

# **ARTICLE 5.00**

## **GENERAL PROVISIONS**

### **Section 5.03      Accessory Structures and Uses**

Except as otherwise permitted in this Ordinance, all accessory structures and uses shall be subject to the regulations that follow:

#### **A.      General Requirements**

1.      **Timing of Construction**

No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.

2.      **Site Plan Approval**

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

3.      **Nuisances**

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

4.      **Conformance with Lot Coverage Standards**

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

5.      **Location in Proximity to Easements or Rights-of-Way**

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

6.      **Use of Accessory Structures**

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation. Except for a permitted home occupation as defined in Article 3.00, an accessory garage on a residential parcel shall be used only for the storage of vehicles, equipment or materials used by the occupants or recreational use by the occupants of the residence to which it is an accessory.

7.      **Applicability of Other Codes and Ordinances**

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

8.      **Conformance with Schedule of Regulations**

All accessory buildings and structures in any District shall adhere to the pertinent requirements detailed in Article 16.00, Schedule of Regulations.

**9. Accessory Building Permits**

Accessory buildings over 200 square feet shall obtain a building permit. Accessory buildings which are 200 square feet or less shall obtain a zoning permit. Permit fees shall be set by resolution of the Bangor Township Board of Trustees. (amended 10/10/06)

**B. Attached Accessory Buildings**

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) or located within ten (10) feet of the principal building shall be considered a part of the principal building and shall conform to the area, setback, height, and bulk requirements of Article 16.00 Schedule of Regulations.

**C. Detached Accessory Buildings**

1. An accessory building and/or private residential garage which is connected to or within ten (10) feet of the principal building shall be considered a part of, and subject to the same yard setback requirements as the principal building. An accessory building and/or private residential garage which is not connected to or within ten (10) feet of the principal building shall be located in the side or rear yard except as follows:

- a. For a waterfront lot, a private residential garage may be located in the front yard, provided the structure is not located closer than ten (10) feet to the right-of-way or front lot line.
- b. On a corner lot, an accessory building and/or private residential garage erected in the side yard shall not project into the front yard setback line.

2. For a waterfront lot, accessory buildings and/or accessory structures shall not be erected in any waterfront yard except the following:

- a. Pump houses not exceeding four (4) feet in height, not closer than five (5) feet to any side lot line, and not larger than six (6) square feet at the base.
- b. Decks which are not more than sixteen (16) inches above the existing grade.
- c. Swimming pools and/or other types of accessory structures unless the Board of Appeals, following a public hearing, determines that the installation of the swimming pool and/or other accessory structure in the location and configuration proposed shall not interfere with or otherwise impede the enjoyment of the waterfront view from those immediately adjacent lots and based upon existing conditions unique to the waterfront lot in question and to those immediately adjacent to it, and no closer than forty (40) feet to the average high water mark of 578.34 feet above the mean water level at Father Point, Quebec (International Great Lakes Datum 1955), or closer than ten (10) feet to either side lot line.
- d. Seawalls as permitted by the U.S. Army Corps of Engineers and/or the Michigan Department of Natural Resources provided they do not exceed a height greater than:
  - (1) 584.76 feet above the mean water level at Father Point, Quebec (International Great Lakes Datum 1955) (hereinafter IGLD), or

(2) the average height of existing seawalls within two hundred (200) feet of the proposed wall and on either side of the lot; provided, however, that when the Saginaw Bay has a recorded mean water level above 580.00 feet IGLD, temporary vertical extensions to a maximum height of 587.76 feet IGLD may exist until the recorded mean water level is at or below 580.00 feet IGLD.

Seawalls that exceed the maximum height specified above may be permitted by the Zoning Board of Appeals, following a public hearing. The Zoning Board of Appeals shall:

(1) consider the unique characteristics of the lot in question, including its shoreline contours, geographical location, prevailing winds and/or wave action, elevation and the impact upon the waterfront view from those immediately adjacent lots.

- e. Snow fences which are temporary in nature between November 1 and March 31, which do not exceed four (4) feet in height and are not closer than fifteen (15) feet to the water's edge on November 1.
  - f. On a waterfront lot an accessory garage may be located in the front yard, but not closer than ten (10) feet to the street right-of-way line.
  - g. On a corner lot, an accessory building erected at the side lot line shall not project into the front yard setback line.
3. Unless specifically provided for otherwise elsewhere in the Zoning Ordinance, a residential accessory building shall not:
- a. Be occupied for dwelling purposes;
  - b. Except as modified in 5 below, be located closer than ten (10) feet to any front, side or rear lot line unless eave troughs in good working order are maintained on said building which allow for the discharge of rain water into the interior of the lot or into a drainage system which discharges into a public storm drain. In the event eave troughs are provided, then the building may not be located closer than five (5) feet to any lot line.
  - c. Exceed one (1) story or twenty (20) feet in height.
  - d. Have more than one (1) door exceeding twelve (12) feet in height; and, (amended 10/10/06)
  - e. An accessory structure or garage which is attached to the principal dwelling shall not exceed three-fourths ( $\frac{3}{4}$ ) of the floor area of the principal dwelling. If the accessory structure or garage is detached, the total floor area shall not exceed the following, to-wit:
    - (1) On any lot less than 13,500 square feet of net lot area, eight (8%) percent of the net lot area or one thousand (1,000) square feet, whichever is smaller.
    - (2) On any lot equal to or greater than 13,500 square feet but less than 20,000 square feet of net lot area, seven (7%) percent of the net lot area or twelve hundred (1,200) square feet whichever is smaller.
    - (3) On any lot equal to or greater than 20,000 square feet but less than 24,000 square feet, an accessory building may not exceed 1,200 square feet; for lots equal to or greater than 24,000 square feet but less than 43,560 square feet (1 acre) of net lot area, an accessory building may not exceed the lesser of (i) 1,500 square feet or (ii) five (5%) percent of the net lot area, whichever is smaller; and the accessory building may not be located closer than ten (10) feet to any lot line. (amended 10/10/06)

- (4) On any lot equal to or greater than 43,560 square feet (1 acre) of net lot area it shall not exceed two thousand (2,000) square feet plus one thousand (1,000) square feet for each additional 43,560 square feet (1 acre) of net lot area to a maximum of six thousand (6,000) square feet; provided that said structure shall not be located closer than ten (10) feet to any lot line.
- (5) No residential accessory building shall be permitted in any zoned residential district unless a residential structure already exists on the parcel where the proposed residential accessory building is to be located.

Unless otherwise specified in this Section, accessory buildings or structures which are not connected to or located within ten (10) feet of the principal building shall conform to the area, height, setback, and bulk requirements of Article 16.00, Schedule of Regulations. For purposes of these regulations, portable canopies and other temporary buildings that may be erected to provide shelter for vehicles or equipment shall be considered a type of detached accessory building and shall be subject to the standards of this section.

**D. Exceptions to Accessory Structure Standards**

Children's play equipment may be permitted in a required side or rear yard, but shall be located at least three (3) feet from any property line.