

ARTICLE 22

ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

22.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district or districts in conjunction with agricultural production.

1. In all zoning districts where single family dwellings or two family dwellings are allowed, on each lot of record there shall be no more than one principal structure, and one accessory building, one garage (attached or detached) and 5 accessory structures (see definition) per dwelling unit; subject to the following exceptions:
 - A. More than one accessory building/structure per parcel shall be allowed in the AG Agricultural Districts in conjunction with agricultural production.
 - B. Two accessory buildings/structures per parcel shall be allowed in the RR Rural Residential District (accessory to an existing dwelling).
2. In all the Residential Districts no accessory building or garage shall be constructed without a dwelling or other allowed principal structure being in existence, or being under simultaneous construction pursuant to a valid building permit.
3. A private garage, whether attached or detached, shall provide off-street parking space for not more than three passenger vehicles or light trucks per dwelling unit.
4. Accessory buildings shall be located only in the rear yard, except in the following circumstances:
 - A. In the AG Agricultural Districts permissible accessory buildings may be located in the front yard and/or side yards and/or rear yard, subject to compliance with all applicable setback requirements.
 - B. In the RR Rural Residential District, a permissible accessory building may be located in the front yard if the Zoning Administrator determines all of the following circumstances apply:
 - 1) The lot is a conforming lot with a lot area of at least three acres.
 - 2) The accessory building is set back from the front lot line a distance equal to at least twice the generally applicable minimum front yard setback requirement, and complies with all other applicable setback requirements.
 - 3) The accessory building is not located directly in front of the principal building, as viewed from the street, if the

principal building is visible from the street during any season of the year.

Note: the following subsection C. pertaining to the R-1 District may also apply to a nonconforming lot (with less than three acres of lot area) in the RR Rural Residential District (except subsection (1) is not applicable).

- C. In the R-1 Medium Density Residential District, a permissible accessory building may be located in the front yard if the Planning Commission determines pursuant to the special land use permit approval procedure specified in Section 23.2 of this Ordinance that all of the following standards have been met:
 - 1) The lot is a conforming lot with a lot area of at least three acres.
 - 2) The accessory building is set back from the front lot line a distance equal to at least twice the generally applicable minimum front yard setback requirement, and complies with all other applicable setback requirements.
 - 3) The accessory building is not located directly in front of the principal building, as viewed from the street, if the principal building is visible from the street during any season of the year.
 - 4) The standards and requirements applicable to all special land uses specified in Section 23.3 of this Ordinance.
- D. In any zoning district a permissible attached or detached private garage may be located in the side yard, if it complies with the setback requirements applicable to the principal structure.
- E. On a lake lot in any zoning district a permissible attached or detached private garage may be located in the front yard (street side).
- F. On a lake lot in any zoning district a permissible accessory building in the rear yard (lake side) is subject to the size and height requirements set forth in footnotes 10 and 11 of Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- 5. Accessory structures other than buildings shall be located only in the rear yard, except in the following circumstances:
 - A. In any zoning district, accessory structures may be located in the side yard if they comply with the setback requirements applicable to the principal structure (and see subsections B-E below for special rules pertaining to walls and fences).
 - B. Retaining walls are allowed in the front, side and rear yards in all districts; provided no part of such wall shall be located within any street right-of-

way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.

- C. Non-retaining walls and privacy-type fencing and other substantially solid fences (more than 50% solid) not exceeding 6 feet in height are allowed in all districts, in the following locations:

- 1) In the rear yard, without any required setback from the rear lot line; provided that on a waterfront lot such fencing shall comply with the 50' waterfront setback requirement pursuant to Section 5.4.3.
- 2) In the side yards, without any required setback from the side lot lines.
- 3) In the front yard; provided no part of such fencing shall be located within any required minimum front yard accessory structure setback area.

- D. Split-rail fencing and other similar open-style fences (not more than 50% solid) not exceeding six feet in height are allowed in all districts in the same locations as privacy-type fencing pursuant to subsection C above (except the waterfront setback requirement shall not apply to such open-style fences); and are also allowed in the front yard, without any required setback from the front lot line, with a height not exceeding four feet and provided no part of such fencing is located within any street right-of-way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.

- E. Wire protective fencing without height limitation is allowed in the front, side and rear yards in all districts; provided no part of such fencing shall be located within any street right-of-way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.

6. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Article 20 of this Ordinance. However, notwithstanding the requirements specified in Article 20, in all zoning districts the size of a garage attached to a dwelling shall be no greater than 1,050 square feet, or the ground floor area of the dwelling, whichever is less.
7. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
8. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
9. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated.

10. All accessory buildings/structures, and accessory uses, shall be aesthetically compatible with the principal structure and use with which it is associated.
11. Accessory buildings/structures shall not include provisions for or be used for lodging or sleeping of human beings.
12. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:
 - A. For a single use dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
 - B. For any principal use other than a single unit dwelling, 10% of the gross floor area.
13. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which it is located.

22.2 KEEPING OF CHICKENS AND DUCKS AS AN ACCESSORY USE: The purpose of this section is to provide standards and requirements for the keeping of chickens or ducks. Roosters are not permitted. It is intended to enable residents to keep up to six chickens or ducks on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six chickens or ducks that are utilized exclusively by the person(s) occupying a one-family dwelling within the R-1 and R-2 zoning districts as a locally grown food source for the consumption of eggs or meat is permitted as accessory to the residential use if all of the following are satisfied:

1. Chickens or ducks shall be kept within the coop and attached pen during non-daylight hours. During daylight hours, chickens or ducks may be allowed to roam outside of the coop and pen only within an area completely enclosed by a fence with a minimum height of four feet.
2. The accessory use coop and pen shall be designed to provide safe and healthy living conditions for chickens and ducks while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
 - A. The coop and pen shall be located in the rear yard and shall be setback a minimum of ten feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a waterway lot shall have a 50-foot waterway setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.
 - B. The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.

- C. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
 - D. A coop permanently attached to the ground shall be considered an accessory building.
 - E. A coop and pen not exceeding 80 square feet shall not be considered an accessory building.
3. All feed and other items associated with the keeping of chickens and ducks that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
 4. The accessory use shall comply with all provisions of the Township of Schoolcraft Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
 5. No person shall keep chickens or ducks without first securing a permit from the township on a form provided and without paying a permit fee as prescribed by the Schoolcraft Township board by resolution. The permit shall be issued by the zoning administrator. Such permit may be revoked by the zoning administrator if it is determined that any provision of this section is violated.
 6. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
 7. This section shall not regulate the keeping of chickens or ducks in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.
 8. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
 9. No permit shall be issued by the zoning administrator without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.