

memorandum

DATE: May 24, 2023
TO: Rochester Hills Planning Commission
FROM: Jill Bahm & Joe Tangari, Giffels Webster
SUBJECT: Non-Residential Zoning Amendments

Introduction

The process of refining and amending the FB districts in 2021 revealed some inconsistencies, overcomplexity, and confusion with underlying zoning districts. What seemed like a straightforward direction to clarify the business districts (launched with a joint planning commission/city council meeting in early 2022) quickly turned into a more thorough study of all of the non-residential zoning districts in the City.

Our goals with this project evolved over 2022 to include the following:

- Encourage economic vibrancy throughout the City by allowing some flexibility in office, REC and business districts.
- Improve higher-wage job creation by supporting traditional industrial, research and manufacturing
- Provide space for non-traditional commercial uses that benefit City residents
- Improve the relationship between residential and non-residential zoning districts in terms of permitted uses

To that end, we have refined and amended the list of uses, zoning standards and zoning map to:

- Streamline zoning districts and rezone parcels; this includes updated intent statements
- Simplify the list of permitted uses
- Ensure consistency and compatibility between districts
- Provide new definitions and standards for specific uses that often have external impacts on adjacent uses, particularly residential

The proposed district consolidation is shown on the following page; there are a few important notes:

- **Regional Employment Center (REC) districts.** About ten years ago, several zoning districts were created to advance that goal through land use development. Changes in the economy since that time led to a decline in the space needed for manufacturing/industrial-type businesses and new non-industrial uses have taken their place. Today, with a rise in specialized manufacturing and industrial uses, the demand for space is steadily increasing. The changes proposed with this zoning study are in line with the overall goals associated with the City's long-range plans.
- **B-1 and O-1 districts.** These districts appear on the zoning map in limited, scattered locations. They have partially overlapping lists of permitted uses. Rather than a blanket consolidation, careful study was given to where and how to consolidate and to what district.
- **B-5 district.** Based on looking at the sites that currently have B-5 zoning, it seems clear that there is broad locational consistency among gas stations. They are almost entirely located on the corner of two thoroughfares. The consolidation to Neighborhood and Community business was considered on a case-by-case basis, and new designations assigned accordingly.

- **ORT District.** The ORT district served overlapping functions with several other districts and scattered over several unconnected areas. Amendments remove this district and place the properties into other districts on a case-by-case basis, considering the surroundings and existing uses of those properties.

Proposed District Consolidation

Consolidation of zoning districts and simplification of the list of uses are some of the ways that the City can address these issues.

Existing Zoning Classification	Proposed Action	Notes
B-1	Delete and Rezone properties to Neighborhood Business	There are 31 parcels in six areas currently zoned B-1. Consolidation simplifies the map and the zoning ordinance.
B-2	Rename to Neighborhood Business (NB)	Neighborhood business will serve primarily residents in the immediate area.
B-3	Rename to Community Business	Community Business will serve a larger area but still primarily serving a local population.
B-5	Delete and Rezone to Neighborhood Business	Auto-related uses that could be addressed through rezoning parcels as appropriate.
	Community Business	
REC-1	Rename to Highway Business	Highway Business will serve people passing through the City along M-59.
REC-W	Employment Center	Rename for clarity and to reinforce the point of the district
ORT	Deleted and Rezone properties to Office	Delete ORT and rezone parcels as appropriate.
	Delete and Rezone to Employment Center	
	Delete and Rezone to Highway Business	
O-1	Rename to O Office	There will only be one office district.

Proposed Uses

To simplify the ordinance, several uses were consolidated through the creation/updating of definitions. This allows for some flexibility and helps the Zoning Ordinance be nimble and provide for new uses that fall within the general definitions, even if not explicitly identified. These include:

Definitions

Artisan Manufacturing, Limited means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products. All limited artisan manufacturing uses shall have a storefront for sales, and the size and impact of the use shall be consistent with other retail and offices uses in the district. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Health, Recreation and Physical Education Facilities means an establishment which is equipped and arranged for recreational activities and/or provides for instruction or activities which improve or affect a person's physical condition through movement. This may include, but shall not be limited to, personal training facilities; yoga, Pilates and barre studios; martial arts; dance; sports training; bowling alleys, gymnastics centers, laser tag, and the like.

Industry, Light means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

Industry, General means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "general industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, junkyards and truck terminals. General industry also includes non-productive land uses that do not contribute or support surrounding businesses, such as self-storage and outdoor storage of materials.

Uses Associated with the Renaming/Consolidation of Districts

Along with consolidating and renaming districts, the Planning Commission looked at the uses permitted in current and proposed zoning district with an aim to **clarify terms and better align uses with the zoning districts**. Below is a summary of the changes associated with the renaming and consolidation of districts.

Community, Public and Recreation uses: Can be consolidated and minor changes made for use standards as appropriate to the districts

Commercial and Retail Uses:

- Clarify that dry cleaners are only pickup locations, not processing
- Change "indoor theaters" and similar uses to "places of assembly;" add standards to regulate by size
- Remove "outdoor dining" as it is already covered by "sales/service of food outdoors" – combine with restaurants
- Delete the separate listing for retail in office districts and add back into the main retail line as "A" for accessory in the office district

- Move “medical office” to “professional and medical offices” for clarity – this does not change their permitted locations
- Update automobile service uses with additional standards related to the size of parcels for gas stations.
- Remove the terms “Private Indoor Recreational Facilities,” and “Studios or Instruction Centers for Music, Art, Dance, Crafts, Martial Arts, etc”. – replace them with a new term: “Health, Recreation and Physical Education Facilities” with size classifications that treats uses such as dance studios, sports training facilities, gyms and less structured uses like bowling alleys and laser tag facilities in a similar fashion.

Industrial uses: New definitions as noted above for Light Industrial and General Industrial that includes the variety of uses listed in the use table. This provides clarity and flexibility for potential new uses.

Temporary and other uses: The only addition here is for home occupations to be permitted where residential uses are permitted in the Brooklands and FB overlay.

Size-Based Uses

In addition, some uses are now permitted or conditionally permitted based on size to better align uses with where they may be permitted. These initially identified items are highlighted in yellow the use matrix, and include the following:

- **Places of Assembly:** While the current ordinance provides for these uses throughout the City, it was noted that some larger places of assembly and worship may have much more impact on adjacent uses in terms of building size and scale, as well as traffic. The proposed amendments permit places of assembly under 5,000 sf as permitted in the non-residential business districts (conditional in the Brooklands district) and those over 5,000 sf as conditional in the Neighborhood Business, Brooklands, and Office districts, and permitted in the others.
- **Places of Worship:** Places of worship align with the changes noted for places of assembly and remain conditional in the single-family districts, regardless of size.
- **Health & Physical Education Facilities:** These facilities will be permitted by size, with those under 5,000 sf permitted in all non-residential districts and conditionally in the Employment Center district; those over 5,000 sf will be conditional uses in the Neighborhood Business and Employment Center district and permitted in the Community Business and Highway Business districts.
- **Single-building retail establishments:** Retail stores over 75,000 sf are permitted conditionally in the Community Business and Highway Business Districts.

Proposed Use Standards

Gas Stations

Automotive Gasoline Service Stations and Associated Retail Uses are now conditionally permitted in the NB and CB districts, and permitted in the HB district, where previously they were confined to the B-5 district. Existing gas stations continue to be permitted in the Brooklands district.

Health, Recreation & Physical Education Facilities

- A. For such facilities, regardless of size, the applicant shall demonstrate that there is safe and adequate circulation and parking for the maximum number of users at any one time.
- B. Outdoor activity areas may be conditionally approved where the principal use is permitted, following the process provided in Chapter 3

Small-Scale Breweries, Wineries and Distilleries

- A. When permitted in the CB and HB districts, an on-site retail component is required that occupies at least 25% of the size of the facility.

- B. When permitted in the NB district, an on-site retail component is required that occupies at least 50% of the size of the facility.

Next Steps

- Staff held a special open house for property owners and interested residents on May 2, 2023, where questions were answered.
- The Planning Commission held a public hearing on May 16, 2023 and recommended adoption of the amendments with the modification to allow existing health, recreation and physical education facilities in the NB district to be permitted uses and to modify the CB setbacks to align with existing setback requirements.
- City Council will take final action on the amendments