been reduced from three (3) to one (1). Further, the ability of the Planning Commission to grant an additional one (1) year extension was also added back to the proposed language.

The City Attorney has also reviewed the proposed draft. His comments have been incorporated into the draft that has been distributed for your review. The Attorney's comments include; 1) ensuring consistency for the language of placing public hearing notice signs (Section 138-1.203), 2) adding the ability of the Planning and Economic Development Director to place reasonable conditions for granting a site plan extension (this allowance has also been extended to the Planning Commission (Section 138-2.207). 3) adding additional direction as to what conditions may allow for a waiver to the paving requirement for outdoor storage (Section 138-4.425)

Development Notification Signage

Issue

Notification signage for proposed conditional use, planned unit development or rezoning.

Discussion

In an effort to provide consistency in signage, to ensure that proper notice is being provided, and to reduce costs to potential applicants, City staff has worked with the City's sign department to construct conditional use, planned unit development and rezoning signs that are required by Ordinance to be placed on a site when one of those applications is proposed. City staff will be placing the signs onsite to ensure proper notice is being provided and will also remove the sign after the application has been acted on.

Potential Amendment

Amend SECTION 138-1.203 - Public Hearing Procedures to remove the text indicating how the sign must read and the requirements for its placement to now refer to the City providing these signs.

Public Hearing Notification Requirements

Issue

Currently the public hearing requirement for a subdivision or a one family residential detached condominium development is contained in the Planning Commission Ordinance, instead of within the Zoning Ordinance.

Discussion

City staff, in an effort to ensure all ordinances are being adhered to and to ensure proper notice is being provided to appropriate property owners, desires to move the public notice requirements to the public hearing section of the zoning ordinance rather than maintaining the requirement in the Planning Commission ordinance.

Potential Amendment

Amend SECTION 138-1.203 - Public Hearing Procedures to add public notice requirements for preliminary plat review and preliminary plan review and remove the public notice requirements from Section 130-38 of the Planning Commission Ordinance.

Site Plan Expiration

Issue

The start of development construction many times has been exceeding one (1) year, particularly since COVID, so City Staff is recommending a longer initial approval time. It appears that construction time has also been greatly affected by labor and materials issues. There are many items that must be completed prior to site plan expiration, including submitting for conditions review, further developing construction and engineering plans for appropriate permits to allow for issuance, the payment of bonds and fees, etc.

Discussion

City staff, in an effort to provide a more reasonable time to start construction, is suggesting a two-year timeframe for expiration instead of one year. In addition, city staff is also recommending additional extensions be permissible provided that no ordinance changes were made that would impact the proposed development.

Potential Amendment

Amend SECTION 138-2.207 – General Provisions to extend site plan expiration to two years, to remove expiration due to a lapse in construction, and to increase the number of extensions that the Planning Director may grant.

Zoning Map and District Boundaries Clarification

Issue

The R-5 zoning designation is missing from this section, and the section also lists the Building Official as the person to make a determination regarding zoning district boundaries.

Discussion

Potential Amendment

Amend SECTION 138-4.101 and 138-4.200 to change the designated authority on zoning district boundary determinations and to modify the title, respectively.

Use Table Clarification

Issue

Clarifying uses permissible within the Use Table.

Potential Amendment

Amend SECTION 138-4.300 – Table of Permitted Uses by District to provide additional clarifying language.

Paving Requirement for Outdoor Storage

Issue

The current ordinance language does not specifically require outdoor storage areas (principal or accessory) to be paved.

Discussion

City staff have fielded many inquiries for storage uses (both principal and accessory) and a typical question is whether the storage area is required to be paved. The Ordinance does not specially define a material requirement and several outdoor storage areas have been approved with gravel surfaces, and these have already shown signs of deterioration due to water.

Potential Amendment

Amend SECTION 138-4.425 – Outdoor Storage: Accessory to require all outdoor storage areas to be paved unless otherwise specifically not required by the Planning Department/Commission.

Lot Coverage Calculations

Issue

The current ordinance language for lot coverage measurement does not clearly define which types of structures count towards lot coverage.

Discussion

City staff, during the review of permissible lot coverage for residential structures, desires to have additional definition of which types of structures are counted and not counted towards lot coverage.

Potential Amendment

Amend SECTION 138-5.205 – Standard Methods of Measurement to clearly define that attached and detached accessory structure and enclosed and open porches are counted towards lot coverage.

Accessory Structure – Roof Coverage

Issue

The current ordinance does not clearly define when an open-air type structure becomes an accessory structure regulated by city ordinance.

Discussion

City staff have been reviewing plans for residences that include trellis', arbors, open air roofs, etc. that can be significant in size. Discussions occur whether such structures are truly accessory structures since their "roofs" may not always be fully covered and therefore may not be regulated. City staff is seeking definition as to when accessory structure regulations should be applied

Potential Amendment

Amend SECTION 138-12.100 – General Standards for All Accessory Structures to provide a new subsection D defining the percent of "openness" permissible before accessory structure regulations apply.

Decks in Front Yard

Issue

The city has a number of "decks" in the front yard that act as traditional porches that are not permissible by ordinance

Discussion

Over the course of the year, the Building Department has reviewed several instances where decks that provide access to the residence (and are necessary to step up to an entry) have been located in front yard and are currently not permissible. Porches are permitted provided they are cement or brick, an ordinance amendment to allow a wood type structure in a similar capacity is likely appropriate. A wood deck is often the most feasible option and should be allowed.

Potential Amendment

Amend SECTION 138-10.102 – Detached Accessory Structures to allow decks to be constructed in the front yard provided they extend no more than 10 feet beyond the front of the structure.

Fences

Issue

Requiring the type of **nonresidential** fencing to be upgraded to provide additional aesthetic and meet city expectations and also clarify the location of where fencing may be located.

Discussion

City staff has been requiring a higher standard of fencing material for sites during the site plan review process. City staff desires to increase requirements regarding the materials to be used and to provide additional restrictions that would not allow a commercial type property to be fenced without a use established on the property and to not allow fencing in a front yard.

Potential Amendment

Amend SECTION 138-10.107 – Fences to require decorative fencing, rather than chain link fencing unless specifically allowed by the Planning Commission or Planning Department and to clarify the location of fencing for nonresidential uses.

Dumpster and Trash Storage Screening

Issue

Clarity and specific requirements are needed that all dumpsters, trash compactors, recycle bins, grease bins, etc. are required to be screened and in the appropriate manner.

Discussion

City staff has seen a number of different types of dumpsters and bins being located on different sites and current zoning ordinance language does not clearly indicate that all types of dumpster and bins require an enclosure. In addition, the materials for those closures and enclosing gates are also somewhat unclear.

Potential Amendment

Amend SECTION 138-10.311 – Dumpster and Trash Storage Screening to clarify what types of dumpsters and ancillary bins require screening enclosures and the materials for those enclosures.

Solar Energy Systems

Issue

Providing clarifying language for ground mounted solar energy systems, both temporary and permanent.

Potential Amendment

Amend SECTION 138-10.401 – Solar Energy Systems to remove freestanding and include both temporary and permanent systems.

Bicycle Parking

Issue

The current zoning ordinance does not require bicycle parking for new developments.

Discussion

City staff has been working with developers to provide bicycle parking spaces (bike racks) as a part of new site plans. Most applicants have willingly provided them. However, to provide assistance with requiring them, an ordinance amendment should be adopted.

Potential Amendment

Add a new SECTION 138-11.205 – Bicycle Parking to require bicycle racks for new/revised multiple family and nonresidential developments.

Stacking Spaces

Issue

With the recent amendment to the City Zoning Ordinance for drive through facilities that including the size of stacking spaces for a drive through, one additional section required an amendment.

Discussion

The Zoning Ordinance requirements for stacking spaces within the parking section simply needs to be consistent with the recently adopted drive through zoning ordinance amendment.

Potential Amendment

Amend SECTION 138-11.305 – Stacking Spaces to require stacking spaces of nine (9) feet wide by twenty (20) feet long.

Performance Guarantee

Issue

The current ordinance language for performance bonds for landscaping installation does not fully match the policies of the Planning Department. Developers often look to file bonds in the name of contractors, and it has been staff's experience that this often causes issues as contractors are likely to change over time. Additionally, staff has found that the later in the process a bond is collected, the greater the potential for issues to be caused with a contractor's desire to finish a project.

Discussion

City staff (including the City's DPS/Engineering) department has required bonds to be in the name of the property owner for some time. This allows additional surety that the work will be completed pursuant to plans. In addition, bonds have been collected as a prerequisite of the Land Improvement Permit process and not at the end of construction as noted in the Ordinance. City Staff would like to align the zoning ordinance language with current policy, to allow for more efficient and better collection of bonds.

Potential Amendment

Amend SECTION 138-12.108 – Performance Guarantee to require bonds in the property owners name and at the time of Land Improvement Permits.

Summation

Included in the packet is the proposed zoning amendment language, minutes from the previous meetings this item was discussed, and the public hearing notice.

The February 18th Planning Commission will be the required public hearing on the proposed amendments and once a Planning Commission recommendation is made the proposed amendment will go before City Council for a first and second reading. Below is a proposed motion for the proposed ordinance amendments:

Motion to Recommend Approval of Ordinance Amendments

MOTION by _____, seconded by _____, that the Planning Commission **recommends** to City Council **approval** of ordinances to amend Section 138-1.203 – Public Hearing Procedures of Chapter 2 Administration, of Article 1 Administration and Enforcement, to modify public notice sign requirements and to

include public hearing requirements for preliminary plat (subdivision) review and preliminary plan (condominium) review; Section 138-2.207 – General Provisions of Chapter 2 Site Plan Review, of Article 2 Administrative Organization and Procedures, to provide clarification and additional time before the expiration of site plan approvals; Section 138-4.101 – Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, to revise the official responsible for making a determination on zoning district boundaries; Section 138-4.200 – Zoning Map and District Boundaries of Chapter 1 Generally, of Article 4 Zoning Districts and Permitted Uses, to include the R-5 One Family Residential district in the section title; Section 138-4.300 – Table of Permitted Uses by District, Table 4, Permitted Uses by Zoning District, of Article 4 Zoning Districts and Permitted Uses, to clarify when attached units are permissible relative to the R-5 and BD Districts and subject to which regulations, and to clarify that only existing automotive gasoline service stations and drive through facilities are permissible in the BD district; Section 138-4.425 Outdoor Storage: Accessory of Chapter 4 Design Standards, of Article 4 Zoning Districts and Permitted Uses, to require that outdoor storage areas in specified nonresidential zoning districts be paved; Section 138-5.205 Standard Methods of Measurement of Chapter 2 Supplemental Provisions and Exceptions, of Article 5 Schedule of Regulations, to clarify what site improvements count towards overall lot coverage; Section 138-10.100 General Standards for All Accessory Structures of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to clarify what constitutes a roof for the purposes of determining the applicability of accessory structure regulations; Section 138-10.102 Detached Accessory Structures, of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to provide an exemption for decks to be constructed in the front yard; Section 138-10.107 Fences of Chapter 1 Accessory Structures and Buildings, of Article 10 General Provisions, to define fence heights, locations and materials for nonresidential fencing; Section 138-10.311 Dumpster and Trash Storage Screening of Chapter 3 General Provisions, of Article 10 General Provisions, to provide additional standards for construction of nonresidential dumpster enclosures; Section 138-10.401 Solar Energy Systems of Chapter 4 Sustainable Energy Generation, of Article 10 General Provisions, to clarify that solar energy system requirements apply to both permanent and temporary structures; Section 138-11.305 – Stacking Spaces, of Chapter 3 Parking Design Standards, of Article 11 Off Street Parking and Loading, to clarify the size of stacking spaces; Section 138-12.108 – Performance Guarantee, of Chapter 1 Generally, of Article 12 Landscaping and Screening, to provide additional clarification and regulation for required landscaping bonds, of Article 13 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.