

Date: July 5, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Director of Real Estate and Development
Mark Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

Subject: AGENDA ITEM – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

RECOMMENDATION

City Management supports the Planning Commission recommendation, with the exception of the eight feet maximum garage door height limit. City Management is consistent with objection to the garage door height limit provision. The indoor storage of some commercial vehicles and recreational vehicles are permitted, and this serves as the basis for this recommendation. Recreational vehicles will require heights greater than eight feet. If there is a garage height limitation, the only relief available is a variance from the Board of Zoning Appeals. In many potential circumstances recreational vehicle owners could not meet the standards for granting a variance as required in Article 43.72.00 of the Zoning Ordinance.

Two versions of ZOTA 215-A are provided. Version A is recommended by the Planning Commission, Version B is recommended by City Management. Both of these versions will eliminate very large attached accessory buildings.

BACKGROUND

At the June 20, 2005 meeting, City Council postponed this item to the July 11, 2005 City Council meeting. At the June 14, 2005 Regular meeting, the Planning Commission recommended approval of the consensus version that was created as the result of the Special/Joint Meeting of the City Council and Planning Commission on March 28, 2005, with one additional provision. The Planning Commission version limits garage door height, to eight feet, for attached accessory buildings.

ILLUSTRATIONS

Illustrations are provided which demonstrate that for small lots with relatively large homes, the 30% lot coverage requirement, will limit the size of attached garages to less than 75% of the residential ground floor area.

LEGAL NON CONFORMING STRUCTURES VS. “GRANDFATHERING”

In relation to the adoption of the proposed new zoning regulations regarding accessory structures, ZOTA 215A, a question arose regarding the status of existing structures that would not meet the new ordinance requirements. The basic standards regarding

structures that are made non-conforming based upon a change in a Zoning Ordinance are based upon provisions in the enabling legislation that allows local communities to enforce zoning provisions. Public Act 207 of 1921 states in MCL 125.583a:

125.583a Nonconforming uses and structures.

Sec. 3a.

(1) The lawful use of land or a structure exactly as the land or structure existed at the time of the enactment of the ordinance affecting that land or structure, may be continued, except as otherwise provided in this act, although that use or structure does not conform with the ordinance.

(2) The legislative body may provide by ordinance for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the ordinance. In establishing terms for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming use may be established in the ordinance with different regulations applicable to each class.

(3) In addition to the power granted in this section, a city or village may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses and structures, except that the property shall not be used for public housing. The legislative body may provide that the cost and expense of acquiring private property be paid from general funds, or the cost and expense or a portion thereof be assessed to a special district. The elimination of nonconforming uses and structures in a zoned district as provided in this act is declared to be for a public purpose and for a public use. The legislative body may institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the provisions of a city or village charter relative to condemnation or in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, or any other applicable statute.

In implementation of these provisions the Troy Zoning Ordinance contains the following provisions in Section 40.50.04:

40.50.04 NON-CONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. *No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.*

- B. *Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.*
- C. *Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.*

Based upon these Zoning Ordinance provisions an accessory structure that exists upon the adoption of an amendment of the ordinance would be permitted to continue to exist as long as the owner of the property wishes to keep it. It would not be able to be altered or enlarged in any way that increases its non-conformity. The structure could however be altered as long as the non-conformity is not increased or is in fact decreased by the alteration. The ordinance does provide for the elimination of the non-conformance if the structure is destroyed to an extent greater than 60% of its replacement cost.

The Ordinance does provide for the ordinary repairs and maintenance of a structure in Section 40.50.06, which states:

40.50.06 REPAIRS AND MAINTENANCE:

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

This legal non-conforming status does run with the land as noted in Section 40.50.07, which states:

40.50.07 CHANGE OF TENANCY OR OWNERSHIP:

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

The proposed language of ZOTA 215A contains language that would “grandfather” certain structures. “Grandfathering” is “a provision exempting persons or other entities already engaged in an activity from rules or legislation affecting that activity”. Proposed Paragraph B of Section 40.56.01 reads as follows:

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 11, 2005 or the date City Council adopts ZOTA 215 A.

In effect this language would make any existing attached garages that exceed 75% of the ground floor footprint of the living area of the dwelling compliant with the Ordinance. They would not be subject to provisions of Section 40.50.04. If destroyed, they could be reconstructed in the same size as previously existed prior to the event that caused their destruction.

As was noted at your meeting of June 20, 2005, this "grandfathering" only applies to the relation of the area of the attached garage to the ground floor footprint of the living area of the dwelling. Any other non-conformity to the new regulations (i.e. garage door height) would still be subject to the provisions of Section 40.50.04.

There are other provisions of the Troy Zoning Ordinance that contain "grandfathering" provisions. They include Section 10.60.03 that exempts lots in subdivisions receiving tentative approval before January 1, 1976 from the 50' setback from major thoroughfares. As well, the five times height setback of communication towers from residential zoned property does not apply to towers constructed prior to July 1, 1998 per Section 10.30.08.

Attachments:

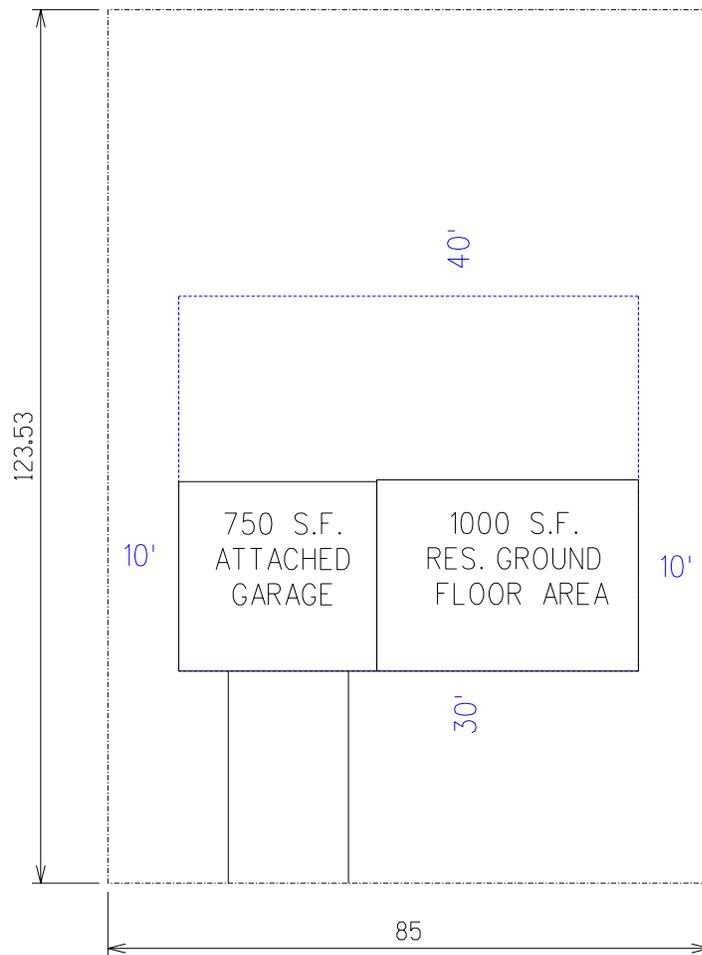
1. Illustrations.
2. ZOTA 215A Version A, as recommended by Planning Commission.
3. ZOTA 215A Version B, as recommended by City Management.
4. Minutes from May 16, 2005 City Council meeting.
5. Minutes from May 24, 2005 Planning Commission Special/Study meeting.
6. Draft minutes from June 14, 2005 Planning Commission Regular Meeting.
7. Draft minutes from June 20, 2005 City Council meeting.
8. City Management memo and attachment (Agenda Item C-5) prepared for May 16, 2005 City Council meeting, dated May 11, 2005.

Prepared by MFM

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ILLUSTRATION #1

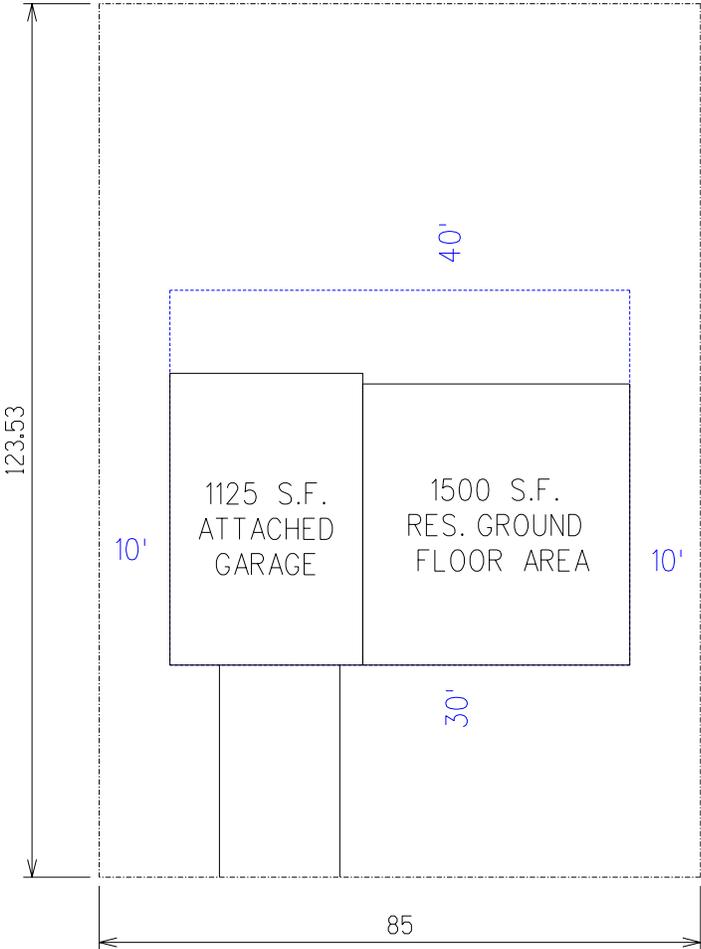
- R-1C ZONING
- 10,500 S.F. PARCEL
- 1000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



16.7% LOT COVERAGE

ILLUSTRATION #2

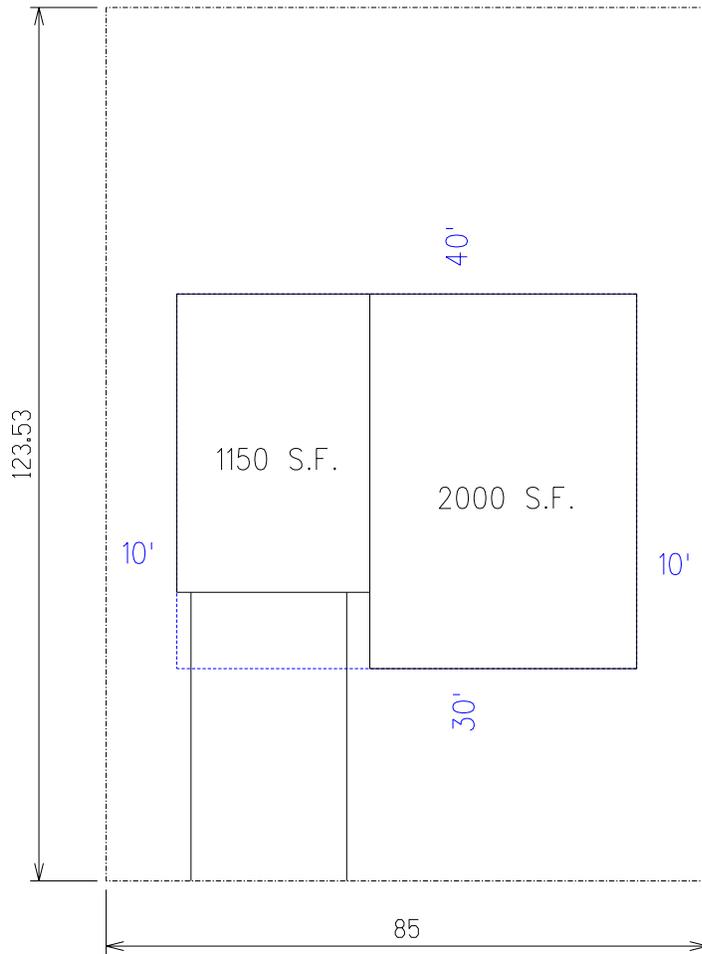
- R-1C ZONING
- 10,500 S.F. PARCEL
- 1500 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



25% LOT COVERAGE

ILLUSTRATION #3

- R-1C ZONING
- 10,500 S.F. PARCEL
- 2000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



30% LOT COVERAGE

NOTE:

THE ATTACHED GARAGE COULD NOT EXCEED 57.5% OF THE RESIDENTIAL GROUND FLOOR AREA AS IT WOULD EXCEED THE 30% MAX. LOT COVERAGE REQUIREMENT.

ILLUSTRATION #4

- R-1C ZONING
- 1/2 AC. PARCEL
- 1000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA

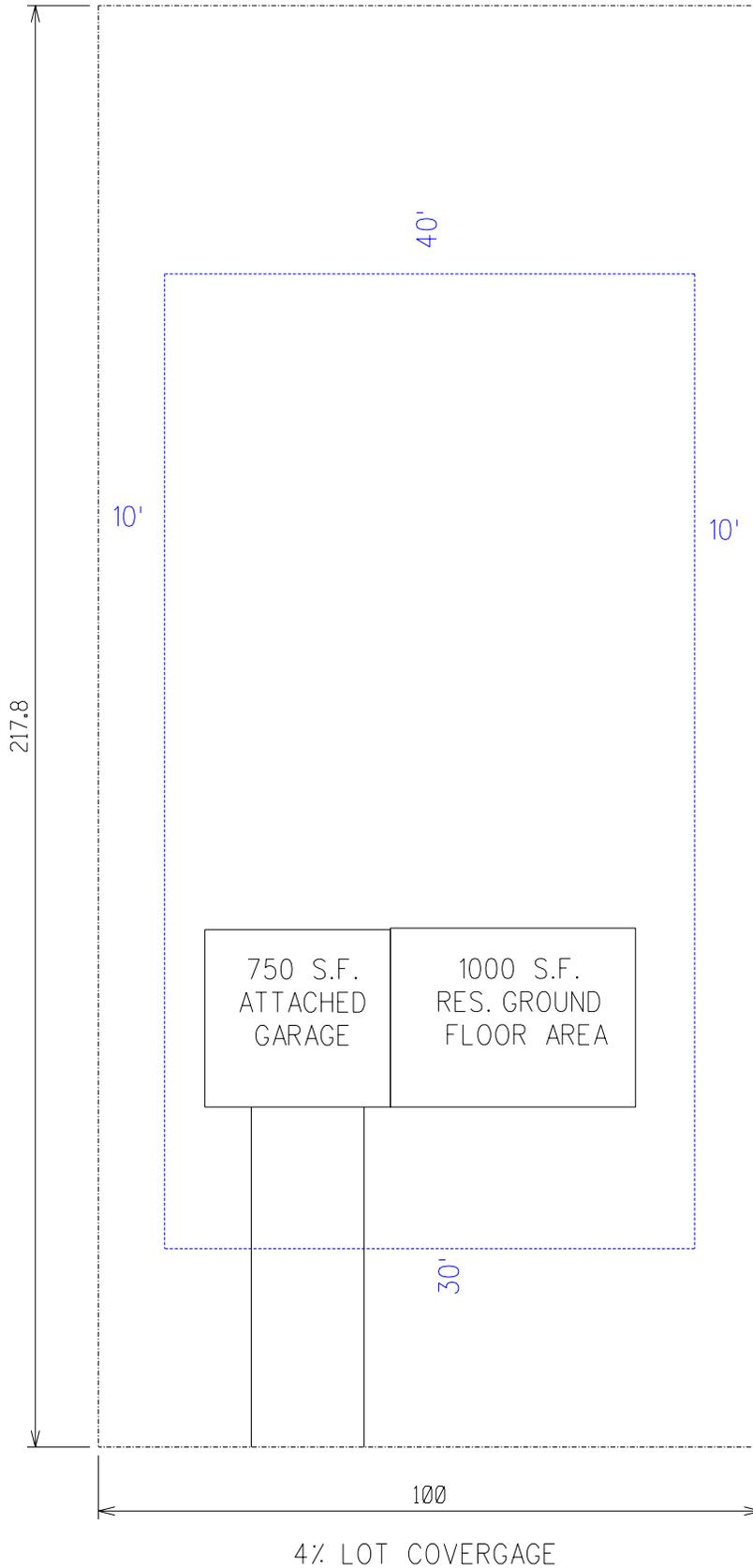


ILLUSTRATION #5

- R-1C ZONING
- 1/2 AC. PARCEL
- 1500 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA

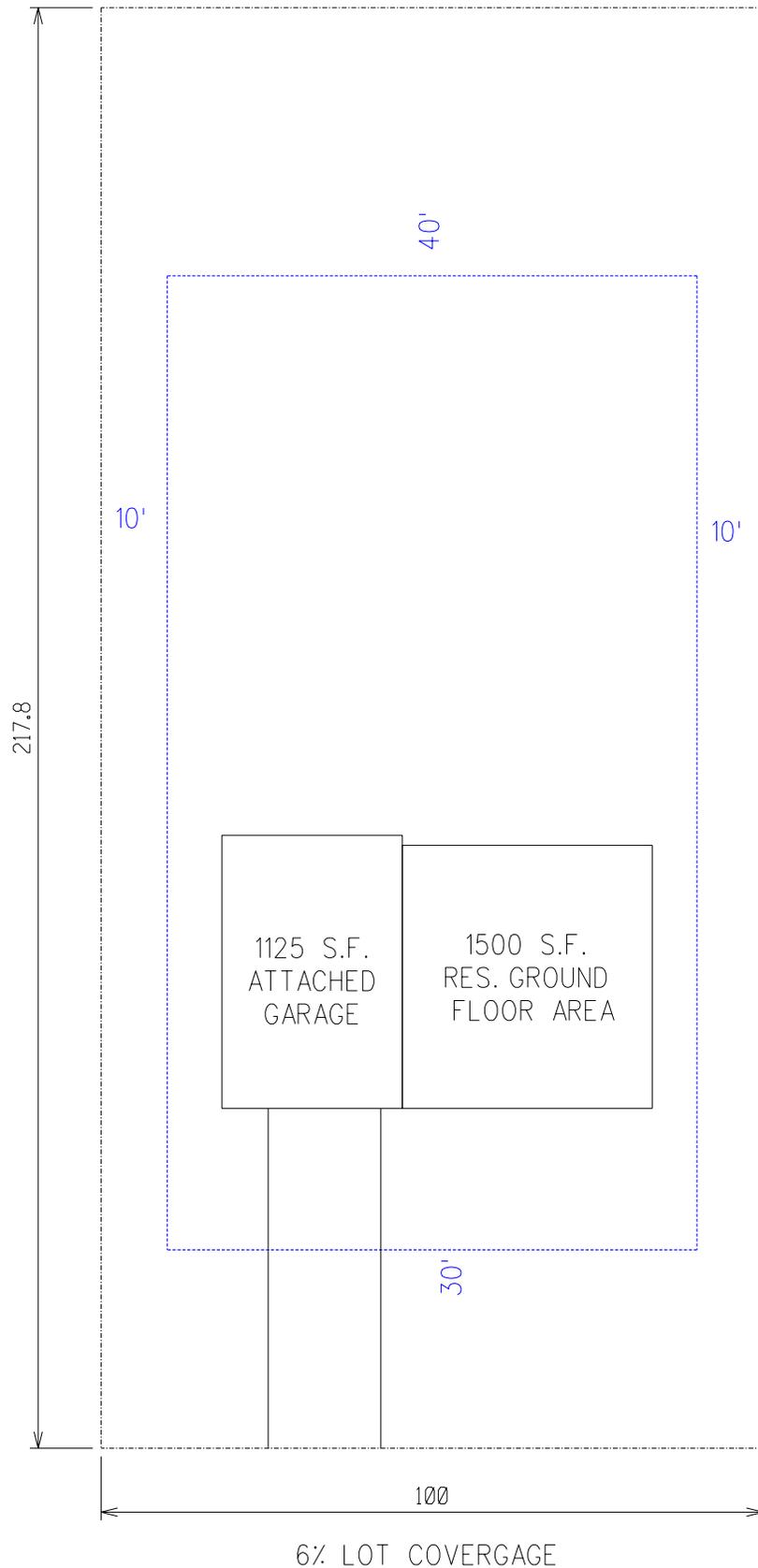
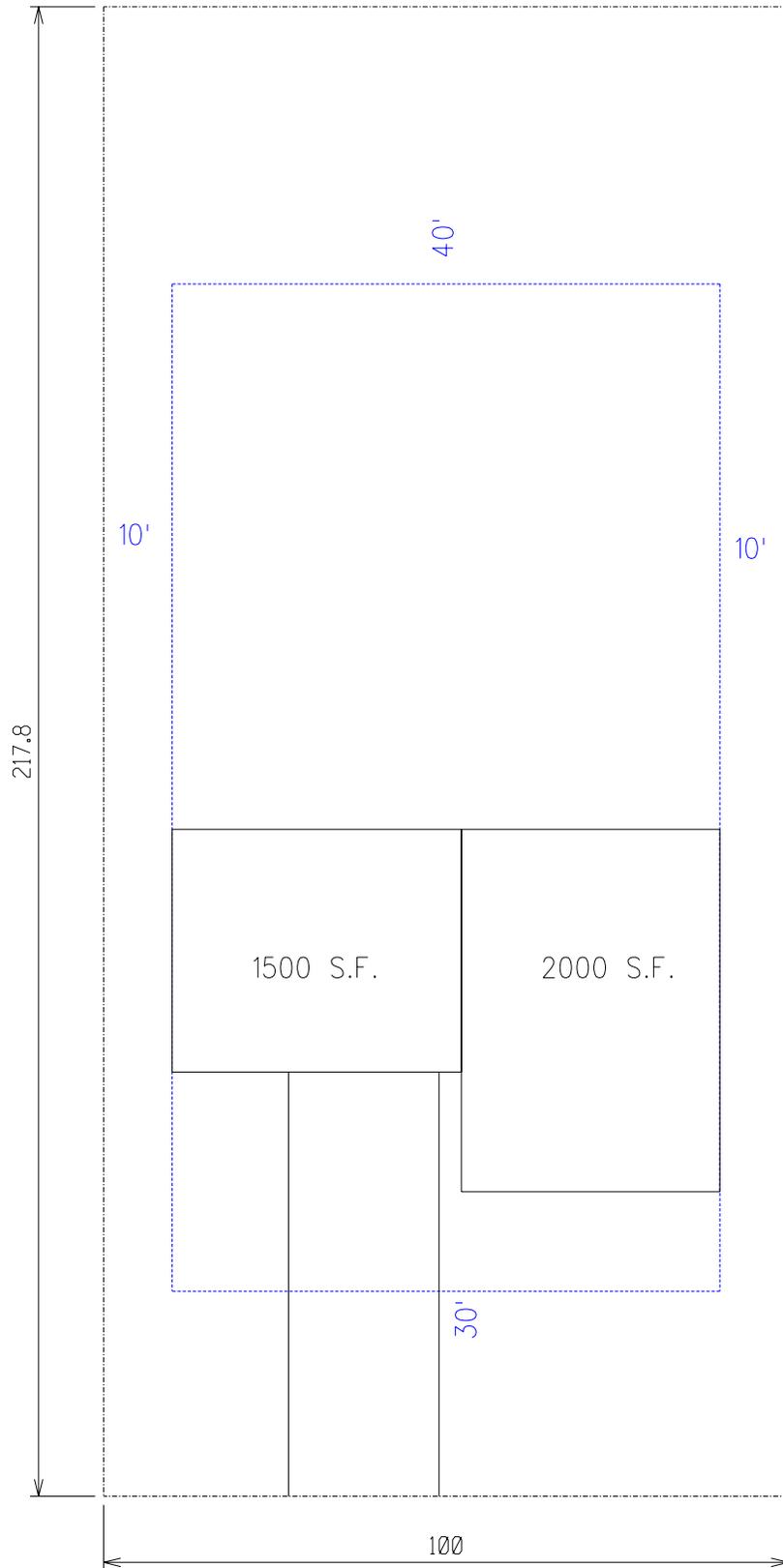


ILLUSTRATION #6

- R-1C ZONING
- 1/2 AC. PARCEL
- 2000 S.F. RESIDENTIAL GROUND FLOOR AREA
- THE AREA OF ATTACHED ACCESSORY BUILDINGS SHALL NOT EXCEED 75% OF THE GROUND FLOOR FOOTPRINT OF THE LIVING AREA



12.4 % LOT COVERAGE

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 Articles IV and XXVIII 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. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A subordinate building, or portion thereof, the use of which is clearly incidental to that of supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

- A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.
- B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.
- C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

- A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.
- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached, building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

40.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use on a lot and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

- A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.
- B. ~~They shall therefore not be permitted as the only building or structure be on a the same parcel of land, as the principal building they serve.~~
- C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code. ~~Permits shall be required for buildings greater than thirty-six (36)~~

square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. (Rev. 04-23-01)

E. They shall not be located within a dedicated easement or right-of-way.

40.56.00 — The various types of accessory buildings and structures shall be defined as follows:

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNs: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-23-01)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels~~

or plastic or other transparent material, and is used to grow plants from seed.

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

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

~~40.57.01~~ ~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

40.57.02 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 (insert effective date of revision here).

C. The size of any door to an attached accessory building shall not exceed eight (8) feet in height.

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.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. In no instance shall

~~40.57.05~~ D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent 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.

~~40.57.05~~ E. No detached accessory building or structure ~~except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor shall any accessory building or structure be located closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ F. ~~No~~ A detached accessory building or structure, in any Residential, C-F, B-1, and P-1 shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

G. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07~~ ~~Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

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 required yard other than a rear 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.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

- A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

- 40.57.08 B. 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.1. 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-2. The numerical limits of this Section shall not apply in the following situations:

~~1~~.a. 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~~.b. 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.

~~40.57.09~~ — When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.

~~40.57.10~~ — When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.

~~40.57.11~~ — NEIGHBORS NOTIFICATION:
Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.

~~40.57.12~~ — The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required

~~for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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

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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 Articles IV and XXVIII 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. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A subordinate building, or portion thereof, the use of which is clearly incidental to that of supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

- A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.
- B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.
- C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

- A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.
- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached, building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

40.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use on a lot and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

- A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.
- B. ~~They shall therefore not be permitted as the only building or structure be on a the same parcel of land, as the principal building they serve.~~
- C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code. ~~Permits shall be required for buildings greater than thirty-six (36)~~

square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. (Rev. 04-23-01)

E. They shall not be located within a dedicated easement or right-of-way.

40.56.00 — The various types of accessory buildings and structures shall be defined as follows:

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNs: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-23-01)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

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

~~40.57.01~~ ~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ 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 (insert effective date of revision here).

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.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. In no instance shall

~~40.57.05~~ D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent 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.

~~40.57.05~~ E. No detached accessory building or structure except antennas, dog houses or cabanas shall be located closer than ten (10) feet to any main building, nor shall any accessory building or structure be located closer than six (6) feet to any side or rear lot line.

~~40.57.06~~ F. No A detached accessory building or structure, in any Residential, C-F, B-1, and P-1 shall not exceed one (1) story or fourteen (14) feet in height. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)

G. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07~~ Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)

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 required yard other than a rear 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.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

- A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

40.57.08 B. 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.1. 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-2. The numerical limits of this Section shall not apply in the following situations:

- 1.a. 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.b. 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.

~~40.57.09~~ — When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.

~~40.57.10~~ — When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.

~~40.57.11~~ — **NEIGHBORS NOTIFICATION:**
Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.

~~40.57.12~~ — The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be

~~required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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

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05.doc

C-5 Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Vote on Resolution to Postpone

Resolution #2005-05-251

Moved by Schilling

Seconded by Stine

RESOLVED, That the Zoning Ordinance Text Amendment (ZOTA 2150-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions, is hereby **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 20, 2005.

Yes: All-6

No: None

Absent: Beltramini

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed the proposed zoning ordinance text amendment pertaining to Accessory Buildings Definitions and Provisions, the convergence of opinion achieved at the March 28, 2005 Special/Joint Meeting, and the recommendation of City Management.

Chair Strat addressed a formula with respect to mass and provided a visual view of the concept that would keep with the residential character of a neighborhood.

After soliciting comments from around the table and an open discussion, it was agreed by a majority of the members to forward a recommendation to City Council that would:

- Limit the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling.
- Incorporate a Grandfather Clause for existing accessory buildings that have been granted valid building permits.
- Limit the size of a garage door to 8 feet.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A)
– Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed two versions of the proposed zoning ordinance text amendment relating to accessory building definitions and provisions. The version recommended by the Planning Commission (Version A) limits the size of an accessory building to not exceed 75% of the ground floor footprint of the living area of the dwelling, incorporates a grandfather clause for existing accessory buildings that have been granted valid building permits, and limits the height of a garage door to 8 feet. City Management supports the Planning Commission recommendation with the exception of the 8-foot maximum garage door height limit (Version B).

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-096

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be amended as printed on the proposed Zoning Ordinance Text Amendment, Version A, as recommended by the Planning Commission.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Waller, Wright

No: Strat, Vleck

MOTION CARRIED

Mr. Vleck said the structure identified as the problem was a garage that was double the square footage of the living area. He believes an ordinance that would limit the size of the accessory structure to be not greater than the living area would be sufficient. Mr. Vleck is also opposed to the 8-foot garage door height limit.

Chair Strat said that neither the City Management recommendation nor the Planning Commission recommendation satisfies or addresses the massing of the actual garage; therefore, a so-called monster garage still could be built under either scenario in terms of the size of the massing.

Vote on Resolution to Amend

Resolution #2005-06-294
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the Resolution for *Facilitation of a Futuring and Strategic Planning Process for the City of Troy by Mr. Ed Barlow* be **AMENDED** by **INSERTING** "RESOLVED, That Troy City Council intends that the futuring process be the lead study and that the other studies such as the Big Beaver Corridor Study and the PUD Projects be incorporated into this study/plan."

Yes: Broomfield, Eisenbacher, Stine
No: Beltramini, Howrylak, Schilling
Absent: Lambert

MOTION FAILED

Vote on Postponed Resolution

Resolution #2005-06-295
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Troy City Council hereby **APPROVES** the proposal from Ed Barlow to facilitate a futuring and strategic planning process for an amount not to exceed \$50,000.00.

Yes: Broomfield, Stine, Schilling, Beltramini
No: Eisenbacher, Howrylak
Absent: Lambert

MOTION CARRIED

The meeting **RECESSED** at 9:57 PM.

The meeting **RECONVENED** at 10:10 PM.

D-2 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2005-06-296
Moved by Beltramini
Seconded by Stine

RESOLVED, That Article IV (Definitions) and Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed zoning ordinance text amendment (ZOTA 215A), Version A, as recommended by the Planning Commission.

Yes: Stine, Schilling, Beltramini
No: Eisenbacher, Howrylak, Broomfield

Absent: Lambert

MOTION FAILED

Vote on Resolution to Postpone

Resolution

Moved by Stine

Seconded by Howrylak

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions be **POSTPONED** until a full complement of City Council members can be present.

Vote on Resolution to Amend

Resolution #2005-06-297

Moved by Stine

Seconded by Howrylak

RESOLVED, That Resolution be **AMENDED** by **STRIKING** “a full complement of City Council members can be present” and **INSERTING**, “the Regular City Council Meeting scheduled for Monday, July 11, 2005.

Yes: Howrylak, Stine, Schilling, Broomfield, Eisenbacher

No: Beltramini

Absent: Lambert

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2005-06-298

Moved by Stine

Seconded by Howrylak

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 11, 2005.

Yes: Stine, Schilling, Broomfield, Eisenbacher, Howrylak

No: Beltramini

Absent: Lambert

MOTION CARRIED

May 11, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Mark Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

RECOMMENDATION

City Management recommends, in order to expedite the approval process and to prevent any further excessive accessory buildings from being constructed, that City Council rescind their resolution of December 6, 2004. This resolution referred ZOTA 215 A to the Planning Commission. Further, it is recommended that City Council adopt ZOTA 215 A, dated 04/28/05 (see attached ZOTA). This version of ZOTA 215 A was developed from the convergence of opinion from the March 28, 2005 Joint City Council/Planning Commission Meeting, and also includes recommended technical corrections as requested by City Council on December 6, 2004. The adoption of this version will limit the size of attached accessory structures to 75% of the first floor living area of the home. In addition this ZOTA allows for legally approved attached accessory structures to continue with legal conforming status. This version does not include an accessory structure door height limit. This course of action will eliminate the loophole for monster garages within the City of Troy.

PLANNING COMMISSION BACKGROUND

The Planning Commission discussed ZOTA 215 A at the following Special/Study meetings: October 26, 2004, November 2, 2004, December 7, 2004, February 1, 2005, February 22, 2005, March 8, 2005, April 12, 2005, and May 3, 2005. Planning Commission public hearings were held on the following dates: November 11, 2004, January 1, 2005, February 8, 2005, March 8, 2005, April 12, 2005, and May 10, 2005. At the May 10, 2005 Regular Planning Commission meeting, ZOTA 215 A was postponed to a future meeting (see attached resolution and minutes, May 3rd and 10th). The Planning Commission intends to tie bar ZOTA 215 A, B and C to consider these items simultaneously. This strategy will attempt to comprehensively amend the Zoning Ordinance first to address the commercial vehicle regulations and definitions, revisions to the commercial vehicle appeals procedures and limit the size of accessory structures, including building and door heights.

PROJECT TIMELINE

The following is a general timeline for the development of a draft ZOTA 215A:

- October 4, 2004 – City Council referred the issue of neighborhood compatibility/accessory buildings to the Planning Commission for their consideration of size, use and compatibility (see attached resolution).
- October 26, 2004 – The Planning Commission considers this item for the first time at a Planning Commission public meeting.
- November 9, 2004 – The Planning Commission recommends approval of a draft ZOTA 215 A.
- December 6, 2004 – City Council considered the draft ZOTA 215 A, however during this meeting the item was referred to the Planning Commission for further discussion on the issues of garage door height, foot print ratios, further rationale of the number of detached buildings, and that staff make the changes in regard to greenhouses.
- February 22, 2005 – During a Special/Study Meeting, John Szerlag, City Manager, moderated an interest-based approach to identify the interests of both the Planning Commission and City Management in relation to accessory structures/garage door heights. A Planning Commission majority maintained the opinion that an 8-foot height limit should be included in a recommendation to City Council, while City Management maintained the opinion that there should not be a specific limit on accessory structures/garage door heights. The purpose of the study session was to identify interests and further determine if there could be a unified recommendation. A unified recommendation was not formulated.
- March 28, 2005 – City Council participated in a Special/Joint Meeting of the City Council and Planning Commission. During this meeting, City Manager John Szerlag moderated an interest-based discussion related to accessory building footprint ratios, garage door height and commercial vehicle regulations. City Management prepared a draft ZOTA in an attempt to represent convergence on the various opinions.
- April 19, 2005 – The BZA provides an interpretation related to accessory buildings.
- May 3, 2005 – The draft ZOTA developed based on the Joint Meeting was presented to the Planning Commission at a Special/Study meeting, however the Planning Commission requested more time to discuss the item. Note that the Planning Commission wanted to include a maximum height requirement for garage doors.
- May 10, 2005 – The Planning Commission holds a Public Hearing for this item and postpones the item to a future meeting.

- May 16, 2005 – City Council Public Hearing on ZOTA 215A.

Reviewed as to form and legality.

Lori Grigg-Bluhm
City Attorney

Date

cc: File/ ZOTA 215-A

Attachments:

1. Draft ZOTA 215A, dated 04/28/05, representing the convergence of opinion for the March 22, 2005 Joint Meeting, and presented at the March 3, 2005 Planning Commission Special/Study meeting.
2. Minutes from October 4, 2004 City Council Minutes.
3. Minutes from December 6, 2004 City Council Minutes.
4. Draft ZOTA 215A, Version A City Management Version, as presented at the December 6, 2004 City Council meeting.
5. Draft ZOTA 215A, Version B Planning Commission Version, as presented at the December 6, 2004 City Council meeting.
6. Minutes from March 28, 2005 Special-Joint Meeting of City Council and Planning Commission.
7. Minutes from May 3, 2005 Planning Commission Special/Study Meeting.
8. Minutes from May 10, 2005 Planning Commission Regular Meeting (Public Hearing).

Prepared by RBS/MFM

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

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 Articles IV and XXVIII 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. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A subordinate building, or portion thereof, the use of which is clearly incidental to that of supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

- A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.
- B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.
- C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

- A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.
- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached, building that is used for non-commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

40.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: ~~is a~~ A use which is supplemental and subordinate to the main use on a lot and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

- A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.
- B. ~~They shall therefore not be permitted as the only building or structure be on a the same parcel of land, as the principal building they serve.~~
- C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code. ~~Permits shall be required for buildings greater than thirty-six (36)~~

square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. (Rev. 04-23-01)

E. They shall not be located within a dedicated easement or right-of-way.

40.56.00 — The various types of accessory buildings and structures shall be defined as follows:

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNs: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-23-01)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-2301)~~

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

~~40.57.01~~ ~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

~~40.57.02~~ 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 (insert effective date of revision here).

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.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

~~40.57.04~~ C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. In no instance shall

~~40.57.05~~ D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square

feet plus two (2) percent 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.

40.57.05 ~~E. No detached accessory building or structure except antennas, dog houses or cabanas shall be located closer than ten (10) feet to any main building, nor shall any accessory building or structure be located closer than six (6) feet to any side or rear lot line.~~

40.57.06 ~~F. No A detached accessory building or structure, in any Residential, C-F, B-1, and P-1 shall not exceed one (1) story or fourteen (14) feet in height. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~

H. An accessory building defined as a barn shall be subject to the approval of the Board of Zoning Appeals.

~~40.57.07 Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

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 required yard other than a rear 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.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

- A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

40.57.08 B. 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.1. 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-2. The numerical limits of this Section shall not apply in the following situations:

- 1.a. 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.b. 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.

~~40.57.09~~ — When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.

~~40.57.10~~ — When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.

~~40.57.11~~ — **NEIGHBORS NOTIFICATION:**
Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.

~~40.57.12~~ — The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be

~~required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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 Accessory Buildings 4-28-05 Consensus
Version.doc

RESOLVED, That the City Council of the City of Troy, after conclusion of a Public Hearing on this date, October 4, 2004 has **DETERMINED** that Year 2002 unspent funds should be re-programmed from Remove Architectural Barriers to Special Assessment.

Yes: All-7

POSTPONED ITEMS:

D-1 Building Permit Moratorium - Resolution Proposed by Council Member Stine

Resolution
Moved by Stine
Seconded by Beltramini

RESOLVED, That a moratorium be placed upon the issuance of any building permit for detached or attached accessory buildings on residentially zoned property where the material is not similar to the main building. That this moratorium be for a period of 6 months or until the City Council approves revisions to our ordinances as they relate to neighborhood compatibility issues currently under consideration by the Planning Commission, whichever comes first.

Vote on Resolution to Amend by Substitution

Resolution #2004-10-523
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING** the Resolution in its entirety and **SUBSTITUTING** with, "That the issue of neighborhood compatibility/accessory buildings be referred to the Planning Commission for the soonest possible recommendation with respect to the following three noted items: size, use and compatibility."

Yes: All-7

Vote on Resolution as Amended by Substitution

Resolution #2004-10-524
Moved by Stine
Seconded by Beltramini

RESOLVED, That the issue of neighborhood compatibility/accessory buildings be referred to the Planning Commission for the soonest possible recommendation with respect to the following three noted items: size, use and compatibility.

Yes: All-7

C-1 Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2004-12-611

Moved by Beltramini

Seconded by Stine

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION A
Recommended by City Management

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 Articles IV and XXVIII 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. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A subordinate building, or portion thereof, the use of which is clearly incidental to that of supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

- A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.
- B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.
- C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

- A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.
- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached, building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

04.20.03 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ~~ACCESSORY USE: is a~~ ACCESSORY USE: A use which is supplemental and subordinate to the main use on a lot and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

~~04.20.65 GARAGE, PRIVATE: an accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.~~

~~04.20.67 GARAGE, PUBLIC: any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.~~

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure be~~ on a the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code=Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. (Rev. 04-23-01)

E. They shall not be located within a dedicated easement or right-of-way.

40.56.00 — The various types of accessory buildings and structures shall be defined as follows:

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNs: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-23-01)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-23-01)~~

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

~~40.57.01~~ ~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

40.57.02 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 one-half (1/2) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

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.

~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.

40.57.04 C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. In no instance shall

D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01) shall not exceed four hundred-fifty (450) square feet plus two (2) percent 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.

40.57.05 E. No detached accessory building or structure except antennas, dog houses or cabanas shall be located closer than ten (10) feet to any main building, nor shall any accessory building or structure be located closer than six (6) feet to any side or rear lot line.

40.57.06 F. No A detached accessory building or structure, in any Residential, C-F, B-1, and P-1 shall not exceed one (1) story or fourteen (14) feet in height. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)

G. An accessory building defined as a barn or a greenhouse shall be subject to the approval of the Board of Zoning Appeals.

40.57.07 ~~Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

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 shall not exceed two hundred (200) square feet.
- C. An accessory supplemental building shall not be located in any required yard other than a rear 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.

40.57.00

ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

- A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00

ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

40.57.08

- B. 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.1. 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-2. The numerical limits of this Section shall not apply in the following situations:

1.a. 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.b. 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.

~~40.57.09 — When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.~~

~~40.57.10 — When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of those structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.~~

~~40.57.11 — NEIGHBORS NOTIFICATION:
Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

40.57.12

~~The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. — Recreation uses.~~

~~B. — Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub Sections (C) and (D).~~

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\Draft ZOTA 215A Accessory Buildings 12-06-04 City Mgt Version.doc

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
VERSION B
Recommended by Planning Commission

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 Articles IV and XXVIII 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. Furthermore, Article IV DEFINITIONS of Chapter 39 is amended to bring the definitions in compliance with the modified regulations.

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

[Revise Section 04.20.00 DEFINITIONS as follows]:

04.20.01 ACCESSORY BUILDING: A subordinate building, or portion thereof, the use of which is clearly incidental to that of supplemental or subordinate to the main building or to the use of the land and is devoted exclusively to an accessory use. The various types of accessory buildings shall be further defined as follows:

- A. BARN: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats, and fowl, other than a dog house.
- B. GARAGE: A building, or portion of the main building, of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.
- C. STORAGE BUILDING/SHED: A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, and motor scooters.

04.20.02 ACCESSORY SUPPLEMENTAL BUILDING. An accessory building used by the occupants of the principal building for recreation or pleasure, such as a gazebo, a

swimming pool cabana, a building housing a spa, or greenhouse. The various types of accessory supplemental buildings shall be further defined as follows:

- A. CABANA: A building used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes.
- B. DOG HOUSE: A building designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which it is located.
- C. GAZEBO: A detached, roofed or sheltered structure, which is generally of open, screened, or lattice-work construction, and may be used for outdoor seating.
- D. GREENHOUSE: A detached, building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.
- E. PLAY HOUSE: A detached building designed and used for children's play.

04.20.02 ACCESSORY STRUCTURE: A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land.

04.20.03 ACCESSORY USE: is a A use which is supplemental and subordinate to the main use on a lot and serves purposes clearly incidental to those of the main use.

04.20.10 ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.

~~04.20.65 GARAGE, PRIVATE: an accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.~~

~~04.20.67 GARAGE, PUBLIC: any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.~~

[Revise Section 40.55.00 – 40.59.00 as follows]:

40.55.00 ACCESSORY BUILDINGS, ACCESSORY SUPPLEMENTAL BUILDINGS AND ACCESSORY STRUCTURES

In addition to the applicable requirements of Sections 40.56.00 and 40.58.00, all accessory buildings, accessory supplemental buildings and accessory structures shall comply with the following provisions:

A. By their definition and nature they shall be supplemental or subordinate to the principal building on a parcel of land.

B. They shall ~~therefore not be permitted as the only building or structure be~~ on a the same parcel of land, as the principal building they serve.

C. Their construction, erection, installation or placement shall be in accordance with the requirements of the Building Code and the Electrical Code=Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.

D. Detached buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer-mounted buildings and structures are prohibited. (Rev. 04-23-01)

E. They shall not be located within a dedicated easement or right-of-way.

40.56.00 — The various types of accessory buildings and structures shall be defined as follows:

~~ANTENNAS: Structures or facilities for the reception or transmission of radio, television, and microwave signals.~~

~~BARNs: A building specifically or partially used for the storage of farm animals such as, but not limited to, horses, cattle, sheep, goats and fowl, other than a dog house, so called.~~

~~CABANAS: A building of not more than one hundred (100) square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, and/or changing of clothes. (Rev. 04-23-01)~~

~~DOG HOUSES: A building of not more than thirty-six (36) square feet with a total height of not more than four feet, designed and used for housing not more than three dogs, cats or other similar animals owned by the occupant of the parcel on which located. (Rev. 04-23-01)~~

~~GARAGES: A building of not less than one hundred eighty (180) square feet designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard maintenance equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles. (Rev. 04-23-01)~~

~~GAZEBO: A roofed or sheltered structure, not more than one hundred seventy nine (179) square feet in area, which is generally of open, screened, or lattice work construction, and may be used for outdoor seating. (Rev. 04-23-01)~~

~~GREEN HOUSES: A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants from seed.~~

~~SHEDS: A building of not more than one hundred seventy nine (179) square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses. (Rev. 04-23-01)~~

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

~~40.57.01~~ ~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls or other acceptable foundations not less than twenty four (24) inches in depth, or be built so that the floor and walls are located a minimum of six (6) inches above the underlying ground. Trailer mounted accessory buildings and structures are prohibited. (Rev. 04-23-01)~~

40.56.01 Attached Accessory Buildings

40.57.02 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 one-half (1/2) of the ground floor footprint of the living area of the dwelling or six hundred (600) square feet whichever is greater.

C. The size of any door to an attached accessory building shall not exceed eight (8) feet in height.

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.

- ~~40.57.03~~ B. Detached accessory buildings shall not be erected in any yard, except a rear yard.
- 40.57.04 C. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard. ~~In no instance shall~~
- D. The combined ground floor area of all detached accessory buildings and detached accessory supplemental buildings ~~six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater. (Rev. 04-23-01)~~ shall not exceed four hundred-fifty (450) square feet plus two (2) percent 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.
- 40.57.05 E. No detached accessory building ~~or structure except antennas, dog houses or cabanas~~ shall be located closer than ten (10) feet to any main building, nor ~~shall any accessory building or structure be located~~ closer than six (6) feet to any side or rear lot line.
- 40.57.06 E. ~~No~~ A detached accessory building ~~or structure, in any Residential, C-F, B-1, and P-4~~ shall not exceed one (1) story or fourteen (14) feet in height. ~~Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback. (Rev. 01-05-04)~~
- G. The size of any door to a detached accessory building shall not exceed eight (8) feet in height.
- H. An accessory building defined as a barn or a greenhouse shall be subject to the approval of the Board of Zoning Appeals.
- ~~40.57.07~~ ~~Accessory buildings and structures in all Districts not specified in Section 40.57.06 may be constructed to one (1) story or fourteen (14) feet in height or may, subject to Board of Appeals review and approval, be constructed equal to the permitted maximum height of the structures in~~

~~said Districts. Exception: Roof-mounted antennas, not extending more than twelve (12) feet above the highest point of a roof, are not subject to Board of Appeals review. (Rev. 04-23-01)~~

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 shall not exceed two hundred (200) square feet.
- C. An accessory supplemental building shall not be located in any required yard other than a rear 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.
- F. The size of any door to an accessory supplemental building shall not exceed eight (8) feet in height.

40.57.00 ACCESSORY BUILDINGS IN OTHER ZONING DISTRICTS

- A. All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.

40.58.00 ACCESSORY STRUCTURES

- A. Amateur radio antennas are permitted up to a height of 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 above grade, shall not exceed twenty four (24) inches in diameter. Satellite dish and amateur radio antennas shall be placed so that rotation can occur without encroachment into the required setback.

~~40.57.08~~ B. 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.1. 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-2. The numerical limits of this Section shall not apply in the following situations:

1-a. 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-b. 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.

~~40.57.09~~ — When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot or parcel to its rear, said building or structure shall not project beyond the front setback line required on the lot or parcel to the rear of such corner lot. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot or parcel to the rear of such corner lot.

~~40.57.10~~ — When an accessory building or structure in any Residence, Business or Office District is defined as other than an antenna, cabana, dog house, garage or shed, construction or placement of the accessory building or structure shall be subject to the approval of the Board of Zoning Appeals. Examples of these structures requiring Board of Zoning Appeals approval would thus include, but not be limited to, Barns, Greenhouses, and free-standing Gazebos. Gazebos constructed as a part of attached open patios or deck structures in a rear yard shall be regulated in accordance with Section 41.45.00 of this Chapter, and shall not require Board of Zoning Appeals approval.

~~40.57.11~~ — NEIGHBORS NOTIFICATION:
Applications for permits for the placement or construction of sheds located in platted subdivisions or on acreage parcels of less than two (2) acres shall be submitted with evidence of notification of placement or construction, to the owners of record of fifty percent (50%) of the developed lots or parcels which are immediately abutting the parcel on

~~which the subject building or structure is to be placed. On acreage parcels of two (2) acres or more, evidence of notification shall be provided in relation to all owners of record of developed land within one hundred (100) feet of the subject building or structure. Evidence of notification shall consist of either certified mail receipts, or a signed affidavit, from the required number of property owners.~~

40.57.12

~~The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the Building Code and the Electrical Code. Building Permits shall be required for accessory buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Building permits shall be required for all ground-mounted antennas, and for roof-mounted antennas greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~

~~A. Recreation uses.~~

~~B. Porch, patio, terrace, or entranceway areas.~~

~~In no instance shall the area encompassed, together with main and accessory buildings, exceed the lot area coverage provisions indicated in Section 30.10.00 "Schedule of Regulations-Residential". Such covering or enclosure must also comply with the main building setback requirements included in Section 30.10.00. Porch, patio, terrace or entranceway covers may be permitted to encroach into such yards in accordance with Section 41.50.00. Recreation facilities involving temporary covers, on sites in excess of one acre in area, shall conform to the requirements of Section 10.30.06, Sub-Sections (C) and (D).~~

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

A Special-Joint Meeting of the Troy City Council was held Monday, March 28, 2005, at the Fire and Police Training Facility, 4850 John R – Troy, Michigan 48085. Mayor Pro Tem Beltramini called the Meeting to order at 7:48 PM.

ROLL CALL:

CITY COUNCIL PRESENT:

Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PLANNING COMMISSION:

Gary Chamberlain
Lynn Drake-Batts
Larry Littman
Robert Schultz
Fazlullah M. Khan
Thomas Strat
Mark Vleck
David Waller
Wayne C. Wright
Howard Wu

Mayor Schilling introduced John Szerlag as the moderator of the interest-based approach to bargaining. Mr. Szerlag described the interest-based approach and the meeting format.

Consensus was reached by a vote by voice to follow simple ground rules as described by John Szerlag.

John Szerlag moderated an interest-based discussion with the City Council and Planning Commission on accessory building footprint ratios, garage door height and commercial vehicle regulations.

1. Options for Regulating Attached Garages and Accessory Structures

Mark Miller, Planning Director, provided an update on ZOTA 215 and the process to date.

Mark Stimac, Director of Building and Zoning, presented a brief history of commercial vehicle restrictions in Troy.

Planning Consultant Richard Carlisle provided a regional perspective on commercial vehicles.

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Attached Garages and Accessory Structures* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

I. Footprint Ratios

1. Enforcement not to be retroactive for legally constructed structures. (Do not create non-conforming structures.)
2. Replacement structures must conform.
3. Maintain residential character.

II. Garage Door Heights

1. Maintain residential flavor/appearance.
2. Do not store recreational vehicles in residential areas.

CITY COUNCIL INTERESTS:

I. Footprint Ratios

1. Footprint ratio that does not create non-conformance.
2. Footprint of living area, not just first floor.
3. Solution should address Alpine Street.
4. Allow building size to be dictated by size of property.
5. Be careful not to permit too big of structure based on lot size.

II. Garage Door Heights

1. Maintain residential character.

CITY MANAGEMENT INTERESTS:

I. Footprint Ratios

1. Consistency
2. Practicality of application of ordinance

II. Garage Door Heights

1. No height limit.

OPTIONS:

I. Footprint Ratios

1. 100% of livable area calibrated with setbacks.
2. 75% of the first floor living area.
3. 125% of living area.
4. Establish a ceiling.
5. Calibration of larger attached buildings based on height.

II. Garage Door Height

1. 8' for front entrances; larger in rear.
2. No height restriction.

GENERAL DIRECTION FROM CITY COUNCIL:

- The option selected was 75% of first floor living area and larger with a greater setback than otherwise required, based on a formula created by the Planning Commission.
- Do not limit garage door height

2. Options for Regulating Commercial Vehicles

Peggy Clifton recorded interests and options on easels located at the front of the room. The following interests and options regarding *Options for Regulating Commercial Vehicles* were recorded based on individual input:

PLANNING COMMISSION INTERESTS:

- I. Commercial Vehicles - (No comments)

CITY COUNCIL INTERESTS:

- I. Commercial Vehicles
 1. Fix definition of commercial vehicle (weight, size, type).
 2. Make variance renewals automatic (if no changes).
 3. Exceptions considered for (1) Mile Road frontage; (2) Hardships (short-term); (3) Duration.
 4. Residentially zoned/utilized areas only.

CITY MANAGEMENT INTERESTS:

- I. Commercial Vehicles
 1. Appropriate criteria be developed for variance to be granted.

OPTIONS:

- I. Commercial Vehicles
 1. No change.
 2. Transfer authority to grant variances to BZA.
 3. Administrative approval of variance renewals.
 4. Change definition of commercial vehicles.
 5. Restrict indoor storage.
 6. Modify criteria – all 4 conditions must be met.
 7. Separate police power ordinance.
 8. Eliminate ability to appeal commercial vehicle storage provisions.

GENERAL DIRECTION FROM CITY COUNCIL:

- Transfer authority to grant variances to BZA.
- Develop appropriate criteria for granting variances.

Following the interest-based discussion, moderator John Szerlag handed control of the meeting back to Mayor Schilling.

PUBLIC COMMENT

Vote on Resolution to Suspend Council Rules #16 – Members of the Public & Visitors

Resolution #2005-03-148a
Moved by Stine
Seconded by Broomfield

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be reduced from five minutes to two minutes at the request of the Chair and by majority vote of City Council members elect.

Yes: All-7

The meeting **ADJOURNED** at 10:36 PM.

Louise E. Schilling, Mayor

Laura A. Fitzpatrick
Assistant to the City Manager

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reported that the minutes of the March 28, 2005 Special Joint Meeting reflect the convergence of opinion arrived at that meeting and were sent to the City Council as an informational item with a memorandum explaining how the convergence of opinion was developed. Mr. Miller said the minutes would go to the City Council at their May 9, 2005 Meeting for review and approval.

Mr. Miller reviewed the draft text amendment relating to accessory structures, the grandfather clause, and the decision of the Board of Zoning Appeals at their April 19, 2005 meeting. Mr. Miller indicated that City Management is in agreement with the accessory structure formula of 75% of the first floor living area and the grandfather clause. City Management is not in favor of placing a restriction on garage door height. A lengthy discussion followed. The members agreed to go forward with its original proposal and to include the grandfather clause. The Planning Department will draft appropriate zoning ordinance text with respect to garage door height.

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed the proposed Zoning Ordinance Text Amendment relating to accessory buildings definitions and provisions.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2005-05-069

Moved by: Schultz

Seconded by: Khan

RESOLVED, That Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings Definitions and Provisions, be postponed to a future meeting.

Yes: Khan, Littman, Schultz, Strat, Wright

No: Drake-Batts

Absent: Chamberlain, Vleck, Waller

MOTION CARRIED

Ms. Drake-Batts said the members made their decisions in previous meetings.

Paula P Bratto

From: ted.huang@gm.com
Sent: Friday, April 29, 2005 8:22 AM
To: Paula P Bratto
Subject: Re: FW: May 16, 2005 City Council Public Hearing Notices



pic19659.jpg



Z-695 Becker
Notice.pdf



ZOTA 215 A
Notice.pdf



Hidden Forest SC
Notice.pdf

As an resident of Troy, we strongly against the impose height limits for houses build so long ago. Remember depreciating value on Troy houses does no body good, particular to the city who accounts the tax revenue to operate.

<dick@minnick2.com> "Dick Minnick"
<dick@minnick2.co To: "Dick Minnick"
m> cc:
Subject: FW: May 16, 2005 City Council
Public Hearing Notices
04/28/2005 03:58
PM
Please respond to
dick

Dear Neighbors,

FYI, the Planning Commission is holding another Public Hearing on the redefinition of "accessory buildings" to include attached garages and to impose footprint and height limits thereon (ZOTA-215A). If they proceed with the proposal to limit roof heights, nearly every home in Westwood Park would become a non-conforming structure. If you cannot attend the meeting on May 10, please send an email to the Planning Commission [planning@ci.troy.mi.us] stating your opposition to having height limits on attached garages.

The attached notice is for a Public Hearing at City Council on May 16th. This is surprising because the Planning Commission has yet to complete the revised draft of the zoning ordinance. Please also send a note to Council [council@ci.troy.mi.us] stating your objection to height limits.

(Embedded image moved to file: pic19659.jpg)

| Dick Minnick
| Troy, Michigan USA

From: Paula P Bratto [mailto:BrattoPP@ci.troy.mi.us]
Sent: Thursday, April 28, 2005 2:29 p.m.
To: Charnwood Hills Assoc.; COTHA; Crescent Ridge/Parc HOA; East Long Lake Estates; East Long Lake Estates #2; Emerald Lakes Village; Fox Hall (Crescent Ridge #1); Lake Charnwood Property Owners Asso; Meadowland Estates ; North Bridge Park & Keaton Manor Sub. HOA; Northfield Hills - Pres.; Northfield Hills - VP; Oak River East Phase 2 & 3 HOA; Raintree HOA;

Scotlands Subdivision; Sylvan Glen HOA ; Tonni L Bartholomew; Troy Estates;
Washington Square Estates; Westwood Park; Bob Gosselin; 'Eileen S. Wloszek'
(E-mail); Mark S Stimac
Subject: May 16, 2005 City Council Public Hearing Notices

The following Public Hearing / Meetings will be on the May 16, 2005 City
Council Meeting:

(1) Public Hearing Notice for Rezoning Request

Z-695 - Proposed Becker Parking Lot

Section 27

From R-1E (One Family Residential) to P-1 (Vehicular Parking) district

The subject property is located on the south side of Henrietta Ave., east
of Rochester Rd.

(2) Public Hearing Notice for Zoning Ordinance Text Amendment

ZOTA 215 A Accessory Structures

The proposed amendments would revise the text with regard to the definition
of Accessory Buildings, Accessory Supplemental Buildings and Accessory
Structures and revise the text with regard to the regulation of Accessory
Buildings, Accessory Supplemental Buildings and Accessory Structures
including placement, height and area.

(3) Public Meeting Notice for Proposed Residential Development

Proposed Hidden Forest Site Condominium (Revised)

Zoned R-1C, 37 units/lots proposed

Section 22

The subject property is located on the south side of Wattles, west of
Jennings

Please see the attached notices regarding the above proposals.

Notices and information for public hearings are posted at

<http://www.ci.troy.mi.us/PublicHearings/> .

The agendas for City Council meetings are posted on the City website at

<http://www.ci.troymi.us/council/Meetings.asp> , agendas for Planning

Commission = meetings are posted at

<http://www.ci.troy.mi.us/committees/committeelist.asp#PC> (usually the
Friday before the meeting).

If you have any questions or concerns regarding the above items please
contact our office. All correspondence received will be forwarded onto the
Planning Commission and/or City Council.

<<Z-695 Becker Notice.pdf>> <<ZOTA 215 A Notice.pdf>> <<Hidden Forest SC
Notice.pdf>>

Paula Preston Bratto

City of Troy

Planner

248.524.3365

www.ci.troy.mi.us

(See attached file: Z-695 Becker Notice.pdf)(See attached file: ZOTA 215 A Notice.pdf)(See attached file: Hidden Forest SC Notice.pdf)

Paula P Bratto

From: virupatel@aol.com
Sent: Tuesday, May 03, 2005 1:38 PM
To: Paula P Bratto
Subject: Garage Roofs

Please note that I oppose to having height limits to attached garages.

Paula P Bratto

From: Linda.Schulz@jdpa.com
Sent: Thursday, April 28, 2005 4:34 PM
To: Paula P Bratto; talk2cristina@aol.com; dave@lambert.net; david@eisenbacher.org; stinejm@wwnet.net; 000schilling@ameritech.net; Mfhowryl@umich.edu; rbeltram@wideopenwest.com; Cynthia A Stewart
Subject: ZOTA 215-A

Members of Council and the Planning Commission:

I would like to share my opposition to changing the roof height limits on attached garages. Our home is relatively new and conformed to building guidelines at that time. I am concerned that a change in the guidelines will make my home and every home in our subdivision (Westwood Park) non-conforming for no reasonable purpose.

I understand the issues the city is facing, but would like some consideration to those homeowners who are not the driving force of this change.

Cordially,
Linda C. Schulz
248.528.3547

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this in error, you must not use or disseminate any information contained in it. Please send it back to the person who sent it to you and delete it from your system. This footnote also confirms that this e-mail message has been swept by Sybari's Antigen for the presence of computer viruses. However, we cannot guarantee that this transmission is virus free, nor can we guarantee that this e-mail is secure or error-free as information could be intercepted, corrupted, lost, destroyed, or arrive late or incomplete. J.D. Power and Associates therefore does not accept liability for loss or damage suffered as a result of this transmission or for any

5/12/2005

errors or omissions in the contents of this e-mail.

Paula P Bratto

From: Dick Minnick [dick@minnick2.com]
Sent: Thursday, April 28, 2005 4:12 PM
To: Paula P Bratto; Cristina Broomfield; David A. Lambert; David Eisenbacher; Jeanne M. Stine; Louise Schilling; Martin Howrylak; Robin E. Beltramini; Cynthia A Stewart
Subject: ZOTA 215-A

Members of Council and the Planning Commission:

I am opposed to having roof height limits imposed on attached garages. Depending upon what arbitrary limit is chosen, nearly every home in Westwood Park (as well as many other newer homes with steep roofs) would become non-conforming.

It is particularly worrisome that the city has no records on existing roof heights, so it is not able to determine how many homes would become non-compliant, nor would they be able to inform the residents whether or not they were compliant--something that the owner **MUST** know and disclose when selling their property. Determination of the actual roof height is a complicated formula and it is very difficult to measure on an existing building without a copy of the original blueprints indicating the "finished grade" elevation.

With the recent BZA decision, I seriously question whether or not ZOTA-215A should go forward. If the structure on Alpine does not comply with the existing codes, then there would appear to be no need to change the ordinances to prevent another similar structure from being built. How many other complaints has the city received relative to the size of attached garages? Why add another layer of regulation and impose a non-conforming hardship on many residents who are not part of the problem?



| **Dick Minnick**
| Troy, Michigan USA