



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
MAY 16, 2023 AT 5:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

- [1.](#) February 21st, 2023 Meeting Minutes

PUBLIC HEARING

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

- [2.](#) Zoning Ordinance Rewrite Update and Discussion - Missing Middle Housing, Accessory Dwelling Units, Housing Density, and Regulated Uses

NEW BUSINESS

MEMBER UPDATES

PLANNER UPDATES

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

February 21, 2023
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Commissioner Melissa Kalnasy
City Manager Melissa Marsh

Absent: Commissioner Cliff Oglesby, Commissioner Eric Graettinger, Commissioner Grant Sylvester

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Grastein, supported by Commissioner Bliss to excuse Commissioners Oglesby, Graettinger and Sylvester

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Bliss, seconded by Kalnasy to approve the minutes of the regular Planning Commission meeting of January 17, 2023.

Motion carries unanimously.

5. PUBLIC HEARING

A. Rezoning request No. PRZN 23-01

Public Hearing opened to the public at 5:25 pm.

Business Services Coordinator Daley read comments that were emailed into the record. An email was received and read from Pastor Tyler VanSteenburg of Madison Heights Church of the Nazarene in full support of Goodwill moving into the old CVS location.

An email was received and read from Jared Gell in support of the rezoning on behalf of Goodwill.

An email was received and read from Pastor Steve Conner of Free Will Baptist Chapel stating their support of Goodwill and how the community will benefit from this business.

An email was received and read from Christine Fecteau in support of rezoning the parcel at 31010 John R from B-1 to B-2.

Seeing no further comments, the Chair closed the public hearing at 5:40 p.m.

Planner Lonnerstater presented the staff report on the rezoning request no. PRZN 23-01 by Goodwill Industries of Greater Detroit to rezone one parcel of land located at 31010 John R Road from B-1 to B-2 with the ultimate goal to open a retail store. The store is classified as a used goods use per the Madison Heights ordinance since they sell used products. The property is surrounded by the Sam's club property, which is zoned B-2, including their associated parking drive aisles and gas stations. The subject shares vehicular access points and drive aisles with Sam's Club.

Planner Lonnerstater reviewed the following findings:

1. The applicant requests a rezoning from B-1, Local Business, to B-2, Planned Business, to open a used goods use within the existing structure on site. The B-2 district permits a range of general commercial, retail, restaurant, and office uses. The uses permitted in the B-2 district are generally appropriate for the subject site.
2. The proposed B-2 district is generally compatible and consistent with adjacent retail uses, including the Sam's Club wholesale facility that surrounds the subject site. The subject site shares vehicular access points, drive aisles, and parking with the Sam's Club, which is consistent with the intent of the B-2 zoning district.
3. The proposed B-2 District is compatible with adjacent B-1 and B-2 zoned parcels, as well as Multiple-Family-zoned parcels across 13 Mile Rd.
4. The proposed B-2 District is aligned with the "Commercial" future land use designation for the subject site.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their January 25th, 2023 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including special use, variance, and site plan submittal. Special Approval through City Council is required for used good uses (subject to additional siting standards for regulated uses). Based on these findings, staff recommends that the Planning Commission recommend to City Council approval of the requested rezoning from B-1, Local Business, to B-2, Planned Business, on the subject property at 31010 John R Rd.

Staff finds the use appropriate and consistent with adjacent uses and compatible with B1 and B2 districts. Based on these findings, Staff recommends that the Planning Commission recommend to City Council approval of the requested rezoning from B-1, Local Business, to B-2, Planned Business, on the subject property at 31010 John R Rd.

Motion by Commissioner Kalnasy, seconded by Commissioner Marsh to make a motion to recommend to City Council to approve the rezoning request PRZN 23-01 for 31010 John R Road from B-1 to B-2 based on the findings provided by Staff.

Ayes: Bliss, Grafstein, Kalnasy, Marsh, Champagne
Nays: None

Absent: Graettinger, Oglesby, Sylvester
Motion carries unanimously.

6. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

7. NEW BUSINESS

a. Zoning Ordinance Rewrite Update and Discussion - City Center and Mixed Use Innovation Districts, Missing Middle Housing, and Business Districts.

Planner Lonnerstater briefed the Commission on the status of the Zoning Ordinance rewrite and the recent informal workshop that was held on February 7th. The two main topics at the workshop revolved around City Center districts and mixed use innovation zoning. Discussion continued about the intent of a mixed use innovation zoning district. A map showed this district is very similar to the current DDA. The intent is to implement the future land use category in the master plan which is to create a vibrant and compact city center and pedestrian oriented 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. Conversely, land use takes a secondary focus.

The proposed City Center district allows for the construction of eight (8) unique building types:

- Mixed-Use
- Pedestrian-Oriented
- Makerspace
- Hotel
- Bank
- Landmark
- Theater
- Parking Garage

As presented in the packet from Staff, each building type has its own placement standards design, massing standards and design standards. A table provided shows permitted uses broken down by building type and by ground floor/upper stories, most building types allow, and encourage, a mix of residential and commercial uses.

After some discussion, a suggestion was made to include a graphic example of a food truck or a site with a food truck pad. Another suggestion was made to include outdoor dining as a graphic element. Discussion will continue more at the next meeting due to time constraints.

Commissioner Bliss suggested a sub committee to review this portion of the zoning ordinance rewrite. Commissioner Marsh noted that we currently have an active zoning ordinance review committee consisting of herself, Commissioner Graettinger, Chair Champagne, C.E.D. Director Tucker, Planner Lonnerstater, and a member of the DDA Board.

The zoning ordinance review committee can have up to four Planning Commissioners on it without

creating a quorum. Therefore, Councilman Bliss suggested we add an additional planning commission member to the committee, Melissa Kalnasy.

Motion by Commissioner Bliss, seconded by Grafstein, to add Commissioner Kalnasy to the zoning ordinance review committee.

Motion carries unanimously.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater briefly updates the Commission on the development on 14 Mile which consists of a car wash and donut shop and the proposed three story mixed use development at John R Road and 11 Mile, which can be found in the packet.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:18 pm.



MEMORANDUM

Date: May 11th, 2023
 To: City of Madison Heights Planning Commission
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Zoning Ordinance Rewrite Update and Discussion – Missing Middle Housing; Accessory Dwelling Units; and Regulated Uses

On Tuesday, March 28th, the Zoning Ordinance Rewrite Steering Committee met with City staff and the City's planning consultants for an active discussion on the zoning rewrite project. The discussion primarily focused on the City Center Form-Based and Mixed-Use Innovation zoning districts, including permitted uses and design regulations. While the Steering Committee briefly discussed housing elements such as "missing middle housing" and accessory dwelling units, the Committee felt that these were topics that should be discussed by the Planning Commission as a whole, as they touch upon broad housing goals contained in the 2021 Master Plan.

City Council has also directed staff to review the list of "Regulated Uses" in the existing Zoning Ordinance and modify the list, as needed, as part of the Zoning Ordinance rewrite.

At the May 16th Planning Commission meeting, staff would like to discuss the following elements elements of the draft Zoning Ordinance:

- "Missing Middle Housing" and housing unit diversity.
- Accessory dwelling units.
- Mixed-use building height.
- List of Regulated Uses.

As the Zoning Ordinance is still in the drafting stages, Planning Commission comments will be forwarded onto the consultants for incorporation into the next draft.

Missing Middle Housing: Two-Family/Townhouse District

"Missing Middle Housing" is a common buzz-term in today's planning circles which refers to a range of lower density multi-family unit types that are no longer commonly built, or permitted, in American cities; these include duplexes, triplexes, and townhouses. The term "multi-family" has historically had a negative connotation, as people often think of large apartment buildings and complexes. As a result, many of the "missing middle" multi-family building types have been zoned-out of cities, even though they can be designed to seamlessly fit into existing single-family neighborhoods. In turn, the supply of diverse unit types in America's housing stock, including more affordable housing, has not kept up with demand. Please refer to the attached article, *"5 Practical Zoning Hacks for Missing Middle Housing,"* and the following graphic:

The Range of “Missing Middle” Housing

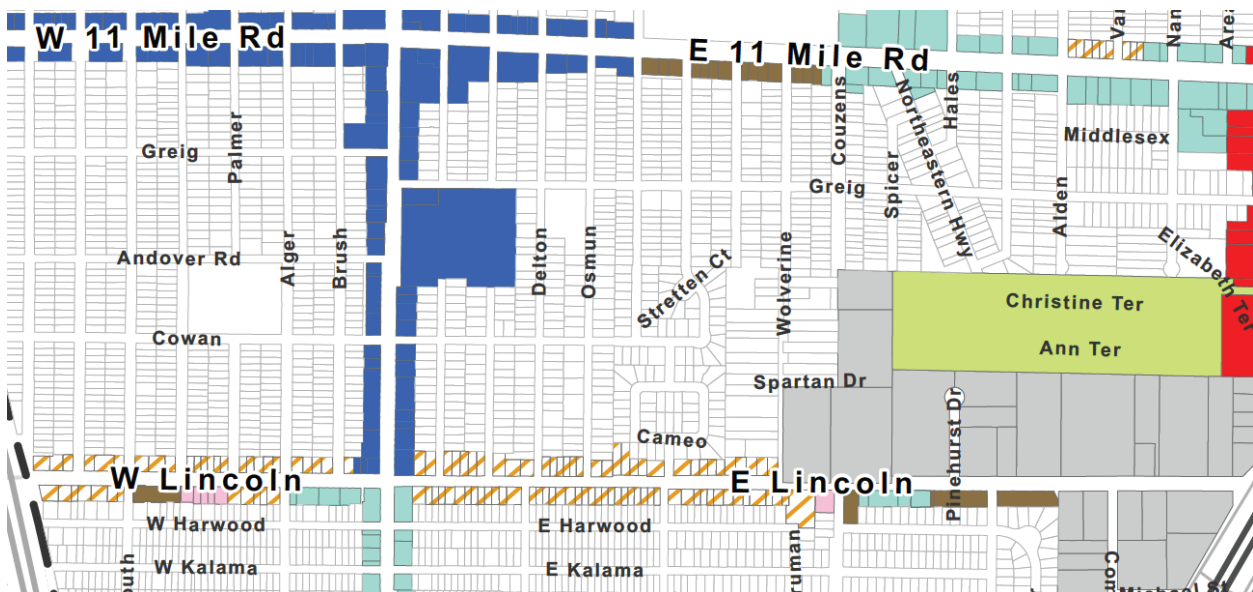


Source: Opticos Design

In addition to the *R-M, Multiple-Family* district, Madison Heights’ existing Zoning Ordinance contains a *R-T, Two-Family Residential* zoning district. While this existing district does allow for duplexes, there is currently only one small parcel in the entire City that has an R-T zoning designation, located on East Lincoln Ave. east of Couzens.

As a means of increasing the availability of “missing-middle” housing types in the City in accordance with the goals of the Master Plan, staff proposes to expand permitted housing types in the R-T district to include attached townhomes in addition to duplexes and increase the amount of R-T-zoned properties. As proposed, the R-T district would be extended to include a majority of Lincoln Avenue and portions of E. 11 Mile Road, shown in the draft zoning map, below:

Draft Proposed Zoning Map



The proposed R-T District is shown as orange hatching along Lincoln Ave. and E. 11 Mile Rd.

In general, the Steering Committee felt that additional “missing middle” housing types such as triplexes and quadplexes could be appropriate within the R-T district but wished to bring it up to the whole Planning Commission for discussion and direction. The 2021 Master Plan contains the following housing goals and objectives:

- *Provide a diverse range of housing options that meet the affordability, maintenance, and lifestyle needs of current and future residents.*
- *Support neighborhoods by improving walkability and access to goods and services.*
- *Encourage maintenance of and reinvestment in existing neighborhoods.*
- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*

Additionally, the Neighborhood Analysis chapter of the Master Plan states the following for the future development of Lincoln Ave:

[...] Lincoln Avenue presents an opportunity to add higher density housing adjacent to the single family uses. This housing, known as missing middle housing, is essential to providing affordability to neighborhoods. This housing should be compatible with the surrounding neighborhoods in scale. Duplex, triplex, and quadplex dwellings in structures that look like single family homes are envisioned.

If additional housing types are desired, staff would likely rename the R-T, Two-Family district to something more inclusive, such as “Medium-Density Residential.”

Guiding Questions for Planning Commission

1. *As proposed, the R-T district use table would be expanded to include attached single-family and townhouse units in addition to duplexes. Should additional “Missing-Middle” housing types be considered (e.g. triplexes, fourplexes)?*
2. *Should the R-T district be extended to include additional properties/areas in Madison Heights?*
3. *Should design standards be incorporated into the Zoning Ordinance to ensure that duplexes/townhomes and any other “Missing Middle” housing types are architecturally-compatible with single-family detached homes and contribute to the streetscape (e.g. attached garage location/design standards).*

Accessory Dwelling Units

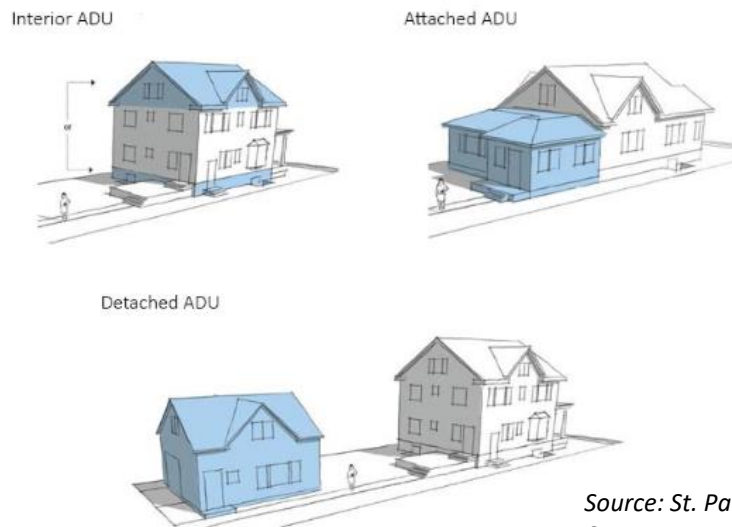
In addition to Missing-Middle Housing, accessory dwelling units (also known as “granny-flats” or “in-law suites”) have also disappeared from the American housing stock. Historically, accessory dwelling units, or ADUs, were constructed either as separate stand-alone structures or added above an existing detached garage, and provided a separate living space for a family member. Today, in cities which permit them, ADUs have been shown to increase the housing stock; provide affordable housing alternatives for students, single-person households, or family members; and create mixed-income/density neighborhoods in a way that does not greatly impact the existing appearance of the streetscape. Please refer to the attached MSU article, “Accessory Dwelling Units – Coming to a Neighborhood Near You?”

Madison Heights' current Zoning Ordinance does not permit ADUs in residential zoning districts. As part of the Zoning Ordinance rewrite, the City has an opportunity to permit ADUs on a large-scale or limited basis, if desired.

Guiding Questions for Planning Commission

1. Should Madison Heights permit accessory dwelling units (ADUs) in residential zoning districts?
2. ADUs may be located within an existing home, as an attachment to a principal structure, or in a detached accessory structure. If allowed, should ADUs be restricted to one of these locations? Should all types be permitted?
3. If allowed, should ADUs only be permitted on owner-occupied properties, meaning that the property owner must live in either the principal house or ADU?

Accessory Dwelling Unit Types



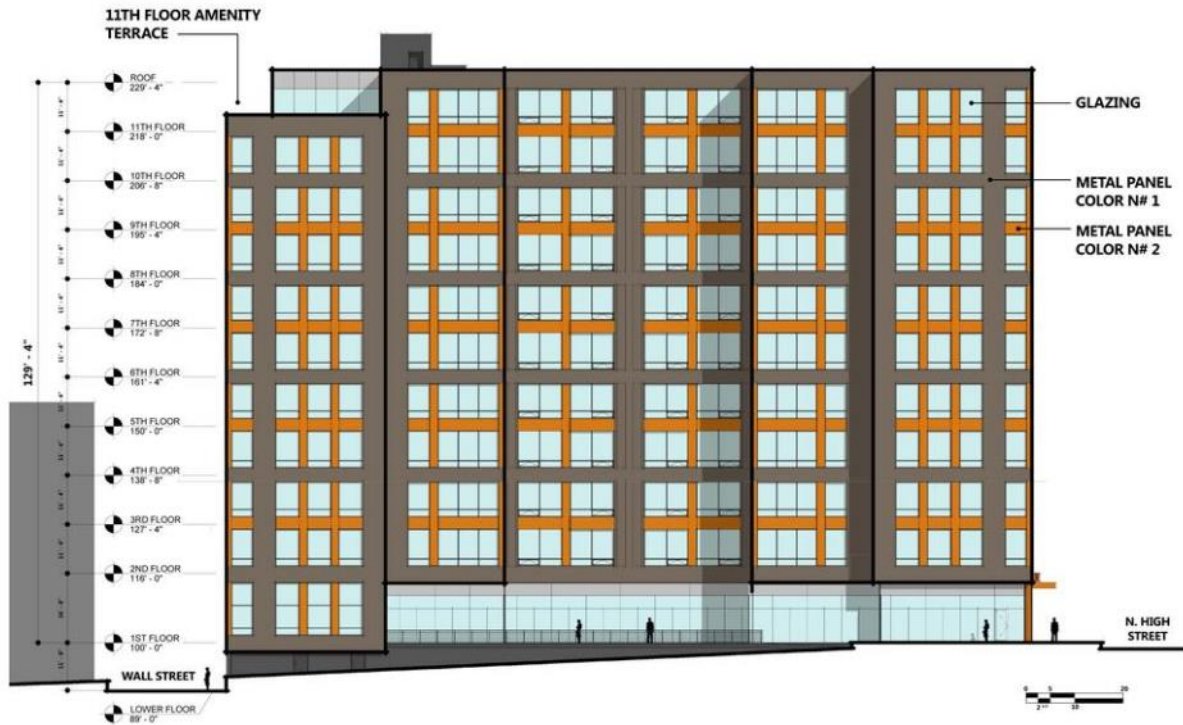
Source: St. Paul, MN Planning
& Economic Development

Mixed-Use Innovation District 2 (MUI-2) Building Height

The draft Zoning Ordinance establishes the **Mixed-Use Innovation 2 (MUI-2)** district to promote the redevelopment of moderate to large-scale commercial retail centers into 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, multiple-family residential, and mixed-use projects. MUI-2-zoned sites include the Home Depot/Lowes, Meijer, Target, and the Active Adult Center and SOCCRA sites.

As currently proposed, building height in the MUI-2 zoning district is capped at 50 ft., which would permit a four or five story building. The Steering Committee discussed the potential for increasing the permitted building height in the MUI-2 district to encourage greater residential density. As points of reference, the 11-story mixed-use building illustrated on the following page is approximately 130-ft. tall and the 5-story building is approximately 60-ft. tall; neither could be accommodated with a 50 ft. height limit.

11-Story Building Elevation (approx. 130 ft. tall)



Source: Crawford-Hoying

5-Story Building Elevation (approx. 60 ft. tall)



Source: Oakland Built

Guiding Questions for Planning Commission

1. *Should additional building height be permitted in the MUI-2 zoning district to encourage greater residential density and increase housing supply?*
2. *If so, what should be the maximum permitted height? Mixed-Use (commercial/residential) buildings typically average 11-14 feet per story.*

Regulated Uses

Section 10.502[A] of the current Zoning Ordinance contains regulations and siting standards for “Regulated Uses.” Per the Zoning Ordinance, regulated uses have, *“serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas.”* The Ordinance continues on to state that certain types of regulated uses, *“have been found to have a deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.”*

Regulated uses are only permitted in the B-2 and B-3 zoning districts as a special use and are subject to strict siting standards, including minimum distances from residential zoning districts, schools, parks, childcare facilities, and other existing regulated uses.

The original list of regulated uses dating back to the 1970s primarily included “adult business” uses, such as adult bookstores, cabarets, and escort agencies. However, City Council amended the section in 1999 to include additional uses not traditionally classified as “adult” businesses, such as tattoo parlors, pool/billiard halls, used good stores, and pawnbrokers. Massage parlors, saunas and spas were added as a regulated use in 2009.

At their last meeting, City Council directed staff to review the current list of regulated uses as part of the Zoning Ordinance rewrite and make changes, as necessary, to ensure that the list is appropriately restricting those uses that truly have *“objectionable operational characteristics.”* The full Regulated Use zoning section is attached to the agenda packet.

Guiding Questions for Planning Commission

1. *Should non-adult-oriented businesses, such as tattoo parlors, used good uses, billiard halls, pawnbrokers, and massage parlors/spas, continue to be classified as Regulated Uses?*
2. *If certain uses should be removed from the list of Regulated Uses, in which zoning districts should they be permitted (either by-right or as a special land use)?*
3. *Should certain uses currently permitted by-right, including firearm stores, firearm ranges, tobacco/vape shops, and smoking lounges, be added to the list of Regulated Uses? Alternatively, should these types of uses be subject to standalone use-specific standards or siting restrictions?*

Next Steps

Following the discussion at the meeting, staff will summarize and forward the Planning Commission’s comments and recommendations onto the consultants for incorporation into the next Zoning Ordinance draft. Staff will continue to provide updates and hold discussion sessions with both the Steering Committee and Planning Commission to ensure that the new Zoning Ordinance is on the right track towards implementing the City’s planning and development goals.

Accessory dwelling units – Coming to a neighborhood near you?

Brad Neumann, [Michigan State University Extension](#) - September 09, 2022

With interest in urban living on the rise, more communities are considering amending local regulations to allow accessory dwelling units in traditional neighborhoods.



Nationwide, cities and small towns are experiencing housing affordability and attainability challenges. According to the Joint Center for Housing Studies of Harvard University's The State Of the Nation's Housing 2022 these challenges are driven by many factors such as rising costs and limited housing stock alongside increasing demand from homebuyers report. More communities are addressing the increased demand for housing in traditional neighborhoods by amending regulations to allow accessory dwelling units.

Accessory dwelling units (ADUs) are also known as granny flats, mother-in-law apartments or carriage houses. Regardless of the name, this definition from the Village of Beulah, Michigan zoning ordinance gets at the key concept – “An incidental and subordinate dwelling unit which provides living quarters for one (1) individual or a family that is on the same lot, but is separate from the primary dwelling unit....” Some communities include standard for accessory dwellings that requires one of the two dwelling units – either the principal dwelling or the accessory dwelling – to be occupied by the property owner in order to avoid an absentee landlord situation in which structures may sometimes fall into disrepair. Accessory dwelling units might be in an accessory building, such as a converted garage or new construction, or the accessory dwelling might be attached or part of the principal dwelling, such as a converted living space, attached garage, or an addition. The later may be called something else, like in the Village of Beulah ordinance that refers to them as accessory apartments.

Accessory dwelling units have been touted as an affordable housing strategy in communities where a brisk real estate market is driving families and talented workers out of the community. The relatively smaller size of such units makes them more affordable. What's more, such dwellings also provide additional income for property owners, making the principal residence also more affordable. Although, it is important to note that accessory dwellings will not solve the affordable housing problem alone.

In addition to making housing more affordable, communities have looked to ADUs as a way to increase density in neighborhoods as a counter measure to changing household and family structures. In order to improve business for local establishments in and around traditional neighborhoods, ADUs not only subtly increase population density; they increase the customer base near a community business district.

Any community that has considered changes to zoning to allow accessory dwelling units knows the topic is not without objection. Resistance to accessory dwelling units of Item 2. relate to concerns about overcrowding, declining structural conditions, and increasing traffic. In practice, communities can offset these concerns with reasonable regulations and a robust planning process that includes public participation.

For instance, accessory dwellings may not be appropriate on every residential parcel. Sometimes local regulations include a minimum parcel size to be permitted (although, if this minimum size is too big it may defeat the purpose of increasing density in a traditional neighborhood). Also, regulations may require provision of one additional off-street parking space accessible from the existing driveway or alley. To help preserve neighborhood character, entry doors may be required to be screened from the street or off the side of a structure. So, depending on the size of the parcel, the size and orientation of the existing, principal dwelling, the driveway or alley configuration, and other special circumstances, accessory dwellings may not be appropriate on every single-family residential lot in a community.

There are numerous resources on ADUs for communities considering this housing option, some of those include:

- [ABCs of ADUs: A Guide to Accessory Dwelling Units and How They Expand Housing Options for People of All Ages](#) by AARP
- [Accessory Dwelling Units: A Step by Step Guide to Design and Development](#) by AARP
- [Accessory Dwelling Units: Model State Act and Local Ordinance](#) by the AARP
- [Accessory Dwelling Unit \(ADUs\) Case Study](#) by the U.S. Department of Housing and Urban Development
- [Accessory Dwelling Units – Knowledgebase Collection](#) by the American Planning Association
- [Accessory Dwelling Units – Quick Notes](#) by the American Planning Association
- [A Guide to Building a Backyard Cottage](#) by the City of Seattle
- [AccessoryDwellings.Org](#)

Additionally, example zoning regulations from Michigan communities that allow ADUs include:

- Clark Township (Mackinac County) allows as a permitted use in [any zoning district that permits single family dwellings](#)

- Hamburg Township (Livingston County) allows as a permitted use across several districts (see Sec. 36.239)
- Village of Beulah (Benzie County) allows as a permitted use with special conditions across residential and some commercial
- City of Traverse City requires registration and allows up to 15 new per year in its Single-Family Dwelling Districts
- City of Niles allows as a special land use in its Low-Density and Medium-Density Residential districts
- City of Manistee allows as a special use in its Medium-Density and High-Density Residential districts and by right in the Central Business District
- City of Grand Rapids allows as a special land use in all residential districts

If interested in learning more about accessory dwelling units, contact a Michigan State University Extension land use educator.

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PLANNING MAGAZINE

5 Practical Zoning Hacks for Missing Middle Housing

These thoughtful tweaks can help promote housing diversity and density in communities of all sizes.

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[INNOVATIONS \(/PLANNING/SECTION/INNOVATIONS/\)](/planning/section/innovations/) ZONING



Images of different housing types can help minimize resistance to increased density. The site Missing Middle Housing offers images and videos to help educate your community on what to expect. Courtesy of Opticos Design, Inc.

March 21, 2022

By KATI WOOCK

One-third of American households are made up of a single individual. Up to 85 percent of households will not include children by 2025. By 2030, one in five Americans will be over the age of 65.

These statistics add up to a simple fact: Demand is high for smaller homes, lower living costs, walkable neighborhoods, and places for people to age in place. Yet zoning across the U.S. largely discourages these features.

That's because codes tend to be based on residential density, which is measured in dwelling units per acre, and most prioritize single-family housing. In 2019, *The New York Times* found that "it is illegal on 75 percent of the residential land (<https://www.nytimes.com/interactive/2019/06/18/upshot/cities-across-america-question-single-family-zoning.html?mtrref=en.wikipedia.org&assetType=PAYWALL&mtrref=www.nytimes.com&assetType=PAYWALL>) in many American cities to build anything other than a detached single-family home." Not only are large multifamily buildings banned from many neighborhoods, but so are smaller housing types that cost less than a single-family home: side-by-side and stacked duplexes, triplexes, townhouses. These constitute "missing middle housing," or "house-scale buildings that just happen to have multiple units in them," says Daniel Parolek (<https://opticosdesign.com/about/staff/daniel-parolek/>), principal and CEO of Opticos Design, who coined the term in 2010 (<https://missingmiddlehousing.com/about>).

In the past few years, Oregon (<https://www.sightline.org/2021/08/13/eight-ingredients-for-a-state-level-zoning-reform/>), Minneapolis (<https://www.pbs.org/newshour/show/how-minneapolis-became-the-first-to-end-single-family-zoning>), California (<https://nlihc.org/resource/california-legislature-passes-bills-limit-exclusionary-zoning-and-increase-density>), and other states and cities have launched zoning reform efforts (<https://planning.org/2021/winter/3-zoning-changes-that-make-residential-neighborhoods-more-affordable/>) to better promote housing affordability, diversity, and density. But if your community lacks the political will to make these kinds of sweeping changes, a few thoughtful tweaks can still make a big impact. Try these five zoning hacks — and a bonus tip — recommended by Parolek, then watch his APA Learn course (https://learn.planning.org/local/catalog/view/product.php?globalid=LRN_198216) for more ways to increase local density.

1. REDUCE MINIMUM LOT SIZE.

Does your code require two lots to build a duplex or a fourplex? If a builder must aggregate multiple lots to build a small multiunit building, your minimum lot sizes are too big. Instead, replace minimum lot sizes with minimum lot widths and tie types of buildings to the lot's width, not its square footage.

2. ALLOW FOR MORE HOUSING TYPES AND REVISIT STRUCTURE SIZES.

As Joe Zehnder, chief planner for Portland, Oregon's Bureau of Planning and Sustainability, says, "if the house size is the same, why do you care how many units are in there?" In Portland, zoning changes now allow someone building on a 5,000-square-foot lot to construct up to four units divided between a main building and detached accessory dwelling units. Five or six units are allowed if half of them are affordable to low-income residents.

3. LEVEL THE PLAYING FIELD FOR SMALLER UNITS.

More density doesn't always mean bigger buildings. In Santa Barbara, California, an average unit size ordinance provides for increased density as the average unit size decreases. This enables missing middle housing by allowing for greater density, even in smaller structures.

4. REDUCE OR ELIMINATE PARKING MINIMUMS.

Parking expert Professor Donald Shoup ([https://publications/document/9194519/](https://publications.document/9194519/)), FAICP, of UCLA estimates that the U.S. has set aside two billion parking spaces for just 250 million cars and light trucks, resulting in far more land dedicated to cars than housing.

"If you want missing middle [housing], you need to fix your parking standards (<https://planning.org/2018/oct/peopleoverparking/>)," says Parolek. "We've done a better job delivering houses for cars than we have delivering houses for people." If you require more than one off-street parking space per unit, it's not economically viable or physically possible to create missing middle housing on infill lots. Instead, opt for one parking space — or even none — per unit and no guest parking.

5. ALLOW MISSING MIDDLE HOUSING EVERYWHERE (IF POSSIBLE).

Is more than 20 percent of your land area zoned exclusively for single-family housing? Then you need to change the boundaries limiting missing middle housing to deliver it effectively and equitably. In Portland, Oregon, planners proposed allowing middle housing types in all districts across the city unless there is a physical limitation, like flooding or landslide hazards.

In response to displacement concerns, Zehnder says, "the more places where we allow this to happen, the less it's going to overwhelm any individual place." And development won't happen all at once: Portland planners estimate an add of 4,000 new units over the next 15 years. But if a single house in a wealthy neighborhood is replaced with three units, that alone can help take the pressure off demolitions in an area with lower incomes, Zehnder says.


BONUS TIP

Frame the conversation. When you're presenting your ideas to the community, especially those resistant to change, it can be helpful to avoid terms that might have negative connotations to some, like "density," "multifamily," or "upzoning." Present zoning changes as a way to offer new housing choices or options. Focus on form and scale, not density metrics. Imagery can help community members understand how missing middle types could look in their neighborhoods, too — check out missingmiddlehousing.com (<https://missingmiddlehousing.com>) for resources.

Kati Woock is a freelance editor and writer based in Michigan. This was adapted from a 2019 National Planning Conference session and [APA Learn course](https://learn.planning.org/local/catalog/view/product.php?globalid=LRN_198216) (https://learn.planning.org/local/catalog/view/product.php?globalid=LRN_198216), by [Daniel Parolek](https://opticosdesign.com/about/staff/daniel-parolek/) (<https://opticosdesign.com/about/staff/daniel-parolek/>), principal and CEO of Opticos Design.


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Sec. 10.502[A]. Regulated uses.

1. *Purpose of Ordinance.* In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the planning commission and city council has received information from the community development department, the city assessor, and the police department, including information associating blight and increased crime with sexually-oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, council has received further information that certain types of adult businesses, including tattoo parlors, pawnbrokers, and used goods businesses have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

2. *Definitions.* As used in this section:

- (a) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
- (b) *Adult book store or adult video store* means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:
 - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
 - (2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

- (c) *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

- (1) Persons who appear in a state of nudity, or
 - (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 - (3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas."
- (d) *Adult motel* means a hotel, motel, or similar commercial establishment which:
- (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or
 - (3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten hours; or
 - (4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- (e) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (f) *Adult retail store* means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."
- (g) *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- (h) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- (i) *Escort agency* means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (j) *Establishment* means and includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (k) *Massage parlor, sauna and/or spa* means a massage parlor as defined in Chapter 7 of the Madison Heights Code of Ordinances.

- (l) *Nude model studio* means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.
- (m) *Nudity or state of nudity* means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.
- (n) *Pawnbroker* means pawnbroker businesses as defined in Chapter 7 of the Madison Heights Code of Ordinances.
- (o) *Person* means any individual, proprietorship, partnership, corporation, association or any other legal entity.
- (p) *Pool or billiard hall* means a place providing pool or billiard tables for use on the premises to the public as defined in Chapter 4 of the Madison Heights Code of Ordinances.
- (q) *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.
- (r) *Sexual encounter center* means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.
- (s) *Specified sexual activities* means and includes any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. above.
 - (5) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.
- (t) *Regulated uses* means any of the following:
 - (1) "Adult arcades";
 - (2) "Adult book stores and adult video stores";
 - (3) "Adult cabarets";
 - (4) "Adult motels";
 - (5) "Adult motion picture theaters";
 - (6) "Adult retail store";
 - (7) "Adult theaters";
 - (8) "Escort agencies";

- (9) "Massage parlors, saunas or spas";
 - (10) "Nude model studios";
 - (11) "Pawnbrokers";
 - (12) "Pool and/or billiard halls";
 - (13) "Sexual encounter centers".
 - (14) "Tattoo parlors or uses";
 - (15) "Used good uses";
 - (16) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web;
 - (17) Other sexually oriented business described herein or as determined by city council.
- (u) *Specified anatomical areas* means and includes any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
 - (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.
- (v) *Tattoo parlors or uses* means a business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or engraving with pigment or by raising scars.
- (w) *Used good uses* means businesses engaged with a substantial portion of their business comprising the sale of used goods, including, but not limited to, secondhand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401 et seq., and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.
3. *Location of regulated uses:*
- (a) The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.
 - (b) Regulated uses shall be permitted in B-2 and B-3 Districts after special approval by city council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of the following:
 - (1) A church;
 - (2) A public or private elementary or secondary school;
 - (3) The boundary of a residential zoning district;
 - (4) A public park;
 - (5) The property line of a lot in residential use;
 - (6) A child care facility.
4. *Miscellaneous requirements.*
- (a) No person shall reside in, or permit any person to reside in, the premises of a regulated use.

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- (b) All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district.

(Ord. No. 504, § 1, 6-25-73; Ord. No. 1064, §§ 4, 5, 10-12-09)