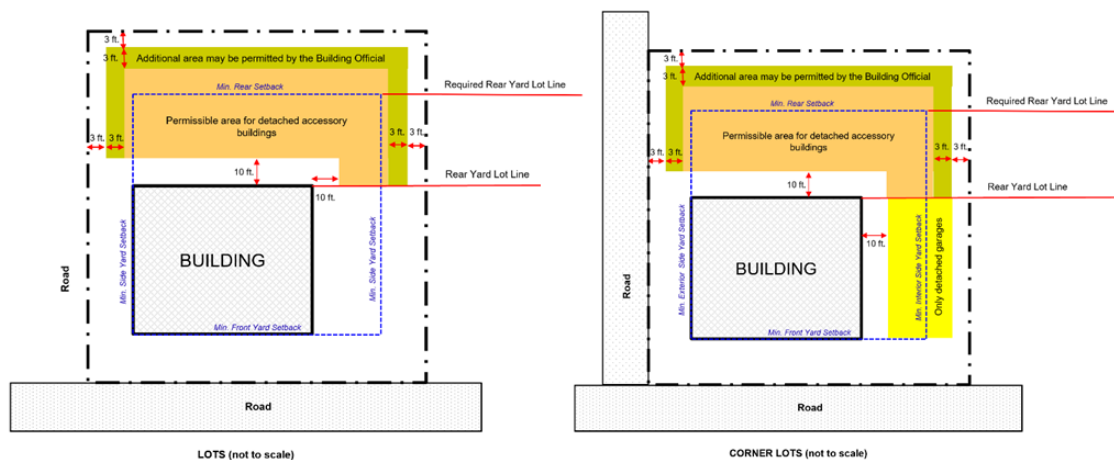


Sec. 10.504. - Accessory buildings, structures, and uses.

- (1) *Accessory buildings and structures.* Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
- (a) *Use.* Accessory buildings and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. A detached accessory building can be used for parking or storage of motor vehicles, but not for commercial servicing or repair.
  - (b) *Permit.* Any accessory building greater than 200 square feet in residential zoned districts and 120 square feet in commercial zoned districts shall require a building permit. All accessory buildings in non-residential districts also require a site plan, unless otherwise determined by the building official.
  - (c) *Location.* All detached accessory buildings are only permitted in rear yard subject to setbacks listed in this section. In case of corner lots, the building official may permit detached garages for parking cars in the side yard in single family residential districts.
  - (d) *Height.* All detached accessory building in all districts with a pitched roof shall not exceed one story or 15 feet with a maximum ceiling height of ten feet.
  - (e) All detached accessory building in all districts with a flat roof shall not exceed one story or ten feet.
  - (f) All detached accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts subject to approval of the site plan review committee. The applicant shall submit supporting document justifying the reason for additional heights. Such structures shall also comply with building material requirements that apply to a principal structure in such districts.
  - (g) *Lot coverage.* The combined floor area of all accessory buildings on a lot or parcel shall not exceed 40 percent of the required rear yard. All attached accessory buildings shall be in compliance with zoning ordinance provisions concerning the maximum percentage of lot coverage for principal buildings.
  - (h) *Setbacks.* All accessory buildings are subject to the following setbacks listed below:
    - 1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
    - 2. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than six feet to any side or rear lot line with eaves no closer than four feet to any lot line.

3. Detached accessory buildings or private garages may be located up to three feet to the rear lot line or side lot line subject to the building official determination that reduced setbacks would not negatively impact the surrounding uses or access to public or private streets.
4. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
5. When an accessory building is located on a corner lot, the said lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line on the lot in the rear of such corner lot, and in no case shall the entrance to a garage be less than ten feet from a lot line.



- (i) Design. When a permit is required, all attached and detached accessory buildings shall be designed and constructed of materials and design including roof style compatible with the principal structure and other buildings in the vicinity, as determined by the building official. The building official may allow modifications to the roof design if the alternate design is compatible with surrounding architecture.
- (j) Pavement. All accessory buildings which are used as garages shall have paved driveways from the street to the garage. The paved driveway shall be a minimum of nine feet wide unless otherwise approved by the community development department. The community development department shall base its determination upon such factors as the narrowness, shallowness, shape or area of a specific piece of property, topographical conditions, or

extraordinary or exceptional conditions of the property by which the strict application of this Ordinance would result in a practical difficulty; however, such practical difficulty shall not be self-created by the property owner.

- (k) Drainage. All driveways and garages shall be paved with asphalt or concrete and drained in accordance with the requirements of and upon approval of the city engineer.
- (2) *Utility structures.* All ground-mounted transformers, generators, mechanical equipment, and similar equipment shall be subject to the following regulations.
  - (a) They shall be permitted only in the rear yard
  - (b) In case of double frontage lots, the site plan review committee may permit such structures in the interior side yard, provided it is screened completely with an enclosure. Such enclosure shall be constructed of masonry materials similar/compatible to the buildings to which they are accessory and shall obscure all units within.
  - (c) They shall be subject to screening requirements listed in section 10.510(B)(8)b., landscaping and screening, unless otherwise as noted above.
- (3) *Swimming pools.* All zoning districts allow for swimming pools shall be subject to the regulations below.
  - (a) Any artificially constructed portable or nonportable pool or container capable of being used for swimming, wading or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold 2,500 gallons or more of water or a depth of two feet or more at any point. A swimming pool shall not be considered an accessory structure for purposes of computing lot coverage.
  - (b) For the protection of the general public, outdoor swimming pools shall be enclosed by a wall, fence or other type of enclosure which may consist in part of the residence to which the swimming pool is appurtenant. Such wall or fence shall be not less than four feet or more than six feet above the ground line of the abutting level. Such wall, fence or enclosure shall not be required for all or such part of the pool that is four feet or more above the abutting ground level; provided, that a suitable barrier is furnished to deter entrance to the pool by persons not having the permission of the pool owner to enter therein when pool is not in use. Any wall shall be of wood, brick or masonry and any fence may be solid or designed so as to permit circulation of air; provided, that any wall or fence shall not be designed of such a nature as to permit any child to pass over, under or through any such fence except at a gate or door when such gate or door shall be opened. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.
  - (c) Swimming pools, spas, hot tubs and similar devices are only permitted in the rear yard. No such structures shall be located closer than six feet to any lot line. The minimum setback may be reduced up to three feet subject to the building official determination that reduced

setbacks would not negatively impact the surrounding uses or access to public or private streets.

(d) Construction shall be in accordance with the State Building Code.

(4) *Flag poles.* All zoning districts allow for flags shall be subject to the regulations below.

- (a) Flagpoles shall be located within the property boundaries. The property owner shall determine the location of property lines and verify that the flagpole being installed is within those property lines.
- (b) Flagpoles shall be located in an area where they do not conflict with parking drives or pedestrian circulation areas.
- (c) The maximum height of the flagpoles including foundation, cannot exceed the maximum permitted height for principal structures of the respective zoning district. In any case, the height of any flagpole shall not be greater than the distance to the nearest property line.
- (d) There shall be no more than two flagpoles.
- (e) Flags bearing information that meet the definitions of a 'sign' as listed in section 10.511(l)(B)(10) cannot exceed 24 square feet and are limited to one such flag, subject to other conditions listed in this section. In instances, when such flag exceeds 24 square feet, they are considered as a sign for review and permitting purposes and shall comply with the sign ordinance requirements.
- (f) The limits in item (d), (e) above does not apply to single-family residences or any apartment dwelling when the flags are located within an area leased by the resident and not within any common area.
- (g) A maximum of one flagpole may be permitted in residential districts with a maximum height of 20 feet. The building official may permit an additional 30 feet based on his determination that the additional height would not negatively impact the surrounding uses or access to public or private streets. The maximum square footage of all flags on the flagpole shall not exceed a total of 30 square feet.
- (h) The maximum square footage of any number of flags per pole shall not exceed the recommended square footage listed below. Minor modifications to square footage requirements may be permitted by the building official if the appropriate structural analysis is provided.

Maximum Pole Height in Feet	Maximum Flag Area in Square Feet
60 and above as permitted in the zoning district	135

50—59	96
40—49	72
30—39	50
20—29	30
Under 20	15

- (i) All flagpoles shall be maintained in good condition, free of significant corrosion, tears, fraying, peeling paint or finish and other damage or deterioration.
  - (j) Prohibited. Banners, pennants, spinners and streamers are not allowed.
  - (k) When illuminated, the lighting shall be directed away from roadways, traffic areas and adjacent residential properties.
  - (l) A building permit is required for any new flagpole. A sign permit may be required if the flag meets the requirements of subsection e listed above.
- (5) *Accessory outdoor storage.* All types of outdoor storage in industrial districts are subject to following conditions.
- (a) Outdoor storage shall be accessory to the principal use of the property only and shall not be related to any off-site commercial business or activity.
  - (b) All storage shall be limited to the open storage areas on the approved site plan.
  - (c) All shall be located in the rear yard or an interior side yard. Storage yards shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.
  - (d) All storage areas shall be setback a minimum of 20 feet from residential districts and ten feet from all other non-industrial districts.
  - (e) Lumber, including wood pallets or other combustible material, shall not be stored less than 20 feet from any interior lot line.
  - (f) In M-1 districts, the designated area may not exceed 50 percent of the gross floor area of the primary structure on the site.
  - (g) The approving body may permit such storage a lot which immediately adjoins the subject property and complies with all applicable standard listed in this section. Easements or other acceptable form of agreements shall be required for outdoor storage located on separate parcels.

- (h) The open storage is of new materials used for operations taking place inside a building on the same lot, or of new finished product prior to shipment.
  - (i) Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.
  - (j) In no case shall open storage areas to be used to store waste, used or secondhand materials, or obsolete machinery or materials no longer used or intended to be used in the industrial operation.
  - (k) Openly stored materials shall be protected from damage due to weather precipitation as necessary. No racks for the holding of materials are permitted, except that pallets or low blocks may be used to keep materials from immediate contact with the ground.
  - (l) Any stockpiles of soils, fertilizer or similar loosely packaged materials is prohibited, unless they are sufficiently covered or contained to prevent dust or blowing of materials.
  - (m) Adequate fire protection and access for fire vehicles shall be provided at all times.
  - (n) All outdoor sales and display areas shall have an approved paved aggregate surface and a stormwater drainage system.
  - (o) Storage yards shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in section 10.510, landscape and screening, may be permitted if the subject property is surrounded by similar industrial uses.
- (6) *Contractors equipment storage.* In M-1 and M-2 districts, the use of any outside space for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials is subject to follows:
- (a) Such storage is subject to all applicable standards related general outdoor storage in industrial districts as noted in the above section 10.504(3).
  - (b) Outdoor storage yards shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage, with an exception as noted in section 10.504(3)g.
  - (c) Site plans shall specify if the facility will allow the storage of any vehicle over 30 feet in length. All construction vehicles and equipment shall be stored at their lowest height possible.
  - (d) The loading and unloading of equipment and construction materials shall be conducted entirely within the site and shall not be permitted within a public right-of-way.
  - (e)

Such storage shall not be located within the required front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. All loading and truck maneuvering shall be accommodated on-site.

- (7) *Above ground storage tanks.* In M-1 and M-2 districts, outdoor placement of above-ground storage tanks as follows:
- (a) It shall be accessory to an otherwise permitted use.
  - (b) It shall be located in a non-required rear or interior side yard.
  - (c) It shall be in compliance with the city's adopted Fire Prevention Code and any applicable State of Michigan and federal regulations related to such use.
  - (d) When abutting a residential district, it shall be enclosed and screened from public view with a greenbelt buffer or a screen wall that comply with related standards in section 10.510, landscape and screening. The approving body shall determine the minimum height for the required screening.
- (8) *General exceptions.* The site plan review committee or any approving body may modify the minimum standards of this subsections (5), (6) and (7) related to outside storage, if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

(Ord. No. 861, § 1, 4-9-90; Ord. No. 872, § 1, 11-13-90; Ord. No. 928, § 1, 11-13-95; Ord. No. 1026, § 1, 4-14-03; Ord. No. 2167, § 1, 7-26-21; Ord. No. 2168, § 4, 9-13-21)