



CITY COUNCIL AGENDA ITEM

Date: February 4, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING – FEBRUARY 18, 2013 – ZONING ORDINANCE TEXT AMENDMENT
(File Number: ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

History

The City of Troy Zoning Ordinance was adopted in April 2011. Prior to adoption, it was anticipated there would be some revisions that would be necessary once staff, the Planning Commission and applicants had an opportunity to use the document. The proposed revisions will fix inconsistencies, clarify provisions and generally make the document easier to use and understand.

There are a total of 26 issues proposed to be resolved. Of these, 14 are simple non-substantive corrections such as typos. The remaining 12 issues are more substantive. The attached PowerPoint presentation describes the proposed changes. The PowerPoint will be used to present this item at the February 18, 2013 Regular meeting.

The Planning Commission discussed these revisions at a number of public meetings.

The attached reports prepared by Carlisle/Wortman Associates, Inc. summarize the revisions.

The Planning Commission held a public hearing on this item on January 8, 2013 and recommended approval of the text amendment. City Council is the approval body for this amendment, following a public hearing.

Recommendation

City Management recommends approval of the proposed Zoning Ordinance text amendment.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

Date



CITY COUNCIL AGENDA ITEM

Attachments:

1. Proposed Zoning Ordinance Text Amendments - Public Hearing Draft
2. Report prepared by CWA, dated September 19, 2012.
3. Report prepared by CWA, dated October 17, 2012.
4. Planning Commission minutes (excerpts).
5. City Council PowerPoint presentation.

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CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE CITY OF TROY CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

1. Amend Section 2.02 to read as follows:

LOT FRONTAGE: The horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

2. Add Section 3.02.H to read as follows:

H. Enforce and interpret the meaning and applicability of all provisions and requirements of the ordinance.

3. Amend Section 3.10.C.1.c to read as follows:

c. The recommendation of approval to City Council of all preliminary plats subdividing land, ~~site condominium plans~~, planned unit developments, some special use approval applications, and any amendments or alterations thereof.

4. Amend Section 3.10.C.1.e to read as follows

e. Acting as the approval authority on site plans, site condominiums, and most special use approval applications.

5. Amend Table 4.06.C to read as follows:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
R-1A											
No Sewer	30,000	150	<u>150</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<u>120</u>	2 ½		40	15	30	45	1,400	30%
R-1B											
No Sewer	21,780	110	<u>110</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	15,000	100	<u>100</u>	2 ½		40	10	25	45	1,400	30%
R-1C											
No Sewer	21,780	110	<u>110</u>	2 ½	30	30	15	30	40	1,200	30%
Sewer	10,500	85	<u>85</u>	2 ½		30	10	20	40	1,200	30%
R-1D											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	40	1,000	30%
Sewer	8,500	75	<u>75</u>	2 ½		25	8	20	40	1,000	30%
R-1E											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	35	1,000	30%
Sewer	7,500	60	<u>60</u>	2 ½		25	5	15	35	1,000	30%

6. Add Section 4.06.D.6 Supplemental District Standards to read as follows:

6. LOT FRONTAGE ON CORNER LOTS, CURVED ROADS, AND CUL-DE-SACS:

- a. On all corner lots, the frontage set forth shall be measured on one (1) street only.
- b. For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- c. In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

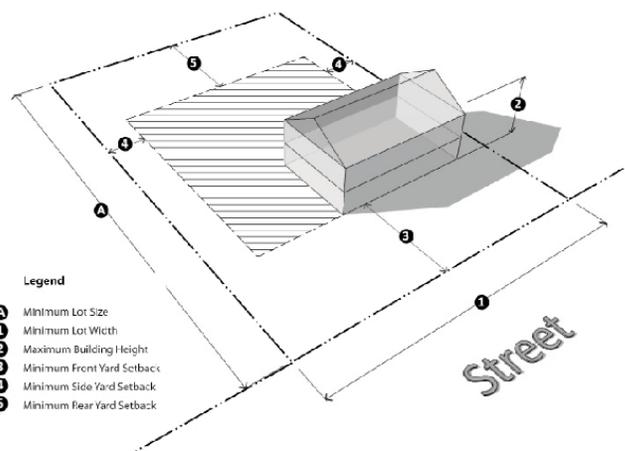
7. Amend Section 4.06-4:18 so that legend icon is consistent in both graphic and tables (eExample below):

Article 4
District Regulations

BACK FORWARD



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Legend

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Non-Code Appeals, A.M.

Use District	Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings	
	Area in Sq. Ft. (1)	Width in Ft. (1)	In Stories (2)	In Feet (2)	Front (3)	Sides (4)	Rear (5)				
R-1A	No Sewer	50,000	150	2 1/2	30	40	15	30	45	1,400	30%
	Sewer	21,780	120	2 1/2	30	40	15	30	45	1,400	30%
R-1B	No Sewer	21,780	110	2 1/2	30	40	15	30	45	1,400	30%
	Sewer	15,000	100	2 1/2	30	40	10	25	45	1,400	30%
R-1C	No Sewer	21,780	110	2 1/2	30	30	15	30	40	1,200	30%
	Sewer	10,900	85	2 1/2	30	30	10	20	40	1,200	30%
R-1D	No Sewer	21,780	110	2 1/2	30	25	15	30	40	1,000	30%
	Sewer	8,900	75	2 1/2	30	25	8	20	40	1,000	30%
R-1E	No Sewer	21,780	110	2 1/2	30	25	15	30	25	1,000	30%

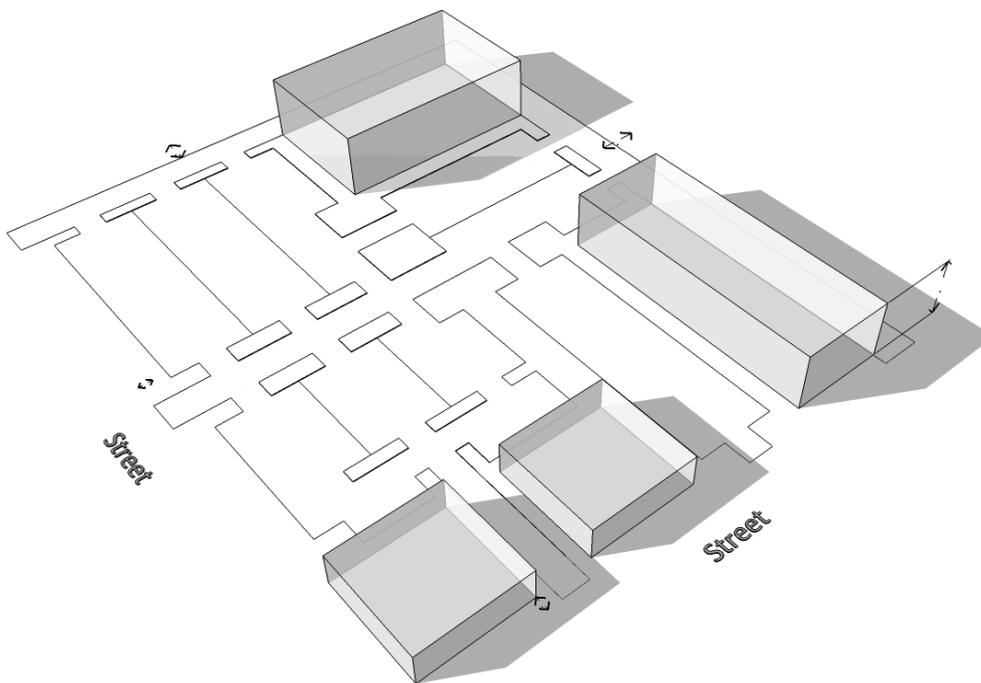
8. Amend Section 4.07 Table to read:

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft.	In Stories (2)	In Feet (2)	Front (3)	Sides (4)		Rear (5)		
						Least One (4)	Least Two (4)			
15,000 without sewers	75	N/A	2 ½	30	25	40	20	35	1,000	30%
5,000 without sewers	40	40				5	15			

9. Amend Section 4.13.D.4.a and b, Section 4.14.D.4.a and b, Section 4.16.D.4.a and b, Section 4.18.D.5.a and b to read as follows:

- a. ~~Parking shall not be located in the front yard.~~
- a. ~~No more than fifty (50) percent of the total a site's linear feet along the front building line shall be occupied by parking lot~~ required parking as set forth in Section 4.21 may be located in a front yard.
- b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.

10. Amend Section 4.14 to replace the existing graphic with the following graphic:



11. Amend Section 4.21 Schedule of Use Regulations Table to read as follows:

Automobile Use	IB
Vehicle, recreational vehicle sales	S
Vehicle repair stations	<u>S</u> <u>P</u>
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	<u>S</u> <u>P</u>
Ambulance facilities	<u>S</u> <u>P</u>
Vehicle rental	<u>S</u> <u>P</u>

17. Amend Section 5.03 Form Based Districts Use Group by Category to read as follows:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY	
PRINCIPAL USE	
Use Group 5	Retail, Entertainment, and Service Uses:
	<u>Lodging</u>
	Financial institutions
	General retail
	Retail, large-format
	Shopping centers
	Fitness, gymnastics, and exercise centers
	Theatres and places of assembly
	Indoor commercial recreation establishments
	Restaurant
	Personal services
	Business services

18. Amend Section 5.03 Form Based Districts Use Groups by Category to read as follows:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY	
PRINCIPAL USE	
Use Group 6	Miscellaneous Commercial Uses:
	Building & lumber supply
	Garden centers, nurseries
	Outdoor commercial recreation
	Indoor commercial recreation
	Self-Storage
	Commercial kennels / pet day care
	Drive-through facilities

19. Add Section 5.03.C to read as follows:

C. Landscaping In Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
 - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.

- b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
- c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

20. Amend Section 6.10.C.1 to read as follows:

- 1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

21. Amend Section 6.16 Lodging to read as follows:

Lodging/Extended Stay Facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06.

22. Add Section 6.26.F. Vehicle Repair to read as follows:

- F. Any proposed vehicle repair use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

23. Amend Section 6.26, Section 6.27, and Section 6.28 (Page 179) to change text color from blue to black for “Vehicle Repair”, “Vehicle Sales – New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”

24. Amend Section 6.30.B.2 to read as follows

- 2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section ~~6.29.B.1~~ 6.30.B.1, then, wireless communication facilities may be applied for elsewhere in the City and must follow the district specific criteria and is subject to the criteria and standards set forth in this Ordinance.

25. Add Section 6.31. Antique Vehicle Sale, Ambulance Facility, and Vehicle Rental to read as follows:

SECTION 6.31: ANTIQUE VEHICLE SALE, AMBULANCE FACILITY, AND VEHICLE RENTAL

- A. Any proposed antique vehicle sale, ambulance facility, and vehicle rental use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any

parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

26. Add Section 6.32 to read as follows:

SECTION 6.32: MULTI-FAMILY DWELLING UNITS IN THE IB DISTRICT

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

27. Amend Section 7.13.I.4 to read as follows:

4. The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

28. Amend Section 10.04.E.1 to read as follows:

1. Overall density shall not exceed the number of residential cluster units determined in Section ~~10.05.D~~ 10.04.D, unless a density bonus has been granted by City Council.

29. Amend Section 12.04.F.1.a to read as follows:

1. Setbacks
- a. The distance between a WECS or TMT and the nearest property line shall be at least the one and a half (1.5) times the height of the WECS or TMT for all zoning districts except R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts. For R1-A, R1-B, R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts, the distance between a WECS or TMT and the nearest property line shall be at least the two (2) times the height of the WECS or TMT. This shall include property lines that abut a public right-of-way.

30. Amend Section 12.04.F.2.a.i to read as follows:

- i. In R1-C, R1-D, R-1E, CR-1 and ~~R-1T~~ RT Districts, on-site WECS and TMTs shall not exceed twenty-five (25) feet in height.

31. Add Section 13.02 add the following title to Table 13.02-C:

Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials

32. Amend Section 13.05.C.3:

3. Height. The maximum height of a base, a pole and fixtures shall be twenty-five (25) feet. A maximum height of thirty (30) feet may be permitted in an

~~industrial district~~ the IB or PV districts where fixtures are no closer than two hundred (200) feet to any residential district.

33. Add Section 16.03.C to read as follows:

C. Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - a. A change in City policy since the Master Plan was adopted
 - b. A change in conditions since the Master Plan was adopted.
 - c. An error in the Master Plan.
2. The proposed rezoning will not cause nor increase any non-conformity.
3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
4. The rezoning will not impact public health, safety, and welfare.
5. The rezoning will insure compatibility with adjacent uses of land.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2013.

Dane Slater, Mayor

Aileen Bittner, City Clerk



CARLISLE

WORTMAN
associates, inc.

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MEMORANDUM

TO: R. Brent Savidant, AICP, Planning Director

FROM: Ben Carlisle, AICP

DATE: September 19, 2012

RE: Zoning Ordinance Amendments

The City of Troy Zoning Ordinance was adopted in April 2011. It is common that a year or so after the adoption of a new zoning ordinance, staff, planning commissioners, and outside interests identify specific language and other clarifications that need further discussion and potential amendments. Many of the proposed amendments are minor (capitalization, consistency in labeling, etc); however some considerations for amendments are substantive.

As part of the process of reviewing the existing ordinance, we have identified twelve (12) substantive and fourteen (14) minor amendments changes. Listed below are the cumulative twenty-five (26) amendments for consideration. For the substantive amendments we have provided a detailed explanation and proposed ordinance language. For the typographical errors we have simple listed the existing language and the proposed ordinance language. If requested we can provide additional information.

Substantive Amendments:

Each amendment has three parts: 1). the ordinance section number, page number, and existing ordinance language; 2). details outlining the proposed text amendment and explanation as to why the amendment is warranted; and 3). the proposed amended language. Removed text is ~~struck through~~ and proposed new ordinance language is underlined.

- 1. Section 4.13.D.4.a (CB District Page 72) :** *Parking shall not be located in the front yard.*
Section 4.14.D.4.a (GB District Page 76) : *Parking shall not be located in the front yard.*
Section 4.15.D.4.a (O District Page 84) : *Parking shall not be located in the front yard.*
Section 4.18.D.5.a (RC District Page 92) : *Parking shall not be located in the front yard.*

Issue: The parking requirements for districts CB, GB, O, and RC do not allow parking in the front yard. Front Yard is defined as "An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building." Hence due to the definition of front yard, parking is not permitted in the front

of any building these districts, regardless of how far back the actual building is from the street. In conversations between with staff it is unclear if the intent was to preclude any parking in front of the building. Irrespective of the intent, in these auto-oriented commercial and office districts a limited parking in front of the building, but outside of the required front yard, should be permitted. Unlike form-based districts, where there is a requirement to place buildings up to the street in order to create pedestrian forms and street presence, developments in these districts are more auto-oriented.

One of the primary justifications for limiting parking in front of the building is to ensure that the parking is does not dominate the front façade, as well as ensure that the building is able to create some street presence. However, in these districts there already exists language in the ordinance that state “No more than fifty (50) percent of the total site’s linear feet along the front building line shall be occupied by parking lot.” This requirement limits the total amount of parking in front of the building and mitigates concerns that parking would dominate parking in the front yard.

Please note that an amendment to the parking location for these sections will not amend any parking location requirement in form-based districts.

Proposed Amendment Language:

Section 4. Off-Street Parking Location.

- a. ~~Parking shall not be located in the front yard.~~
- b. No more than fifty (50) percent of the total site’s linear feet along the front building line shall be occupied by parking lot.

2. Section 4.21 Schedule of Use Regulations Table (Page 101): Reclassify selective automotive limited automotive and transportation uses in the IB district from Special to Permitted.

Current Ordinance:

Use	IB
Vehicle, recreational vehicle sales	S
Vehicle repair stations	S
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S
Ambulance facilities	S
Vehicle rental	S

Issue: Recognizing that some of the area devoted to manufacturing and industrial uses may be outdated and conducive to redevelopment of other uses, the IB District was created. The IB District is intended to continue to recognize more traditional manufacturing and industrial use; however encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses. The IB District recognizes the difficulty of certain sites for redevelopment and

open up the list of uses accordingly. As such, the IB District permits a multitude of uses by-right ranging from multiple-family residential to shopping centers to light and medium industrial uses. However, automobile uses are the only category of uses that require special uses. Many concerns associated with further opening the IB District Use and potential impact upon surrounding properties, are mitigated through the special use process for drive-through uses, limitation on outdoor storage, and landscape transitions between incompatible uses.

We recommend that certain uses in the Automotive/Transportation category that have minimal exterior impacts be allowed by-right.

Proposed Amendment Language:

Use	IB
Vehicle, recreational vehicle sales	S, P
Vehicle repair stations	S, P
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S, P
Ambulance facilities	S, P
Vehicle rental	S, P

3. Section 4.21 Schedule of Use Regulations Table (Page 101): Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted or Special based on district.

Issue: Oil change facilities are not a listed use in the Schedule of Use Regulations. In previous practice oil facilities were treated similar to vehicle repair. However, oil change facilities are a common use that have different impacts than other vehicle repair and other automobile uses. In addition, vehicle repair has defined supplemental use regulations as listed in Section 6.26, of which are not applicable to oil change facility operations. Oil change facilities should be added and classified as a Permitted or Special Use based on district.

Proposed Amendment Language:

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

4. Section 4.21 Schedule of Use Regulations Table (Page 101): Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district. (Note: see section 6.30)

Issue: Wireless Communication Facilities are a use defined in Article 2 (definitions) and have specific use standards outlined in Section 6.30, but are not a listed use in the Schedule of Use Regulations. Wireless Communications, both attached to existing building and free-standing tower, are a common use that should be added to the use table. Due to different visual effects and potential for secondary impact, free standing towers should require greater regulations in regards to both ability to be located in certain districts and requirement to obtain special use approval in others. Wireless communication facilities located on existing structures are permitted in all districts provided that they meet those supplemental use regulations listed in Section 6.30.B.1.

All Wireless communication facilities still must comply with Section 6.30.

Proposed Amendment Language:

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Wireless Communication Facility (complies with section 6.30.B.1)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Communication Facility (free standing tower)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>S</u>							

5. Section 5.03 Form Based Districts Use Group by Category (Page 108): Add “Lodging” as use in Use Group 5

Issue: Lodging facilities are not a listed use in the form-based code. Previous applications for lodging facility in the form-based districts have been required to go through a P.U.D. process. Lodging facilities are an intended use in the form-based districts. Not including this use was an oversight of the previous draft. Adding lodging to the code is consistent with the Master Plan and would clarify the intent of the zoning ordinance.

Proposed Amendment Language:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 5
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Financial institutions
General retail

6. Section 5.03 Form Based Standards Applicable to All Districts (Page 110): Add “Section C” to add specific landscaping requirements in the Form Based Districts.

Issue: Section 13.02 outlines Landscaping requirements. These requirements are not district specific and rather apply throughout the city. These regulations include screening between uses, parking lot landscaping, greenbelt planting, and a requirement to provide at least 20% of the site landscaping. However, as recently discussed by the Planning Commission for the Big Beaver PUD, a 20% landscaping requirement for developments in the more urban and pedestrian oriented Form-Based districts might not be appropriate. Due to the building form requirements of the Big Beaver corridor, and the desire to build more “urban” style developments, obtaining

20% site landscaping is often difficult to obtain. Looking at other ordinances including City of Omaha and the City of Chicago, we recommend reducing the total percentage of site landscaping to 15% with options for relief.

Proposed Amendment Language:

EXAMPLE: LANDSCAPE REQUIREMENT IN FORM-BASED DISTRICT				
Site Area	15% required landscaping	50% of 15% of required landscaping (greenscape)	25% of 15% of required landscaping (hardscape)	25% of 15% of required landscaping can be relieved through sustainable design option
100,000 sq/ft	15,000 sq/ft	7,500 sq/ft	3,750 sq/ft	3,750 sq/ft

Section 5.03.C: Landscaping in Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
 - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
 - b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
 - c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

7. Section 6.10.C.1 and C.2 (Page 170): Amend Section 6.10.C.1 and C.2 to reduce the width of drive-through drive-aisles from 12 feet to 10 feet.

Issue: The requirement of a 12-foot width for drive-through aisles is not necessary. First, due to adjacent buildings, other cars, and necessities to stop (order menus, pick-up windows, ATMs, tellers booths, etc) cars travel slower through drive-through aisles. Secondly, all drive-through aisles are one way, or separated via striping or curbs. 12-foot wide lanes are only necessary for two-way traffic. Reducing the width from 12-feet to 10-feet will not cause additional traffic conflict, will allow additional area for both building or landscaped area, and will have the added effect of naturally reducing automobile speed. The ten (10) foot drive-through aisle width is consistent with what was recently passed for bank uses in the Big Beaver form based district.

Proposed Amendment Language:

Section 6.10.C.1 and C.2:

Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

- 8. Add Section 6.31 (Page 170):** Add Section 6.31 to allow 1 story multi-family residential uses as permitted uses in the IB districts only for conversion of existing buildings.

Issue: Recognizing that some of the area devoted to manufacturing and industrial uses may be outdated and conducive to redevelopment of other uses, the IB District was created. The IB District is intended to continue to recognize more traditional manufacturing and industrial use; however encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses. The IB District recognizes the difficulty of certain sites for redevelopment and open up the list of uses accordingly. As such, the IB District permits a multitude of uses by-right ranging from multiple-family residential to shopping centers to light and medium industrial uses.

The current ordinance prevents the construction of one-story multi-family dwelling units. The intent of requiring multiple story multi-family structures is to require greater massing and scale. However, there are many existing one story buildings in the IB District that could be converted into multi-family. The proposed amendment to allow one-story multi-family dwelling units is only permitted for existing building in the IB district.

Proposed Amendment Language:

Section 6.31: Multi-family dwelling units in the IB District.

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

- 9. Section 7.13.1.4 (Page 199):** Amend the maximum duration for outdoor special events from four (4) to seven (7) days.

Issue: Section 7.13.1.4 limits outdoor special events, such as grand openings and corporate, institutional, and community celebrations and fundraising activities, to a maximum of four (4) consecutive days. These four (4) days includes on-site event preparation, setup, and cleanup. Often due to on-site event preparation, setup, and cleanup, a maximum of four (4) days is not sufficient. Extending the time allowance from four (4) to seven (7) days would provide the necessary time to setup for the event, hold the event, and cleanup. Extending the time for outdoor events would not significantly impact traffic or public facilities (police, fire, etc).

Proposed Amendment Language:

Section 7.13.1.4:

The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

- 10. Section 16.03 (page 313):** Add standards for rezoning

Issue: While there are standards for conditional rezoning as outlined in Section 16.04; there are no standards for a straight rezoning outlined in Section 16.03. The ordinance should include standards for the Planning Commission and ultimately the City Council to consider in regards to

rezoning. Such standards can include consistency with Master Plan, impact upon public facilities, etc.

Proposed Amendment Language:

Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - 1. A change in City policy since the Master Plan was adopted
 - 2. A change in conditions since the Master Plan was adopted.
 - 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

11. Single-Family Districts: Amend Frontage requirements

Issue: There is not a minimum lot frontage requirement for lots in the R-1 districts. The requirement of minimum lot frontage, in combination with minimum lot size, depth, width, and setback ensures that newly created lots will be able to comply with all site development standards. Requiring a minimum lot frontage would ensure that the creation of new lots have the necessary access with the extension of a road that meets City of Troy requirement. A lack of minimum lot frontage requirement would allow the creation of a new lot by extending the road as a driveway. Furthermore, requiring a minimum lot frontage eliminates the creation of flag lots.

Proposed Amendment Language:

- Add Lot Frontage Definition to Article 2:

Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

- Amend Table 4.06.C:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
R-1A											
No Sewer	30,000	150	<u>150</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	<u>120</u>	2 ½		40	15	30	45	1,400	30%

R-1B											
No Sewer	21,780	110	<u>110</u>	2 ½	30	40	15	30	45	1,400	30%
Sewer	15,000	100	<u>100</u>	2 ½		40	10	25	45	1,400	30%
R-1C											
No Sewer	21,780	110	<u>110</u>	2 ½	30	30	15	30	40	1,200	30%
Sewer	10,500	85	<u>85</u>	2 ½		30	10	20	40	1,200	30%
R-1D											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	40	1,000	30%
Sewer	8,500	75	<u>75</u>	2 ½		25	8	20	40	1,000	30%
R-1E											
No Sewer	21,780	110	<u>110</u>	2 ½	30	25	15	30	35	1,000	30%
Sewer	7,500	60	<u>60</u>	2 ½		25	5	15	35	1,000	30%

- Amended Section 4.06.D Supplemental District Standards to add frontage language regarding corner lots and cul-de-sacs:

Section 4.06.D.6: Lot Frontage on Corner Lots, Curved Roads, and Cul-de-Sacs

- On all corner lots, the frontage set forth shall be measured on one (1) street only.
- For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

12. Section 4.21 Schedule of Use Regulations (p.100): Add Extended Stay Facilities as a use to the schedule of use regulations.

Issue: There are at least two extended stay facilities in Troy. One is controlled by a consent judgment, and the other is in the MR, Multiple Family zoned district. While it is defined in Article 2 (Definitions), extended stay facilities are not a listed use in the ordinance. Previous practice considered these facilities most similar to hotel. However, hotel is not a permitted use in the multiple family districts. Thus this extended stay facility is considered non-conforming.

The table of uses should be amended to add extended stay facilities as a use. In consideration of similar uses, hotel uses is not most appropriate use to compare such use too. Rather, due to similar operations and impacts, these facilities are more similar to multiple-family and apartments uses, and should be regulated in a similar manner.

Proposed Amendment Language:

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple Family Dwelling Unit (9 stories +)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP

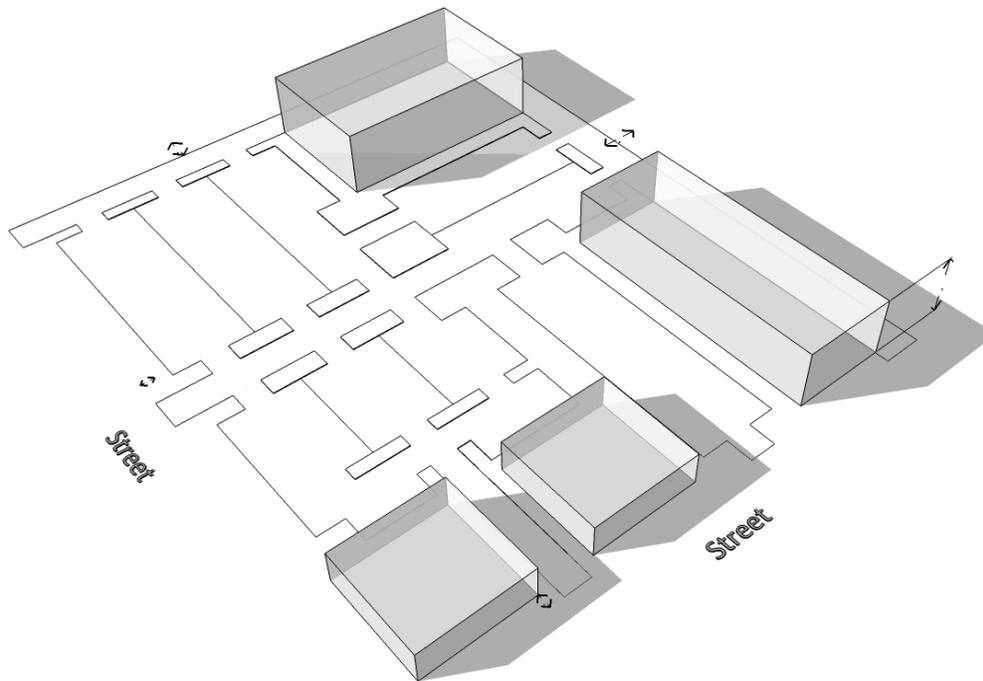
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
Extended Stay Facility	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Minor:

- Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
- Section 4.07 Table (page 51):** Amend “5,000 without sewers” to “5,000 with sewers” and reduce side yard to 5’ for least one and 15’ for least two. Reducing side yard setbacks is consistent with R-1E lot requirements.

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft.	In Stories (2)	In Feet (2)	Front (3)	Sides		Rear (5)		
						Least One (4)	Least Two (4)			
15,000 without sewers	75	N/A	2 ½	30	25	10	20	35	1,000	30%
5,000 with sewers	40	40				5	15			

- Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations). New Graphic:



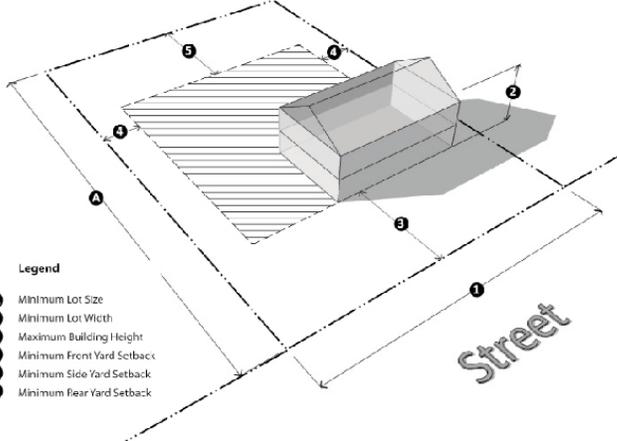
4. **Section 4.06-4:18 (pgs. 47, 51, 55, 59,65, 71, 53, 75, 79, 83, 87, and 91):** Amend all district regulation tables so that legend icon is consistent in both graphic and tables. Example below:

Article 4
District Regulations

BACK FORWARD



57



Legend

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback

Use District	Minimum Lot Size Per Dwelling Unit			Maximum Height In Feet	Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Area in sq. ft.	Width in ft.	In Stories		Front	Sides	Rear			
	1	1	2		3	Least One 4	Least Two 4	6		
B-1A										
No Sewer	30,000	150	2 1/2	30	40	15	30	45	1,400	30%
Sewer	21,780	120	2 1/2		40	15	30	45	1,400	30%
B-1B										
No Sewer	21,780	110	2 1/2	30	40	15	30	45	1,400	30%
Sewer	15,000	100	2 1/2		40	10	25	45	1,400	30%
B-1C										
No Sewer	21,780	110	2 1/2	30	30	15	30	40	1,200	30%
Sewer	10,500	85	2 1/2		30	10	20	40	1,200	30%
B-1D										
No Sewer	21,780	110	2 1/2	30	25	15	30	40	1,000	30%
Sewer	8,500	75	2 1/2		25	8	20	40	1,000	30%
B-1E										
No Sewer	21,780	110	2 1/2	30	25	15	30	35	1,000	30%

Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Non-Code Appeals/Amr

5. **Section 4.21 Schedule of Regulations Table (page 98):** Amend “R-T” to “RT”
6. **Section 4.21 Schedule of Regulations Table (Page 99):** Add “P” to Retail, large-format for CB district
7. **Section 5.03 Form Based Districts Use Groups by Category Table (Page 108):** Remove bold and underline from “Drive-through facilities”
8. **Section 5.04, Section 5.05, and Section 5.06 Form Based District Use Groups Permitted Table (Page 133, 143, and 158):** Amend “Table 5.03-1” to “Table 5.03-A-1”
9. **Section 6.26, Section 6.27, and Section 6.28 (Page 179):** Change text color to black for “Vehicle Repair”, “Vehicle Sales –New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”
10. **Section 6.30.B.2 (Page 182):** Amend “Section 6.29.B.1” to “6.30.B.1”

- 11. Section 10.04.E.2 (Page 225):** Amend “Section 10.04.E.2” to refer to “Section 10.04.D”
- 12. Section 12.04.F.1 and 2.a.i (Page 251):** Amend “R-1T” to “RT”
- 13. Section 13.02 (Page 276):** Add the following label to table: “Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials”
- 14. Section 13.05.C.3 (Page 282):** Amend Section 13.05.C.3: Amend “in an industrial district where” to say “in the IB or PV districts when”

Please contact me if you have any questions.



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP



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MEMORANDUM

TO: R. Brent Savidant, AICP, Planning Director

FROM: Ben Carlisle, AICP

DATE: October 17, 2012

RE: Zoning Ordinance Amendments

Complete list of Substantive Amendments (including October 9th Considerations):

Listed below is the list of substantive amendments. We have only listed the proposed amendment language. For more details regarding justification, please refer to our September 19, 2012 memo.

- 1. Section 4.13.D.4.a (CB District Page 72) :** *Parking shall not be located in the front yard.*
Section 4.14.D.4.a (GB District Page 76) : *Parking shall not be located in the front yard.*
Section 4.15.D.4.a (O District Page 84) : *Parking shall not be located in the front yard.*
Section 4.18.D.5.a (RC District Page 92) : *Parking shall not be located in the front yard.*

Proposed Amendment Language:

Section 4. Off-Street Parking Location.

- a. ~~Parking shall not be located in the front yard.~~

a. No more than fifty (50) percent of ~~total site's linear feet along the front building line shall be occupied by parking lot.~~ a site's required parking as set forth in Section 4.21 may be located in a front yard.

b. Through the Sustainable Development Option as set forth in Section 12.01 of the Ordinance, relief may be granted to allow greater than fifty (50) percent of a site's required parking to be located in a front yard.
- 2. Section 4.21 Schedule of Use Regulations Table (Page 101):** Reclassify selective automotive limited automotive and transportation uses in the IB district from Special to Permitted. Require that automobile uses within 300-feet of residential zoned or used property shall be reviewed as a special use as set forth in Article 9.

Proposed Amendment Language:

Section 4.21 Schedule of Use Regulations Table (Page 101):

Automobile Use	IB
Vehicle, recreational vehicle sales	S
Vehicle repair stations	S, P
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S, P
Ambulance facilities	S, P
Vehicle rental	S, P

Section 6.26.F. Vehicle Repair (Page 179):

- F. Any proposed vehicle repair use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

Section 6.31. Antique Vehicle Sale, Ambulance Facility, and Vehicle Rental:

- A. Any proposed antique vehicle sale, ambulance facility, and vehicle rental use within three hundred (300) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) to any residential zoning district or any parcel used for residential purposes shall be reviewed as a special use as set forth in Article 9.

- 3. Section 4.21 Schedule of Use Regulations (p.100) and Section 6.16 Lodging (Page 174):** Add Extended Stay Facilities as a use to the schedule of use regulations and add Extended Stay Facilities to the special use provisions of Lodging Facilities.

Section 4.21:

	R1-A through R1-E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Multiple Family Dwelling Unit (9 stories +)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP

<u>Extended Stay Facility</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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Section 6.16. Lodging Facilities (Page 174):

SECTION 6.16 LODGING FACILITIES / EXTENDED STAY FACILITIES

Lodging/Extended Stay Facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06.

- 4. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted or Special based on district.

Proposed Amendment Language:

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

- 5. Section 4.21 Schedule of Use Regulations Table (Page 101):** Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district. (Note: see section 6.30)

Proposed Amendment Language:

Section 4.21:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<u>Wireless Communication Facility (complies with section 6.30.B.1.)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Wireless Communication Facility (free</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>S</u>							

standing tower)																		
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6. Section 5.03 Form Based Districts Use Group by Category (Page 108): Add “Lodging” as use in Use Group 5

Proposed Amendment Language:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 5
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Financial institutions
General retail

7. Section 5.03 Form Based Standards Applicable to All Districts (Page 110): Add “Section C” to add specific landscaping requirements in the Form Based Districts.

Proposed Amendment Language:

Section 5.03.C: Landscaping in Form-Based Districts

1. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
 - a. Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
 - b. Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required

landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.

- c. Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

- 8. Section 6.10.C.1 and C.2 (Page 170):** Amend Section 6.10.C.1 and C.2 to reduce the width of drive-through drive-aisles from 12 feet to 10 feet.

Proposed Amendment Language:

Section 6.10.C.1 and C.2:

Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

- 9. Add Section 6.31 (Page 170):** Add Section 6.31 to allow 1 story multi-family residential uses as permitted uses in the IB districts only for conversion of existing buildings.

Proposed Amendment Language:

Section 6.31: Multi-family dwelling units in the IB District.

- A. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

- 10. Section 7.13.I.4 (Page 199):** Amend the maximum duration for outdoor special events from four (4) to seven (7) days.

Proposed Amendment Language:

Section 7.13.I.4:

The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

- 11. Section 16.03 (page 313):** Add standards for rezoning

Proposed Amendment Language:

Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 1. A change in City policy since the Master Plan was adopted
 2. A change in conditions since the Master Plan was adopted.

- 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

12. Single-Family Districts: Amend Frontage requirements

Proposed Amendment Language:

- Add Lot Frontage Definition to Article 2:

Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

- Amend Table 4.06.C:

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- Amended Section 4.06.D Supplemental District Standards to add frontage language regarding corner lots and cul-de-sacs:

Section 4.06.D.6: Lot Frontage on Corner Lots, Curved Roads, and Cul-de-Sacs

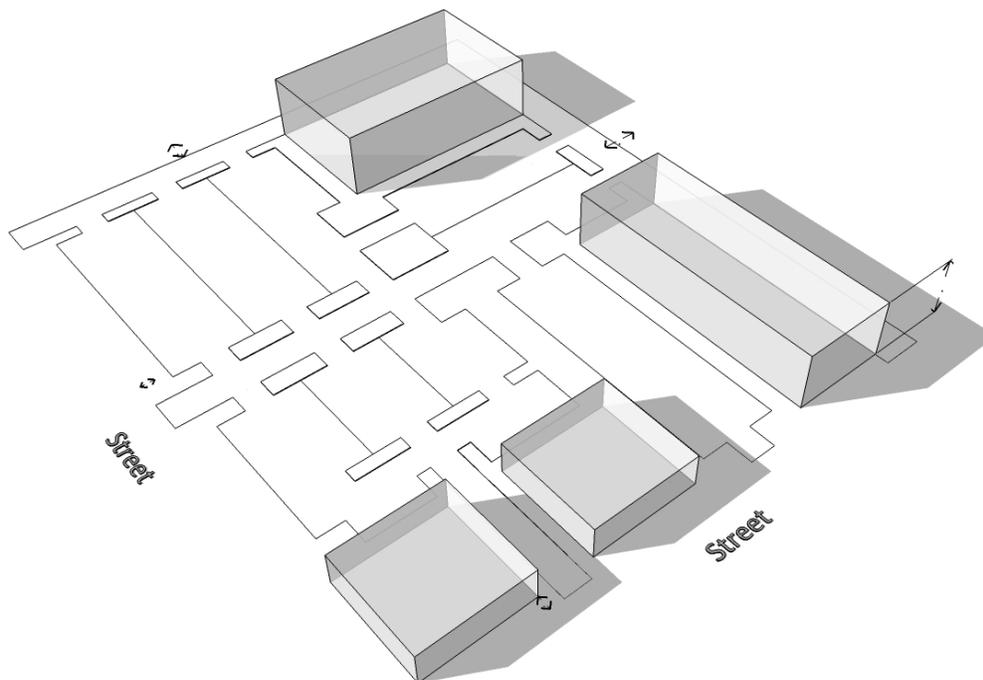
- a. On all corner lots, the frontage set forth shall be measured on one (1) street only.
- b. For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve.
- c. In the event that the lot is situated on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

Minor:

- Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
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					(3)	Least One (4)	Least Two (4)	(5)		
15,000 without sewers	75	N/A	2 ½	30	25	10	20	35	1,000	30%
5,000 with sewers	40	40				5	15			

- Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations). New Graphic:



4. **Section 4.06-4:18 (pgs. 47, 51, 55, 59,65, 71, 53, 75, 79, 83, 87, and 91):** Amend all district regulation tables so that legend icon is consistent in both graphic and tables. Example below:

Article 4
District Regulations

BACK FORWARD



57

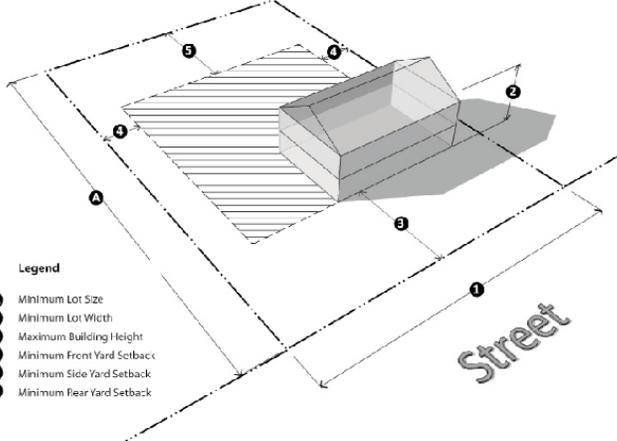
Authority and Administration

Development Regulations

Processes and Procedures

Supplemental Design Regulations

Non-Applicable



Legend

- A** Minimum Lot Size
- 1** Minimum Lot Width
- 2** Maximum Building Height
- 3** Minimum Front Yard Setback
- 4** Minimum Side Yard Setback
- 5** Minimum Rear Yard Setback

Use District	Minimum Lot Size Per Dwelling Unit			Maximum Height In Feet	Minimum Yard Setback (ft) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Area in Sq. Ft.	Width in Ft.	In Stories		Front	Sides		Rear		
					3	Least One 4	Least Two 4	6		
R-1A				30						
No Sewer	30,000	150	2 1/2		40	15	30	45	1,400	30%
Sewer	21,780	120	2 1/2	40	15	30	45	1,400	30%	
R-1B				30						
No Sewer	21,780	110	2 1/2		40	15	30	45	1,400	30%
Sewer	15,000	100	2 1/2	40	10	25	45	1,400	30%	
R-1C				30						
No Sewer	21,780	110	2 1/2		30	15	30	40	1,200	30%
Sewer	10,500	85	2 1/2	30	10	20	40	1,200	30%	
R-1D				30						
No Sewer	21,780	110	2 1/2		25	15	30	40	1,000	30%
Sewer	8,500	75	2 1/2	25	8	20	40	1,000	30%	
R-1E				30						
No Sewer	21,780	110	2 1/2		25	15	30	35	1,000	30%

5. **Section 4.21 Schedule of Regulations Table (page 98):** Amend “R-T” to “RT”
6. **Section 4.21 Schedule of Regulations Table (Page 99):** Add “P” to Retail, large-format for CB district
7. **Section 5.03 Form Based Districts Use Groups by Category Table (Page 108):** Remove bold and underline from “Drive-through facilities”
8. **Section 5.04, Section 5.05, and Section 5.06 Form Based District Use Groups Permitted Table (Page 133, 143, and 158):** Amend “Table 5.03-1” to “Table 5.03-A-1”
9. **Section 6.26, Section 6.27, and Section 6.28 (Page 179):** Change text color to black for “Vehicle Repair”, “Vehicle Sales –New, Used, and Vintage”, and “Vehicle Fueling / Multi-Use Station”
10. **Section 6.30.B.2 (Page 182):** Amend “Section 6.29.B.1” to “6.30.B.1”

- 11. Section 10.04.E.2 (Page 225):** Amend “Section 10.04.E.2” to refer to “Section 10.04.D”
- 12. Section 12.04.F.1 and 2.a.i (Page 251):** Amend “R-1T” to “RT”
- 13. Section 13.02 (Page 276):** Add the following label to table: “Table 13.02-C: Minimum Size and Spacing Requirements for Landscaping Materials”
- 14. Section 13.05.C.3 (Page 282):** Amend Section 13.05.C.3: Amend “in an industrial district where” to say “in the IB or PV districts when”

Please contact me if you have any questions.



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

ZONING ORDINANCE TEXT AMENDMENT

8. **ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244)** – Miscellaneous Zoning Ordinance Revisions

Mr. Savidant and Mr. Carlisle dually presented the report prepared by Carlisle/Wortman Associates, Inc. The report explained that the City of Troy Zoning Ordinance was adopted in April 2011. It is common that a year or so after the adoption of a new zoning ordinance, staff, planning commissioners, and outside interests identify specific language and other clarifications that need further discussion and potential amendments. Many of the proposed amendments are minor (capitalization, consistency in labeling, etc); however, some considerations for amendments are substantive.

The non-substantive amendments listed in the report were not discussed. The Planning Commission members were asked to review those items on their own. Any suggestions would be shared with the Planning Commission at a later meeting.

The Planning Commission discussed the twelve substantive items proposed in the report. They reached consensus on all items.

Mr. Savidant stated the Planning Department would revise the proposed language as agreed upon by the Planning Commission and return with revised language at a future date.

ZONING ORDINANCE TEXT AMENDMENT

5. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions

There was general discussion of proposed text amendment language.

ZONING ORDINANCE TEXT AMENDMENT

8. **ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

The Planning Commission discussed and reached consensus on four items:

1. Parking in front yard.
2. Regulations of extended stay facilities.
3. Spacing provisions for used automobile dealerships.
4. Rezoning Rochester Villas from R-1D to RT.

ZONING ORDINANCE TEXT AMENDMENT7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 244) – Miscellaneous Zoning Ordinance Revisions**

Mr. Carlisle reviewed the proposed amendment changes to the April 2011 Zoning Ordinance. He asked if the Board had any comments and for a recommendation to City Council for approval of the proposed revisions.

Mr. Edmunds requested the correction of the spelling of “insure” to “ensure”.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2013-01-005**

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 3, 4, 5, 6, 7, 10, 12, 13 and 16 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous Zoning Ordinance revisions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

Troy Zoning Ordinance Amendments

February 18, 2013

Background

- Zoning Ordinance was adopted in April 2011
 - After one year or so of use and application it is common to address clarifications and amendment if necessary
- 26 amendments total:
 - 12 substantive
 - 14 minor (capitalization, consistency in labeling)
- 4 meetings with Planning Commission
 - Public Hearing held on January 8th
 - Forwarded unanimously

1. Parking in Front of Building

- Allow parking in front of building in CB, GB, O, and RC
- **Issue:**
 - Due to the definition of front yard, parking is not permitted in the front of any building CB, GB, O, and RC districts.
 - A limited parking in front of the building should be permitted.
 - Existing language in ordinance mitigates concerns that parking would dominate parking in the front yard.

1. Parking in Front Yard

- No more than 50% of the required onsite parking may be located in the front yard.
- Additional parking in front yard may be provided through Sustainable Development Option

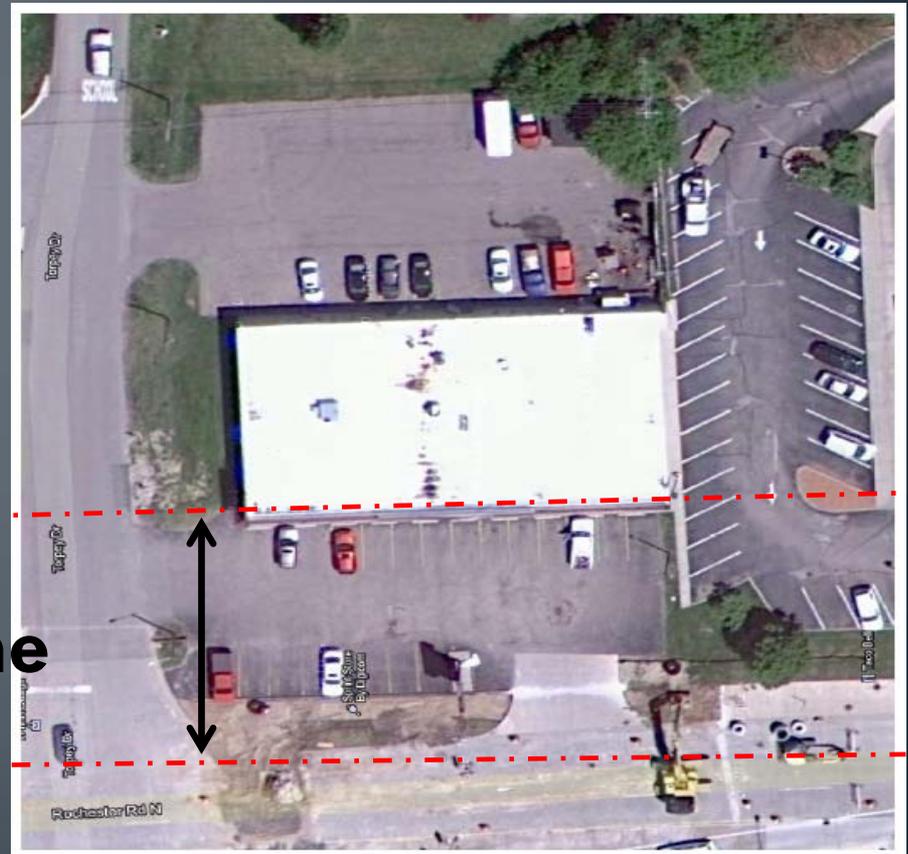
EX:

8,000 sq.ft general retail building
requires 32 spaces.

Only 16 of those spaces may be
located in front of building.

Front Yard Line

Setback Line



2. Automotive and transportation uses in IB uses in IB

- Allow selective automotive and transportation uses in IB Districts permitted by-right:
 - Vehicle repair
 - Antique and classic vehicle sales
 - Ambulance facilities
 - Vehicle rental
- Require special use for these uses within 300-feet of a residentially zoned or used parcel.
 - Protect single-family properties

2. Automotive and Transportation Uses in IB

Allow selective auto uses as permitted in IB

Proposed Amendment Language:

Use	IB
Vehicle, recreational vehicle sales	S
Vehicle repair stations	S, P
Vehicle fueling/multi-use stations	S
Vehicle washes	S
Vehicle auctions	S
Antique and classic vehicle sales	S, P
Ambulance facilities	S, P
Vehicle rental	S, P

3. Extended Stay Facilities

- Add Extended Stay Facilities in Ordinance and regulate similar to hotel / lodging use.
- Issue
 - Use not listed in Ordinance
 - At least two (2) exist in City

3. Extended Stay Facilities

Section 4.21

	R1-A throu gh R- 1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Multiple Family Dwelling Unit (9 stories +)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP	NP	NP
<u>Extended Stay Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Section 6.16: Lodging Facilities and Extended Stay Facilities

Lodging/extended stay facilities that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.06

4. Oil Change Facility

- Add “Oil Change Facility” into Automotive/Transportation Use group. Classify use as Permitted.
- **Issue:**
 - Oil change facilities are not a listed use in the Schedule of Use Regulations.
 - In previous practice oil facilities were treated similar to vehicle repair.
 - Vehicle repair has defined supplemental use regulations as listed in Section 6.26, some of which are not applicable to oil change facility operations.

4. Oil Change Facility

Proposed Amendment Language:

	R1-A through R-1E	RT	MR	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Vehicle Repair Facility	NP	NP	NP	NP	NP	NP	NP	NP	S	S P	NP	NP	NP	S	NP
<u>Oil Change Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

5. Wireless Communication Facility

- Add “Wireless Communication Facility (free standing tower)” into miscellaneous group. Classify use as Permitted or Special based on district.
- **Issue:**
 - Use not listed in the Schedule of Use Regulations but have specific use standards outlined in Section 6.30
 - New proposed free standing towers require Special Use.
 - Wireless communication facilities located on existing structures are permitted in all districts provided that they meet those supplemental use regulations listed in Section 6.30.B.1.

6. Lodging

- Add “Lodging” as use in Use Group 5
- **Issue:**
 - Not a listed use in the form-based code.
 - Previously required to go through a P.U.D. process.
 - Not including this use was an oversight of the previous draft.
 - Adding lodging to the code is consistent with the Master Plan and would clarify the intent of the zoning ordinance.

6. Lodging

Proposed Amendment Language:

TABLE 5.03-A-1 USE GROUPS BY CATEGORY PRINCIPAL USE
Use Group 5
<u>Lodging</u>
Financial institutions
General retail
Retail, large-format
Shopping centers
Fitness, gymnastics, and exercise centers
Theatres and places of assembly
Indoor commercial recreation establishments
Restaurant
Personal services
Business services
Financial institutions
General retail

7. Landscaping in Form-Based Districts

- Add “Section C” to add specific landscaping requirements in the Form-Based Districts.
- **Issue:**
 - Section 13.02 outlines Landscaping requirements.
 - A 20% landscaping requirement for developments in the more urban and pedestrian oriented Form-Based districts might not be appropriate.
 - Building form requirements and the desire to build more “urban” style developments make 20% site landscaping difficult to obtain.
 - Looking at other ordinances including City of Omaha and the City of Chicago, we recommend reducing the total percentage of site landscaping to 15% with options for relief.

7. Landscaping in Form-Based Districts

Proposed Amendment Language:

Section 5.03.C: Landscaping in Form-Based Districts:

- I. In addition to landscape requirements to Section 13.02, the following landscaping requirements shall apply:
 - a) Supplemental to Section 13.02.E.1.a, a minimum of fifteen percent (15%) of the site area shall be comprised of landscape material.
 - b) Landscaping can consist of approved trees, shrubs, ground cover, vines, grasses, or other approved plan material. Up to twenty-five (25%) of the required landscape area may be brick, stone, or pavers or other public plaza elements, but shall not include any parking area or required sidewalks.
 - c) Up to twenty-five (25%) of the required landscape area may be relieved through the Sustainable Design Option as outlined in Section 12.01.

7. Landscaping in Form-Based Districts

EXAMPLE: LANDSCAPE REQUIREMENT IN FORM-BASED DISTRICT

Site Area	15% required landscaping	50% of 15% of required landscaping (greenscape)	25% of 15% of required landscaping (hardscape)	25% of 15% of required landscaping can be relived through sustainable design option
100,000 sq/ft	15,000 sq/ft	7,500 sq/ft	3,750 sq/ft	3,750 sq/ft

8. Reduce Drive-through Width

- Reduce the width of drive-through aisles from 12 feet to 10 feet.
- **Issue:**
 - The requirement of a 12-foot width for drive-through aisles is not necessary.
 - Reducing the width will
 - not cause additional traffic conflict;
 - allow additional area for both building or landscaped area; and
 - have the added effect of naturally reducing automobile speed.
 - The ten (10) foot drive-through aisle width is consistent with what was recently passed for bank uses in the Big Beaver form based district.

8. Reduce Drive-through Width

Proposed Amendment Language:

Section 6.10.C.1 and C.2:

1. Each drive-through facility shall provide stacking space meeting the following standards:

a. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and twenty (20) feet in length.

9. 1-story MF in IB Districts

- Add Section 6.31 to allow 1-story multi-family residential uses as permitted uses only for conversion of existing buildings.
- **Issue:**
 - The IB District permits a multitude of uses by-right
 - In any district, the current ordinance prevents the construction of one-story multi-family dwelling units.
 - The intent of requiring multiple story multi-family structures is to require greater massing and scale.
 - There are many existing one story buildings in the IB District that could be converted into multi-family.
 - Provides reuse of buildings
 - Provides alternative housing option
 - The proposed amendment to allow one-story multi-family dwelling units is only permitted for existing building in the IB district.

9. 1-story MF in IB Districts

Proposed Amendment Language:

Section 6.31: Multi-family dwelling units in the IB District.

1. One-story multi-family dwelling building is a permitted use in the IB district only through the conversion of an existing building.

10. Outdoor Special Events

- Amend the maximum duration for outdoor special events from four (4) to seven (7) days.
- **Issue:**
 - Section 7.13.1.4 limits outdoor special events to a maximum of four (4) consecutive days.
 - Includes on-site event preparation, setup, and cleanup.
 - Troy Family Daze is an example
 - Extending provides the necessary time to setup for the event, hold the event, and cleanup.

10. Outdoor Special Events

Proposed Amendment Language:

Section 7.13.1.4:

1. The maximum duration of use shall be ~~four (4)~~ seven (7) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.

11. Rezoning Standards

- Add Rezoning Standards
- **Issue:**
 - Standards for conditional rezoning but no standards for a straight rezoning.
 - The ordinance should include standards for the Planning Commission and ultimately the City Council to consider in regards to rezoning.
 - Such standards include consistency with Master Plan; impact upon health, safety and welfare; impact upon public facilities, etc.

11. Rezoning Standards

Proposed Amendment Language:

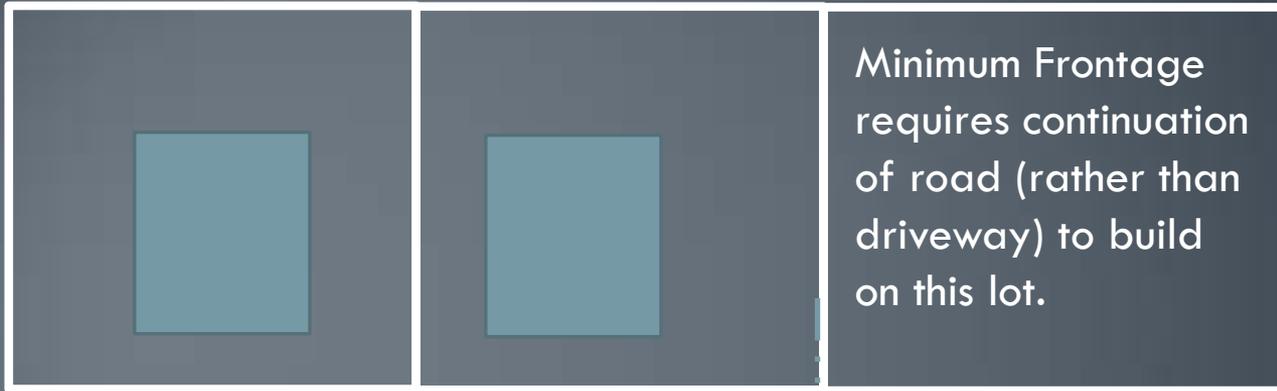
Section 16.03.C: Standards for Approval. A rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- A. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - 1. A change in City policy since the Master Plan was adopted
 - 2. A change in conditions since the Master Plan was adopted.
 - 3. An error in the Master Plan.
- B. The proposed rezoning will not cause nor increase any non-conformity.
- C. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- D. The rezoning will not impact public health, safety, and welfare.
- E. The rezoning will insure compatibility with adjacent uses of land.

12. Frontage Requirements

- Add Frontage Requirements
- **Issue:**
 - There is not a minimum lot frontage requirement for lots in the R-1 districts.
 - The requirement of minimum lot frontage ensures that newly created lots will be able to comply with all site development standards.
 - Requiring a minimum lot frontage would ensure that the creation of new lots have the necessary access with the extension of a road.
 - A lack of minimum lot frontage requirement would allow the creation of a new lot by extending the road as a driveway.

Proposed Requirements



12. Frontage Requirements

Proposed Amendment Language:

- Add Lot Frontage Definition to Article 2:
 - Lot Frontage: The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the right-of-way only.

12. Frontage Requirements

Proposed Amendment Language:

- Amend Table 4.06.C:

Minimum Lot Size Per Dwelling Unit				Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Use District	Area in Sq.Ft (1)	Width in Ft. (1)	Frontage in Ft. (1)	In Stories (2)	In Feet (2)	Front	Sides		Rear		
						(3)	Least One (4)	Least Two (4)	(5)		
R-1A											
No Sewer	30,000	150	150	2 ½	30	40	15	30	45	1,400	30%
Sewer	21,780	120	120	2 ½		40	15	30	45	1,400	30%
R-1B											
No Sewer	21,780	110	110	2 ½	30	40	15	30	45	1,400	30%
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Sewer	7,500	60	60	2 ½		25	5	15	35	1,000	30%

12. Frontage Requirements

Proposed Amendment Language:

1. Section 4.06.D.6: Lot Frontage on Corner Lots, Curved Roads, and cul-de-Sacs
 - a) On all corner lots, the frontage set forth shall be measured on one (1) street only.
 - b) For lots on curved streets that have curvilinear frontages, frontage shall be determined by measuring the linear distance along the curve along the minimum setback line for the zone in which said lot is located.
 - c) For lots on a cul-de-sac, the frontage, shall be measured along the minimum setback line for the zone in which said lot is located.

Minor Amendments

- 1. Section 3.10.C.1.c and d (page 41):** Remove mention that the Planning Commission is the recommending body for Site Condominiums as the Planning Commission is the approving body, as outlined in Section 3.10.C.2.
- 2. Section 4.07 Table (page 51):** Amend “5,000 without sewers” to “5,000 with sewers” and reduce side yard to 5’ for least one and 15’ for least two. Reducing side yard setbacks is consistent with R-1E lot requirements.
- 3. Section 4.14 Graphic (page 75):** Amend graphic to include an additional building mid-block (no substantive change to regulations).

Minor Amendments

4. **Section 4.06-4:18 (pgs. 47, 51, 55, 59,65, 71, 53, 75, 79, 83, 87, and 91):** Amend all district regulation tables so that legend icon is consistent in both graphic and tables.
5. **Section 4.21 Schedule of Regulations Table (page 98):** Amend “R-T” to “RT”
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Troy Zoning Ordinance Amendments

February 18, 2013