

## CHAPTER 10

### Accessory Uses and Structures

(Adopted Ordinance 2022-23; 10/03/22)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-10-1	General Requirements		
16-10-2	Home Occupations		
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#### SEC. 16-10-1 GENERAL REQUIREMENTS

- (a) Any accessory use (“accessory use”) or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- (b) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except as provided in agricultural districts.
- (c) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (d) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- (e) No accessory use or structure shall be permitted without a principal use on a property except as specifically otherwise provided or approved by the Plan Commission or as part of an allowed use in an agricultural district.
- (f) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a Building Permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a Building Permit.

## SEC. 16-10-2 HOME OCCUPATIONS

- (a) Home Occupations are permitted Accessory Uses in any residential district, not requiring a building permit, subject to the provisions of this Section.
- (b) Regulations Applicable to Home Occupations:
  - (1) The primary use of the structure shall be as a dwelling unit.
  - (2) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises.
  - (3) No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
  - (4) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
  - (5) There shall be no outside operations, storage, or display of materials or products.
  - (6) Total storage of materials or products used in the business shall not exceed 128 cubic feet in volume.
  - (7) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation.
  - (8) No process shall be used which is hazardous to public health, safety, morals, or welfare.
  - (9) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two business visitors per hour, not to exceed a total of eight visitors per day, and not more than two deliveries of product or material per week.
  - (10) The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.
  - (11) No advertisement shall be placed in any media containing the address of the property.
  - (12) No activity related to a home occupation shall be conducted in any detached structure or in any attached garage. On-site tune-up, servicing, repair, salvage, wrecking, or painting services for non-property owner automobiles, trucks, boats, trailers, snowmobiles, recreational vehicles, or other motorized vehicles shall be prohibited as a home occupation.

## SEC. 16-10-3 ACCESSORY USES AND STRUCTURES

- (a) **RESIDENTIAL (“R” DISTRICT) ACCESSORY STRUCTURES:** Accessory buildings such as detached garages, gazebos, garden or utility sheds shall be subject to the following regulations:
  - (1) **Size:**
    - a. Parcels Less Than 5 Acres. The area of an accessory structure shall not exceed 1,500 square feet.
    - b. Parcels 5 Acres or Greater. The area of an accessory structure shall not exceed 3% of the acreage of the parcel.

- (2) **Aggregate Total Footprint Area for All Accessory Buildings.** The following is the maximum square footage allowed for all accessory buildings for a stated lot size, exclusive of road right-of-way:
- < 10,000 square-foot lot = 1,050 square feet
  - ≥ 10,000 square-foot to 20,000 square-foot lot = 1,500 square feet
  - ≥ 20,000 square-foot to < 1 acre lot = 2,000 square feet
  - 1 acre to < 2-acre lot = 4,000 square feet
  - 2 acres to < 3-acre lot = 5,000 square feet
  - 3 acres to < 4-acre lot = 6,000 square feet
  - 4 acres to < 5-acre lot = 7,500 square feet
  - 5 acres to < 10-acre lot = 4% of lot area
  - ≥ 10-acre = 5% of lot area
- (3) **Height.**
- a. **Parcels Less Than 5 Acres.** Buildings shall not exceed 17 feet in height.
  - b. **Parcels 5 Acres or Greater.** Buildings shall not exceed in height twice the distance from the nearest lot line
- (4) **Location:** Detached structures are permitted in the rear and side yards only and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line. Structures greater than 1,500 square feet shall not be closer than ten (10) to a side or rear lot line. When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater.
- (5) **Patios** constructed at or below yard grade, may be installed in the rear or side yard adjacent to the principal structure without the issuance of a building permit; and shall not be located closer than five (5) feet to a lot line.
- (6) **Decks** located adjacent to or attached to a principal structure shall not be closer to the lot line than the required side setback and rear setback for principal structures for the district in which they are located. Freestanding decks surrounding private swimming pools shall be located at least ten (10) feet from the principal structure and shall be located at least five (5) feet from a side or rear lot line. All decks shall require the issuance of a building permit.
- (7) **Residential Air Conditioning Condensers / Power Generators** may be located adjacent to a residence in the rear yard and side yard, provided that all condensers and generators shall be located at least five (5) feet from a side or rear lot line. Residential air conditioning condensers and power generators shall not be located in the street yard.
- (8) **Private Swimming Pools** are permitted as accessory uses in the rear yard in any district; except the C-1 Resource Conservation District; however, the swimming pool shall be located at least eight (8) feet from the principal structure, be located at least three (3) feet from any side or rear lot line, and be installed in accordance with the City building, plumbing, and electrical codes, including the issuance of all required permits.

- (9) **Private Tennis Courts / Basketball Courts** are permitted as accessory uses in the rear yard in any district, except the C-1 Resource Conservation District. A Building Permit is required for all tennis/basketball courts and:
  - a. All tennis courts shall be surrounded by a fence not less than ten (10) feet in height.
  - b. No lighting installed around a tennis court or basketball court shall project onto adjacent properties; and
  - c. No private tennis court or basketball court shall be located closer than five (5) feet to a lot line.
- (10) **Residential Ground Solar Power Arrays.** Solar power arrays shall be located in the side or rear yard in all residential districts; located a minimum of ten (10) feet from the principal structure and; five (5) feet from a side or rear lot line. Solar power arrays are prohibited in the street yard.
- (b) **AGRICULTURAL DISTRICT ACCESSORY STRUCTURES:**
  - (1) **Height:** Shall not exceed in height twice their distance from the nearest lot line.
  - (2) **Area:** The aggregate total floor area shall not exceed three (3) percent of the total lot area, except that on agriculturally zoned parcels, ten (10) acres or more in area, the accessory building areas may be greater than the three (3) percent limit when used solely for the pursuit of agriculture; in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the Planning Commission as part of a Building, Site, and Operation Plan review, and where said buildings are used solely accessory to the principal use on said lot.
  - (3) **Agricultural Zoned Parcels – Size, Location, and Setbacks:** Parcels 3 acres or less zoned Agricultural shall conform to Section 16-10-3(a): Residential Accessory Structures.
- (c) **SHORELAND DISTRICT:** Within the shoreland wetland overlay district, accessory uses and detached accessory structures are permitted in the street yard portion of waterfront lots provided that such uses or structures shall not be closer than twenty-five (25) feet to the street right-of-way.
- (d) **FENCES:** Per the requirements found in Title 15 Chapter 5 of the Village of Caledonia ordinances
- (e) **FLAGPOLES:** are permitted as accessory uses in all yards of any zoning district.
- (f) **MUNICIPALLY-OWNED EMERGENCY SIRENS:** are permitted as accessory structures in all yards on any property in any zoning district with or without an existing principal structure or use.

**SEC. 16-10-4 VARIOUS PERFORMANCE STANDARDS**

- (a) **Water Quality Protection:** No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.

- (b) **Noise:** At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation (other than the operation of motor vehicles or other mobile equipment) exceed 62 dBA, respectively, during normal operations.
- (c) **Exterior Lighting:** Any lighting source on a lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:
  - (1) The maximum allowable light trespass shall be 0.5 horizontal footcandles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, industrial, institutional or public use. The measurement shall not include any ambient natural light.
  - (2) Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and at a point five (5) feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity so as to cause discomfort or annoyance
- (d) **Maintenance:** Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in good repair and appearance at all times.
- (e) **Odors:** No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line.

**SEC. 16-10-5 OTHER TEMPORARY AND ACCESSORY USE RESTRICTIONS**

- (a) Temporary uses may be permitted by the Zoning Administrator for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Village Plan Commission after review of site and operation plans. Special requirements may be imposed for parking, sanitary facilities, lighting, and hours of operation. Temporary uses permitted under this section may be allowed one (1) temporary sign not to exceed 32 square feet in area on one side and 64 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within ten (10) days following the temporary activity.
  - (1) Christmas tree sales may be permitted in the commercial and manufacturing districts, but not exceed 42 days.
  - (2) Farmers markets may be permitted in all commercial and manufacturing districts.
- (b) Regulation on Rummage/Garage Sales
  - (1) Definitions.
    - a. Rummage/Garage Sale. Rummage/Garage Sale shall mean any sale of personal property, which is not exempted as per 7-16-1 (d), conducted on any residentially zoned property within the Town, irrespective of what the sale is designated as by the seller.
    - b. Personal Property. Personal Property shall mean and include any property, other than real estate, which is acquired in the course of living in or maintaining a dwelling unit.

- c. Residentially Zoned Property. Residentially zoned property shall mean any property zoned as R-1, R-2, R-3, R-4, RD-1, or RM-1.
- (2) Application. The purpose of this ordinance is to restrict the frequency of rummage/garage sales at a residential property. This ordinance does not affect or impact the applicability of health ordinances, nuisance ordinances, zoning ordinances, business and licensing ordinances or any other ordinance of the Town.
- (3) Restrictions.
  - a. It shall be unlawful for any person or party to sell other than personal property at a Rummage/Garage Sale.
  - b. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale on more than nine (9) calendar days, whether or not consecutive, within any calendar year.
  - c. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale during the hours of 8:00 p.m. to 8:00 a.m. on any day.
- (4) Exceptions.
  - a. Farm produce. The sale of farm produce on property zoned R-1 shall not constitute Rummage/Garage Sale and shall not be regulated by Section 7—16-1
  - b. Juvenile Beverage Stands. The sale of beverages and/or snacks by a juvenile shall not constitute a Rummage/Garage Sale and shall not be regulated by Section 7-16-1.
  - c. Single Article Sales. The offering for sale of not more than one article of personal property, such as the sale of a single car, boat, snowmobile, bicycle, snow blower, etc., shall not be regulated by Section 7-16-1.
  - d. Licensed Sales. Any sale which is otherwise licensed by the Town of Caledonia shall not be regulated by Section 7-16-1.
- (5) Penalties. Penalties and restrictions as per Sec. 1-1-6 "General Penalty" shall apply to violations of this Section.
- (c) “Portable Storage Structure” is any container, storage unit, shed-like container or portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.
  - (1) The use of portable storage structures is allowed under the following conditions.
    - a. There must be no more than one (1) portable structure per property.
    - b. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
    - c. A portable storage structure must not remain on the property in any zoning district in excess of thirty (30) consecutive days in any calendar year.
    - d. Portable structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and must be removed from the site within fourteen (14) days of the end of the construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.
- (d) Ponds, impoundments and similar bodies are permitted in all zoning districts provided that:

- (1) To the maximum extent possible, all excavated material shall remain on site and shall be integrated into the restoration of the pond area.
  - (2) Detailed plans (site plan, cross section, depth, area, location and disposition of spoils, timing) of the proposed pond excavation and restoration shall be submitted to the planning and development department for review and approval.
  - (3) A permit is required for such pond construction prior to any excavation.
  - (4) Except as discussed below, these provisions apply to all ponds, including, but not limited to, those utilized for the following purposes: drainage, recreation, aesthetics, sediment control, fish management. Stormwater ponds done by drainage districts according to district plans, ponds which have been previously reviewed and approved as part of an erosion control plan and existing ponds are exempt from such provisions.
  - (5) Borrow pits for public facility construction, such as for public roads, are subject to review and approval by the planning and development department.
  - (6) Ponds to be constructed in the shoreland or floodplain areas remain subject to the shoreland, wetland and/or floodplain provisions of this chapter which may limit such construction and will require a shoreland conditional use permit.
  - (7) Ponds should be constructed in conformance with the standards of the soil conservation service.
  - (8) If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-4 quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.
- (e) Because it is difficult to enumerate all temporary uses that may occur in the City, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.