

Section 13.15 Accessory Structure and Uses

The proposed draft is proposed to be replace section 13.15 in its entirety.

A. Intent And Applicability.

- (1) The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each district. Except as otherwise permitted in this Ordinance, all accessory structures in any zoning district shall be subject to the standards listed in this section.
- (2) This section is not intended to override or displace subdivision rules, deed restrictions, or other private covenants that might prohibit or restrict the placement of such structures.

B. Accessory Use Standards

- a. An accessory use or structure shall be of a nature customarily incidental and subordinate to the principle use or structure on the same lot.
- b. An attached or detached accessory building shall not be used for dwelling, lodging or sleeping purposes.
- c. Attached and detached accessory buildings or structures shall not be used for any business, profession, or trade or occupation, unless otherwise permitted elsewhere in the zoning ordinance or the Webster Township Licensed Home-based Business Ordinance.
- d. The zoning administrator may permit use of a part or the whole attached accessory structure as extension of principal dwelling when the connecting breezeway complies with the following:
 - a. Such area shall comply with the design standards listed subsection C. (1). a. ii.
 - b. The breezeway area is intentionally designed to function as livable spaces and as an extension of the primary dwelling's living space.

C. Vacant Lots (Without Dwelling). No accessory building or structure shall be constructed or its use established on a parcel unless there is a principal dwelling, building or use being constructed or already established on the same parcel of land, unless noted below.

- (1) An accessory building may be constructed for storage of materials for construction of a single-family dwelling on the same parcel of land in the AG, R-1 or R-2 zoning districts. A building permit must be approved for both prior to construction and the dwelling construction must be complete within 18 months from the issuance of the zoning compliance permit.
- (2) Agricultural buildings, used for bona fide agricultural purposes, such as barns, silos, bins, and sheds, may be constructed in the AG district subject to the following conditions:
 - a. The agricultural buildings shall be constructed and intended for use in connection with agriculture.
 - b. The buildings shall not be used as a permanent, temporary, or seasonal residence or as a dwelling unit.
 - c. There shall be no commercial storage of property in the building or on the land.
 - d. There shall be no processing or manufacture of non-ag product on the site.
 - e. There shall be no retail sale of any product on the site, except for retail sales of Farm Markets.
 - f. The lot, with the accessory structure, may only change ownership if it meets the vacant lot requirements listed in this section.

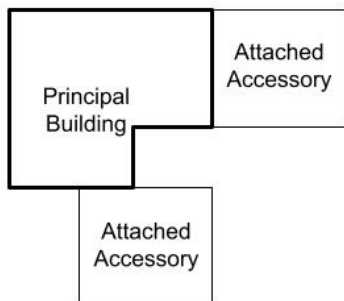
- (3) An accessory structure may be permitted on an abutting parcel under common ownership with the adjoining dwelling. This structure is subject to the same requirements as if it was constructed on the principal residence property. If the lot changes ownership, the accessory structures must meet the vacant lot requirements listed in this section.
- (4) A maximum of one minor accessory structure no larger than 200 sf and no taller than 15 ft. may be permitted on a lot to store equipment for the sole purpose of maintaining a vacant lot.
- (5) State Licensed Residential Facility buildings may be permitted without a dwelling.

D. Accessory Building Standards

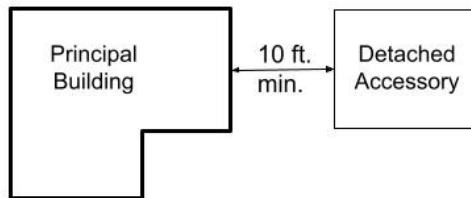
(1) Attached Accessory.

- a. An accessory structure is considered attached to the principal building in the following instances. Otherwise, it is considered detached.
 - i. When the accessory structure shares a common wall or a roof with the principal building.
 - ii. When the connecting breezeway is enclosed and heated.
 - iii. When the accessory structure is connected to the principal building with a hallway that is at least 10 feet wide and no longer than 15 feet.
- (2) A structure **shall** be attached notwithstanding its utilization for an accessory use.
- (3) All attached accessory buildings shall be considered a part of the principal building for purposes of determining conformance with area, setback, height and bulk requirements.

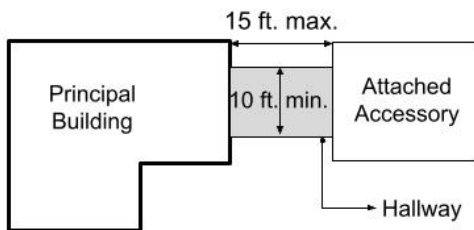
ATTACHED: Common wall or roof



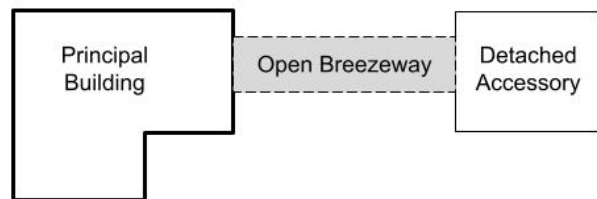
DETACHED



ATTACHED: Hallway



DETACHED: Open Breezeway



- (4) **Detached Accessory.** Any structure that is structurally separated from the principal building.
 - a. A building or portion thereof attached to a principal structure by a covered unheated breezeway is considered detached.
 - b. All detached accessory buildings, structures and utility structures shall conform to all yard requirements of the zoning district in which it is located, unless otherwise noted in this ordinance.
 - c. A detached accessory building shall not be located within 10 feet from any other building or structure.

(5) Design Standards.

- a. Accessory buildings shall be stick-built or the equivalent new building construction.
 - b. No mobile home, trailer, camper, junk object, salvage materials, semitrailer, utility trailer, vehicles, shipping containers or similar item shall be utilized as an accessory building or storage structure, unless otherwise noted.
 - c. Portable shipping containers or similar containers may be permitted for hazardous material or waste storage, only when required by and in conformance with state or federal regulations.
- (6) **Compliance with other Codes.** Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
- (7) **Location in Proximity to Easements or Road Rights-of-Way.** Accessory buildings, structures, or uses shall not be located within a dedicated private access easement or a public right-of-way.

E. Utility Structures.

(1) Roof Appliances.

- a. Roof appliances in all zoning districts, shall be screened on all side by an opaque screen that shall be at least the height of the appliance and shall be compatible with the architectural design of the building.
 - b. Roof appliances shall include, but not be limited to, air conditioners, heating units, duct works, filters, compressors and transformers. Not included in this category are chimneys, flagpoles, rooftop solar panels and antennas.
- (2) **Generators.** Portable or fixed full house generators, and similar machines shall comply with the following standards:
- a. Such equipment shall not be located within the setback or minimum yards requirements of the underlying zoning district.
 - b. The zoning administrator may permit a maximum projection of 5 feet into the minimum required yard for lots in AG districts, provided that there is no alternate location that is feasible.
 - c. In addition, the zoning administrator may require a vegetative or other similar screening to mitigate the impacts due to reduction in minimum setbacks.

F. Residential Barrier Free Ramps. An unroofed barrier free ramp for residential use may encroach into a required front, rear, or side yard or setback if all of the following are true:

- (1) There are no other reasonable alternatives for the location of the ramp on the property;
- (2) The ramp shall be the smallest size necessary, per American Disability Act (ADA) requirements;
- (3) The ramp shall be removed when no longer needed access.

G. Temporary Construction Storage or Refuse Units. Structures such as a roll-off commercial containers or portable shipping containers may be located on-site during substantial construction, renovation, or site clean-up on the property, provided:

- (1) Such units shall comply with minimum yard or setback requirements of the zoning district, except when located on the driveways.
- (2) For the purpose of enforcement, the zoning administrator or the enforcement officer may request the resident, tenant, or property owner to provide evidence of an active building permit or other information to justify that such outside storage is necessary for the extent of the work being conducted.
- (3) Customary residential curb-side trash bins are not subject to this subsection.

H. Trash and Recycle Dumpsters. Permanent recycling containers, trash receptacles, dumpsters, or other solid waste disposal facility that serve any non-residential use shall be subject to the following standards:

- (1) They shall comply with the minimum yard or building setback requirements.
- (2) Appropriate vegetative or other screening enclosure such as a wall or fence shall be installed on all sides and shall be equipped with a gate on one side. Such screening shall be at least a foot taller than the height of the dumpster.

I. Permit Requirements

(1) Zoning Compliance Permit Requirements

Type of Structure	Permit Required	Compliance with design standards required
<p>a. Major Accessory Structure (portable, permanent or temporary): Greater than 200 square feet or taller than 15 feet, unless otherwise noted.</p> <p>Examples include, but not limited to, sheds, garages, barns, hoopouses, decks, fences (in all districts except AG), swimming pools, outdoor personal recreation equipment farm markets</p>	Yes	Yes
<p>b. Minor Accessory Structures (portable, permanent or temporary): No greater than 200 square feet and no taller than 15 feet.</p> <p>Examples include, but not limited to, sheds, pre-fab storage sheds, porches.</p>	No	Yes
<p>c. Accessory Uses: All temporary and permanent accessory uses, unless otherwise noted.</p> <p>Examples include, but not limited to, seasonal Agri-tourism, roadside stands and home-occupation</p>	Yes	Yes
<p>d. Deer Hunting Blinds (portable and seasonal) No greater than 200 square feet and no taller than 15 feet.</p>	Yes	Yes
<p>e. Deer Hunting Blinds (permanent) Greater than 200 square feet or taller than 15 feet</p>	No	No

PAVED OR OTHER SIMILAR AREAS

f. Tennis Courts, Basket Ball courts or other similar areas	Yes	Yes
g. At-grade patios or paved areas including driveways.	No	Yes
h. Gravel driveways and parking areas	No	No
i. Utility poles, residential light poles, flag poles.	No	No
j. poles, residential light poles, flag poles.	No	No
k. Fences in AG districts.	No	Yes
l. Portable and seasonal deer hunting blinds.	No	No
UTILITY STRUCTURES		
m. Generators (portable or permanent): Including concrete pads for generators	Yes	Yes
n. Generators (portable)	No	Yes
o. Residential utility structures such as air conditioning units		No
p. Rooftop appliances, generators and solar structures.	Yes	Yes
q. Above ground propane tanks.	No	No
r. Residential Barrier Free Ramps	Yes	Yes
STORAGE AND REFUSE		
s. Temporary Construction Storage or Refuse Units	No	No
t. Trash And Recycle Dumpsters.	Yes	Yes

(2) **Permit Exemption Verification.** For all accessory structures and uses that do not require a permit, the Zoning Administrator may require the resident to request a written verification that all of or a portion of an accessory building or structure is exempt from the permit requirements of this section. The written verification may identify other ordinance requirements which must be met.

(3) **Affidavit for Use.** To ensure compliance with requirements or standards listed in this section, the zoning administrator may require an affidavit of use, which shall be recorded with the Register of Deeds at the property owner's expense. A copy of the recorded document shall be provided to the Township Zoning Administrator prior to issuance of the permit.

J. Other Applicable Accessory Structures Standards.

Sec. 2.10 Definitions	Sec. 13.80. Lot area requirements
Sec. 9.22. Accessory structures in the Base Line Lake Residential District.	Sec. 13.90. Non-conforming uses, structures & buildings.
Article 9. Zoning Districts	Sec. 13.120 Residential design standards
Sec. 12.110: Small Solar Energy Systems	Sec. 13.140 Sign Regulations
Sec. 13.60. Fence Regulations	Sec. 13.165 – Swimming Pools, Hot Tubs and Spas
Sec. 13.125. Farm Market or Road-side standards	

Section 13.80 Lot Area Requirements

Following standards are proposed to be added to sec. 13.80

A – G No change.

- H. Number of Dwelling Units per lot.** Unless otherwise noted, there shall be a maximum of one (1) dwelling unit per lot, except as otherwise noted in this Ordinance.

An area consisting of complete living facilities which are physically separated from the principal dwelling or in a separate detached building may be considered a separate dwelling unit. For the purpose of this standard, physically separated means an area that is covered and enclosed on all sides by solid walls or windows, exclusive of door or passageway with an independent access.

Section 13.125 Farm Market or Roadside Stands

Following standards are proposed to be added to Article 13

- A.** A Farm Market may operate seasonally or year-round.
- B.** At least 50 percent of the products marketed and offered for sale at the Farm Market must be produced on and by the Farm in question, or by an Affiliated Farm.
- C.** Other activities and services designed to attract and entertain customers while they are at the Farm Market shall not constitute the "Farm Market" (or part thereof), and must be separately and independently allowed under specific provisions of this Zoning Ordinance. For example, bed & breakfasts, beer breweries, bonfires, camping, carnival rides, concerts, etc. shall not be deemed to be a "Farm Market" or part thereof, and must be separately, independently and specifically permitted under this Zoning Ordinance.
- D.** For processed products, at least 50 percent of the products' main 'namesake' ingredient must be produced on and by the Affiliated Farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, firewood sold on the subject property etc.
- E.** For purposes of determining the percentage of products being marketed at a Farm Market, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated Farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the Farm Market will be used.
- F.** The Farm Market operator is responsible for collecting and maintaining documentation of products produced on and by his/her Farm operation, and the percentage of the retail space used to display products offered for retail sale within their Farm Market; and when applicable, maintain records of gross sales for products sold at their Farm Market.
- G.** Accessory structures in the 'AG' district for the use of a Farm Market or a roadside stand shall meet the same floor area requirements as a home occupation (floor area of the sales display area shall not exceed 20% of the floor area of the dwelling unit).

Section 2.10 Definitions.

The definitions for the following terms are proposed to be replaced with revised definitions as noted below.

Accessory Building or Structure. A supplemental building or structure on the same lot as the principal structure(s) and occupied by or devoted exclusively to an accessory use. Such structures or buildings shall include sheds, gazebos, tennis courts, swimming pools. Such structures shall not include at-grade patios, lawful fences or walls, utility poles, flag poles, basketball goals, mailboxes and play structure.

Accessory Use. A use which is clearly incidental to, customarily found in conjunction with, subordinate to, and located on the same zoning lot as the principal use to which it is related, unless otherwise specified. When "accessory" is used in this text, it ordinarily will have the same meaning as accessory use, unless context indicates otherwise.

Breezeway. A roofed open passage with or without walls that connects two buildings.

Building. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Deck. A floored structure having footings, posts and steps, typically with railing, that adjoins or attached to a building.

Dwelling. Any building, or part thereof, containing sleeping, full-kitchen or full-bath facilities intended for residential use. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling.

Dwelling Unit. A structure, or part of a structure that provides complete living facilities, including provisions for sleeping, living and sanitation. A dwelling unit shall have only one (1) full-kitchen and may have multiple rooms, bathrooms and bedrooms have designed for residential use or occupied by one (1) family only.

Farm Market. An on-farm location upon a Farm Operation: Crops or Farm Operation: Animals, established and operated in accordance with local, state and federal laws, where an individual Farm operator may sell to the public fruits, vegetables and other Farm Products.

Full-Bath. A room, portion of a room, or connected set of rooms with a toilet, sink, and a bathtub, shower, or a combination bathtub/shower.

Full-Kitchen. Any room or portion of room that contains facilities for the preparation, cooking and serving of food, and includes a sink with running water and either a stove, range, grill, or oven.

Garage. An accessory structure to the principal permitted use, used for the storage of passenger cars and vehicles or other incidental storage. A garage shall not provide repairing or servicing of vehicles for remuneration.

Greenhouse. A structure, all or some of whose roof and side walls are of glass or other non-opaque material that is used for the cultivation of plants, flowers, etc.

Hallway. An enclosed and heated corridor that connects rooms between two buildings.

Outdoor Storage. The keeping of any goods, junk, debris, material, merchandise or vehicles in the same place for more than twenty-four (24) hours other than in a fully enclosed building.

Permanent. A structure fixed to the ground by any of the various types of foundations, slabs, piers, poles, anchors, or other means allowed by the building or other codes.

Portable Structure. Any structure that is portable in nature, with or without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation.

Principal Use. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. A principal use may be a permitted or a special use.

Structure. Anything constructed, erected, or placed in or upon the ground and having a permanent, lasting, or specific location in or upon the ground.

Temporary Structure. Any building or structure that exists during a short, indeterminate, or specified period of time.

Use. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Utility Structures. Mechanical, plumbing, or electrical equipment attached to a structure or installed on or underground. Such structures include: utility boxes, HVAC systems, permanent generators, solar energy systems, radio and television towers or antennas; and satellite dishes.