

STATE OF MICHIGAN, COUNTY OF OAKLAND
VILLAGE OF LAKE ORION

ORDINANCE NO _____

An Ordinance to amend the Zoning Ordinance, Section 13.11 - ACCESSORY BUILDINGS, STRUCTURES, AND USES

THE VILLAGE OF LAKE ORION ORDAINS:

The Village Zoning Ordinance is amended, as recommended by the Planning Commission:

Section 13.11 ACCESSORY BUILDINGS, STRUCTURES, AND USES

Accessory buildings and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. General Requirements.

1. No more than two (2) detached accessory buildings larger than 80 square feet each, are permitted on a zoning lot.
2. Accessory buildings, structures, and uses are permitted only in conjunction with, incidental to and on the same zoning lot as a principal building that is permitted in the particular zoning district.
3. No detached accessory building may exceed 16 feet in height.
4. No attached accessory building may exceed the height of a principal structure as regulated by this Ordinance.
5. Accessory buildings may not exceed the ground floor area of the principal dwelling unit.
6. All accessory buildings and structures (except accessory mechanical units as regulated in Section 13.11.E.) shall be considered when calculating the permitted lot coverage.

B. Setback and Location Requirements.

1. Where the accessory building or structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
 - a) In the RV District accessory buildings and structures are not permitted in any required front yard or in front of the front building line of the house, unless specifically permitted herein.
 - b) In the RL District a garage (attached or detached) and any other detached accessory buildings may be permitted on the front (street) side of the lot, and shall be setback at least 20 feet from the front (street) lot line.
2. Detached accessory buildings and structures shall comply with the following setback requirements:

Setback From	Minimum Setback
Front lot line (RV only)	Behind front building line of house
Side lot line	3 ft.
Side street lot line	10 ft.
Rear lot line	3 ft.
Water lot line	25 ft.

3. Except as provided below, where any lot in a zoning district abuts or is traversed by a navigable lake or stream, no accessory building or structure shall be erected within 25 feet of the edge of said navigable lake or stream, except as permitted by Section 13.11.C., below.
4. In the case of a double frontage lot, accessory buildings and structures shall observe front yard requirements on both street frontages.
5. All accessory buildings and structures shall comply with setback and fire rating requirements in the Building and Fire codes.

C. Permitted Encroachments

1. Accessory structures such as patios and decks raised not more than eight (8) inches above the surrounding grade shall be permitted to encroach into a required rear or waterfront setback area.
2. A detached accessory structure that is supported by columns without walls, and that has at least seventy-five percent (75%) of the area of all its vertical planes open to light and air shall be permitted to be located less than twenty-five (25) feet, but no less than ten (10) feet from the water lot line and edge of Lake Orion. Such structure shall not exceed twelve (12) feet and six (6) inches in height (measured from grade to roof ridge) or exceed 175 square feet of total assembled area. An ornamental, nonilluminated spire or decoration shall be allowed atop, provided it is less than four (4) inches in diameter and less than five (5) feet in additional height.

D. Boat Houses and Boat Hoists

1. Seasonal boat hoist(s) are permitted on an RL zoning lot. A building permit is not required for a seasonal boat hoist.
2. One (1) permanent boat hoist no greater than eight (8) feet in height with a one-boat capacity is permitted on an RL zoning lot, provided all state and federal permits and a zoning compliance or building permit are obtained. The height of the hoist is measured as the distance above the ordinary high water mark.
3. One (1) single boat house or one (1) permanent boat hoist larger than eight (8) feet in height or capable of hoisting more than one (1) boat at a time, and a seasonal boat hoist(s), may be permitted per lot. The boat house or boat hoist:
 - a) May not be greater than 14 feet in height at the peak of its roof. Height is measured as the distance above the ordinary high water mark.
 - b) May not contain any plumbing facilities except for hot and cold running water.
 - c) May not be used for either temporary or permanent sleeping or living quarters;
 - d) May not be used for commercial purposes;
 - e) May not be greater than 480 square feet in water surface area;
 - f) May not be located closer than five (5) feet to the nearest side lot line, or extension of that line into the water and is not subject to waterfront yard setback requirements.
 - g) Must not unreasonably impair the view and use of the lake by neighboring property owners;
 - h) Must be constructed in compliance with a zoning compliance or building permit and state and federal permit requirements, including, but not limited to, those administered pursuant to the Inland Lakes and Streams Act, P.A. 346 of 1972, as amended.

E. Accessory Mechanical Units

1. **Single Family Residential.** Freestanding heating, ventilation, standby generators, and air conditioning equipment may be located in any yard other than the required front yard of the principal structure, subject to the following requirements (window-mounted room air-conditioners are exempt from these requirements):
 - a) Location. Placement of accessory mechanical equipment shall not be permitted within 10 feet of a window on an adjacent dwelling.
 - b) Screening. Accessory mechanical equipment shall be screened in a manner which will reduce the noise output of the unit and to shield the equipment from view of any road, adjacent residence, or the Lake. ~~The maximum noise output from any such unit shall not exceed 55 decibels, measured at a distance of ten (10) feet from the unit.~~
 - c) Operations. Standby generators shall operate only during power outages, except as provided for testing and maintenance.
 - d) Testing and Maintenance. Automatic maintenance and routine testing of standby generators is limited to Monday through Friday between the hours of 12:00p.m. to 4:00p.m.
2. **Non-Single Family Residential.** Freestanding, roof or building mounted equipment (including air conditioning units, transformers, generators and similar) for all non-single family residential buildings and uses, and those on sites zoned non-single family residential districts shall be located in accordance with the following:
 - a) **Front Yards.** Equipment shall not be located in a front yard except the Planning Commission may permit equipment to be located in the front yard upon finding that such location will meet the spirit and intent of the zoning district in which the building is located provided such equipment is not located closer than ten (10) feet from an adjacent residential dwelling or district.
 - b) **Side and Rear Yards.** Equipment shall be permitted in a side or rear yard provided such equipment is not located closer than ten (10) feet from an adjacent residential dwelling or district.
 - c) **Screening.** Equipment shall be screened from public rights-of-way and adjacent uses by evergreen trees or shrubs, walls, or berming. Alternative methods of screening may be approved by the Planning Commission.
 - d) Operations. Standby generators shall operate only during power outages, except as provided for testing and maintenance.
 - e) Testing and Maintenance. Automatic maintenance and routine testing of standby generators is limited to Monday through Friday between the hours of 12:00p.m. to 4:00p.m.
 - f) The Planning Commission shall have the authority to waive or modify the above requirements upon the determination that such waiver or modification meets the spirit and intent of the district in which the equipment is located.

- F. **Swimming Pools.** Swimming pools shall be in compliance with all setback requirements for the principal building, except in-ground swimming pools which are subject to the requirements of Section 13.11. C., above.
- G. **Accessory Buildings in RM and Non-Residential Zoning Districts.** An accessory building or structure in the RM Multiple Family Residential, or any non-residential zoning district shall comply with all requirements of this Ordinance for a principal building in that zoning district. Setbacks may be modified by the Planning Commission upon determination that the modification is necessary to achieve specific design objectives and will not negatively impact the surroundings or Village as a whole.
- H. Outdoor parking or storage of recreational vehicles, boats, trailers, and similar items constitutes an accessory use and shall comply with Article 13.17 of this Ordinance.