

Date: April 19, 2006

To: John M. Lamerato, Acting City Manager

From: Douglas J. Smith, Director of Real Estate and Development
Mark F. Miller, Planning Director

Subject: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MAY 8, 2006)
– ZONING ORDINANCE TEXT AMENDMENT (File Number: ZOTA 215-A) –
Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory
Buildings Definitions and Provisions

RECOMMENDATION

City Council directed ZOTA 215-A to the Planning Commission for further consideration on November 28, 2005. The Planning Commission held a public hearing on the item on February 14, 2006 and re-affirmed their earlier recommendation of approval of ZOTA 215-A, Planning Commission Version A. This is the same recommendation that was forwarded to City Council on June 14, 2005. City Management recommends approval of Version B, which does not limit the height of garage doors on attached accessory buildings.

BACKGROUND

City Council adopted a City Council amended ZOTA 215-A, which pertained to Accessory Building definitions and provisions, on July 11, 2005. At the November 28, 2005 meeting, City Council approved the following resolution:

Vote on Resolution to Refer ZOTA 215A to the Planning Commission as Amended

Resolution #2005-11-536

Moved by Stine

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REFER** ZOTA 215A to the Planning Commission for further consideration and forward their recommendations to the Troy City Council no later than the Regular City Council meeting scheduled for Monday, February 6, 2006.

Yes: Lambert, Stine, Schilling, Beltramini, Broomfield, Fleming

No: Howrylak

MOTION CARRIED

The text amendment that was adopted by City Council on July 11, 2005 is attached, as are the version recommended by the Planning Commission and the version recommended by City Management. The City Management version differs from the Planning Commission version in that City Management recommends elimination of the 8-foot maximum door height for attached accessory buildings. The 8-foot maximum height limit would create potential situations where a legal recreational vehicle would not be permitted to be stored inside an attached accessory structure without requiring a variance. Furthermore, this situation would not meet the test for practical difficulty as required by Section 43.72.00 of the Zoning Ordinance, and therefore the petitioner would not be granted a variance.

Prepared by RBS, MFM

Attachments:

1. Existing Section 40.56.00, adopted by City Council 7/11/05.
2. ZOTA 215-A Planning Commission Version A, dated April 19, 2006.
3. ZOTA 215-A City Management Version B, dated April 19, 2006.
4. Minutes from February 14, 2006 Planning Commission Regular meeting.
5. Memo prepared by City Management, Examples of Allowable Accessory Structures Based Upon Final Action on ZOTA 215A, dated July 12, 2005.

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\Announcement of Public Hearing ZOTA 215A 5 8 06.doc

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

40.56.01 Attached Accessory Buildings

- A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.
- B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.
- C. The size of any door to an attached accessory building shall not exceed nine (9) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(07-11-05)

40.56.02 Detached Accessory Buildings

- A. Detached accessory buildings shall not be erected in any yard, except a rear yard.
- B. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.
- C. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.
- D. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.
- E. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.
- F. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

Chapter 39 - Zoning Ordinance

40.56.03 Accessory Supplemental Buildings

- A. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.
- B. An accessory supplemental building shall not be located in any front yard.
- C. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.
- D. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS: All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

(07-11-05)

40.57.08 No more than two (2) antenna structures (no more than one of which may be ground-mounted, and thus detached from the main building) shall be permitted for each lot or parcel, with the following exception:

- A. On non-residential parcels, two (2) antenna structures shall be permitted for the first twenty thousand (20,000) square feet of gross building area, with one antenna structure permitted for each additional twenty thousand (20,000) square feet of gross building area, or major portion thereof.
- B. The numerical limits of this Section shall not apply in the following situations:
 - 1. Panel-type antennas which are visually integrated with the building surface on which they are mounted (similar color, not extending above wall, equipment penthouse or enclosure surface).
 - 2. Pole, mast, whip, or panel-type antennas mounted on or adjacent to the roof of residential or non-residential buildings sixty (60) feet or more in height.

(Rev. 04-23-01)

40.58.00 ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of seventy-five (75) feet if used in accordance with the terms of a valid Amateur Radio Service License issued by the Federal Communications Commission or permitted under Federal Regulation by a reciprocal agreement with a foreign country. Other pole, mast type antennas may, however, be permitted to be constructed to a height equal to the permitted maximum height of structures in these Districts. Other pole, mast, whip, or panel type antennas which are roof-mounted or attached to a building shall not extend more than twelve (12) feet above the highest point of a roof. Satellite dish antennas in Residential Districts, which extend more than fourteen (14) feet in height or fourteen (14) feet

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION A
PLANNING COMMISSION VERSION

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Article XL of Chapter 39

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures.

(Underlining, except for major section titles, denotes changes)

[Revise Section 40.56.00 as follows]:

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

40.56.01 Attached Accessory Buildings

- A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.
- B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

- C. The size of any door to an attached accessory building shall not exceed eight (8) ~~nine (9)~~ feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

(07-11-05)

40.56.02 Detached Accessory Buildings

- A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.
- B. Detached accessory buildings shall not be erected in any yard, except a rear yard.
- C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.
- D. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.
- E. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.
- F. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.
- G. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

40.56.03 Accessory Supplemental Buildings

- A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.
- B. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.
- C. An accessory supplemental building shall not be located in any front yard.
- D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.
- E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\ZOTA 215A Planning Commission Version A 04 19 06.doc

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION B
CITY MANAGEMENT VERSION

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Article XL of Chapter 39

Article XL GENERAL PROVISIONS of Chapter 39 of the Code of the City of Troy is amended to modify the regulations relating to accessory buildings, accessory supplemental buildings and accessory structures.

(Underlining, except for major section titles, denotes changes)

[Revise Section 40.56.00 as follows]:

40.56.00 ACCESSORY BUILDINGS IN R-1A THROUGH R-1E, R-2 and CR-1 ZONING DISTRICTS

40.56.01 Attached Accessory Buildings

- A. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to a main building in addition to the requirements of this Section.
- B. The area of attached accessory buildings shall not exceed seventy-five percent (75%) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.

~~C. The size of any door to an attached accessory building shall not exceed nine (9) feet in height. This requirement shall apply only to attached accessory buildings that have not been granted a valid building permit from the City of Troy Building Department prior to July 21, 2005.~~

(07-11-05)

40.56.02 Detached Accessory Buildings

- A. There shall be no more than two detached accessory buildings per lot or parcel, excluding accessory supplemental buildings as set forth in Section 40.56.03.
- B. Detached accessory buildings shall not be erected in any yard, except a rear yard.
- C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five percent (25%) of a required rear yard.
- D. The combined ground floor area of all detached accessory buildings shall not exceed four hundred fifty (450) square feet plus two percent (2%) of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.
- E. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than six (6) feet to any side or rear lot line.
- F. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height.
- G. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

(07-11-05)

40.56.03 Accessory Supplemental Buildings

- A. No more than three (3) detached accessory supplemental buildings shall be permitted on a parcel.
- B. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.
- C. An accessory supplemental building shall not be located in any front yard.
- D. No detached accessory supplemental building shall be located closer than six (6) feet to any side or rear lot line.
- E. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height.

(07-11-05)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215A\ZOTA 215A City Management Version B 04 19 06.doc

ZONING ORDINANCE TEXT AMENDMENT

10. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A)**
– Articles 40.55.00-40.59.00, pertaining to Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures

Mr. Miller reviewed the text amendment that was adopted by City Council on July 11, 2005, and the text amendment versions recommended by the Planning Commission and City Management. Mr. Miller detailed the difference between the recommended versions of the Planning Commission and City Management.

Vice Chair Schultz thanked the City Council for accommodating the Planning Commission meeting schedule in forwarding their recommendation to City Council.

PUBLIC HEARING OPENED

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick expressed concern that the City might become anti-garage and cited reasons why garages are good for a neighborhood. He addressed issues relating to the distinction between an attached garage and an accessory building and how they relate to the residential living area; non-garage uses such as swimming pools, basketball courts and large workshops; definitions of a garage and computations of related living space; and door height limitations.

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the City Council action on July 11, 2005 and the importance of the zoning ordinance text amendment. Mr. Krent encouraged the Planning Commission to forward to the City Council the same recommendation previously submitted. He voiced appreciation to the members for their hard work and dedication to the zoning ordinance text amendment.

PUBLIC HEARING CLOSED

There was a brief discussion on the door height limitation.

Resolution # PC-2006-02-029

Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XL GENERAL PROVISIONS, pertaining to Accessory Buildings, Accessory Supplemental Buildings, and Accessory Structures, be amended as printed on the Proposed Zoning Ordinance Text Amendment, Version A Planning Commission Version.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

Vice Chair Schultz requested that a new number is assigned to the proposed text amendment.

DATE: July 12, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Miller, Planning Director
Mark Stimac, Director of Building and Zoning

SUBJECT: Example of Allowable Accessory Structures
Based upon Final Action on ZOTA 215A

Attached is the text of the Zoning Ordinance Text Amendment regarding the provisions of the Zoning Ordinance relating to accessory building standards. This text incorporates the text as proposed by the Planning Commission as well as the revisions that were made and approved by City Council at their meeting of July 11, 2005. The Council changes are shown shaded to help differentiate them from the other proposed revisions. The only difference between the attached text and the one that was distributed on the evening of July 11th, is that the effective date in Paragraph B and C of Section 40.56.01 has been corrected to show July 21, 2005.

Also enclosed are some examples of the new language applied to some residential lots within the City. The first example is a new home that is under construction in Pulte's Wyngate subdivision. The example uses one of the larger lots within the R-1B subdivision. Lot 21 has an area of 21,258 square feet. The home that Pulte is currently constructing on the lot has a first floor area of 2,044 square feet and a second floor of 1,733 square feet. This lot also uses a walk out basement with another 2,027 square feet of potential living space in the basement. This brings the total living space on this house to 5,804 square feet. The 75% limitation for attached garages would limit the size of an attached garage to no more than 4,353 square feet. However, when we add this garage area to the first floor area we get 6,397 square feet of building footprint that exceeds the 30% lot coverage limit of 6,377 square feet. Therefore the size of the attached garage would be limited to 4,333 square feet. In this scenario it would leave no available space for detached accessory buildings on the site because of the 30% lot coverage limit. Without counting the living space in the basement they could only build 3,344 square feet of attached garage. This would limit the house/garage footprint to 5,388 square feet but would free up the 875 square feet for the allowable detached accessory buildings. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,533 square feet.

The next example is for a typical lot in the Charnwood Hills Subdivision. There is a new home that has been built on Lot 95 on Anslow Lane. This lot is 63,555 square feet in area. The home that is built there has a first floor area of 3,450 and a second floor area of 2,793 square feet. This home also has a finished basement that is 3,450 square feet, bringing the total living area of the home to 9,693 square feet. With the 75% limitation a 7,270 square foot attached garage could be constructed. In this case the 30% lot coverage limitation would allow 19,066 square feet of building on the site. As such the allowable 1,721 square foot detached garage could be constructed as well. This would mean that the total lot coverage of all buildings would be 12,441 square feet. If the basement area of this home were not countable as living space then the total building area footprint would be limited to 9,853 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 2,588 square feet.

Another example is a new home under construction on Banmoor. This home has a 2,270 square foot first floor and a 1,320 square foot second floor on a 36,000 square foot lot. An attached garage of 2,692 square foot could be constructed as well as 1,170 square feet of detached accessory building on this parcel. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,702 square feet.

Another example is an existing home on Lakewood in the Raintree Village Subdivision. It has a home that has a 1,310 square foot ground floor and a 1,074 square foot second floor on a 14,070 square foot lot. This property would be permitted to have a 1,788 square foot attached garage as well as 731 square feet of detached garage while still staying under the 30% lot coverage limit of 4,221 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 982 square feet.

Lastly, is an example of a ranch home located on Bolingbroke. This home has a first floor area of 2,787 square feet on a lot that is 20,691 square feet. A total of 2,090 square foot of attached garage can be constructed with another 864 square feet of detached building permitted. Under the Planning Commission/Staff proposed language the allowable area of attached garage would not change.