

## **Section 20.8 Accessory Buildings and Structures**

### **A. Scope:**

1. **Applicability:** Accessory buildings and structures shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. **Compliance with Definitions:** No provisions of this Section shall be interpreted as authorizing accessory buildings, structures or uses that do not conform to the definitions of Article 21 pertaining to the same.
3. **Clarification of "Accessory Building":** For the purposes of this Section, a building shall be considered an accessory building if such building is not structurally attached to the principal building by either shared wall construction of a minimum five (5) feet in length or by a fully and structurally enclosed corridor.
4. **Fences and Walls:** This Section shall not apply to fences and walls. See Section 20.9.

**B. Permit Required:** No accessory building or structure shall be erected prior to the issuance of a Zoning Permit for such building or structure, provided however that a permit is not required in the case of a building or structure that is no more than two-hundred (200) square feet in area but such building or structure shall comply with all requirements of this Ordinance including height and setback standards. A building permit may be necessary for an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan according to Section 2.4(B)) or site plan according to Article 14.

### **C. Placement and Setbacks:**

1. **Front Yard:** No accessory building or structure shall be located in a front yard except as follows:
  - a. In the case of a lot adjacent to Lake Huron, accessory buildings and structures may be erected in the front yard, that being the yard adjacent to the road right-of-way.
  - b. In the case of a lot not adjacent to Lake Huron, one (1) accessory building or structure may be erected in the front yard provided that it shall not exceed one hundred (100) sq. ft. in area and is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure.
2. **Rear Yard:** Accessory buildings and structures are permitted in a rear yard and shall be subject to the provisions of this Section including the following:
  - a. In the case of a lot adjacent to Lake Huron, one (1) accessory structure, excluding a building, may be erected in the rear yard, that being the yard adjacent to the lake, provided that it shall not exceed one hundred (100) sq. ft. in area, is of open construction including railings not exceeding four (4) feet in height, such as in the case of an independent deck, gazebo or play structure, shall not extend more than thirty (30) feet from the primary wall of the dwelling generally oriented toward Lake Huron, and there is compliance with all other standards of this Ordinance including the setback standards of subsection (4) and state requirements for High Risk Erosion Areas.
  - b. In the case of a through-lot, accessory buildings and structures are permitted in the rear yard, subject to the provisions of this Section.
3. **Side Yard:** Accessory buildings and structures are permitted in a side yard, subject to the provisions of this Section.
4. **Setbacks**
  - a. Accessory buildings and structures shall comply with the principal building setback standards for the District in which it is located except that in the case of an accessory building in the R-1 District in a front or side yard of a lot, the minimum setback from the respective lot line shall be a minimum of five (5) feet provided the accessory building or structure is no greater than sixty-four (64) square feet in area and eight (8) feet in height.
  - b. In the case of a double-frontage lot, the required front yard setback shall also apply to the rear yard.
  - c. In the case of an accessory building or structure with a side wall in excess of ten (10) feet in height in the R-1, R-2 or R-3 District, the setback for such wall shall comply with the District's setback standards for the principal building, plus an additional two (2) feet of setback for each one (1) foot the side wall height exceeds ten (10) feet. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.
5. **Separation Distances:** An accessory building shall not be located within ten (10) feet of another building or structure except as may be permitted by the State Construction Code according to properly rated fire walls, but in no case shall the separation distance be less than three (3) feet.
6. **Utilities:** An accessory building or structure shall not be located so as to interfere with the proper functioning of utilities including existing and proposed back-up septic drain fields.

**D. Height:** Accessory buildings and structures in all Districts shall comply with the following maximum height standards. Height shall be measured from the ground elevation to the roof ridge or other top surface of the roof.

1. **Business and Industrial Districts:** The maximum height permitted for the principal building according to the District in which the accessory building or structure is located.
2. **Agricultural Districts:** Thirty-five (35) feet except that this limitation shall not apply to buildings and structures used in association with commercial agriculture.

3. **Residential Districts:** Thirty (30) feet in the RR District and twenty-five (25) feet in all other Residential Districts.

**E. Number, Area, Size and Lot Coverage**

1. **Maximum Number**

- a. No more than two (2) accessory buildings and/or roofed structures shall be established on a lot except in the case where the lot is a minimum of two (2) acres in area, in which case one (1) additional building and/or covered structure may be established for each additional whole two (2) acres comprising the lot, up to a total maximum of four (4) such buildings and/or covered structures.
- b. Gazebos and other covered structures designed for outdoor seating or gathering, including play structures for children, shall not be included in the calculation of the number of such permitted buildings or roofed structures provided each roofed area does not exceed two hundred (200) sq. ft. in area and the total cumulative roofed area of all such buildings and structures shall not exceed two hundred fifty (250) sq. ft.

2. **Maximum Yard Area**

- a. The total area of all accessory buildings in a rear yard shall not exceed thirty-five percent (35%) of the area of the rear yard, but need not be less than 864 sq. ft.
- b. The total area of all accessory buildings in a side yard shall not exceed twenty-five percent (25%) of the area of the side yard, but need not be less than 864 sq. ft.

3. **Maximum Single Building Size:** No single accessory building in the R-1 and R-2 Districts shall exceed twelve hundred (1,200) sq. ft. in area.

4. **Maximum Lot Coverage and Maximum Total Area of All Accessory Buildings:** The maximum total square foot area of all accessory buildings for a dwelling shall comply with the area limitations of the following table, provided:

- a. An accessory building or structure shall not be erected that results in noncompliance with the lot coverage standards of the District in which it is located, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.
- b. The maximum total square foot area of all accessory buildings on a lot shall not exceed fifty percent (50%) of the permissible maximum lot coverage for all principal and accessory buildings on the lot, according to Table 3-4 of Article 3 or as may be otherwise regulated by this Ordinance.

District	Maximum Total Square Foot Area of All Accessory Buildings <sup>1</sup>
AG	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft. This limitation shall not apply to buildings and structures used in association with commercial agriculture.
RR	3,000 sq. ft., plus an additional 500 sq. ft. for each one (1) acre of lot area in excess of the first three (3) acres, but not to exceed 6,000 sq. ft.
R-1	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 2,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
R-2	1,200 sq. ft. plus an additional 200 sq. ft. for each 5,000 sq. ft. of lot area in excess of the first 10,000 sq. ft. acre, but not to exceed 3,000 sq. ft. and not to exceed more than 125% of the first floor area of the dwelling.
RB, R-MF, R-MHC	15% of lot area.

- 1) In the case of a nonconforming lot due to deficient lot area, the maximum permitted total square foot area of all accessory buildings shall be reduced by the same percentage (%) as the percentage by which the lot area is less than the minimum required lot area for the District.

**F. Habitation of Accessory Buildings or Structures:** No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings, or elsewhere in this Ordinance.

**G. Prior to a Principal Structure:** Buildings and structures typically accessory in nature to a principal use authorized in the District, according to Tables 3-2 and 3-3, shall not be erected on a lot in such District prior to the establishment of the approved principal use except according to the following conditions. Nothing in this subsection (G) shall be interpreted as authorizing a use, building or structure not otherwise in compliance with other requirements of this Ordinance.

1. **Contiguous Lots:** In the case of a lot occupied by a dwelling, an accessory building or structure may be established on a separate adjacent lot in the same District only after the adjacent lots are combined to form a single lot with a single tax identification number prior to the erection of such accessory building or structure, and subject to subsection (2). "Adjacent lots" shall not be construed to include lots separated by a public or private road.
2. **Required Foundation and Framing of Principal Building:** An accessory building and/or structure may be established on a lot prior to the establishment of a principal building only after the erection of the principal building's foundation and the completion of the roof framing, and subject to subsection (1) as may apply.

**H. Items Prohibited as Accessory Uses, Buildings and Structures:** The following are prohibited as an accessory use,

building or structure:

1. Mobile homes, irrespective of how the home may be used including for storage purposes, except as authorized by Section 20.7, Temporary Dwellings.
2. Tractor trailers, storage crates or canisters designed for hauling by motor vehicle, and similar vehicles and vehicle parts, converted or otherwise, except as may be authorized in association with the principal use of the lot and upon site plan approval.
3. Tent-like structures, or shelters for a vehicle, equipment or other item or material, consisting of a roof supported on posts or similar shelter devices including those commonly referred to as a carport.
4. Any use, building or structure or other aspect of a lot that does not conform to the definitions of Article 21 pertaining to accessory uses, buildings and structures.

**I. Materials/Construction:** Accessory buildings and roofed structures shall comply with the following standards irrespective of the size of such buildings and structures.

1. A residential accessory building or roofed structure shall incorporate exterior materials commonly employed by the residential construction industry and which shall withstand local wind and other weather conditions, and which shall not be subject to rust, rot, or other degradation. In no case shall the exterior of an accessory building consist of exposed untreated wood, plywood or particle board, or wood scraps. No exterior surfaces shall be comprised of insulation or other materials not designed for and commonly considered as an exterior surface by the residential construction industry.
2. All accessory buildings and structures shall be of the same or better construction workmanship as the principal building on the premises.
3. A garage that exceeds a wall height of twelve (12) feet, whether attached or not attached to the dwelling on the same lot, and within forty (40) feet of a lot line, shall incorporate design features to effectively minimize the perceived bulk of the garage such as in the case of an external horizontal trim to suggest a lower ceiling height, the inclusion of windows within the wall similar in size, height and configuration as the balance of the building, differing exterior materials comprising the wall portion less than eight (8) feet in height, and/or other similar design features. "Wall height" shall be measured from the point where the wall joins with the roof to the lowest ground elevation adjacent to the wall.