

Ordinance No. 2022
City of Madison Heights
Oakland County, Michigan
Zoning Text Amendment 24-01

An ordinance to amend Ordinance 2198, being an ordinance codifying and adopting a new Zoning Ordinance for the City of Madison Heights, by amending Appendix A, Section 8.03 – Accessory Buildings, Structures, and Uses – to create more flexible standards for unenclosed structures and utility structures.

The City of Madison Heights ordains:

Section 1. SECTION 8.03. ACCESSORY BUILDINGS, STRUCTURES, AND USES is hereby amended as follows:

1. **Accessory Buildings, Structures, and Uses.** Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
 - A. **Use.** Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. Accessory structures shall not be constructed until the principal building is constructed; however, a principal building and detached accessory structure may be constructed simultaneously. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair, unless approved as an element of a Special Land Use and/or Site Plan approval.
 - B. **Permit.** Any accessory building greater than 200 square feet shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the Planning and Zoning Administrator.
 - C. **Accessory Dwelling Units.** Accessory Dwelling Units (ADUs) are further subject to the use-specific standards of Section 7.03(1). Where there is a conflict between the standards of this Section and Section 7.03, the standards of Section 7.03 shall apply.
 - D. **Location.** Unless noted otherwise, detached accessory buildings shall only permitted in the rear yard subject to setbacks listed in this section. In the case of corner lots, detached accessory structures may be permitted abutting the secondary street in accordance with street side yard setbacks for the principal structure.
 - E. **Height.**

- (1) Residential Districts: With the exception of detached accessory dwelling units (Section 7.03(1)), detached accessory structures shall not exceed fifteen (15) feet in height. Attached accessory structures shall be subject to height regulations applicable to the principal structure in the associated zoning district.
 - (2) Non-Residential and Mixed-Use Districts: Detached accessory structures shall not exceed twenty (20) feet in height. Attached accessory structures shall be subject to the height regulations applicable to the principal structure in the associated zoning district.
- F. Lot Coverage. All attached and detached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage.
- G. Setbacks. Accessory structures are subject to the following setbacks listed below:
- (1) Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
 - (2) No detached accessory building shall be located closer than ten (10) feet to any main building (including buildings on adjacent parcels) nor shall it be located closer than five feet to any side or rear lot line, with eaves no closer than four feet to any lot line. Detached accessory buildings may be located up to three feet to the rear lot line or side lot line if construction is fire-resistance rated according to the current Michigan Residential Code, with eaves no closer than two feet to any lot line.
 - (a) Exemption for Gazebos/Pergolas and Unenclosed Structures: For single-family, townhome, duplex, or multiplex uses, detached, freestanding, and unenclosed gazebos, pergolas, or similar roofed but unenclosed accessory structures up to 200 square feet in area are exempt from the minimum ten (10) foot building setback requirement if open/unenclosed on all sides, unless a greater minimum separation distance is required by the Building Official.
 - (3) In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, with the exception of an alley, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
 - (4) Corner Lots: In the case of a corner lot, a detached accessory structure shall be subject to the street side yard setbacks applicable to the principal structure.

- H. Design. When a permit is required, all attached and detached accessory buildings, including garages, sheds, and carports, shall be designed and constructed of materials and design, including roof style, compatible with the principal structure and other buildings in the vicinity, as determined by the Planning and Zoning Administrator. The Planning and Zoning Administrator may allow modifications to the design if the alternate design is compatible with surrounding architecture.
 - I. Pavement. All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the Community and Economic Development Department and are further subject to use-specific standards of Article 7. The Community and Economic Development Department shall base its determination upon such factors as the narrowness, shallowness, shape, or area of a specific piece of property, topographical conditions, or extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.
 - J. Drainage. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.
 - K. Foundation and Rat Walls. All detached accessory structures, regardless of size, shall be built on a concrete or masonry foundation or feature a rat wall, both in accordance with Chapter 6 of the Code of Ordinances, Buildings and Building Regulations.
2. **Portable On-Site Storage Units.** Portable On-Site Storage Units may be permitted on a temporary basis in accordance with the following:
- A. Residential Districts:
 - (1) One portable on-site storage unit shall be permitted per dwelling unit.
 - (2) Portable on-site storage units shall be located on a paved surface and shall be subject to the location and setback standards for accessory structures, Section 8.03 (1), above. The Planning and Zoning Administrator may approve alternate locations through the submittal/approval of a Temporary Use Permit.
 - (3) Such unit shall be permitted without a temporary use permit for up to 30 days in a one 12-month period, unless otherwise noted in this Section.
 - (4) For multi-family residential sites, on-site portable storage units shall not obstruct drive aisles or block a required parking space.
 - (5) A portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.

B. Non-residential and Mixed-Use Districts

- (1) Two (2) portable on-site storage units shall be permitted per parcel, upon approval of a Temporary Use Permit.
- (2) Portable on-site storage units shall be located on a paved surface, and only in the rear yard. The portable unit(s) shall maintain the minimum rear yard setbacks for accessory structures per Section 8.03 (1), above.
- (3) Such unit(s) shall be permitted for up to 30 days in a one 12-month period, unless otherwise noted below.
- (4) Portable on-site storage unit may be permitted for up to six months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon application for a Temporary Use Permit, approved by the Planning and Zoning Administrator.
- (5) Portable on-site storage units may be placed on a permanent basis within an approved accessory outdoor storage area without the need for a temporary use permit. Such accessory outdoor storage areas shall be subject to the requirements of Section 8.03 (6), below.
- (6) Containers exceeding 16 feet in length, such as cargo/shipping containers, shall only be placed within an approved accessory outdoor storage area. Such accessory outdoor storage areas shall be subject to the requirements of Section 8.03 (6), below.

C. General Regulations

- (1) No portable storage unit shall be located in a public right-of-way.
- (2) No electrical, gas, or plumbing services shall be connected to the portable storage unit.
- (3) Portable storage containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- (4) Portable storage containers shall not be used as living quarters for humans or animals.

3. **Utility Structures.** All ground-mounted transformers, generators, air conditioner units, mechanical equipment, and similar equipment shall be subject to the following regulations.

- A. Such structures, when unenclosed or not screened, shall only be permitted in the rear yard and shall be placed immediately adjacent to the building to be served.
- B. The utility structure shall be located a minimum of three (3) feet from any property line. However, a non-conforming existing utility structure may be replaced with a new unit of

a similar size in the same location without meeting the setback requirements; such structures in the side yard shall be screened in accordance with sub-section C, below.

- C. The Planning and Zoning Administrator may permit such utility structures within an interior side yard or street side yard, subject to the following requirements:
- (1) The utility structure shall be placed immediately adjacent to the building to be served and shall be screened on at least three (3) sides so as to not be visible from the street. The wall of the principal building may count toward one of the three sides. Such screening shall be constructed of materials similar/compatible to the building(s) to which they are accessory and shall be constructed to a height not less than that of the unit to be screened. Evergreen shrubbery or plant material may be substituted for enclosures. Chain link fencing is not permissible as screening material.
- D. Utility structures are exempt from, and do not count towards, the maximum lot coverage standards of Article 4, Schedule of Regulations.

Section 2. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. Enactment

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between 12:30 p.m. and 4:30 p.m. on regular business days.

Roslyn Grafstein, Mayor

Cheryl Rottmann, City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on _____, 2024.

Cheryl Rottmann, City Clerk

ZOTXT 24-01 (Ordinance 2022)

Planning Commission Public Hearing: September 17th, 2024

City Council First Reading: October 14th, 2024

City Council Second Reading: TBD

Adopted/ Public Hearing: TBD

Published: TBD

Effective: TBD