



# MEMORANDUM

Date: October 7<sup>th</sup>, 2025  
To: City of Madison Heights City Council [October 13<sup>th</sup>, 2025 Meeting]  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Zoning Text Amendment #25-01 [Ordinance 2206]- Non-Conforming Residential Driveways – City Council Second Reading

## Introduction and Planning Commission Action

To avoid an abundance of cases in front of the Zoning Board of Appeals, staff recommends several zoning text amendments which would allow certain non-conforming residential driveways to be replaced in-kind. Staff proposes text amendments to the following sections of the Zoning Ordinance:

- Section 7.03.10: Use-Specific Standards for Detached One-Family Dwellings
- Section 10.02.1: Parking of Motor Vehicles in Residential Districts
- Section 13.01.6: Nonconforming Site Elements

The Planning Commission held a public hearing at their September 19<sup>th</sup>, 2025, after which they recommended approval of the proposed text amendments as written. City Council held the first hearing for the Ordinance at their September 29<sup>th</sup>, 2025 meeting.

## Background

Section 7.03.10.C of the new Madison Heights Zoning Ordinance contains use-specific standards for residential driveways. As a majority of single-family detached houses and their associated driveways in Madison Heights were constructed prior to the adoption of the new Zoning Ordinance, there are many cases of legally non-conforming driveway conditions throughout the city. Recently, staff has had to deny many applications for the replacement of non-conforming driveways; this is due to the Article 13 (Nonconformities) of the Zoning Ordinance which requires non-conforming site elements to be brought up to code when replaced. Permit denials have, understandably, led to frustration for these property owners due to the impracticality of alternate driveway designs or the cost/time factor of going in front of the Zoning Board of Appeals (ZBA) for a variance.

Staff has generally denied non-conforming driveway replacements based on a failure to meet one (or multiple) of the following zoning standards:

- (A) Driveways shall be set back a minimum of one (1) foot from side and rear lot lines, except in cases where the driveway is accessed from a rear alley or where a driveway is shared between two or more properties.
- (B) Driveways shall not be permitted in front of the residential dwelling. Nonconformities relating to this standard often lead to one of the following additional nonconformities:
  - 1) Driveways leading to an attached garage shall be no wider than 20 feet at the front or street side lot line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening.
  - 2) Driveways leading to a detached garage shall be no wider than twelve (12) feet in width at the property line but may taper to a width up to, but not to exceed, eighteen (18) inches beyond the exterior edges of the garage door opening.

### Proposed Text Amendments

Based on the discussion at the August 19<sup>th</sup>, 2025 Planning Commission meeting, staff recommends adding a provision on “Non-Conforming Residential Driveways” within the use-specific standards for One-Family Detached Dwellings, Section 7.03.10. The proposed text amendments would allow two prevalent types of non-conforming residential driveways to be replaced in-kind without the need for a variance, subject to certain conditions:

- 1) Existing driveways that do not meet the one (1) foot side-yard setback requirement.
- 2) Existing driveways, including attached service walks, that extend a limited distance in front of the residential dwelling.

The proposed text amendment to Section 7.03.10, in full, is as follows:

- (1) Non-conforming Residential Driveways: The following types of non-conforming residential driveways may be repaved or reconstructed in-kind without the need to seek a dimensional variance, but in no case shall the extent of the existing non-conformity increase:
  - (a) A driveway, or a portion of a driveway, which is non-conforming due to a failure to meet the one (1) foot side-yard setback requirement of paragraph (3), above, may be repaved or reconstructed in-kind, irrespective of non-conforming driveway width at the property line, if at least one of the following conditions are met:
    - i) The existing parcel features a lot width of 40 feet or less.
    - ii) The non-conforming portion of the driveway to be repaved or reconstructed is ten (10) feet wide or less.
  - (b) A driveway, or a portion of a driveway, which is non-conforming due it extending directly in front of a residential dwelling may be repaved or reconstructed in-kind, irrespective of non-conforming driveway width at the property line. However, in no case shall the portion of the driveway extending in front of the dwelling exceed five (5) feet in width.

The proposed text amendments are discussed in more detail, below:

### Side-Yard Setback

Section 7.03.10.C.(3) requires driveways to be set back a minimum of one (1) foot from side and rear lot lines. The intent behind this standard is to allow for stormwater to infiltrate into a grass strip at the property line instead of sheet flowing directly onto adjacent properties. While this standard is important for new construction, there are many examples of existing residential driveways built right along the side property line; this is especially true in the southern portions of the city, where narrow parcel widths and minimum building setback requirements have limited driveway placement and driveway widths.



*Narrow lot widths and minimum building setback requirements have historically limited driveway placement to the side property line edges.*

In many cases, especially those with narrow lot widths of 40 feet or less, enforcing the one-foot minimum driveway setback for replacement driveways may lead to other non-conforming conditions, such as driveways that are too narrow (less than 9 feet wide) or driveways that need to extend to an area in front of the dwelling. Due to the pervasiveness of this non-conformity, staff recommends a text amendment.

The proposed text amendment would allow driveways on narrow lots (40 ft. wide or less), and narrow driveways themselves (10 ft. wide or less), to be replaced in-kind without having to meet the one-foot setback requirement. This provision would not apply to wider lots where adequate room may be available to shift the driveway to meet the setback requirement, nor would it apply to wider driveways which can be reasonably reduced in width to meet the setback.

#### Driveways in front of Residential Dwellings

Section 7.03.10.C prohibits driveways directly in front of residential dwellings. This general requirement was carried over from the previous Zoning Ordinance (with the standard adopted sometime prior to 1999), which stated, “no paved surfaces of any type whatsoever, including, but not by way of limitation, surfaces consisting of concrete, asphalt, or portland cement binder, will be permitted in front of the main building except a paved surface which constitutes a sidewalk and/or service walk for the purposes of pedestrian travel and which is not intended to be driven upon or parked upon.”

The intent behind this standard, and of the standards in the new Zoning Ordinance, is to limit vehicles from dominating the front yard of a residential property and to reduce the amount, or at least the appearance, of impervious surface in front of a home. The Zoning Ordinance envisions service walks that are completely separate from the driveway or, at minimum, connected to the driveway via a flare/taper:



*Zoning Ordinance standards encourage a pedestrian service walk that is completely separate from the driveway or, at a minimum, tapered/ flared from the edge of the driveway.*

Unfortunately, it appears as if this standard has historically been applied sporadically, interpreted in a variety of ways, or simply not enforced. There are a number of examples of service walks being placed directly adjacent to the entire length of the driveway from the porch to the public sidewalk; these “service walk” extensions effectively act as a full-length driveway extension directly in front of the home. In many cases, the combined width of the driveway and attached service walk also result in a total driveway width exceeding the maximums permitted by the Zoning Ordinance.

The proposed text amendment would allow non-conforming driveways and attached service walks located directly in front homes to be replaced in-kind, as long as that portion of the driveway extending directly in front of the home does not exceed five (5) feet in width. This amendment would allow the example driveway on the left to be replaced in-kind, but would require the driveway on the right to be reduced in width so that the portion in front of the house does not exceed a width of 5 feet.



*The proposed text amendments would allow the driveway on the left to be replaced in-kind, but would require the driveway on the right to be modified so that the driveway only extends a maximum of 5 feet in front of the house.*

### Additional Text Amendments for Cross-Referencing Purposes

Because the Zoning Ordinance is over 200 pages long, it is important to cross-reference relevant Zoning Ordinance sections wherever possible. Staff recommends cross-referencing the proposed non-conforming residential driveway provisions in Section 10.02.1 (Parking of Motor Vehicles in Residential Districts) and Section 13.01.6 (Nonconforming Site Elements).

### A Note on Duplexes and Multiplexes

Per Section 7.03 (Use-Specific Standards), duplexes (2-units) and multiplexes (3-4 units) are subject to the same standards as one-family detached dwellings, with certain exceptions. Therefore, the proposed text amendments would also apply to non-conforming driveways servicing existing duplex and multi-plex structures.

### **Standards of Review for Amendments**

Section 15.07.3 of the Zoning Ordinance contains standards of review for text amendments, provided below:

*Text Amendments. In considering any petition for an amendment to the text of this Ordinance, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.*

- (1) Consistency with the goals, policies, and objectives of the Master Plan and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistency with recent development trends in the area shall be considered.*
- (2) Consistency with the basic intent and purpose of this Zoning Ordinance.*
- (3) Consideration of changing conditions since the Zoning Ordinance was adopted or a finding that there is an error in the Zoning Ordinance that justifies the amendment.*

### **Next Step**

Based on the Planning Commission's recommendation of approval and their pertinent findings, staff recommends that City Council approve and adopt **Ordinance # 2206 (ZTA # 25-01)** upon second reading.

### **Template Motion for Second Reading and Ordinance Adoption**

*Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, that City Council hereby adopt Ordinance #2206, thereby approving zoning text amendment # ZTA 25-01. This approval is made after the required public hearing, held at the Planning Commission meeting on September 16<sup>th</sup>, 2025, based on the finding that the proposed zoning text amendment satisfactorily addresses the standards of review contained in Section 15.07 of the Zoning Ordinance, as follows:*

- 1) The proposed text amendment is consistent with the Housing Objective #1 as contained within the adopted 2021 Master Plan, which is to, "encourage maintenance and reinvestment in existing neighborhoods."*
- 2) The proposed text amendment grants reasonable flexibility to Madison Heights residents without impairing the basic intent and purpose of the Zoning Ordinance*