



Planning and Economic Development

Sara Roediger, AICP, Director

From: Kristen Kapelanski, AICP, Planning Manager
To: Members of the Planning Commission and City Council
Date: 11/9/2020
Re: Potential Zoning Ordinance Amendments

Planning staff is continuing work on proposed text amendments and presents the information below for further discussion by the Planning Commission. More detailed proposals and information has been included for Residential Open Space and Vibration and new items have been included for Recreational Vehicle Storage and Vehicle Storage in Residential Off-Street Parking Areas.

Residential Open Space

Issue

Provide a gathering space for single-family developments

Discussion

There have been several instances within the past year where both the Planning Commission and the City Council have noted the need for a neighborhood gathering space in single family developments. Developers have been somewhat accommodating in providing such a space depending on the size of the development but the Zoning Ordinance does not currently require it outside of the provisions for utilizing very specific types of development options such as the Mixed Residential Overlay, the Open Space Plans and Flex Overlay developments. Additionally, discretionary decisions, such as Planned Unit Developments, can also include provisions for open space as part of the negotiation with the applicant. Staff has done a review of the standards in surrounding communities and none require open space or gathering space (outside of natural features preservation and landscape standards) without also allowing for some type of flexibility for developers (i.e. smaller lot sizes, etc.)

City Attorney Comments

Staff has talked with the City Attorney and he was adamant that requiring any open space in site condos or subdivision plats without also allowing for some sort of flexibility or bonus for the developer (i.e. additional density, smaller lots, etc.) would likely be considered a taking. The Michigan Planning and Zoning Enabling Act currently allows for communities to include a development option where reduced lot sizes, etc. are allowed in exchange for the preservation of open space. Staff also followed up with our planning consultant, Giffels Webster, on this item. They concurred with the opinion of the City Attorney and were not aware of instances in the State where such a requirement existed.

Potential Amendments

Given the legal concerns, staff recommends no additional ordinance amendments be considered at this time to require open space in a standard single-family residential development. Staff will continue to suggest all applicants consider including a gathering space and implementing required open space as part of our existing development options and discretionary reviews as noted above.

Vibration

Issue

In recent applications, the City's current vibration ordinance has been shown to be unreasonable

Discussion

A recent complaint about the vibration emanating from a contractor's business required the City to apply the vibration standards detailed in the ordinance. Upon application, it was found that it was difficult to identify the vibration attributable to a specific property/business independent of the vibrations caused by surrounding uses, the roadway, etc.

Planning Commission Comments (7-21-20)

When this was presented at the July 21, 2020 Planning Commission meeting, the Commission seemed unsure of how to enforce a vibration ordinance without specific measurements. The Commission asked how similar open ended ordinances have worked in other communities and whether they have run into issues with implementation.

Review of Ordinances in Surrounding Communities

In a brief review of ordinances in our surrounding communities, it appears that vibration is more typically measured in general terms, although a displacement of 0.003 of one inch is mentioned in two of the peer community ordinances. We have reached out to all of these communities (with the exception of Troy, which does not address vibration) and none have indicated that they have had any issues enforcing their ordinance but also expressed their ordinances have generally not been tested very much as vibration complaints are not a typical occurrence.

- a. Auburn Hills – The ordinance allows some vibration in industrial districts bordering other industrial properties provided it does not exceed a displacement of 0.003 of one inch measured at the property line. No vibrations “shall be perceptible without the aid of instruments” at the property line bordering any other district.
- b. Shelby Township – The ordinance states “Vibration shall not be discernible at any property line to the human sense of feeling.”
- c. Troy – The ordinance does not address vibration.
- d. Sterling Heights – This ordinance includes several different standards. Vibration shall not be discernible at any property line to the human sense of feeling for more than three minutes in one hour. It should not be discernible at all at any residential property line. At no point should any discernible vibration produce an acceleration of more than 0.1 gravities or any vibration beyond the safe range as identified by the U.S. Bureau of Mines. The Bureau of Mines bulletin referenced specifically addresses the seismic effects of quarry blasting and addresses large measurements of vibration.
- e. Novi – The ordinance allows machines which cause vibration in Industrial districts. Vibration cannot exceed a displacement of 0.003 of one inch measured at the property line. It does not matter which district the property is bordering.
- f. Southfield – Several districts note that uses which cause ‘offensive vibration’ are not permitted but this is not specifically defined. Additionally, excessive vibration which “offends the peace and quiet of persons of ordinary sensibilities” is listed as a public nuisance.

Guidance from Giffels Webster and Next Steps

Included as part of these discussion items it also a memo from Giffels Webster providing additional information. Staff is asking the Planning Commission to indicate how they would like to proceed – either with

a more general ordinance (as in many of our peer communities) or with something more specific as outlined in the Giffels Webster memo, which would likely require additional research.

Recreational Vehicle Storage

Issue

The storage of several recreational vehicles on a single residential property has led to blight in single family residential districts. See photo provided below from the Ordinance Enforcement Division.

Discussion

The Ordinance currently allows residents of single family homes to store recreational vehicles that they own in the side yard (outside of the required setback) or rear yard. The City's ordinance enforcement team has noted several instances where a number of recreational vehicles and equipment have been stored on a single-family residential property leading to a blighted appearance. Recreational vehicles include traditional motor homes, but also snowmobiles, campers, boats, utility trailers, etc. A summary of standards in similar communities is included below.

- a. Auburn Hills – The ordinance allows for up to three recreational vehicles to be stored on a residential property up to five feet from the side or rear lot line. All must be parked on an approved surface such as gravel, cement, asphalt or brick and may not be parked on the lawn.
- b. Shelby Township – The Township does not place a limit on the number of recreational vehicles or related items that can be stored on a residential property. Any stored must be at least five feet from the property line.
- c. Troy – Recreational vehicles are permitted in residential districts as long as they are located behind the front face of the principal building and at least three feet from a side or rear lot line. There is no restriction on the number of vehicles that can be stored on the site.
- d. Sterling Heights – The ordinance allows up to two recreational vehicles and similar items to be stored mainly in the side and rear yards on an asphalt, paver or concrete surface.
- e. Novi – The number of recreational equipment pieces (excluding motor homes) is not limited. Those less than six feet in height may be stored in any required side or rear yard. Equipment exceeding six feet may be stored in any rear yard and any non-required interior side yard. A maximum of one motor home may be stored on site.

Potential Amendment

Amend the ordinance to allow up to two recreational vehicles per single-family property. A larger number of vehicles could be permitted on larger single family properties. For example, agricultural use is permitted on properties five acres or larger. Horse stables and livestock are permitted on sites two acres or larger.



Vehicle Storage in Residential Off-Street Parking Areas

Issue

Address vehicles parked in the front and side yard lawn area of residential homes

Discussion

The Ordinance currently does not address vehicle storage in residential off-street parking areas. The City's ordinance enforcement team has noted several instances where vehicles parked on lawns has led to a blighted appearance. A summary of standards in similar communities is included below.

- a. Auburn Hills – Vehicles must be parked on gravel, cement, asphalt or brick and cannot be parked on the lawn in any yard.
- b. Shelby Township – The ordinance requires all vehicles parked in the front yard to be parked on a hard surface. There are no additional requirements for surfaces in the side or rear yards.
- c. Troy – The Zoning Ordinance does not address vehicle storage on residential properties.
- d. Sterling Heights – Parking in residential districts is restricted to paved areas.
- e. Novi – The Zoning Ordinance does not address vehicle storage on residential properties.

Potential Amendments

Amend the ordinance to prohibit unused vehicles in the side or rear yard for more than ninety days.