

**NOTICE OF TYRONE TOWNSHIP PLANNING COMMISSION MEETING
TO BE HELD ELECTRONICALLY
March 17, 2021 6:00 p.m.**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

Please take notice that a regular meeting of the Tyrone Township Planning Commission will be held by electronic remote access for the purpose of consideration of issues specified in the attached agenda.

Electronic remote access, in accordance with the Michigan Department of Health and Human Services (MDHHS) Order 333.2253, has been implemented in response to COVID-19 social distancing requirements. The applicant(s) and public may participate in the meeting through Zoom video and teleconferencing access as follows:

The public may participate by internet link or by calling into the below toll-free numbers:

Tyrone Township is inviting you to a scheduled Zoom meeting.

Topic: 03/17/2021 Planning Commission Workshop (6:00 pm)
Time: Mar 17, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/88154798236>

Meeting ID: 881 5479 8236
Passcode: 123456
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Members of the public will only be able to speak during the public comment portions of the meeting and such comments will be limited to three minutes per person during each opportunity to speak. Additional agenda related comments may be permitted at the discretion of the Chairperson. To provide for orderly public participation a person wishing to speak must state their name and request to be recognized by the Planning Commission Chairperson. The Chairperson will recognize all persons wishing to speak during the public hearing and/or public comment portions of the meeting. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed during the meeting such persons may contact the Planning Commissioners through the Tyrone Township Planning and Zoning Administrator by email to nicholson@tyronetownship.us or by regular mail. The Tyrone Township Zoning Ordinance and Zoning Map can be found using the Ordinances tab at www.tyronetownship.us.

Dan Stickel,
Chairman, Tyrone Township Planning Commission

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
March 17, 2021 6:00 p.m.**

This meeting will occur via Zoom teleconference due to COVID-19 restrictions.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA:

OLD BUSINESS:

1) Accessory Structure Standards

NEW BUSINESS:

1) None

CALL TO THE PUBLIC:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

OLD BUSINESS #1

Accessory Structure Standards

Current Tyrone Township Accessory Structure Standards Summary- January, 2021

01/11/2021

Planning Commission,

I have put together this document to be used for reference when reviewing the current Zoning Ordinance standards relating to accessory structures. In recent years, accessory structure standards have been a consistently hot topic, brought up by long-time residents/property owners, new residents/property owners, and prospective buyers alike. We have also seen a significant number of variance requests relating to accessory structure yard locations and setbacks. This topic has been on the Planning Commission Action List for approximately 4 years with no action taken thus far.

The bulk of the accessory structure standards are located in Section 21.02. The latest substantial amendment to Section 21.02 was the addition of provisions to allow for detached accessory structures on adjacent lots under specific circumstances (currently Section 21.02.H). Prior to that amendment, the latest substantial amendment was in October of 2013, during which time the text was rearranged/reformatted, though much of the content is consistent with the current standards. The most substantial change that occurred with the 2013 amendments was the addition "Modification of Requirements" (Section 21.02.G) which are standards to allow for an increase in accessory structure size in certain zoning districts subject to Planning Commission review and public hearing.

Below, I have included the current accessory structure standards from the Zoning Ordinance as well as the previous standards as they existed prior to the October, 2013 amendments. I have inserted comments on the existing standards in red.

Section 2.01:

ACCESSORY BUILDING. A subordinate building on the same lot or parcel of land as the principal building or buildings or part of the principal building, occupied by or devoted exclusively to any accessory use. The accessory building shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings unless so specified herein.

The definition, for the most part, I believe to clearly describe accessory buildings. It is worth noting that one of the more frequent inquiries we receive relating to accessory structures is the potential to utilize accessory buildings or portions of accessory structures as "Accessory Dwelling Units" or "ADU's" (commonly referred to as guest houses, mother-in-law suites, granny pods, etc.). The Township had conducted a brief email survey in July of 2019 asking residents/property owners how they would feel if the Township were to consider permitting ADU's. The responses were overwhelmingly in favor of considering permitting ADU's in single-family zoning districts assuming that there would be sufficient requirements for such uses to prevent potential nuisance factors. If the Planning Commission chooses to consider permitting ADU's, I believe that a separate definition should be added to the Zoning Ordinance and specific standards should be created and incorporated into Section 21.02.

ACCESSORY STRUCTURE. A structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

Section 20.02.T:

T. The accessory structure in residential districts shall be in the rear yard, except as modified in other sections of this ordinance.

Section 21.02:

Accessory buildings and structures (see definition section) except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. Standards in all Districts.

1. Attached Accessory Buildings and Structures. Where the accessory building or structure is attached to a principal building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the principal building.

2. Detached Accessory Buildings and Structures.

a. Schedule of Regulations. No detached accessory building or structure shall exceed the maximum height or be located at less than the minimum setbacks listed in Section 20.01, Table of Schedule of Regulations, for the respective districts, except as permitted in 21.02.G or otherwise permitted herein.

As part of the review process, the Planning Commission should review the existing setback and height requirements for accessory structures located in the Schedule of Regulations to determine whether or not any should be changed.

b. Location Relative to Road or Easement. In those instances where the rear lot line is coterminous with an alley right-of-way, the detached accessory structure shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement or road right-of-way.

c. U.S. 23 and Other Road Frontage. For any parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road, accessory buildings and structures shall be set back at least 150 feet from the U.S. 23 right-of-way. This provision does not apply to manufactured home park districts.

The majority of affected properties are zoned FR and are required to have a minimum front yard setback of 150'. The US-23 and White Lake area is RE which are generally required to have a minimum front yard setback of 100'. I would recommend reviewing the future land use map to determine whether or not you feel the increased setback for properties not zoned FR is appropriate.

d. Water or Wetland Frontage. For all lots with yard spaces adjacent to or abutting water or a wetland (defined as a lake, pond, stream,

drainageway, wetland of any size, or river), no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the ordinary high water mark of the water or wetland. The only exceptions to this provision shall be for those docks, boat storage and other accessory structures specifically permitted in Section 21.02.A.2.e.

On all lots with water or wetland frontage, a rear yard setback that is greater than fifty (50) feet may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than fifty (50) feet. Where the average rear yard setbacks for the adjacent buildings on either side of the proposed accessory building or structure are greater than fifty (50) feet, the Planning Commission may require the accessory building or structure to maintain a rear yard setback greater than fifty feet but not greater than the average rear yard setbacks of the adjacent buildings to preserve sight lines to the water. The only exception to this provision shall be for cases where the subject or adjacent structures are located along a cove or peninsula or where the rear yard setbacks of adjacent structures differ by more than 40 feet. For these cases, the Planning Commission shall determine if a cove or peninsula exists, as well as the appropriate setback required such that sight lines for existing adjacent structures are protected.

The wording of this subsection could possibly be revised. The main issue I've identified is: "On all lots with water or wetland frontage, a rear yard setback that is greater than fifty (50) feet may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than fifty (50) feet."

Unless an applicant proposes to erect an accessory structure that has the potential to impact sight lines or applies for a modification of requirements under Section 21.02.G, the Planning Commission would not be involved in the permitting process. If the Planning Commission chooses to keep this language, I would recommend modifying it for clarification or transferring the authority to the Zoning Administrator or Subcommittee.

e. Docks and Boat Storage Structures on Waterfront Lots. On residential

lots abutting a water body, docks and boat storage structures for the use of the individual property owners are permitted as accessory structures to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the ordinary high water mark of the water.

I would recommend that the Planning Commission discuss whether or not the existing 10-foot setback for docks is appropriate. Note: no permits are currently required for non-permanent docks. An EGLE permit is required for permanent docks.

f. Structures Constructed Prior to Principal Structures. Construction of an accessory structure is permitted only in conjunction with

construction of a principal structure. If the principal structure is not constructed within one (1) year, the accessory structure shall be deemed a temporary structure and shall be removed. Notwithstanding this restriction, in the event the principal structure is destroyed by fire, flood, tornado, or other natural disaster to the extent of 100% of SEV or more, an existing accessory building may be permitted to remain on the site for up to two (2) years from the date of destruction in order to allow the owner time to settle insurance claims or rebuild.

This topic comes up fairly frequently. Most properties owners who request to build an accessory structure prior to a principal structure do so because they intend to build the structures as the general contractor. In these instances, they generally utilize accessory structures to store tools, equipment, and materials associated with the construction of a principal structure. In the instances that I have permitted the use, I have not received any complaints or heard of any issues. The one issue that has been brought up with this section is the timeframe in which the principal structure must be “constructed”. Approximately half of those who utilize this section have been able to complete construction of principal structures within a year, however, due to a number of variables, the other half are unable to complete construction of principal structures. The Planning Commission should discuss whether or not the existing time limitation is appropriate and, if not, whether text should be added to allow for extensions under certain circumstances or extent the timeframe altogether.

3. Temporary, Incidental and Exempt Accessory Buildings and Structures.

a. Temporary Accessory Buildings and Structures. Temporary accessory structures that do not require permanent attachment to the ground, but have similar characteristics to an accessory structure, including but not limited to inflatable swimming pools and moveable carports, swing sets, picnic tables, play houses, and similar shall comply with the setback requirements for detached accessory structures. Other temporary structures as may be permitted under Section 21.31, shall also meet the height, setback, and coverage requirements applicable to permanent accessory structures.

The Planning Commission may want to discuss whether or not “permeant attachment to the ground” should be more clearly defined.

b. Incidental Accessory Buildings and Structures. One (1) accessory building or structure one hundred (100) square feet or less shall be allowed per lot without a land use permit, and shall not count as one of the permitted accessory structures on a lot. Any such detached accessory building or structure with one hundred (100) square feet or less total floor area shall comply with the setback requirements for detached accessory structures.

The Planning Commission may want to discuss whether or not the number and size limitations are appropriate and/or if the standards should be applied to properties based on specific zoning district and/or lot area.

c. Exempt Structures. Flag poles, mail boxes, lawn ornaments (landscaping), and similar structures shall be exempt.

I believe that this subsection can be expanded. There are a number of outdoor features that could potentially be classified as exempt and/or are not specifically listed in the Zoning Ordinance (such as generators, retaining walls, etc..).

4. Regulations for Specific Accessory Structures

a. Gazebos. Gazebos shall be permitted in residential districts, subject to the following limitations:

It is not clear to me why gazebo standards are different from other accessory structures. My best guess is that they were intended to be permitted in addition to the maximum number of accessory structures (or treated similarly to an incidental accessory structure), however, it is not written that way.

Area. Gazebos shall not exceed 180 square feet in floor area.

I would recommend that the Planning Commission discuss whether or not the size restriction is appropriate.

Height. Gazebos shall not exceed 14 feet in height. If the gazebo is part of a deck attached to the principal building, the height shall be measured as the vertical distance from the finished floor elevation of the principal building to the highest point of the gazebo roof.

I would recommend that the Planning Commission discuss whether or not the height restriction is appropriate.

Setbacks. Gazebos shall comply with the yard and setback regulations applicable to detached accessory structures.

b. Swimming Pools. See Section 21.21.

The current setbacks for residential swimming pools are 20' side and rear. The Planning Commission should discuss whether or not this is appropriate in all zoning districts, taking into consideration the latest proposed amendment to pool enclosure requirements.

c. Signs. Signs shall be permitted as accessory structures subject to the requirements of Article 27, Outdoor Advertising and Sign Regulations.

d. Fences. See Section 21.13.

B. FR and RE Districts Accessory Buildings and Structures.

I would recommend that the Planning Commission discuss all standards in this section to determine whether or not the number, location, and size limitations are appropriate. I also recommend adding language regarding front yard accessory structures on FR/RE waterfront lots.

1. Number. On FR and RE zoned lots two (2) acres in area or less, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted. On lots larger than 2 acres in the FR and RE Districts, there is no limit on the number of accessory buildings.

2. Location: Yards.

a. FR and RE Lots – Rear Yard. Detached accessory buildings and structures in the FR and RE districts shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along

both street frontages.

b. Permitted Locations of Detached Accessory Buildings and Structures on FR and RE Lots 2 Acres or Less. On FR and RE zoned lots two (2) acres in area or less the following shall apply:

i. Attached Accessory in Front or Side Yard. If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard.

ii. Attached Accessory not in Front or Side Yard. If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard.

iii. Detached Accessory Not Between Principal Building and Street.

A detached accessory building or structure shall not be located between the principal building and an adjacent road, except on corner lots where the detached accessory may be closer to the side street than the principal building but shall comply with the required front yard setback along the side street.

I recommend that the Planning Commission discuss what they believe the highlighted text is intended to accomplish and determine whether or not they should be modified (primarily for clarity).

c. FR and RE Parcels Larger Than 2 Acres – Side and Rear Yard. In the FR and RE Districts, on parcels of more than two (2) acres the detached accessory building or structure may be located in the side or rear yard.

d. FR and RE Parcels 20 Acres or Larger - Front Yard Accessory Buildings and Structures. In the FR and RE Districts, accessory buildings and structures may be allowed in front yards only on parcels of twenty (20) or more acres in area with at least four hundred sixty six (466) feet of road frontage. Accessory buildings shall be at least two hundred fifty (250) feet from the principal building or structure and one hundred fifty (150) feet set back from the road right-of-way. Additionally, a shelter designed to protect children from inclement weather may be erected in a front yard area during the school year when school buses are in operation; such shelter shall be removed during the summer months when school buses are not in operation. All such permitted front yard accessory buildings and structures shall not be directly in front of the primary or principal building or structure but to the side of the primary or principal building or structure.

The topic of front yard accessory structures comes up fairly frequently. In recent years, we have received a number of front yard location accessory structure variance requests due to various property limitations. In each request I have been involved in, The ZBA has always taken into account the visibility of the proposed structures from nearby properties and public/private roads. There are very few properties in which the above standards can actually be utilized due to the arguably over-restrictive road frontage and separation requirements. I would

recommend that the Planning Commission discuss potential problems with front yard accessory structures and determine whether or not the requirements should be modified. I believe that it is appropriate that the standards are applied only in FR and RE.

3. Location: Lot Lines. No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than twenty (20) feet to any rear lot line.

I recommend that the Planning Commission determine whether or not the 10' separation requirement is appropriate and whether or not there should be a minimum separation between accessory structures.

4. Contractor's Limited Storage in the FR and RE. See Section 22.05.S.

C. R-1 and R-2 Districts Accessory Buildings and Structures.

1. Number. On all R-1 and R-2 zoned lots, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted.

I recommend that the Planning Commission determine whether or not there may be situations where more than one accessory structure may be appropriate (example: 1 greenhouse and 1 garage) or if lot area should be considered.

2. Location: Yards.

a. R-1 and R-2 Lots – Rear Yard. Detached accessory buildings and structures in the R-1 and R-2 districts shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.

b. Permitted Locations of Detached Accessory Buildings and Structures in R-1 and R-2 Districts. In the R-1 and R-2 districts, the following shall apply:

i. Attached Accessory in Front or Side Yard. If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.C.4.

ii. Attached Accessory Not in Front or Side Yard. If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.C.4.

iii. Detached Accessory Not Between Principal Building and Street.

A detached accessory building or structure shall not be located between the principal building and an adjacent road, except as provided in 21.02.C.4. On corner lots, the detached accessory may be closer to the side street than the principal building, but shall comply with the required front yard setback along that side street.

I recommend that the Planning Commission discuss what they believe the highlighted text is intended to accomplish and determine whether or not they should be modified (primarily for clarity).

3. Location: Lot Lines. No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.

I recommend that the Planning Commission determine whether or not the 10' separation requirement is appropriate and whether or not there should be a minimum separation between accessory structures.

4. Location on R-1 and R-2 Lakefront Lots. On lots that front on bodies of water that are lakes as defined in this Ordinance and that are located in the R-1 and R-2 districts, detached accessory buildings and structures shall be located in the front or side yard, and shall not obstruct views to the water from adjacent dwellings. Further, the application must demonstrate compliance with 21.02.C.6 herein. In applying rear yard requirements in these districts, the rear yard shall be the lake side of the Lot and shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.

5. Building Size Limitations. In the R-1 and R-2 districts, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G. Where a detached accessory building is permitted in the front yard (Section 21.02.C.4), such detached accessory building also may not occupy more than forty (40) percent of any non-required front yard provided that in no case shall it exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G.

The language in this section definitely needs some work. The way I read it, it can arguably be interpreted in two ways: 1) an attached accessory structure that is not a private garage may not exceed 50% of the dwelling floor area 2) any attached accessory structure may not exceed 50% of the dwelling floor area. This interpretation issue can be problematic. The other aspect that the Planning Commission should discuss is the appropriate maximum floor area of detached accessory structures and whether or not Section 21.02.G is the best mechanism to use for proposed increases in floor area.

6. Design Standards. Accessory structures in R-1 and R-2 districts shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

The Planning Commission should discuss whether or not the design standards should be expanded and/or clarified. It should also be clarified whether “surrounding buildings and topography” should apply to those structures on the subject property or also to those on adjacent/nearby properties. I would recommend rewording the exterior finish standards to exclude the word “pole barn” as there are now many different residential-style siding options (the majority of approved applications received in recent years for modification of requirements under Section 21.02.G have been for pole barns with metal siding painted to match principal structures).

D. LK-1 District Accessory Buildings and Structures.

1. Number. On all LK-1 zoned lots, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted.

I recommend that the Planning Commission discuss and determine whether or not there may be situations where multiple detached accessory structures may be permitted either administratively or by special process. The majority of requests I have received for multiple detach accessory structures in LK-1 are from residents/property owners on Runyan Lake and Lake Tyrone, primarily on long, narrow lots (several lots, mostly on Lake Tyrone currently have multiple structures which are considered as existing nonconformities). The potential justification for considering allowing additional accessory structures in LK-1 is to prevent excessive outdoor storage of recreational apparatus and watercraft on lakefront properties, which are generally more densely developed and populated than non-lakefront properties. The majority of outdoor storage complaints we receive are regarding lakefront properties, likely due to higher visibility from neighbors/passersby as a result of lakefront development patterns.

2. Location: Yards.

a. LK-1 Lots – Rear Yard. Detached accessory buildings and structures in the LK-1 district shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.

b. Permitted Locations of Detached Accessory Buildings and Structures in the LK-1 District. In the LK-1 district, the following shall apply:

i. Attached Accessory in Front or Side Yard. If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.D.4.

ii. Attached Accessory Not in Front or Side Yard. If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.D.4.

iii. Detached Accessory Not Between Principal Building and Street.

A detached accessory building or structure shall not be located between the principal building and an adjacent road, except as provided in 21.02.D.4. On corner lots, the detached accessory

may be closer to the side street than the principal building, but shall comply with the required front yard setback along that side street.

I recommend that the Planning Commission discuss what they believe the highlighted text is intended to accomplish and determine whether or not they should be modified (primarily for clarity).

3. Location: Lot Lines. No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.

I recommend that the Planning Commission determine whether or not the 10' separation requirement is appropriate and whether or not there should be a minimum separation between accessory structures.

4. Location on LK-1 Lakefront Lots. On lots that front on bodies of water that are lakes as defined in this Ordinance and that are located in the LK-1 District, detached accessory buildings and structures shall be located in the front or side yard, and shall not obstruct views to the water from adjacent dwellings. Further, the application must demonstrate compliance with 21.02.D.6 herein. In applying rear yard requirements in this district, the rear yard shall be the lake side of the Lot and shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.

5. Building Size Limitations. In the LK-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G. Where a detached accessory building is permitted in the front yard (Section 21.02.D.4), such detached accessory building also may not occupy more than forty (40) percent of any non-required front yard provided that in no case shall it exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G.

See R-1/R-2 building size limitation comments.

6. Design Standards. Accessory structures in the LK-1 district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

See R-1/R-2 design standards comments.

E. RM-1 District Accessory Buildings and Structures.

1. Location: Yards. Detached accessory buildings and structures in the RM-1 district shall be in the rear yard, except as modified in other sections of this

ordinance and more specifically provided herein.

2. Location: Lot Lines. No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.

See R-1/R-2 building location comments.

3. Building Size Limitations. In the RM-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet.

See R-1/R-2 building size limitations comments.

4. Design Standards. Accessory structures in the RM-1 district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

See R-1/R-2 design standards comments.

F. MHP District Accessory Buildings and Structures.

1. Accessory Buildings and Structures. The location, height, and number of accessory buildings and structures shall be governed by the regulations in Article 10, MHP Manufactured Home Park District of this Ordinance.

2. U.S. 23 and Other Road Frontage Setback. Parcels in the MHP, Manufactured Home Park District are exempt from the 150 foot minimum setback requirement otherwise applicable to parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road.

There are currently no RM-1 zoned properties at the aforementioned locations, however, it is possible this may change. The Planning Commission should discuss whether or not they believe the minimum setback to be appropriate for RM-1 uses.

3. Design Standards. Accessory structures in the MHP district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

See R-1/R-2 design standards comments.

G. Modification of Requirements.

1. The Planning Commission may approve the following modifications for detached accessory structures or buildings located in the R-1, R-2, or LK-1 districts:

a. An increase of up to 2 feet in the height of a detached accessory building.

b. An increase in the permitted building floor area up to a maximum of 1,200 square feet, subject to compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulations.

2. In order for the Commission to approve the above modifications, the following conditions must be met:

a. Site plan approval shall be required, in accordance with the conditions and procedures established for approval in Article 23 of this Ordinance. The Planning Commission shall hold a public hearing. Notice of the public hearing shall be given in accordance with Section 22.03, Public Hearings and Notices.

b. The site plan application shall include the information specified in Section 23.02 of this Ordinance, subsections A, B, C, D, E, G, H, I, J, K, and M, or as determined sufficient by the Planning Commission.

c. The Commission must find that the location and character of the proposed accessory building or structure will not have an adverse impact upon any of the existing dwelling units on adjacent lots, considering the following:

i. The potential for the generation of nuisance such as traffic, parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than which is usually compatible with the permitted uses in the district.

ii. The orientation of vehicular doors and circulation associated with the building.

iii. Drainage of the area.

iv. The impact on the view from nearby residential lots considering the degree of openness, topography, and vegetation.

v. Compatibility of accessory structure appearance with any residential principal and accessory buildings on nearby lots.

Compatibility shall be determined in the sole discretion of the Planning Commission, and shall consider factors such as but not limited to, height and size of the structure, façade materials, roof pitch, and similar considerations.

As you may know, applications for increase in permitted accessory structure floor area in LK-1 and R-1 are probably the most common applications the Planning Commission reviews. I recommend that the Planning Commission reviews the requirements to determine whether or not the current review and approval process can be improved. I am personally conflicted on how I feel about the process. Obviously, if the Planning Commission determines that the absolute maximum floor area for detached accessory structures in specific zoning districts should remain at 1,200 (with no means for further increasing the size), this section could be deleted. If the Planning Commission determines that an additional review process should still be required to increase from 800 square feet to 1,200 square feet, I recommend reviewing the requirements to determine whether or not the process can be improved or should be done through the Planning & Zoning Department or the ZBA instead of the Planning Commission. I also recommend discussing whether or not the current public hearing requirement is

appropriate (The Planning Commission currently accepts all public questions and comments however, as long as the applicants meet the criteria, the Planning Commission has the ultimate authority to approve).

H. Detached Accessory structures located on Adjacent Lots. In limited instances an accessory structure, for the purposes of this section defined as outbuildings, may be placed on property on which there exists no structure intended for a permitted principal use, subject to the following:

1. Intent. Tyrone Township recognizes there are limited instances where a residential parcel is not large enough to accommodate a residential structure and a detached accessory structure. In these circumstances, it may be appropriate to permit a structure typically considered accessory, such as a garage, as the sole structure on a property. The Township also recognizes this situation has the potential to invite property neglect, maintenance concerns, theft due to non-occupation, change in neighborhood character, and other negative effects. This section is intended to permit outbuildings as defined herein, while simultaneously introducing safeguards to ensure proper maintenance and continuation of neighborhood character.

2. Definitions.

a. Adjacent Lots. Properties on which all the following are true:

- i. Two parcels or lots owned and utilized by the same individual or entity;
- ii. Separated by a public right-of-way, private road easement, shared driveway, or any other kind of roadway that serves multiple lots;
- iii. Nearest lot lines overlap by at least 50% for each parcel or lot (see Figure X);
- iv. Parcel boundaries are not separated by more than 66 feet at their closest point.

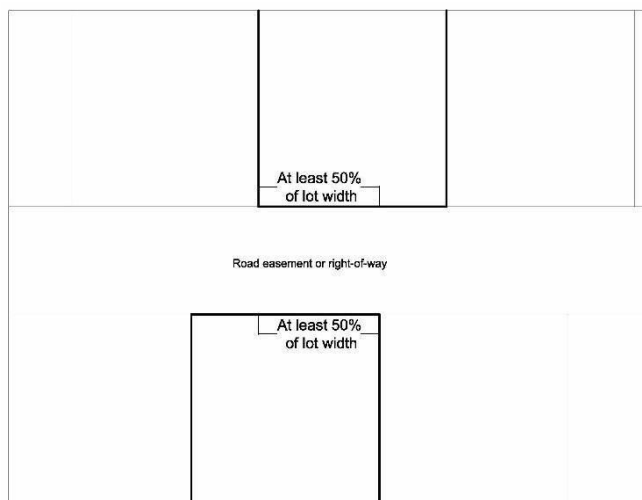


Figure X: Lot Overlap

utbuilding. The typically-accessory structure placed on a vacant parcel

or lot. Said structure is subservient to a principal structure on an adjacent lot.

TYPO: Should be changed from “utbuilding” to “b. outbuilding” or “Accessory Building”.

3. Applicability. The ability to place an outbuilding on an adjacent lot is limited to properties in the RE, R-1, R-2, and LK-1 Zoning Districts, in instances where it is demonstrated a conforming detached accessory structure cannot feasibly be constructed on a parcel with a residence due to setback or lot coverage limitations. For the purposes of this section, a structure shall be considered attached if a legally permitted roof, or portion thereof, is shared with the primary structure. One (1) of the properties must have frontage on a lake. No outbuilding shall be permitted on a parcel or lot with lake frontage. Only one outbuilding is permitted per permitted residential structure.

4. Special Land Use Approval Required. Outbuildings may only be permitted subject to special land use approval by the Township Board, subject to the standards and procedures of Article 22 of this ordinance.

5. Special Land Use Standards for Outbuildings.

a. Deed Restrictions. In considering approval of an outbuilding, the applicant must submit proof of recorded deed restrictions tying the sale, use, and occupation of both adjacent lots together. Tyrone Township shall be a named signatory for the dissolution of the deed restrictions so that in the event the owner wishes to sell the properties independently of one another, the Township can verify the outbuilding has been removed or can be used for a permitted principal use.

b. Agency and Association Approval. The applicant shall submit proof of approval, as applicable, from the agency with jurisdiction over the following:

- i. Roadway - Livingston County Road Commission, the governing neighborhood association, or similar;
- ii. Drainage – Livingston County Drain Commission;
- iii. Neighborhood Association Rules and Bylaws - Neighborhood association.

c. Setbacks. Placement of outbuildings is subject to the required setbacks for principal structures in the zoning district. Such placement is intended to provide separation from adjacent properties and allow for future conversion of the structure into a habitable primary structure.

d. Landscape Requirements. A landscape plan must be provided. The front yard of any property used for an outbuilding must be landscaped in a manner characteristic of residential structures in the neighborhood.

e. Architectural Guidelines. The proposed outbuilding shall be designed to reasonably mimic the design characteristics of the residential structures of the neighborhood, including building materials, roof pitches, architectural flourishes, front door placement, windows, colors, and other unique characteristics, as determined by the Planning Commission. Exterior lighting characteristic of residential structures

must be provided and should be oriented to minimize light intrusion on adjacent properties.

f. Outbuilding Size. The building footprint of any outbuilding shall comply with the following standards intended to encourage sizes characteristic of single-family residential structures:

One Story 1,200 sq. ft.

One and one-half Story 850 sq. ft. – 1,200 sq. ft.

Two Story 900 sq. ft. – 1,200 sq. ft.

6. Ongoing Property Maintenance. Outbuildings on adjacent lots shall be maintained in a manner characteristic of the residential properties in the neighborhood. Violations may result in civil infractions or revocation of the special land use and the forced removal of the outbuilding. Ongoing maintenance includes, but is not limited to:

- a. Regularly mowed turf, if applicable;
- b. Vegetation remains viable and orderly;
- c. The structure remains in good repair;
- d. External storage of any equipment, vehicles, or materials for a duration exceeding 24 hours is prohibited;
- e. Regular maintenance of neighborhood-appropriate landscaping.

7. Transfer or Sale. The terms of the special land use approval remain valid in the event of a sale or transfer of the adjacent lots. New owners are required to comply with the plans and conditions of record for the approved special land use.

8. Occupancy. An accessory building permitted under this section may not be used as permanent or temporary living quarters unless expressly authorized by Tyrone Township.

This Section is fairly new and has only been utilized once. There are very few properties that I am aware of which would be eligible for this specific special land use. My only recommendation would be to replace the word “outbuilding” with “accessory structure” for the purpose of consistency with the rest of the Zoning Ordinance. There is no definition for “outbuilding” in Article 2, however, it is defined in this section under 21.02.H.2.b.

Accessory Structure Standards Prior to October 2013 Amendments

SECTION 21.02 ACCESSORY STRUCTURES PROVISIONS

Accessory structures, (see definition section) except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Structurally Attached to Main Building. Where the accessory structure is attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.
- B. Number and Yard Locations. In all single family residential districts (R1, R2, and LK1), and for FR and RE zoned lots

two (2) acres in area or less, only one attached garage or accessory structure and one detached garage or accessory structure shall be permitted. If the attached accessory structure is located in the front or side yard, then the detached accessory structure shall be located in the rear yard only. If the attached accessory structure is not located in a front or side yard, then the detached accessory structure shall be permitted only in the side or rear yard. A detached accessory structure shall not be located between the principal structure and an adjacent road. (Except as provided in G. below.) In the FR and RE Districts, on parcels of more than two (2) acres the accessory building may be located in the side or rear yard.

C. Location: Lot Lines. No detached accessory structure shall be located closer than ten (10) feet to any main building nor shall it be located closer than ten (10) feet to any rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement or road right-of-way.

D. Waterfront. On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners, are permitted as accessory uses to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the edge of the water.

E. Height: Detached Accessory Structures. No detached accessory structure shall exceed the maximum heights listed in Section 20.01, Table of Schedule of Regulations, for the respective districts.

F. Structures Constructed Prior to Principal Structures. Construction of an accessory structure is permitted only in conjunction with construction of a principal structure. If the principal structure is not constructed within one (1) year, the accessory structure shall be deemed a temporary structure and shall be removed.

G. Front Yard Accessory Structures. Accessory structures may be allowed in front yards in FR and RE Districts only on parcels of twenty (20) or more acres in area with at least four hundred sixty six (66) feet of road frontage. Accessory buildings shall be at least two hundred fifty (250) feet from the primary structure and one hundred fifty (150) feet set back from the road right-of-way. Additionally, a shelter designed to protect children from inclement weather may be erected in a front yard area during the school year when school buses are in operation; such shelter shall be removed during the summer months when school buses are not in operation. All such permitted front yard accessory structures shall not be directly in front of the primary structure but to the side of the primary structure.

H. Design Standards. Accessory buildings in RI, R2, LK1, PUO, MHP and RM1 districts shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

[END]

I look forward to discussing the potential amendments with you all. Please don't hesitate to contact me if you have any questions.

Respectfully submitted,

Ross Nicholson

Planning & Zoning Administrator