

### *Detached Accessory Structures*

The Zoning Ordinance includes standards for accessory structures on residential lots that provide for a defined maximum area of 720 sf, based on home size. Basing accessory structures on lot size would permit owners of larger lots the opportunity to have larger structures without impinging on neighboring property owners. In addition, the provisions for accessory structures have been modified to include accessory structures on non-residential lots as well. Changes are provided in **red text** with ~~red strike through~~ for deleted text below.

#### Section 138-10.102 **Detached Accessory Structures**

- A. Area. Detached structures accessory to a residential **or non-residential** building may be located in the side or rear yard. **Such structures may occupy not more than 25 percent of a rear yard and shall not be located in the front yard. In no instance shall the combined floor area of all detached accessory structures located on a lot exceed the ground floor living area of the main building or 720 square feet, whichever is less, unless provided otherwise in Section 138-10.105.**
- B. The combined floor area of all detached accessory buildings on a single parcel shall not exceed the limits set forth in the following table, so long as total building area of all structures do not exceed the maximum lot coverage as provided in Section 138-5.100:

<u>Lot or Parcel Size</u>	<u>Maximum Permitted Combined Accessory Structure Floor Area</u>
0.01 – 0.99 acres	1,000 square feet
1.00 – 1.99 acres	1,200 square feet
2.00 – 2.99 acres	1,400 square feet
3.00 – 3.99 acres	1,600 square feet
4.00 – 4.99 acres	1,800 square feet
5.00 or more acres	2,000 square feet

For purposes of this subsection, floor area of an accessory structure shall be defined as the area within an accessory structure's walls, measured from the exterior of the exterior walls, assembly or structural supports.

- C. Setbacks. A detached structure accessory to a residential building shall be located no closer than five feet to any side or rear lot line. **Detached structures accessory to non-residential buildings shall meet the requirements for side and rear setbacks of the district.**

### Section 138-10.103 Height

- A. ~~Residential Districts.~~ No detached accessory structure ~~in an RE, R-1, R-2, R-3, R-4, RM-1, RMH or RCD district~~ shall exceed one story or 14 feet in height when the roof pitch of the accessory structure is less than 4/12. If the roof pitch is 4/12 or greater, the maximum building height is 16 feet. ~~In non-residential districts, the maximum height of an accessory structure is 20 feet.~~
- ~~B. Other Zoning Districts. Accessory structures in all other zoning districts may be constructed to equal the permitted maximum height of structures in such districts, subject to site plan review requirements.~~

### Section 138-10.104 Corner Lots

Buildings or structures accessory to a residential dwelling unit located on a corner lot shall comply with the greater of the following setbacks:

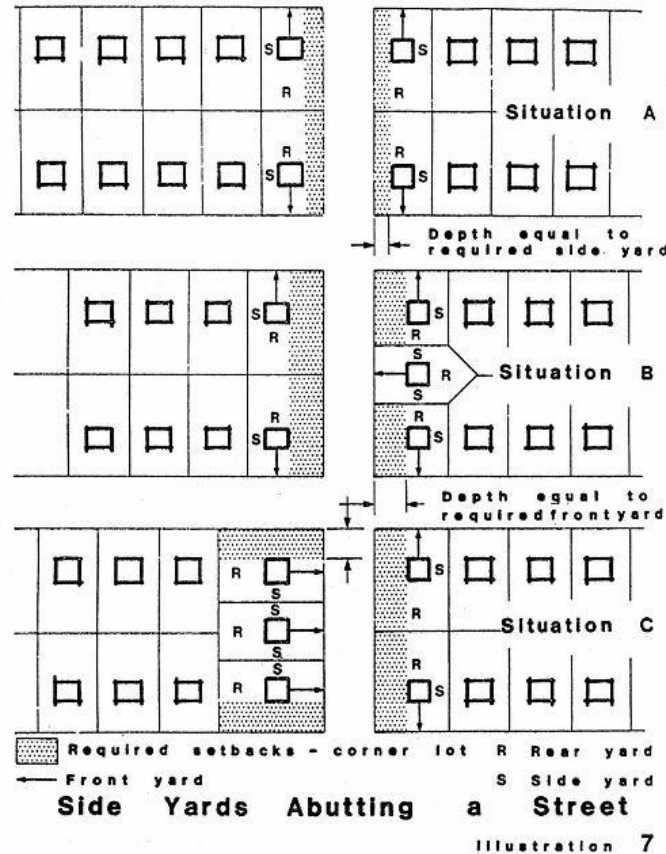
- A. Side street setback. The accessory structure shall be set back a minimum of ten (10) feet from an existing or proposed street right-of-way or utility easement.
- B. Front setback from side street required. Where a residential dwelling unit is located on a lot within 300 feet of the corner lot, is located on the same side of the street or across the street from the corner lot, and has a front yard relationship to a street upon which the corner lot has frontage, the accessory structure located on the corner lot may not be located closer to the street than the front yard setback required for the adjacent lot or lot across the street having the front yard relationship with said street.

Refer to the illustration on the following page for examples of corner lot accessory structure setback requirements:

**SITUATION A** – all adjacent and nearby houses have front yard relationship on street 1, no adjacent or nearby houses have front yard relationship on street 3. A front yard setback is required for accessory buildings from street 1, and a 10 foot setback is required for accessory buildings from street 3.

**SITUATION B** – There are adjacent and nearby houses that have a front yard relationship to streets 1, 2, and 3, so a front yard setback is required for accessory buildings from streets 1, 2, and 3.

**SITUATION C** – There are adjacent and nearby houses that have a front yard relationship to streets 2, and 3, so a front yard setback is required for accessory buildings from streets 2, and 3.



### Section 138-10.105 Exceptions

A building accessory to a residential building may be constructed with a floor area or height greater than otherwise permitted, subject to the following limitations:

- A. ~~Accessory buildings on lots greater than 2 acres. Where the accessory building is located on a lot exceeding two acres, 200 additional square feet of floor area is permitted for each additional acre or fraction thereof comprising the lot, provided that the combined floor area of all accessory structures located on the lot shall not exceed the floor area of the main building or 1,520 square feet, whichever is less. The maximum height for accessory buildings on a lot exceeding two acres is 18 feet.~~
- B. Land division. Whenever a residential lot is divided or partitioned, the accessory structures located on such lot shall be removed or reduced in size in order that accessory structures located on the resultant parcels will conform to the maximum area and height limitations of this section.
- C. Side yard setback for excepted accessory buildings. An accessory building constructed pursuant to this subsection to a size greater than otherwise allowable by this [Section 138-10.105](#) shall be set back at least 20 feet from any side or rear lot lines.

- D. Historic districts. In regard to an accessory structure which is located on a lot designated under article II of chapter 118 of the City Code of Ordinances as a historic district, the Zoning Board of Appeals may permit the accessory structure to be constructed to a height greater than what is otherwise allowed under this section, subject to the following limitations:
1. The accessory structure may not exceed the height of the main building;
  2. The accessory structure may not exceed the structure height limitation applicable to the zoning district under *Section 138-5.100*;
  3. The Historic Districts Commission must first approve the accessory structure and submit to the approving authority a written recommendation explaining specifically why the commission believes increased height is necessary in order to further the purpose and objectives of the commission and article II of chapter 118 of the Code of Ordinances;
  4. A greater height shall only be allowed if the accessory structure is built in the exact location on the property as shown on the site plan or application for a height increase.

## Fences

**Introduction:** The Rochester Hills Zoning Ordinance does not provide general regulations for fences. The definition for fence includes several types, but these terms are not mentioned elsewhere in the text, and we would recommend removing such terms for clarity. We recommend that the Planning Commission consider amending Article 10 General Provisions, Chapter 1, Accessory Structures and Buildings, to include provisions for fences. Proposed language is in red.

### Section 138-13.101 Definitions

FENCE. Structures or partitions of definite height and location intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this ordinance when placed in a manner or position to serve as such.

- ~~A. Chain-link Fence. A fence constructed of galvanized steel or similar materials for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.~~
- ~~B. Industrial Fence. A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.~~
- ~~C. Living Fence. A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.~~
- ~~D. Ornamental Fence. A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.~~
- ~~E. Privacy Fence. A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.~~
- ~~F. Rail Fence. A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6") apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).~~
- ~~G. Temporary Fence. A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.
  - ~~1. Construction. A fence erected for the purpose of securing a construction site against unauthorized access.~~~~

- ~~2. Special Events. A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the City Council and Road Commission for Oakland County, where appropriate.~~

### **Section 138-10.108 Fences**

**A. Fences in a residential district shall be subject to the following:**

1. A permit shall be required prior to the construction of any fence over three (3) feet in height and over sixteen (16) feet in total length.
2. Residential fences may be located along a property line if the other provisions of this section are met.
3. Fences that are located along the side and rear lot lines shall be a maximum of 6 feet in height and may not extend closer to the front lot line than the front of the dwelling or the minimum front setback, whichever is less. In no instance shall an obscuring fence over three (3) high be placed between the front of a residence and the minimum front setback line. Fences on corner lots shall meet the standards for corner lots as provided in Section 138-10.104.
4. Fences not to exceed three (3) feet in height shall be permitted within a required front yard setback or an exterior side yard setback; provided, however, that corner clearance as provided in Section 138-5.204.
5. If one side of the fence has a more finished appearance, the more finished side shall face the exterior of the lot.
6. Wire fences, barbed or razor wire, spikes, nails or any other sharp pointed instruments of any kind are prohibited. Fences shall not contain electric current or charge of electricity.

**B. Fences in non-residential district shall comply with the following:**

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to the fence conforming to the requirements of the zoning district in which it is located and to the requirements of this section. A permit shall be required prior to the construction of any fence over three (3) feet in height and over sixteen (16) feet in total length.
2. The maximum height for all fences shall be six (6) feet, unless otherwise provided for in this Ordinance. Security fences made of anodized aluminum, or other approved ornamental material, may be permitted to a maximum height of ten (10) feet at the discretion of the Planning Commission. Barbed wire cradles that face inward may be permitted, at the discretion of the Planning Commission and City Council.
3. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum, or wood slats, or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.

## ***Rezoning Signs***

The city would like to begin incorporating the use of property zones as a form of public notice for proposed rezoning. This helps ensure that all effected property owners, and the community has a whole, have several opportunities to become aware of the process and intent. We offer the following **language in red** for consideration.

### **Section 138-1.203 Public Hearing Procedures**

#### **B. Zoning Ordinance Text and Map Amendments.**

1. Map or Text Amendments Affecting 10 or Fewer Parcels. If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in *Section 138-1.203.A*.
2. Map or Text Amendments Affecting 11 or More Parcels. If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in *Section 138-1.203.A*, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
3. Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
4. Notice of Proposed Map Amendment Signs. Notice of the time, date, and place of a public hearing regarding a map amendment shall be posted in a prominent location on the site for a minimum of **15 days prior** to the Public Hearing. The sign content shall contain content has specified in *Section 138-203.A* with the exception that the sign need not list street addresses of properties that will be impacted by the map amendment.
5. Additional Information Required in Notice. Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.