

Ordinance No. 2168
City of Madison Heights,
Oakland County, Michigan
Zoning Text Amendment 21-04

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, to regulate different types of outdoor storage and outdoor vehicular storage associated with business and industrial uses.

- Ordinance No.252, **Sec. 10.200 Definitions**
- Article I, **Sec. 10.306. - Principal uses permitted**
- Article I, **Sec. 10.307. - Uses permissible on special approval. (R-1, R-2 and R-3)**
- Ordinance No.252 continued, **Sec. 10.504. Accessory Buildings**
- Article VII, **Sec. 10.325. - Principle uses permitted in B-3 general business districts.**
- Article VII, **Sec. 10.326. - Uses permissible on special approval (B-3)**
- Article VIII, **Sec. 10.329. - Uses permissible on special approval (M-1)**
- Article IX, **Sec. 10.332A. - Uses permissible on special approval (M-2)**
- Ordinance No.252 continued, **Sec. 10.505. - Parking requirements**
- Ordinance No.252 continued, **Sec. 10.509. - Performance standards**
- Ordinance No.252 continued, **Sec. 10.510. - Landscaping and screening**

The City of Madison Heights ordains:

Section 1. Sec. 10.200 is hereby amended to read as follows

(52) Outdoor Accessory use. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. An accessory use includes, but it is not limited to, uses such as those that follow:

- Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- Uses clearly incidental to a principal use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

(12) Commercial vehicle: Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name or other business identification (except "for sale" signs if otherwise permitted in this Ordinance), or which has attached to it, carries or transports, people, material or equipment used in the conduct of any business including taxi cabs and limousines. Commercial vehicles include but are not limited to:

- Truck tractor.
- Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

- Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or deliver trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.
- Tow trucks.
- Commercial hauling trucks.
- Vehicle repair service trucks.
- Snow plowing trucks.

Section 2. Sec. 10.306 is hereby amended to read as follows

Article I, R-1, R-2 AND R-3 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 10.306. - Principal uses permitted.

- (5) Parking of commercial vehicle, trailer or truck over three-fourths-ton on private property within the R-1, R-2 and R-3 residential zoning districts, may be permitted subject to conditions listed below.
 - (a) The vehicle is used as the principal means of transportation for a resident in the conduct of his employment or profession or is the resident's sole means of motor vehicle transportation.
 - (b) The vehicle is not a dump truck, stake truck, flatbed truck or semi-tractor or cube van;
 - (c) Such parking location shall be within the property boundary and shall be surfaced in accordance with section 10.340 of the Zoning Ordinance.
 - (d) The parking of such vehicle shall not constitute a nuisance to the surrounding neighborhood. If deemed necessary, the building official shall have the right to impose improvements such as, but not limited to landscape buffer or a screen wall as it may deem advisable for the welfare of the surrounding area.
- (6) A portable on-site storage unit may be placed on a residential property subject to the following conditions.
 - (a) Only one portable on-site storage unit shall be permitted per dwelling unit. This provision is not intended to override or displace subdivision rules, deed restrictions, or other private covenants that might prohibit or restrict the placement of such storage units.
 - (b) No unit shall be allowed to become unsightly or unkept.
 - (c) In Single-Family Residential lots, such portable on-site storage unit shall be located in the side or rear yard at least five (5) feet from any property line or in a driveway. Alternate locations may be permitted by the building official if there are practical difficulties.
 - (d) Such portable on-site storage unit for all other residential housing types shall be kept in an on-site vehicular use area so long as the storage unit does not obstruct a drive aisle or block a required parking space.
 - (e) Such unit shall be permitted for up to thirty (30) days in a one twelve (12) month period, unless otherwise noted below.
 - (f) A portable on-site storage unit may be permitted for up to six (6) months for use on-site during substantial construction or renovation on the property as evidenced by active building permits and upon a finding by the Building Official that such outside storage is made necessary by the extent of the work being conducted and that no other area of the

property that complies with the requirements of the Zoning Ordinance is reasonably available for use.

Section 3. Sec. 10.307. - Uses permissible on special approval is hereby amended to remove as follows
(9) DELETED

Section 4. Sec. 10.504. Accessory Buildings, Structures, and Uses is hereby amended to read as follows

- (1) Accessory Buildings and Structures.
- (2) Utility Structures.
- (3) Swimming Pools.
- (4) Flag poles.
- (5) **Accessory Outdoor Storage.** All types of outdoor storage in industrial districts are subject to following conditions.
 - (a) Outdoor storage shall be accessory to the principal use of the property only and shall not be related to any off-site commercial business or activity.
 - (b) All storage shall be limited to the open storage areas on the approved site plan.
 - (c) All shall be located in the rear yard or an interior side yard. Storage yards shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.
 - (d) All storage areas shall be setback a minimum of 20 ft from residential districts and 10 ft from all other non-industrial districts.
 - (e) Lumber, including wood pallets or other combustible material, shall not be stored less than twenty (20) feet from any interior lot line.
 - (f) In M-1 districts, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site.
 - (g) The approving body may permit such storage a lot which immediately adjoins the subject property and complies with all applicable standard listed in this section. Easements or other acceptable form of agreements shall be required for outdoor storage located on separate parcels.
 - (h) The open storage is of new materials used for operations taking place inside a building on the same lot, or of new finished product prior to shipment.
 - (i) Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.
 - (j) In no case shall open storage areas to be used to store waste, used or secondhand materials, or obsolete machinery or materials no longer used or intended to be used in the industrial operation.
 - (k) Openly stored materials shall be protected from damage due to weather precipitation as necessary. No racks for the holding of materials are permitted, except that pallets or low blocks may be used to keep materials from immediate contact with the ground.
 - (l) Any stockpiles of soils, fertilizer or similar loosely packaged materials is prohibited, unless they are sufficiently covered or contained to prevent dust or blowing of materials.
 - (m) Adequate fire protection and access for fire vehicles shall be provided at all times.
 - (n) All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.

- (o) Storage yards shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in section 10.510 Landscape and screening, may be permitted if the subject property is surrounded by similar industrial uses.
- (6) Contractors Equipment Storage.** In M-1 and M-2 districts, the use of any outside space for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials is subject to follows:
 - (a) Such storage is subject to all applicable standards related general outdoor storage in industrial districts as noted in the above section 10.504.3.
 - (b) Outdoor storage yards shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage, with an exception as noted in section 10.504.3.g
 - (c) Site plans shall specify if the facility will allow the storage of any vehicle over 30 feet in length. All construction vehicles and equipment shall be stored at their lowest height possible.
 - (d) The loading and unloading of equipment and construction materials shall be conducted entirely within the site and shall not be permitted within a public right-of-way.
 - (e) Such storage shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.
- (7) Above Ground Storage Tanks.** In M-1 and M-2 districts, outdoor placement of above-ground storage tanks as follows:
 - (a) It shall be accessory to an otherwise permitted use.
 - (b) It shall be located in a non-required rear or interior side yard.
 - (c) It shall be in compliance with the City's adopted Fire Prevention Code and any applicable State of Michigan and federal regulations related to such use.
 - (d) When abutting a residential district, it shall be enclosed and screened from public view with a greenbelt buffer or a screen wall that comply with related standards in section 10.510 Landscape and screening. The approving body shall determine the minimum height for the required screening.
- (8) General Exceptions.** The site plan review committee or any approving body may modify the minimum standards of this sub sections 5, 6 and 7. related to outside storage, if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site;

Section 5. Sec. 10.325. - Principle uses permitted in B-3 general business districts is hereby amended to read as follows

- (4) New car auto office, sales or showroom and accessory parking areas, exclusive of undercoating, bumping and paint shops, subject to standards listed under sec 10.326.(1) below.

Section 5. Sec. 10.326. - Uses permissible on special approval is hereby amended to read as follows

- 1) Outdoor sales space for exclusive sale of secondhand automobiles, subject to the following:
 - (a) The lot or area shall be paved having an asphaltic or Portland cement binder as approved by the city engineer and shall be graded and drained as to dispose of all surface water accumulated within the area in accord with the provisions of section 10.340.
 - (b) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - (c) A two and half foot brick masonry wall may be permitted along public street frontages. In lieu of a brick masonry wall, a ten (10) foot wide greenbelt planting strip may be proposed between the street right-of-way line and any area used for customer parking or vehicle display. Such planting strip shall include a mix of low shrubbery and other materials to effectively screen the parking area from public view.
 - (d) No major repair or major refinishing shall be done on the lot.
 - (a) Except when land is used as storage for uses such as vehicle storage facilities, or connection with the business of a repair or service garage, no outdoor space shall be used to store inoperable/untowable or junk vehicles
 - (b) Adequate fire protection and access for fire vehicles shall be provided at all times
 - (c) Outdoor space for such vehicles/equipment is only permitted when the sale and/or rental of such vehicles/equipment occurs on site. The area shall be located on the same lot as the principal building.
 - (d) Required outdoor space for sale of new or used automobiles, or similar services may be permitted on a lot within 300 feet thereof, measured between the nearest property lines. Such spaces on other property shall not replace minimum required parking and shall comply with all applicable screening requirements. Easements shall be required for all required storage located on separate parcels.
 - (e) All vehicles stored outside of a building shall be kept in a state of proper repair, have legal license plates, and be secured to prevent unauthorized entry. In addition, no unit shall be allowed to become unsightly or unkept.

Section 6. Sec. 10.329. - Uses permissible on special approval. (M-1) is hereby amended to read as follows

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of section 10.319(4). Open storage of all building materials shall be

subject to standards in sec. 10.509. - Performance standards. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

Section 7. Sec. 10.332A. - Uses permissible on special approval is hereby amended to read as follows

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of section 10.319(4). Open storage of all building materials shall be subject to standards in sec. 10.509. - Performance standards. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District.

Section 7. Sec. 10.509. - Performance standards is hereby amended to read as follows

- (3) Open storage. Where permitted, the open storage of any industrial equipment, vehicles and all materials including wastes shall be subject to applicable standards listed in section 10.504. Accessory Buildings, Structures, and Uses, sec. 10.505. - Parking requirements and sec. 10.510. - Landscaping and screening

Section 8. Sec. 10.505. - Parking requirements is hereby amended to read as follows

- (1) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. Parking of commercial vehicle, trailer or truck over three-fourths-ton on private property within the R-1, R-2 and R-3 residential zoning districts, may be permitted subject to conditions listed in Sec. 10.306. - Principal uses permitted. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.
- (9) Commercial Vehicles in General.
 - a. Storage or parking of motor vehicles (licensed or unlicensed),
 - i. Unless otherwise permitted in this ordinance the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than 24 hours is prohibited.
 - ii. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the city engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.

- iii. Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four hours. Such parking, when associated with the primary use in the building, may be permitted in industrial districts in areas designated for such purpose on an approved site plan or as permitted elsewhere in this Ordinance.
- iv. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan in industrial districts.
- v. The site plan review committee or any approving body may modify the minimum standards of this section related to outside storage, if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site;

(10) **Fleet and Company Vehicles.** For the purpose this section, Fleet and Company Vehicles shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors and may also include taxicabs and other rental passenger vehicles.

- a. Such vehicles which are over eight (8) feet in width and/or nineteen (19) feet in length shall not be located in the front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. Such vehicles shall be parked or stored in areas designated for such purpose on an approved site plan to the rear or interior side of the principal building when not in use or during non-business hours.
- b. In case of a corner lot or lots with no available space to park in rear or interior side yard, the approving body may permit parking in alternate locations. The approving body shall have the right to impose other restrictions such as, but not limited to landscape buffer or screen wall as it may deem advisable for the welfare of the surrounding area.
- c. Parking or storage areas for such vehicles shall be hard surfaced, paved with asphalt or concrete. Such areas shall comply with all applicable standards for regular parking areas, unless otherwise approved by the approving body.
- d. Such parking shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in section 10.510 Landscape and screening, may be permitted if the subject property is surrounded by similar non-residential uses.

(11) **Delivery Vehicles.** For the purpose this section, delivery vehicles shall include commonly used vehicles for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. Parking of such vehicles is permitted subject to the following conditions listed below

- a. Delivery vehicles for uses such as retail and restaurants may be permitted in front yard during business hours in parking areas that are farther from the public right-of-way. No more than 1 vehicle is permitted in the front yard. The approving body may permit additional parking if there is no space available in rear or interior side yard.

Section 9. Sec. 10.510. - Landscaping and screening is hereby amended to read as follows

(C) Required minimum screening and landscaping. The following table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

Zoning/Use of Subject Parcel	Zoning of Adjacent Parcel									Adjacent Public ROW
	N-P	R-1, R-2, R-3	R- T, R- C, R- M	HM	H-R	O-1	B-1, B-2, B-3	M- 1, M-2	P-1, P-2	
Outdoor Storage	DELETED									

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.

Roslyn Grafstein, Mayor

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 September 13, 2021.

Cheryl Rottmann, City Clerk

ZOTXT 21-04 (Ordinance 2168)

Planning Commission Discussion: April 20, 2021

Planning Commission Public Hearing: May 18, 2021

City Council First Reading: August 23, 2021

Adopted/ Public Hearing: September 13, 2021

Published: October 6, 2021

Effective: October 6, 2021