

**Ordinance No. 2166  
City of Madison Heights,  
Oakland County, Michigan  
Zoning Text Amendment 21-02**

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, section 10.401. - Limiting height, bulk, density and area by land use. to add related updates to area and bulk requirements; section 10.318. - Principal uses permitted, section 10.319 - Uses permissible on special approval, section 10.321 - Principal uses permitted, section 10.322 - Uses permissible on special approval and section 10.326 - Uses permissible on special approval to increase the maximum permissible heights and to add use standards for drive throughs in all business districts; section 10.325 - Principle uses permitted in B-3 general business districts to permit mixed use developments in B-3 district;

The City of Madison Heights ordains:

Section 1. Sec. 10.401 is hereby amended to read as follows:

	Minimum Size		Maximum Height		Minimum Yard Setback (per lot in ft.)				Minimum Floor Area	Maximum Percentage of Lot Coverage
	Area in Sq. Ft.	Width in Ft.	In Stories	In Feet	Front	One	Two	Rear	Per Unit (sq. ft.)	(area of all buildings)
R-M Multiple-Family Residential (t)	(c)	(c)	3	35	25(e)	10	20	30	(c)	35%
B-1 Local Business (u)	—	—	2 (h)	30(v) )	5(e) (v)	(f) (v)	(f) (v)	20(g) (v)	—	—
B-2 Planned Business (u)	—	—	3(h)	40(h) ) (v)	75	20(j) (v)	(j) (v)	20(g), (j) (v)	—	—
B-3 General Business (u)	(w)	(w)	3 (h) (w)	40 (h)	5(e) (w)	(f)	(f)	20(g)	(w)	—

**Section 2. Notes to section 10.401 is hereby amended to read as follows:**

- (f) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. Minimum required screening and landscaping requirements shall be met as listed in Section 10.510. of this ordinance.
- (g) Loading space shall be provided in the rear yard or, in the case of a lot with frontage on more than one road, the rear or an interior side yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. The approving body may permit a reduction in minimum loading area requirements, if the applicant demonstrates that the minimum required area per the ordinance is excessive for the proposed use.
- (t) In residential districts, all new buildings shall hereafter be constructed of brick or other stone or masonry materials which are harmonious with the neighborhood and approved by the building official except as noted below.
  - 1. An area not to exceed ten percent of the face of any first story wall as well as all gable ends, dormers and second stories of single-family dwellings may be covered with maintenance free materials such as, but not limited to, aluminum or vinyl siding.
  - 2. If not less than 65 percent of the lots and frontage on both sides of the street in any block where the proposed improvement is contemplated, being the same side as the proposed improvement and the block facing the proposed improvement, contains structures made of material other than brick or other masonry material, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be constructed of maintenance free materials and shall be substantially similar in type and style to the existing structures so as to be in harmony with the character of the neighborhood; provided, however, that nothing herein shall prevent any residential block from being upgraded. The building official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the zoning board of appeals. If, however, the building official, in his discretion, determines that the harmony or character of the neighborhood may be altered by granting such a variance, he shall submit the application to the zoning board of appeals, upon payment of the proper application fee. In all multiple-family residential districts, all sites are required to have architectural review of building materials by the plan review committee.
  - 3. Additions to residential structures shall be constructed of the same material(s) as the principal structure. Where the applicant desires to use alternate, maintenance free building materials, the building official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the zoning board of appeals.
  - 4. Requirements listed in section 10.401.u.3 related to rooftop equipment shall apply to multiple family residential structures.

(u) In all office, commercial and industrial districts, all first story exterior walls shall be of brick, decorative block or other decorative masonry or stone veneers except as noted below. The approving body may waive facade material requirements of this section, Limiting height, bulk, density and area by land use, note u, if the selected facade materials will be consistent with and will enhance the building design concept and are in harmony or character of the neighborhood.

1. Where a building wall is located such that it will not be readily subject to damage from vehicles or passersby, other damage resistant, maintenance free materials may be substituted for masonry veneer on not more than 25 percent of said wall. The appropriateness and performance characteristics of all such materials shall be approved by the site plan review committee. Such approval shall be separate from, and in addition to, site plan approval.
2. Glass may be substituted for any wall material without limitation.
3. All roof top climate control equipment, elevator towers, transformer units and satellite dish antenna and similar items shall be screened from view so as not to be visible from any street, road or adjacent property.
  - i. The approving body may provide a waiver of this requirement as to satellite dishes where the requirement prevents the reception of satellite delivered signals or imposes costs on the user of such dish antenna that are excessive in light of the purchase and installation cost of the equipment.
  - ii. All wall mounted utility meters and utility outlets shall be enclosed and integrated into the design and color of the building, subject to safety and access requirements of respective utility companies.
  - iii. Roof top appurtenances, including mechanical and electrical equipment, shall not exceed the maximum permitted building height limits, unless the following conditions are met. For everyone (1) foot that a roof top appurtenance exceeds the maximum district building height, it shall be setback five (5) feet from any and all building faces. No roof top appurtenance shall exceed five (5) feet above the maximum district building height. In all instances, roof top appurtenances shall be screened, and shall not be visible from any street, road or adjacent property. All roof appurtenances shall be screened from view using materials and colors consistent with the building design.

(v) When abutting a single-family residential district,

1. For all buildings in excess of 20 feet or 1 story in B-1 district, the minimum yard building setback adjacent to a single-family residential district shall be increased by one (1) foot for each one (1) foot of building height in excess of twenty (20) feet.
2. For all buildings in excess of 30 feet or 2 story in B-3 district, the minimum yard building setback adjacent to a single-family residential district shall be increased by one (1) foot for each one (1) foot of building height in excess of thirty (30) feet.
3. Where the parcel abuts any single-family residential district, the maximum front yard setback for new structures shall be five feet.

4. For all buildings within 50 feet from the single-family district, the building façade facing a single-family residential district shall be designed to minimize views from the building into adjacent single family homes
  5. All required parking drives and service areas shall be located between the building and adjacent single-family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
- (w) See section 10.325.(10)., Mixed use development standards in B-3 district for additional building height and setback options.

**Section 3. Section 10.318.(5) is hereby amended to read as follows**

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of section 10.319(4). Special approval is required under section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment. All drive-thru lanes are subject to the following standards:
- a. All vehicle stacking for a use shall occur on site. The site plan shall be designed to provide safe and efficient traffic circulation both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic, to the maximum extent possible.
  - b. Drive-through facilities shall provide one bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served. Such bypass lane shall be a minimum of eighteen (18) feet in width, unless otherwise determined by the Fire Marshal.
  - c. Drive-through lanes shall have a minimum width of ten (10) feet.
  - d. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
  - e. Drive-through lanes shall be striped, marked, or otherwise distinctly delineated.
  - f. Drive through stacking spaces shall have a minimum length of nineteen (19) feet.
  - g. In addition to special approval conditions, the City Council shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.
  - h. A minimum of ten vehicle stacking spaces per drive-through lane are required. The site plan review committee or the approving body may reduce the number of stacking spaces if the applicant illustrates parking can be accommodated onsite through a stacking study or other similar data to determine the minimum number of stacking spaces.

**Section 4. Section 10.319.(7) is hereby amended to read as follows**

- (7) The construction of high-rise buildings up to three stories and 40 feet in height is permitted upon special approval subject to the following conditions:

- a. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
- b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.

**Section 5. Section 10.321.(6) is hereby amended to read as follows**

- (6) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of section 10.319(4). Special approval is required under section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment. All drive-thru lanes are subject to the standards listed in section 10.318.5.

**Section 6. Section 10.322.(1) is hereby amended to read as follows**

- (1) Where the parcel abuts any non-residential district, the construction of high-rise buildings up to six stories and 75 feet in height may be permitted upon special approval subject to the following conditions:
  - a. Uses shall be limited to permitted principal or special approval uses in the B-2 District.
  - b. Residential uses shall not be permitted on the first floor.
  - c. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.

**Section 7. Section 10.325.(7) is hereby amended to read as follows**

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of section 10.319(4). Special approval is required under section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment. All drive-thru lanes are subject to the standards listed in section 10.318.5.

**Section 8. Section 10.325.(10) is hereby amended to add a new use as follows**

- (10) Mixed use developments including multiple family dwellings may be permitted provided the following conditions are met:

- a. Residential uses may be permitted on the first floor if the residential entrance is in the rear of the building and the non-residential use, permitted in the district, comprises at least 25% of the ground floor, with an entrance on the front façade.
- b. Retail uses on the first floor shall only include uses that are compatible with residential development, such as restaurants with no drive-thru, retail and service uses that are compatible with residential uses and instructional centers to serve the residents.
- c. A maximum of one drive-thru use, which is an accessory to a full-service indoor use on-site may be permitted in a residential mixed-use development with a special approval based on conditions listed in Section 10.318.3.
- d. Multiple-housing dwelling units shall meet the minimum floor areas per unit as noted in section 401.c.
- e. The maximum horizontal length of one building or group of buildings attached together shall not exceed one-hundred eighty (180) feet. This standard may be modified in the opinion of the approving body that the variation in the building's mass or façade elevation is compatible with surrounding development and pedestrian entranceways, plazas or other architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain). are provided to break the long façade.
- f. The minimum distance between buildings shall be ten (10) feet. Additional separation may be required by the Building Official.
- g. There shall be provided a separate, private pedestrian entranceway for the residential use.
- h. Parking shall be subject to the following standards.
  - i. Minimum parking requirements shall comply with the standards listed in section 10.505. Parking requirements. The approving body may reduce the number of required parking spaces for nonresidential uses by up to twenty-five (25%) percent, subject to documentation that such a reduction will not negatively impact adjacent properties or be contrary to the spirit of this Ordinance.
  - ii. Surface parking lots shall be screened from all public rights-of-way and internal roads by either (1) a two and one half (2½) foot ornamental brick-on-brick wall, or (2) semi-transparent screening such as brick pilaster with metal decorative fence in order to maintain attractive streetscapes.
  - iii. Minimum required screening and landscaping requirements shall be met as listed in Section 10.510. of this ordinance
- i. In addition to section 10.401.(u), building elevations are subject to the following standards:
  - i. Architectural design and facade material are to be complementary to existing or proposed buildings within the site and the surrounding area.
  - ii. Elevations shall enhance the pedestrian experience along public road frontages by providing quality durable materials as well as ample windows that encourage views into a ground floor space.

- iii. The second floor shall be separated from the ground floor by a visible break that may include a change of color, material, or window pattern.

**Section 8. Section 10.326.(3) is hereby amended to add a new use as follows**

(3) Business in the character of a drive-in, or so called open front store, subject to the following:

- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street in the major thoroughfare plan must be maintained.
- b. Ingress and egress points shall be located at least 60 feet from the intersection of any two-street right-of-way line.
- c. All drive-thru lanes are subject to the standards listed in section 10.318.5.

**Section 9. Section 10.326.(9) is hereby amended to add a new use as follows**

(9) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. Where the parcel abuts any non-residential district, up to six stories and 75 feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the B-3 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.
- e. In addition to the special approval review standards, the City Council shall make a finding that:
  - i. The additional height will complement and be compatible with existing and proposed buildings and land uses, with respect to the size, height, area, and configuration of adjacent or surrounding parcels and structures and any other relevant characteristics and interest.
  - ii. The architectural design of the buildings minimizes the mass and height of the building.

**Section 10. Repealer.**

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

**Section 11. Severability.**

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

**Section 12. Savings.**

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

**Section 13. Effective Date.**

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

**Section 14. Enactment.**

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

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Rosalyn Grafstein, Mayor

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Cheryl Rottmann, City Clerk

**CERTIFICATION:**

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on June 14, 2021.

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Cheryl Rottmann, City Clerk

**ZOTXT 21-02 (Ordinance 2166)**

Planning Commission Introduction: March 16, 2021

Planning Commission Public Hearing: April 20, 2021

City Council First Reading: May 24, 2021

Adopted/ Public Hearing: June 14, 2021

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