



MEMORANDUM

Date: March 13th, 2024
To: City of Madison Heights City Council
City of Madison Heights Planning Commission
From: Matt Lonnerstater, AICP – City Planner
Subject: Zoning Ordinance Rewrite – Complete Draft for Public Hearing

INTRODUCTION

Staff is pleased to present the Planning Commission with the first complete draft of the new proposed Zoning Ordinance for a joint Public Hearing between the Planning Commission and City Council on March 19th, 2024.

As part of the Redevelopment Ready Communities (RRC) program, Madison Heights was fortunate to receive a \$30,000 grant from the Michigan Economic Development Corporation for technical assistance for a new Zoning Ordinance and map. Over the past six months, staff has been meeting with the Zoning Ordinance Project Steering Committee (which included members of the Planning Commission) to review the draft ordinance article-by-article. Based on the recommendations of the Steering Committee and staff, the city's planning consultants, McKenna and Associates, have provided the attached full "Public Hearing" draft for review.

While certain elements of the existing Zoning Ordinance have been carried over to the new document, the updated Zoning Ordinance should be viewed as a new comprehensive ordinance as opposed to a simple amendment to the current code. The new Zoning Ordinance offers the following significant departures from the existing ordinance:

- The general structure and layout have been revised, including new article names and article order (*Table of Contents*).
- The number of zoning definitions has been greatly expanded to help with Zoning Ordinance administration and interpretation (*Article 2 – Definitions*).
- Zoning districts have been modified, including new districts, renamed districts, and eliminated districts (*Article 3 – Zoning Districts and Map* and the attached Zoning Map). New districts include the *Residential Mixed-Neighborhood*, the *Mixed-Use Innovation* districts, and the *City Center* form-based code district.
- A *Permitted Use Table* has been added to allow users to easily see the districts in which uses are – and are not – permitted (*Section 3.06*).
- A new *Planned Unit Development (PUD)* section has been added to allow the city to consider innovative mixed-use projects that could not be allowed under any of the traditional zoning districts (*Section 5.05*).

- A new *Form Based Code/City Center* district has been added which contains design standards to promote the development of a walkable, mixed-use downtown district (*Article 6 – Form Based Code District*).
- The *Standards Applicable to Specific Uses* article has been added that consolidates use-specific standards into a single chapter (*Article 7 – Standards Applicable to Specific Uses*).
- All administrative review and approval processes have been consolidated into Article 14 (*Administrative Organization*) and Article 15 (*Administrative Procedures*).

Note that section/article cross-references and hyperlinks have not yet been added (designated by yellow highlights throughout the document). These will be added and updated prior to final adoption of the Zoning Ordinance.

ZONING DISTRICTS

The table below compares the current zoning districts with those proposed in the draft Zoning Ordinance:

<u>Existing Zoning District</u>	<u>Modification</u>	<u>Proposed Zoning District</u>
Residential Districts		
R-1, R-2, R-3: One Family Residential	No Change	R-1, R-2, R-3: One-Family Residential
R-T: Two-Family Residential	Renamed	R-MN: Residential Mixed-Neighborhood
R-M: Multiple-Family Residential	Renamed	R-MF: Residential Multi-Family
H-M: Mobile Homes District	Renamed	H-M: Manufactured Home District
R-C: Residential Condominium	Eliminated	--
H-R: High-Rise	Eliminated	--
Non-Residential		
N-P: Natural Preservation	Renamed	N-P: Natural Preservation and Recreation
O-1: Office	No Change	O-1: Office
B-1: Local Business	Renamed	B-1: Neighborhood Business
B-2: Planned Business	Renamed	B-2: Community Business
B-3: General Business	Renamed	B-3: Regional Business
M-1: Light Industrial	No Change	M-1: Light Industrial
M-2: Heavy Industrial	No Change	M-2: Heavy Industrial
P-1, P-2: Vehicular Parking	Eliminated	--
Mixed-Use		
--	New District	CC: City Center Form-Based
--	New District	MUI-1: Mixed Use Innovation 1
--	New District	MUI-1: Mixed Use Innovation 2

New Districts:

City Center (CC) Form Based District: The City Center zoning district is considered a “form-based” district. Compared with conventional zoning districts that primarily focus on regulating uses, form-based districts place at the forefront standards relating to building form, massing, and the relationship between the building and the street. The overarching intent of the City Center district is to ensure that individual sites are developed

in a manner that, when taken together, help create a downtown area with a distinct pedestrian-oriented identity. Refer to *Article 6*.

Mixed-Use Innovation 1 (MUI-1) District: The MUI-1 district is established to promote the reuse of older, “character-giving” industrial structures that may no longer be suitable for their original purposes. The proposed MUI-1 district opens up a range of commercial, office, light industrial, and multiple-family residential uses in areas that are currently restricted to light industrial zoning. Refer to *Section 3.20*.

Mixed-Use Innovation 2 (MUI-2) District: The MUI-2 district is established to promote the redevelopment of moderate to large-scale commercial retail centers into walkable, compact developments featuring a mix of commercial, residential, and recreational land uses. As proposed, the MUI-2 district permits a range of commercial, office, artisan manufacturing, and multiple-family residential uses. Refer to *Section 3.21*.

Renamed Districts:

Residential Mixed-Neighborhood (R-MN) District: Renamed from the current R-T, Two-Family District, the R-MN district is designed to promote a variety of housing opportunities including single family attached and detached, townhomes, and two, three and four-family structures. The district is further intended to allow for more residential units in walking distance to adjacent business, mixed-use, and City Center districts. On the current zoning map, there is only one property currently zoned R-T. In the proposed zoning map, the R-MN district is significantly expanded around the City Center district and along collector streets. Refer to *Section 3.10*.

Manufactured Homes (H-M) District: Renamed from the current Mobile Homes district to reflect updated terminology and structure design. Refer to *Section 3.12*.

Natural Preservation and Recreation (N-P) District: Renamed from the current Natural Preservation district to allow for the inclusion of public park and recreation facilities. Most public park and civic facilities are presently zoned Residential, which is not appropriate. Refer to *Section 3.19*.

Neighborhood Business (B-1), Community Business (B-2), and Regional Business (B-3): Renamed to more accurately reflect the increasing intensity of permitted business uses in each district. Refer to *Sections 3.14, 3.15, and 3.16*.

Eliminated Districts:

Residential Condominium (R-C): Condominiums represent a form of ownership, not necessarily a building or land use type. Condominium-style ownership may be applied in any zoning district to many different layouts, including site condominiums and building condominiums. Separate processes for each are contained in the Zoning Ordinance.

High-Rise (H-R) District: With the addition of the City Center and Mixed-Use Innovation districts which allow for greater building heights and a mix of uses within the same building, the High-Rise district became redundant. Properties presently zoned H-R are proposed as Mixed-Use Innovation 1 or 2 or Multi-Family Residential

Vehicular Parking (P-1/P-2) Districts: In the proposed Zoning Ordinance, stand-alone parking lots are permitted as special land uses in certain districts with use-specific standards, eliminating the need for separate parking zoning districts. Refer to *Section 10.06, Parking as a Principal use*)

ALIGNMENT WITH MASTER PLAN

The draft Zoning Ordinance aims to implement many of the action items contained in the adopted 2021 City of Madison Heights Master Plan. These action items, and the related proposed zoning ordinance standard(s) are listed in the tables below:

Housing & Neighborhoods	
Master Plan Action Item	Zoning Ordinance Implementation
<i>Develop zoning standards for “missing middle” housing, including duplex, triplex, and quadplex dwellings. This may require the development of a new district.</i>	- The new R-MN – Residential Mixed Neighborhood District allows duplexes, triplexes, and quadplexes by right. (Section 3.10). - Accessory Dwelling Units (ADUs) are permitted by right in all residential districts. (Section 7.03).
<i>Amend single family zoning districts to allow multiple family as a special land use when fronting on a collector street</i>	The R-MN district is proposed adjacent to City Center district and along portions of Lincoln and Gardenia (collector roads). Refer to Zoning Map.

Additional Notes:

- The proposed Zoning Ordinance emphasizes the need for additional housing in the city. This is done by permitting a greater number of housing styles in certain areas of the city, thus increasing the number of residential units and allowing for a greater variety of housing types. This change includes allowing for duplexes, townhomes, multiplexes (3 and 4 unit buildings) and Accessory Dwelling Units (ADUs).
- The H-R – High-Rise district has been eliminated. Properties previously zoned H-R are now proposed as R-MF, Multiple-Family, or MUI-2, Mixed-Use Innovation 2. Refer to Zoning Map.
- Additional development and dimensional standards have been added to the HM, Manufactured Homes District (Section 3.12).
- Minimum lot area and lot width requirements in the R-1, R-2, and R-3 districts have been reduced to align with existing development patterns, reducing the number of non-conforming lots (Article 4).
- Residential design standards have been added for one-family, duplex, multiplex, and multi-family structures (Article 7).

Community Character	
Master Plan Action Item	Zoning Ordinance Implementation
<i>Review and amend the Zoning Ordinance as needed to require high quality building materials and design standards for all new development</i>	General design standards are proposed in Article 7. Additional design standards are contained in the Mixed-Use Innovation districts and City Center districts.
<i>Create a form-based code for city center that promotes the area and enhances the pedestrian experience.</i>	The City Center Form-Based Code district has been added in Article 6.

<i>Review and amend the Zoning Ordinance as needed to ensure creative and appropriate uses and building designs can be achieved</i>	The list of permitted uses has been modified to permit flexible, modern uses in appropriate zoning districts. Refer to <i>Permitted Use Table, Section 3.06</i> .
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Additional Notes:

- *Section 7.02* contains general design standards for various land uses, building, and development types. For example, there are design standards listed for “Commercial, Mixed-Use, and Public/Quasi-Public” buildings, “Multi-Buiding Developments”, “Residential/Commercial Mixed-Use”, “Industrial”, and “Residential/Industrial Mixed-Use.” Where use-specific design standards or district specific design standards are stricter, they take precedence.

Commercial and Industrial Development	
Master Plan Action Item	Zoning Ordinance Implementation
<i>Update industrial zoning to accommodate a modern mix of tech, research, and light industrial uses</i>	The list of uses permitted in the M-1/M-2 districts includes modern industrial uses (<i>Section 3.06</i>). The MUI-1 and MUI-2 districts permit a flexible list of uses, including residential, commercial, and light manufacturing. <i>Section 3.20</i> and <i>Section 3.21</i> .
<i>Develop flexibility in parking standards and other side standards for redevelopment sites to enable new uses on physically constricted sites. Lower barriers to positive redevelopments.</i>	Flexible parking standards, including reduced minimum parking requirements, parking maximums, and parking waivers, are included in <i>Article 10</i> .
<i>Ensure that non-residential districts provide for innovation; directly permit shared kitchen facilities, entrepreneur incubators, and co-working spaces.</i>	The list of uses permitted in the M-1/M-2 districts include modern industrial uses (<i>Section 3.06</i>).
<i>Review building design standards to promote high-quality design.</i>	Commercial and industrial building design standards are contained in <i>Section 7.02</i> .
<i>Use frontage landscaping standards to improve the appearance of commercial and industrial areas.</i>	Frontage landscaping requirements are included in <i>Article 11</i> .
<i>Adopt maintenance requirements for landscaping.</i>	Installation and maintenance requirements are included in <i>Section 11.10</i> .
<i>Adopt more robust, detailed lighting standards; require a photometric plan for non-residential development to reduce light pollution into the neighborhoods.</i>	Exterior lighting standards are contained in <i>Section 8.04</i> .
<i>Consider permitting additional height in the B-3 district.</i>	While additional height has not been added in the B-3 district, additional building height is allowed in the City Center and Mixed-Use Innovation districts to promote redevelopment.

Additional Notes:

- *Article 7, Standards Applicable to Specific Uses* contains design and operation regulations that pertain to specific uses.

Public Services & Facilities	
Master Plan Action Item	Zoning Ordinance Implementation
<i>Amend landscaping provisions to encourage more natural stormwater management practices, increase tree canopy, and reduce overall impervious surface on developed sites.</i>	Storm water management standards are contained in <i>Section 11.03</i> and under <i>Section 14.04</i> , site plan review process.
<i>Explore requirements for commercial development that improve non-motorized access and safety within development sites.</i>	<i>Section 10.10</i> contains access management requirements, including sidewalk, cross-access, and driveway standards.
<i>Update parking standards to minimize parking areas and reduce stormwater runoff.</i>	Article 10, <i>Parking, Loading and Access Management</i> , contains maximum parking requirements which limit surface parking areas and require low-impact stormwater management. <i>Section 10.04</i> .

Additional Notes:

- The City of Madison Heights has adopted Oakland County’s stormwater management requirements, which will be applied to all major site plans.

Transportation	
Master Plan Action Item	Zoning Ordinance Implementation
<i>Review and amend the Zoning Ordinance as needed to require improved access and connectivity throughout the city.</i>	Article 10, <i>Parking, Loading, and Access Management</i> , contains standards for shared parking facilities, cross-access, pedestrian access, bicycle parking infrastructure, and driveway design.

PLANNED UNIT DEVELOPMENTS (PUDs)

Section 5.05 allows for the city to consider Planned Unit Developments (PUDs) in accordance with the Michigan Zoning Enabling Act. PUDs essentially act as unique, stand-alone zoning districts applied to a specific site or development. PUDs enable projects that could not be accommodated under one of the base zoning districts, whether it be due to the types of proposed uses or site and dimensional constraints. PUDs offer flexibility in site planning and design in exchange for innovative projects that benefit the city and promote the goals of the Master Plan. Staff notes, however, that the use of PUDs should be limited to those projects that truly cannot meet the requirements of one of the base zoning districts, as the overuse of PUDs can limit the effectiveness of the Zoning Ordinance.

OTHER REGULATIONS OF NOTE

Regulated Adult Uses: The section on Regulated Adult Uses (*Section 5.03*) has been modified to reflect previous discussions at the Planning Commission. Modifications include the removal of pool and billiard halls, tattoo parlors, used goods uses, and certain massage establishments from the list of regulated uses. “Deferred Presentment Service Transaction Facilities” have been added as a regulated use.

While not listed as a Regulated Adult Use, use-specific and location/separation standards have been added for certain land uses, such as firearm retail sales, indoor shooting ranges, and tobacco/smoke shops or smoke lounges (refer to *Article 7 – Standards Applicable to Specific Uses*).

Primary Caregiver Marihuana Grow Overlay District: The boundaries of the Medical Marihuana Caregiver Grower Overlay District (*Section 5.01*) have been reduced.

Signs: *Article 12, Signs*, includes user-friendly regulation tables which are separated by zoning district and sign type. The section includes new provisions relating to murals (defined as “painted wall signs”) to encourage additional public art.

Fences: *Section 8.05, Fences*, includes modified, simpler standards for fences within the city. Because most fences do not require permits, meaning no department-level review, simpler standards are intended to allow for a better understanding of fence requirements, especially for residential property owners, ultimately leading to less code violations and civil disputes.

Nonconforming Site Elements: *Article 13, Nonconformities*, includes standards relating to nonconforming site elements (e.g. landscaping, parking, use-specific standards). These standards are missing within the current ordinance.

Special Land Uses: Under the current Zoning Ordinance, special land use applications proceed directly to City Council for action. Under the proposed ordinance, special land use requests will start at the Planning Commission (at a public hearing), who will then make a formal recommendation to City Council. Refer to *Section 15.05*.

Text Amendments, Rezoning and Conditional Rezoning: The current Zoning Ordinance does not contain procedural standards for zoning text amendments or map amendments (rezonings). The proposed ordinance contains both procedural and substantive standards for text amendments and rezonings and offers a conditional rezoning process. Refer to *Section 15.07*.

Use Variances: The proposed Zoning Ordinance removes the option to obtain a use variance through the Zoning Board of Appeals (ZBA). Text amendments or rezonings should be utilized instead of use variances in accordance with best practices. Refer to *Section 15.06*.

NEXT STEPS

Staff and the city’s planning consultants intend to overview the complete draft with City Council and the Planning Commission at the joint public hearing scheduled for March 19th, 2024. After the public hearing and discussion, the Planning Commission may make a recommendation of adoption to City Council (refer to the template motion provided below); the recommendation may include conditions relating to desired text or map modifications. The City Council would act on final adoption of the new Zoning Ordinance at a

separate meeting. Alternatively, the Planning Commission and City Council may request modifications to the proposed draft, which can be incorporated into future drafts; in this case, the Planning Commission may move to postpone action on the draft.

Draft Motion – Recommendation of Approval to City Council

I MOVE THAT:

Pursuant to the processes set forth in the Michigan Zoning Enabling Act, PA Act 110 of 2006, together with the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19th, 2024, the Planning Commission recommends that City Council **APPROVE** the updated Zoning Ordinance, replacing the current Zoning Ordinance in its entirety [subject to the following changes (identify sections to remove and/or sections and text to modify)]:

- 1) _____
- 2) _____
- 3) _____

Draft Motion – Postpone Action

I MOVE THAT:

Based on the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19th, 2024, the Planning Commission moves to **POSTPONE** on the updated Zoning Ordinance, as presented, to allow staff time to address the following:

- 1) _____
- 2) _____
- 3) _____