



CITY COUNCIL REPORT

DATE: June 9, 2009

TO: John Szerlag, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Update - Comprehensive Zoning Ordinance Rewrite (File Number: ZOTA 236)

The City is undertaking a collaborative professional effort between the Planning Department, City Attorney's Office and Carlisle/Wortman Associates, Inc. (CWA) to comprehensively rewrite the Zoning Ordinance.

The attached memo from CWA outlines some of the general issues with the current ordinance. Guiding principles and concepts for revision for the new ordinance are listed, as is the organizational format of the new document.

A project timeline is attached. The projected completion date is in FY 2010-11. Estimated project cost is approximately \$100,000. Work is being completed under the existing Planning Consultant contract, using hourly rates outlined in the contract's fee schedule.

Attachments:

1. Memo from CWA, dated June 9, 2009.
2. Master Plan and Zoning Ordinance Purpose and Key Considerations.

Prepared by RBS/MFM

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MEMORANDUM

TO: Mark Miller, Planning Director

FROM: Richard K. Carlisle

DATE: June 9, 2009

RE: Comprehensive Review/Revision of the Zoning Ordinance

We have been working on the Zoning Ordinance revisions since January, and I thought it might be useful to document some of the many thoughts we have discussed with you and the Commission. I would also like to put all of the revisions we are contemplating into an overall organizational concept and context. Finally, I have developed a schedule for completion over three fiscal years, although the total time duration is much shorter.

With the Master Plan Update complete and adopted, a review of the Ordinance is timely. To my knowledge, the last comprehensive revision was done years ago. There have been a number of amendments made over the years to address specific issues, remain consistent to the enabling legislation, and respond to precedents established by case law.

Current Ordinance

I think many would agree that the Zoning Ordinance is difficult to use, and does not reflect much of the thinking that has been evolving in the City. There are a number of general observations that either we have made or have been made by you and the Commission.

1. The Zoning Ordinance is amended far more frequently than other ordinances. This is because there are frequent changes in enabling law, new legal precedents, and land use issues that emerge. Creating a better format to accommodate changes in the future is needed.
2. The Planning Act requires the Master Plan to be reviewed and possibly updated every five years. To maintain defensibility, we want to make sure the Master Plan and Ordinance are in sync.
3. The current ordinance format is inefficient in its use of paper. Unnecessary repetition is a major problem. While this may seem to be a small matter, reprinting and photocopying is more expensive.

4. The current ordinance is not particularly conducive to online use. We have discussed some exciting ideas to employ new technology, discussed later, that are simply not possible using the conventional codification approach.

Guiding Principles and Concepts for Revision

To provide a new and improved version of the Ordinance, there are several principles and concepts we would recommend. These are based not only on the experience we have had with your Ordinance, but also on the innovations we are employing elsewhere.

1. Use Improved Technology – The Ordinance should be designed not only for hard copy but also online use. Starting out with this in mind, we will be able to use techniques such as hyperlinks that will allow cross-references to section references, definitions, etc. by clicking on key words.
2. Use Improved Graphics – Using new software technology, we will also be able to incorporate improved graphics in the document. Such graphics will better illustrate ordinance requirements such as dimensional regulations, landscaping, signage, etc.
3. Improve Organization – The Ordinance is in need of reorganization with or without amendment. Later on, I make suggestions as to a new organizational format.
4. Improve Readability – Without compromising legal precision, there are many sections of the Ordinance which need editing. To the extent possible, we should strive to make the Ordinance understandable to the user. Better use of graphics, as indicated above, will help.
5. Remove Conflicting Language – Whenever an Ordinance is amended a multitude of times without a comprehensive review, there are bound to be conflicts. A comprehensive review, combined with the use of improved software technology, will remove those conflicts.
6. Improve Efficiency and Avoid Repetition – There is currently unnecessary repetition in the Ordinance. For example, every one of the individual districts refers to the Site Plan Review section. However, the Site Plan Review section very specifically indicates the circumstances where a site plan is required.

Much greater use can be made of presenting information in a tabular form. For example, with other ordinances we have revised, we have presented each individual Zoning District on one or two pages by using a tabular form.

7. Provide a Better Table of Contents and Index – Currently, both are deficient. The Table of Contents should identify each article, section and subsection so that users can better locate information. Further, the index at the end needs to be updated and also needs more detail.

8. Don't Fix the Unbroken – Obviously, portions of the Ordinance has served the City well for many years. Therefore, we shouldn't spend a great deal of time on things that should either be “tweaked” or left alone. For example, the Site Plan Review section has been updated and, from my perspective, functions well.

Organizational Format

To improve upon the current organizational format, I would suggest the following new format.

- 1.0 Title, Purpose and Authority – All language that establishes the legal authority and conditions, both in general and as specifically tied to the enabling statutes, is placed in the opening article.
- 2.0 Definitions – All definitions will be included in this article. Any that remain in the body of the Ordinance will be moved into this article.
- 3.0 Administration and Enforcement – All functions and responsibilities relative to the administration and enforcement of the Ordinance belong in this article.
- 4.0 District Regulations – Regulations specific to each zoning district (i.e. intent, permitted and special uses, etc.) are included in this article. The Schedule of Regulations, a tabular array of dimensional requirements, will be included at the end of this article.
- 5.0 General Provisions – All regulations that have more general application throughout all districts are typically included here. For example, the section on accessory uses would be included here.
- 6.0 Site Plan Review – Procedures and standards for site plan review would be included here.
- 7.0 Special Land Use Review – Procedures and standards for special land uses would be included here.
- 8.0 Specific Use Standards – Some of the permitted uses and special land uses have specific standards. All of these would be lumped into one section. Further, any specific standards found in the body of a district would be placed in this article. This would be one technique to remove repetition and it will also assist in referencing.
- 9.0 Planned Districts and Special Development Regulations – I would suggest placing all of the alternative approaches such as the PUD and cluster development in one article.
- 10.0 Site Design and Standards – This would be a new article that would include all standards that relate to site design, such as landscaping, lighting, and parking.
- 11.0 Environmental Standards – Any regulations relative to environmental and natural resource protection would be included here. For example, we want to consider new green building or low-impact development standards.

- 12.0 Signs – All regulations relative to signs will be included in this article.
- 13.0 Non-Conforming Uses/Structures – Regulations pertinent to non-conformities are included here.
- 14.0 Zoning Board of Appeals – The role and responsibilities of the ZBA along with procedures for appeals, variances, and interpretation are included here.
- 15.0 Amendments – As with the current Ordinance, this section would contain procedures and standards for amendments.

Estimated Fees

In previous correspondence, we provided an estimate of fees that would total \$100,000 over a span of 24 months and three (3) fiscal years, based upon our existing contract for professional services. We anticipated that approximately 33% of the funds would be spent in each fiscal year. As we have always indicated, we are happy to work with the City and modify the schedule according to your needs.

Schedule

I have attached a schedule which attempts to match up the various Articles with an estimated time of completion. While we are working on some of the more time-consuming and complex items, we plan on completing many of the more routine Articles. I anticipate most of that will be done by the end of the summer. Please let me know if this schedule is acceptable.

Summary

Please consider this as my preliminary ideas. I am sure throughout our discussions there will be interesting new thoughts and insights.

In the meantime, we look forward to continuing with the revisions and amendments.

CARLISLE/WORTMAN ASSOC., INC.



Richard K. Carlisle, PCP, AICP
President

#225-05-2801

City of Troy Zoning Ordinance

	FY 2008-2009						FY 2009-2010												FY 2010-2011			
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1.0 Title, Purpose and Authority																						
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14.0 Zoning Board of Appeals																						
15.0 Amendments																						
Revision/Adoption																						

City of Troy

Master Plan

Purpose and Key Considerations

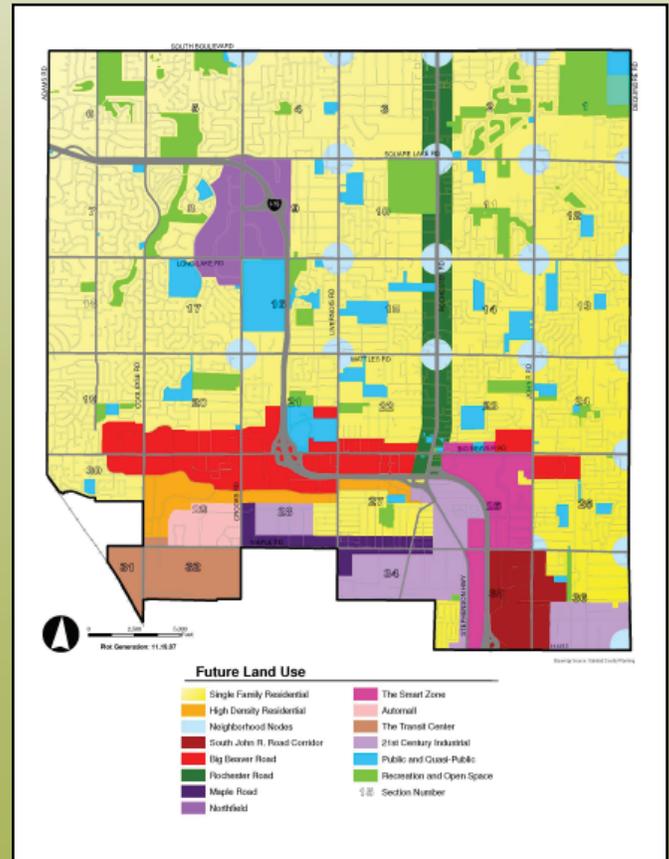


Statement of Purpose

The Troy Master Plan is the official policy guide to be used by City officials to resolve existing and anticipated community development issues. Through the text and maps, the Master Plan illustrates the desires of the City with regard to future growth and development. Further, the Master Plan promotes continuity in development policy as members of the Planning Commission and City Council change over the years. To ensure that land use and development policies reflect current conditions in the City, it is essential that the Master Plan is periodically evaluated. In recent years, Troy has undergone many changes. To address these changes, the goals, objectives, and policies contained within this Master Plan were prepared to respond to existing conditions and projected trends to make Troy an attractive place to live and work.

Process and Community Connection

On the heels of the Troy Futures Vision 2020 process, the City of Troy Master Plan process included a multi-step public involvement process. After recruiting participants, the City engaged those willing stakeholders in complex assessments of the quality of life in Troy and identify areas of potential improvement.



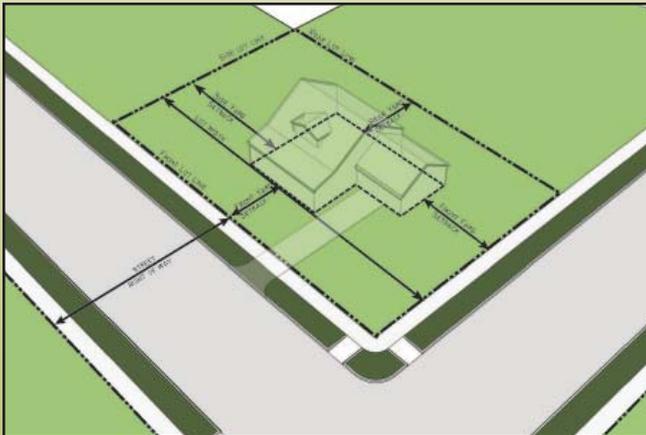
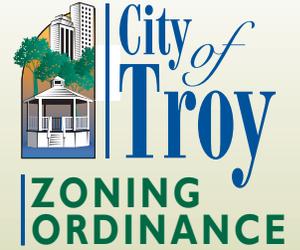
Innovation

The 2008 City of Troy Master Plan throws convention to the wind by directly addressing the quality of life of Troy in a unique, user-friendly format. Supporting data and extraneous maps are kept in a series of appendices, allowing the document to clearly state the intentions of the people of Troy in concentrated, topic-based chapters addressing transportation, sustainability, housing, and other important issues. The Master Plan is designed to clearly and accurately reflect the philosophies established by the participants in the City's extensive public participation process. This unique format and approach to Master Planning is fast becoming a model for communities statewide.

- Extensive public input was part of the Master Plan process.
- A progressive new direction for the City, directly from the residents and of Troy, emerged.
- The new ideas required a whole new approach to the Master Plan.
- The Plan encourages mixed-use, sustainability, alternative transportation, and density.
- The central idea of the Master Plan is that by cultivating a world class quality of life, Troy can compete for world-class workers, which in turn will attract world-class jobs.
- The Master Plan analyzes and establishes philosophies towards a number of topic areas critical to enhancing the quality of life for current and future residents.
- Each chapter was designed as one of a series of stand alone policy documents centered on a theme.
- Every Chapter is related directly back to public input.
- The Master Plan emphasizes the form and function of buildings and amenities as much as the use of buildings and land, a new approach to land use regulation.

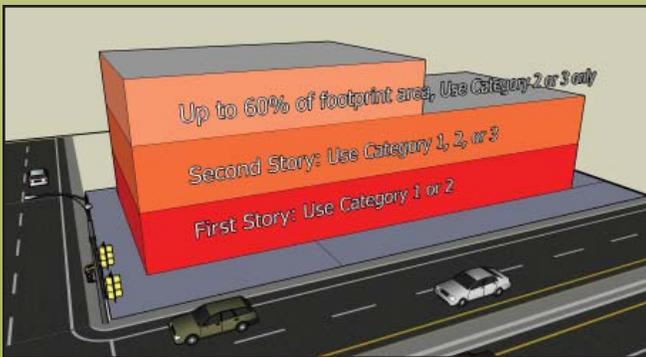
Zoning Ordinance

Purpose and Key Considerations



Statement of Purpose

The Zoning Ordinance is a critical community development tool. While supported by other City plans and ordinances, the Zoning Ordinance is the primary method through which the City can implement the vision of the Master Plan. Elements regulated by zoning include land use, building height and form, parking requirements, special performance standards for certain unique land uses, and many other general provisions. Designed to promote and protect the health safety and welfare, the Zoning Ordinance protects the rights of landowners to use their land, while not impeding the ability of others to use theirs. It is designed to bring about a predictable outcome and a planned physical environment that allows for the highest possible quality of life.



Process and Community Connection

The public will be invited to take a vital role in the development of the Zoning Ordinance. Currently, you are invited to attend the regular meetings of the Planning Commission, where this issue is discussed regularly. Additional information on future activities will be widely publicized to solicit participation.

Innovation

The approach to the preparation of the Zoning Ordinance is to challenge the standards established by conventional regulatory documents. The ground-breaking City of Troy Master Plan created a need to think outside the box. The City will apply the same critical thinking to the zoning ordinance preparation process as was undertaken with the 2008 Master Plan. This process will generate new approaches to old problems and tackling new problems like never before. The City will develop superior content for the new Zoning Ordinance, and create a new and better way to present that content, innovating both how the document works and how it is used.

- The Zoning Ordinance will include a wide variety of color graphics, flow-charts and tables.
- Progressive and applicable definitions will be added. Extensive graphic representations will also be included in this section.
- In response to the Master Plan, the Ordinance will incorporate new form-emphasized approaches that supplement Planned Unit Development and other current zoning provisions to allow for 21st century development.
- The Ordinance will address green building, energy use, innovative stormwater management, and other issues relating to overall community sustainability like never before.
- The Ordinance will build on the City's fast, fair, and predictable review process for all applicants.
- The new Ordinance will be designed from the ground up for online use, avoiding costly printing and updating.
- Zoning language will be clearly stated in a manner that is reasonable to administer and enforce, as well as amend and manipulate to evolve with Troy's needs.
- The development of the new Zoning Ordinance will be a multi-year process, and will be comprehensive in nature.