



MEMORANDUM

Date: October 17th, 2024
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Zoning Text Amendment (24-01) – Accessory Buildings, Structures, and Uses – Gazebos, Pergolas, and Utility Structures – Second

Introduction

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement:

- Section 7.03.10 – Use Specific Standards related to Detached One-Family Dwellings
- Section 7.03.43 – Use Specific Standards related to Temporary Uses
- **Section 8.03 – Accessory Buildings, Structures, and Uses [Addressed in this Memo]**
- Sections 12.06 and 12.07 - Signs

This memo addresses proposed text amendments to Section 8.03 – Accessory Buildings, Structures, and Uses – pertaining to the regulation of small gazebos, pergolas and utility structures (e.g. exterior air conditioner units). The Planning Commission recommended approval of the proposed text amendment at their September 17th, 2024 meeting.

Background and Proposed Amendments

Gazebos, Pergolas and Open/Unenclosed Accessory Structures

Since the adoption of the new Zoning Ordinance, staff has received several building permit applications for detached gazebos, pergolas, or other similar small unenclosed accessory structures located on rear decks or patios. Under the current standards, unenclosed accessory structures (roofed, but open on all sides) such as gazebos and pergolas are subject to the same minimum setback standards as all other accessory structures, including detached garages or sheds: five (5) feet from side/rear property lines and ten (10) feet from the principal structures.

Due to the ten-foot building setback requirement, gazebos, pergolas, and other unenclosed patio covers either need to be physically attached to the main house as a building addition or be located ten feet from the house. In order to provide more flexibility for homeowners and reduce the need for future variances, staff recommends exempting small unenclosed accessory structures such as gazebos and pergolas from the building setback requirement; such structures would still be subject to other accessory structure standards, such as minimum yard setbacks, height, and lot coverage.

Staff has confirmed with the Building Official and Fire Marshal that the proposed amendments are compatible with building and fire codes.

Detached Pergolas and Gazebos on Patios



Utility Structures

Current ordinance language restricts utility structures such as generators and air conditioner units to the rear yard, with the exception that such structures may be permitted in a side yard only if enclosed by a masonry enclosure (e.g. bricks or stone). Since the adoption of the Ordinance, staff has received several requests for new or replacement side yard air conditioner units which would require the construction/installation of a masonry enclosure. Due to the price of masonry materials and needed labor to install, the additional cost adds a financial burden to homeowners.

In order to provide more flexibility for screening methods (while keeping the general intent) and to reduce the cost burden of replacing or installing air conditioning units or exterior generators, staff recommends removing the masonry enclosure requirement and replacing it with a standard that screening be constructed of, *“materials similar/compatible to the building(s) to which they are accessory.”* Evergreen shrubbery or plant material would also be appropriate in certain cases. The revised language would allow screening methods to include wood, vinyl, evergreen landscaping, etc., and provide administrative flexibility on a case-by-case basis.

A/C Unit Screening



Previous Action

At their September 17th, 2024 meeting, the Planning Commission held a public hearing and **recommended approval** of the proposed text amendment, as written. Draft minutes from this meeting are attached.

At their October 14th meeting, City Council approved the first reading of ZTA 24-01.

Next Step

Based on the Planning Commission's recommendation, staff recommends that City Council approve and adopt ordinance # 2022 (ZTA 24-01) upon second reading.