

## PROPOSED FINAL LANGUAGE

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\_\_\_\_\_ TOWNSHIP  
WEXFORD COUNTY, MICHIGAN  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE WEXFORD JOINT ZONING ORDINANCE EFFECTIVE DECEMBER 31, 2016 BY AMENDING THE GENERAL REGULATIONS PERTAINING TO STORAGE BUILDINGS, ACCESSORY BUILDINGS AND STRUCTURES IN SELECT ZONING DISTRICTS TO AMEND THE WEXFORD JOINT ZONING ORDINANCE, EFFECTIVE DECEMBER 31, 2016 AND TO REPEAL ALL ORDINANCES IN CONFLICT HERewith

THE TOWNSHIP OF \_\_\_\_\_ ORDAINS:

### Section 1. Purpose

The purpose of this ordinance is to: Address the number of dimensional variances being requested pertaining to accessory buildings and structures by allowing detached accessory buildings and structures, in select zoning districts, to have equal setbacks as required for a principle building and / or structure, and to allow certain detached accessory structures and buildings to be located in front yards, in select zoning districts, and to allow the placement of a Storage building or structure on a parcel of land without a principle building and / or structure present.

### Section 2. Amendment to Article 10, Section 1003, subsection D of the Wexford Joint Zoning Ordinance.

Article 10, Section 1003, subsection D of the Wexford Joint Zoning Ordinance (“Ordinance”) is hereby amended in its entirety, to read as follows:

D. No parcel of land shall contain more than one principal building or use and no accessory building or structure may be located on any parcel of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure, **except as otherwise provided in this Article.**

### Section 3. Amendment to Article 10, Section 1072.

**Article 10, Section 1072 of the Ordinance is hereby amended in its entirety to read as follows (new language in bold font):**

#### **1072. Location of Accessory Buildings and Structures**

A. All accessory buildings and structures **located in the R-1 and R-2 zoning districts** shall be in the side yard or rear yard **only**, except when built as part of the main building, or if built on parcel which abuts water bodies, in which case said structures shall only be in side yards. Docks, other structures dependent on proximity to water may be located in a waterfront yard.

B. An accessory building **or structure** attached to the principal building of a parcel shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.

C. An accessory building or structure, unless connected with a roof at least four (4) feet wide attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building, and shall meet all setback requirements of the district in which it is to be erected, moved, altered or used.

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38 D. No accessory building or structure shall exceed in size two times the square footage of the principal  
39 building unless it is an accessory building or structure for an agriculture use, except as otherwise provided  
40 in this Section.

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41 E. Accessory buildings and structures located on a parcel that has an existing principal building or  
42 structure established or being contemporaneously proposed are subject to the following setback  
43 regulations:

- 44 1. An accessory building or structure, located in the side or rear yard, shall be permitted  
45 up to a 50 (fifty) percent encroachment into the side or rear yard setback otherwise  
46 specified in the zoning district, if sidewalls do not exceed 12' (feet) and the ridgeline  
47 does not exceed 16' (feet) from finished grade.
- 48 2. An accessory building or structure located in the front yard (not including any  
49 waterfront yard) shall meet all applicable required front yard setbacks, shall not exceed  
50 16' (feet) in height at the ridgeline as measured from finished grade, shall not exceed  
51 one thousand (1000) square feet in floor area, and shall not be closer than 50' (fifty)  
52 feet to any adjacent property line.
- 53 3. An accessory building or structure located at least 200' (feet) from the front property  
54 line and still located in the front yard may be constructed to the size and specifications  
55 as permitted in the zoning district in which it is located.

56 F. Storage buildings and structures are accessory buildings or structures. A storage building or structure  
57 proposed in the Rural Residential, Ag-Forest Production, or the Forest Conservation District may be  
58 permitted prior to, and without necessity of a permitted principal building, structure, or use being first  
59 established if all of the preceding and following standards are met:

- 60 1. Notwithstanding anything to the contrary contained in this section, no parcel of land  
61 shall contain more than one accessory building or structure.
- 62 2. The location of a storage building on an otherwise vacant lot must allow for other future  
63 possible uses without blocking ingress and egress, and must keep the storage building  
64 from absorbing the visual preeminence from the road.
- 65 3. An application along with a Medium Site Plan shall be presented for administrative  
66 review by staff that demonstrates, in addition to the medium Site Plan requirements,  
67 the location of a future well and septic system, including reserve drain fields; building  
68 envelope; buildable area; zoning district setbacks; and the location of all future  
69 principle permitted buildings or structures.
- 70 4. A storage building or structure erected under this sub-subsection F shall meet all of the  
71 subject zoning district minimum setbacks required for a permitted principal use without  
72 exception.
- 73 5. A storage building or structure proposed under this sub-subsection F may be  
74 constructed to the size and specifications as permitted in the respective zoning district.
- 75 6. A storage building or structure erected under this sub-section F shall enclose all other  
76 personal property so that there is no evidence of any outside storage including, but not  
77 limited to, automobiles, boats, trailers, and recreational vehicles.

Commented [ 1]: What the heck is this?

Commented [ 2]: I think the intent is to say that the 'storage building', after site plan review, should not end up being the 'dominant' structure on the property as viewed from the road??

Commented [ 3]: That is way too subjective and is not going to be an effective 'standard' for a discretionary decision. Can we develop a way to say that the larger the storage building, the further away from the road it has to be? That would seem to accomplish the same thing. Also, should we have a maximum size limit on storage buildings?? The bigger they are, the more likely they become something other than a storage building.

Commented [ 4]: Okay – I understand. The PC did NOT want to restrict the size. They will have to live with any consequences.

78 G. Trailers, truck bodies, tanks, semi-trailers, soft sided buildings, and shipping containers, may not be  
79 used as accessory or storage buildings or structures, in any zoning district. Commercially available  
80 temporary storage containers (e.g.. PODS) may be used for up to 60 days for the purpose of moving or  
81 renovation projects.

82 **Section 4 Amendment to Section 503**

83 **The following definition is added to Section 503 of the Ordinance and shall be inserted alphabetically.**

84 **“Storage building” means a building used for storage or shelter of personal and family household goods**  
85 **of the owner of the parcel. A storage building allowed under Article 10, Section 1072.F. becomes an**  
86 **accessory building whenever a residence or other permitted or special use is erected on the property.**  
87 **The residence or other allowed use becomes the principle use once it is constructed.**

88 Section 5: Severability: Should any provisions of this Ordinance or any part thereof be held  
89 unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the  
90 remaining provisions hereof or of any other provisions of the Wexford Joint Zoning Ordinance.

91 Section 6: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this  
92 ordinance are hereby repealed.

93 Section 7: Effective date: This Ordinance shall be effective at 12:01 a.m. on the 8th day following  
94 its adoption and publication as required by law.