



MEMORANDUM

TO: Ordinance Revisions Committee
FROM: Alexis DiLeo, Principal Planner and Julia Shake, Associate Planner
DATE: June 25, 2025
SUBJECT: Ordinance Revisions related to Building Height, Finished Grade, and Exceptions to Height Limits

Introduction

Staff presents ordinance revisions related to the definitions of Building Height and Finished Grade in Section 5.37.2 and Exceptions to Height Limits provided in Section 5.18.4

Proposed Amendments

For background and reference, the current definition of building height per Section 5.37.2.B is:

Building Height

The vertical distance of a *building* measured from the *finished grade* to the highest point of the *roof* surface of a flat *roof*; to the deck line of a mansard *roof*; and to the average height between the eaves and the ridge of the highest *roof* section for a gable, hip and gambrel *roof*.

The proposed revisions to the definition of finished grade, provided in Section 5.37.2.F are:

Finished Grade

The level of the ground adjacent to ~~the a structure if the ground is level for purposes of regulating height. If the ground is not level, the finished grade~~ This level shall be determined by: Step 1) Establishing an averaging the elevation average level of the ground for each side of ~~the a structure~~ using the highest and lowest point of each side, as measured ~~five-six~~ feet from the exterior walls of the ~~structure, then Step 2) establishing the finished grade by averaging together the levels calculated in Step 1.~~

The proposed revisions to Section 5.18.4 Exceptions to Height Limits are:

A. Certain Architectural and Mechanical Features

The following architectural and mechanical features are exempt from the height limits of this chapter as follows:

1. Elevator, escalator, and stairwell shafts, penthouses and overruns in Mixed-Use, Nonresidential and Special Purpose Zoning

Districts, that are excluded from the floor area and floor area ratio of a building, up to 12 feet beyond the applicable height limit, shall apply to spires, belfries, cupolas, penthouses, domes, water towers, observation towers, power transmission lines and towers, roof-mounted dish antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar mechanical appurtenances. However, if such facilities are proposed specifically to house and disguise wireless communications facilities, their height limits shall be those in Section 5.16.6.D. The applicable height limit of the zoning district in which such a facility is proposed may be modified by the Zoning Board of Appeals.

1.2. Any other architectural and mechanical feature not listed above, including but not limited to: water towers, observation towers, power transmission lines and towers, roof-mounted dish antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar mechanical appurtenances and not subject to any other exception provided in this chapter shall only exceed the applicable height limit of the zoning district in which such facility is located by a variance granted by the Zoning Board of Appeals.

Comments

1. The measurement change from five feet to six feet in the definition of Finished Grade is proposed for consistency with the Michigan Building Code.
2. Overall, the changes to the definition of Finished Grade are proposed to address apparent confusion in the phrase “averaging the elevation of the ground for each side of the structure using the highest and lowest point of each side.”
3. The proposed definition of Finished Grade seeks to clearly identify the requirement to determine the level of the ground (emphasis on singular level of the ground), even if theoretical.
4. The proposed revision to exceptions to height limits is the result of numerous requests and comments noting that strict application of height limits, including certain architectural and mechanical features, requires high-rise buildings with elevators to be almost a story shorter than expected given the maximum height limit in order to accommodate the elevator overrun under the maximum height limit. The revision will help achieve the full amount of permitted development density without necessitating variances or other modifications.