

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1220 – Accessory Structures to Single Family Dwellings

Adopted August 4, 1998 – Ordinance 1998-01

Last amended December 20, 2016 – Ordinance 2016-03

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#### **1220.01 PURPOSE**

The purpose of this Chapter is to regulate the development, use, location, height, and appearance of accessory structures in residential zoning districts, and to detached single-family uses in other districts. For the purpose of maintaining property values, ensuring the safe use of land and structures no accessory structure shall be permitted, or allowed to remain, unless the requirements and conditions contained herein are fully complied with.

#### **1220.03 GENERAL REQUIREMENTS**

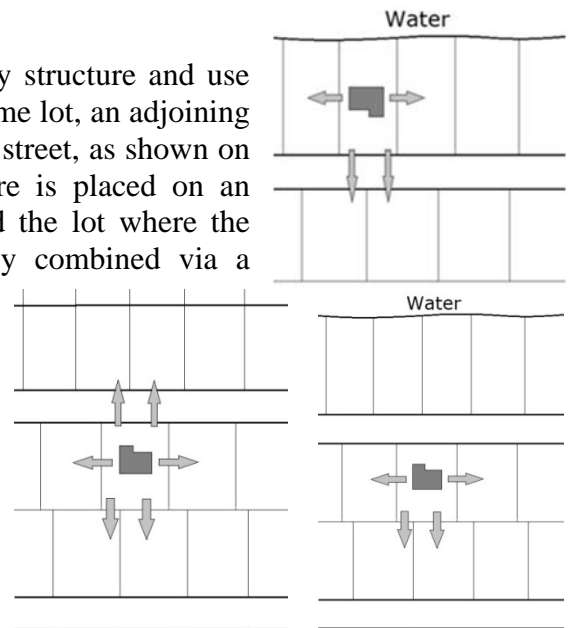
1. All accessory structures shall be erected, placed, or altered only after obtaining a permit from the Zoning Administrator.
2. Accessory structures may only be placed when done so if they are accessory and subordinate to a legally existing primary structure and use.
3. An accessory structure shall not be constructed, altered, continued, maintained or otherwise located on a parcel of property until after the associated primary structure has been completed.
4. An accessory structure shall not remain, and must be removed, if the primary structure is removed, destroyed, or otherwise eliminated to which the accessory structure was subordinate.
5. Accessory structures are to be set apart from the primary structure by at least 10 feet (10'), unless such structure is a shed. Accessory structures larger than two-hundred forty square feet (240 ft<sup>2</sup>) in ground coverage may be either completely detached from the primary structure, or partially attached by an open air breezeway, deck, patio, walkway, sidewalk or other similar non enclosed space. Such type of partial attachment shall not change the status of the building as an accessory structure.
6. If otherwise attached to the primary structure, an accessory structure shall be considered an addition to the primary structure, provided that it is made structurally and integrally a part of the primary structure including sharing an interior wall with means of entry into

habitable space, walls with a watertight connection to a foundation or slab, and a roof (so as to enclose all areas) thereby making it one structure, unless otherwise permitted in this Chapter. Any such addition shall comply in all respects with the requirements applicable to primary structures in the respective zoning district. Decks, patios, walk-ways, breezeways, sidewalks and other similar items shall not be deemed to satisfy the requirements for making it “structurally and integrally” complete.

7. Free standing carports and portable garages shall not be permitted. However, stick-built carports sharing a common wall or roof line, architectural design, color, and exterior materials with, or as part of, a structure may be permitted provided that they are built as to be structurally part of the structure and the following are complied with:
  - A. The area proposed to be used as a carport conforms to the required setbacks, lot coverage, and other applicable zoning regulations; and,
  - B. The carport shall not be used for the outside storage of materials, equipment or goods or the parking and/or storage of inoperable vehicles; and,
  - C. Vehicles stored under the carport shall be fully operational and shall display a valid license plate. Recreational vehicles, trailers, and watercraft may be stored underneath the carport if such have a valid Michigan registration and are fully operable; and,
  - D. The carport shall not be permanently or seasonally enclosed; and,
  - E. The total footprint of the structure, including the carport area conforms to the allowed sizes established in the zoning code.
8. Accessory structures that are primarily used for storage, such as detached garages, which are greater than 240 square feet in ground coverage, are required to have a hard surfaced floor of either concrete, or asphalt.
9. If the accessory structure is a guest house, such shall be at least 400 square feet, be connected to and serviced by a potable water supply and wastewater disposal system connected to and approved by the local Health Department.

**1220.05 ACCESSORY STRUCTURE PLACEMENT**

1. A waterfront parcel with a legally existing primary structure and use may develop an accessory structure on either the same lot, an adjoining lot on the same side of the street or a lot across the street, as shown on the adjacent illustration. If an accessory structure is placed on an adjacent lot or a lot across the street, that lot and the lot where the primary structure is located must be permanently combined via a recorded deed restriction and combined as a single parcel for tax purposes.
2. A non-waterfront parcel with a legally existing primary structure and use may develop an accessory structure on either the same lot, an adjoining lot on the same side of the street or a lot across the street except as provided herein, as



shown on the adjacent illustrations. The ability to place an accessory structure across the street from the primary structure does not apply if the otherwise vacant lot is a waterfront lot. If an accessory structure is placed on an adjacent lot or a lot across the street, that lot and the lot where the primary structure is located must be permanently combined via a recorded deed restriction and combined as a single parcel for tax purposes.

3. When an Accessory Structure is placed across a street from the Primary Structure that it is accessory and subordinate to, it must be placed on a lot which has overlapping frontage with the lot where the Primary Structure is Located.
4. The development and placement of Accessory Structures located across a street from the Primary Structure that such would be accessory and subordinate allowed under subsections 1, 2, 3 of this section shall be limited only to detached garages. Such detached garages must have a footprint of no less than 896 square feet and may only be approved as a Special Land Use. As part of the review of the Special Land Use application, special attention shall be given to the design requirements of section 1220.13 of the zoning code.

**1220.07 ACCESSORY STRUCTURE SETBACK REQUIREMENTS**

1. Accessory structures shall be setback from property lines, right-of-ways (streets), and bodies of water as shown below:

A. Accessory Structures other than sheds with a footprint of 240 square feet or less.

Parcel Type	Street Yard Setback	Ordinary High Water Mark	Side Yard	Rear Yard
<b>Non-Waterfront</b>	Not Permitted	NA	8'	2'
<b>Waterfront</b>	Not Permitted	35'	8'	8'*
<b>T-Lot</b>	35'	35'	2'	2'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

B. Accessory Structures, including detached garages, storage buildings, and other structures with a footprint greater than 240 square feet.

Parcel Type	Street Yard Setback	Ordinary High Water Mark	Side Yard	Rear Yard
<b>Non-Waterfront</b>	Not Permitted	NA	8'	35'
<b>Waterfront</b>	35'	35'	8'	35'*
<b>T-Lot</b>	25'	35'	8'	35'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

\*\* If an accessory structure is placed across the street from a primary structure on an otherwise vacant lot, the setbacks for the accessory structure shall be the same as a primary structure in that zoning district.

C. Sheds.

Parcel Type	Street Yard Setback	Max Distance at Closest Point from Primary Structure in a waterfront yard	Ordinary High Water Mark	Side Yard	Rear Yard
Non-Waterfront	Not Permitted	NA	NA	8'	2'
Waterfront	35'	20'	50'	8'	8'*
T-Lot	35'	20'	35'	2'	2'*

\* This setback only applies if the yard abutting the water would not normally be considered the rear yard.

- a. When a shed is placed in the street-side yard of a waterfront parcel, including T-Lots, it shall be placed in a manner where it connects to the driveway.
  - b. For all sheds placed on waterfront parcels, including T-Lots, the design and landscaping requirements of section 1220.13 shall be required to be met and maintained.
  - c. For non-waterfront parcels that have more than 1 street frontage, sheds may be placed in a street-side yard that does not have means of ingress/egress for the property, provided such faces the street frontage where ingress/egress exists for the parcel.
2. Eaves may project no more than 2 feet from the wall of a structure, and must be at least 2 feet from any property line.

**1220.09 ACCESSORY STRUCTURE SIZE & HEIGHT REGULATIONS**

1. No accessory structure with a footprint greater than 240 square feet shall have a ratio of width to length, using the average width of the structure and average length of the structure as measured at the exterior edges of the foundation, which exceeds a ratio of 1: 2.
2. An accessory structure shall either be equal to or less than 240 square feet in size, or be at least 400 square feet.
3. An accessory structure shall not have a footprint larger than the footprint of the primary structure-
4. Accessory structures shall be limited to a single story above the finished grade facing any public right-of-way unless such is approved as a Special Land Use.
5. Detached garages shall be no less than 400 square feet, and may be permitted up to ground coverage of 1,088 square feet by the Zoning Administrator. Detached Garages greater than 1088 square feet may be approved as a Special Land Use. Any Detached greater than 1,280 square feet may only be located on a parcel of at least 2 acres in size. No detached garage may exceed a square footage of 1,600 square feet.
6. Sheds shall be restricted in terms of size, and dimensions allowed by the chart below:

Length ->	8	10	12	14	16	18	20
Width							
8	64	80	96	112	128		
10	80	100	120	140	160	180	200
12	96	120	144	168	192	216	240
14	112	140	168	196	224		
16	128	160	192	224			
18			180	216			
20			200	240			

- Guest houses shall be at least 400 square feet, and no larger than the dwelling area footprint of the dwelling it is accessory and subordinate to.
- All other Accessory Structure such as private greenhouses, workshops, pool houses, playhouses, treehouses, shall be no larger than 240 square feet in ground coverage.

#### 1220.11 PROLIFERATION OF ACCESSORY STRUCTURES

- The proliferation of accessory structures primarily used for storage such as sheds and detached garages shall be regulated as shown on the follow tables:

Key:            H = Home                    AG = Attached Garage  
                   S = Shed                        DG = Detached Garage

**Parcels consisting of less than 2 full platted lots, and all other parcels consisting of less than two full platted lots that are less than one-half of an acre in size**

Starting Status	Next Required	Future Options	
Vacant	H + AG*	H + AG + S	
H + AG	NA	H + AG + S	
H + AG + S	NA	None	
H + AG + DG	NA	None	
H + AG + DG + S	NA	None	
H + DG	NA	H + DG + S	
H + DG + DG	NA	None	
H + DG + S	NA	None	
H + S	NA	H + AG + S	H + DG + S
H	NA	H + AG	H + AG + S
		H + DG	H + DG + S
		H + S	

\* Unless otherwise exempted by the zoning code.

**Parcels consisting of at least 2 full platted lots, and all parcels that are equal to or greater than one-half of an acre**

Starting Status	Next Required	Future Options		
Vacant	H + AG*	H + AG + S	H + AG + DG	H + AG + DG + S
H + AG	NA	H + AG + S	H + AG + DG	H + AG + DG + S
H + AG + S	NA	H + AG + DG + S		
H + AG + DG	NA	H + AG + DG + S		
H + AG + DG + S	NA	None		
H + DG	NA	H + DG + S	H + AG** + DG + S	
H + DG + DG	NA	H + AG + DG + DG	H + AG + DG + DG + S	H + DG + DG + S
H + DG + S	NA	H + AG** + DG + S		
H + S	NA	H + AG + S	H + DG + S	H + AG + DG + S
H	NA	H + AG	H + AG + S	H + AG + DG + S
		H + DG	H + DG + S	H + S

\* Unless otherwise exempted by the zoning code.

\*\* For homes built prior to 2008 which are located on a parcel having only a single detached garage of 576 ft<sup>2</sup>, or less, a second detached garage may be built rather than an attached garage, provided that one of the detached garages is semi-connected to the Primary Structure by structural means such as a porch, breezeway, or deck. A hard surfaced patio is not considered means to satisfy this requirement.

- For properties located in the LR-2 Zoning District, a second shed may be substituted for an attached or detached garage.
- The development and number of accessory structures not used for storage such as, but not limited to; guest houses, greenhouses, playhouses, treehouses, gazebos, pool houses, pavilions, pergolas located on a patio, and other similar structures shall be limited to the following (*Fences and swimming pool are not considered an accessory structure for the purpose of the subsection*):

Size of Parcel	Number allowed
Less than ½ Acre	1
0.5 to 1.0 Acre	2
1.01 Acre to 2.0 Acres	3
More than 2.0 Acres	4

- A pergola is not considered an accessory structure if such is placed on deck.

**1220.13 DESIGN & FENESTRATION REQUIREMENTS**

- All accessory structures which are greater than 400 square feet in ground coverage and

other specific Accessory Structures required by this zoning code to comply with these design requirements shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure. As follows:

- A. Appearance is measured when viewed from adjacent property, or from water bodies, streams, rivers, roads, parks, or other facilities open to the public.
  - B. Identical material is not required, but the following characteristics shall be the same or similar:
    - 1. A finished design and color scheme that is coordinated and compatible with the color and design of the principal structure. Examples of items which may be considered to determine compatibility are the Orientation of boards, grooves, grains, style of siding, shingles and other exterior characteristics.
    - 2. Color, style, & material of roofing.
    - 3. Other than sheds, no accessory structure shall have a roof pitch which is less than 4:12.
  - C. Notwithstanding this Chapter, an accessory structure is not required to match granite, brick, stone, concrete masonry or other similar stone-like material used on the principal structure. However, the material used must resemble the color and material of the principal structure, and should at minimum, match non-stonelike materials of the principal structure.
  - D. Generally, windows will be oriented vertically and utilize distinct frames, materials, or colors for window surrounds.
  - E. Building walls will show no more than three different finish materials, excluding foundations, columns, or cornices.
  - F. Heavier materials such as brick or stone shall be located toward the base of the structure
  - G. Side and rear facades will be of finished quality and of the same color and materials that blend with the front of the building. If a side wall façade faces a street it shall be finished with the same treatments as that as the front of the structure.
  - H. Detached garages that feature a width greater than 30 feet must provide an offset in the façade where the primary vehicle ingress/egress occurs of at least 4 feet.
  - I. A minimum of two (2) different architectural features on the front façade; architectural features may include items such as window treatments, door treatments, louvers, or material/color variations.
  - J. A minimum of one (1) architectural and/or landscape feature must be included along any sidewall for every ten (10) feet and fraction thereof for any sidewall directly adjacent to and visible from a public right-of-way or adjacent residentially zoned property; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental, or evergreen trees in excess of two (2) feet in height at the time of planting.
2. On all Accessory Structures unpainted, uncolored or unfinished material is prohibited,

except if the material is designed and marketed for residential finish work, and is weather-resistant in its unpainted, uncolored or unfinished state.

3. Sheds are required to have an exterior of wood, resin, or vinyl. Metal roofs are allowed on sheds.
4. Sheds placed on waterfront parcels, including T-Lots, shall be landscaped along any side without a door (unless said side is placed directly abutting to a dwelling or garage) with coniferous or deciduous shrubs or similar plants based on the sum total length of the sides without a door as shown below:

Sides A, B, & C At Least	Sides A, B, & C Not More Than	Total Plants Required
10'	19'	6
20'	29'	8
30'	39'	9
40'	50'	11

