

**MUSSEY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN
ORDINANCE # 29B**

**AN ORDINANCE TO AMEND THE TEXT OF THE MUSSEY TOWNSHIP
ZONING ORDINANCE TO PROVIDE REVISED REGULATIONS FOR
ACCESSORY BUILDINGS**

MUSSEY TOWNSHIP ORDAINS:

ARTICLE 1:

ARTICLE 12 – GENERAL PROVISIONS, Section 1203, Accessory Buildings, is hereby amended to read as follows:

Section 1203 Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Zoning Compliance Permit Required in All Cases. A zoning compliance permit shall be obtained from the Zoning Administrator prior to the erection or placement of any accessory building regardless of whether or not a building permit is required under the building code. This requirement shall apply to all accessory buildings without regard to size or intended use.
- B. Attached Accessory Buildings. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to the main building.
- C. Use of Accessory Buildings. Accessory buildings in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
- D. Location on Same Lot As Principal Structure. All accessory buildings must be located on the same lot as the principal structure to which it is necessary.
- E. Prohibition on Front Yard Location, Exception. Accessory buildings that are accessory to any residential building or use shall not be located in any required or non-required front yard, except where the main building is set back at least 300 feet from the edge of the planned right-of-way. In such case, the Planning Commission may approve the location of an accessory building within a non-required front yard, provided the Planning

Commission finds that the proposed exterior building materials are of the same quality and type as the main building, or are of equal quality and of an aesthetically complementary type.

- F. Permitted Side Yard Location in AG District. Accessory buildings that are accessory to any residential building or use may be located in a side yard when located on a lot or parcel within an AG-Agricultural District, provided that no accessory buildings shall be located less than fifteen (15) feet from a side lot line, nor occupy more than twenty-five (25%) percent of any side yard.
- G. Maximum Number of Sheds. For the purpose of this Section, a detached accessory building (with or without a permanent foundation) having a ground floor area of 200 square feet or less shall be considered to be a shed. The maximum number of such sheds permitted on a lot or parcel of less than five (5) acres shall not exceed two (2), and when located on a lot or parcel of five (5) acres or more, shall not exceed three (3).
- H. ~~Limitation with Respect to Dwelling Size: No single detached accessory building shall exceed the floor area of the dwelling (see definition of floor area).~~ rescinded April 2, 2015.
- I. Maximum Height When Accessory to Residential Use. The side walls of a building that is accessory to any residential building or use shall not exceed sixteen (16') feet in height.
- J. Maximum Coverage When In A Rear Yard. Detached accessory buildings (singly or in combination) shall not occupy more than twenty-five (25%) percent of a required rear yard, plus 40 percent of any non-required rear yard.
- K. Distance From Other Structures. Detached accessory buildings shall be located a minimum of ten (10') feet from all other structures.
- L. Distance From Side and Rear Lot Lines. No detached accessory building shall be located closer than:
 - 1) Five (5) feet to any side or rear lot line when located in an R-1 or RM District.
 - 2) Fifteen (15) feet to any side or rear lot line when located in an AG, SF, or RC District.
- M. Location In Dedicated Easement or Right-of-Way Prohibited. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- N. Maximum Height in Business Districts. The building walls of a detached accessory building in the B-1 and B-2 districts shall not exceed sixteen (16') feet in height.

- O. Location on Corner Lots. When a building accessory to a residential building is located on a corner lot, the side lot of which is substantially a continuation of a front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10') feet to a street right-of-way line.
- P. Erection Prohibited Prior to Principal Building, Exceptions. No accessory building shall be constructed prior to construction of the principal building on the same lot or parcel, except in accordance with one of the following:
- 1) For principal permitted uses that do not require structures, an accessory building may be constructed following Township approval of the principal use and issuance of required building permits.
 - 2) A building permit for a pole barn may be issued following the issuance of any other applicable permits and submittal of a complete application with supporting materials for the proposed principal structure.
 - 3) A temporary recreational vehicle or trailer may be permitted on a parcel in order to temporarily house the owner and secure tools and materials for the principal single-family dwelling under construction, subject to the standards for Section 1223.
- Q. Farm Buildings. All accessory farm buildings intended for legitimate agricultural and farm uses, as defined in the definition of "agriculture" and the definition of "farm" in Article 2 of this Ordinance, and for uses other than those customarily incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm building shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration of, or addition to, an existing barn or other farm buildings which are located closer to the road and which existed prior to the adoption of this Ordinance.
- R. Limits on Number and Size Not Applicable to Agricultural Buildings or Buildings Containing Approved Special Land Uses: Provisions of this section relating to limits on the number and size of accessory buildings are intended only to apply to accessory buildings which are accessory and customarily incidental to a residential use and shall not apply to accessory buildings used as an integral part of a bona fide farm, nor to accessory buildings containing a lawful non-residential permitted or special land use which has been approved by the Township.

ARTICLE 2 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 3 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance, are hereby repealed.

ARTICLE 4 EFFECTIVE DATE:

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

ARTICLE 5 ADOPTION:

Made and passed by the Board of Mussey Township, St. Clair County, Michigan, on this 11th day of March, 2015, A.D.

1. Date of Public Hearing: February 24, 2015
2. Date of Adoption by Township Board: March 11, ,2015
3. Date of Publication: March 25, 2015
4. Date and Time Ordinance Shall Take Effect: April 2, 2015; at 12 noon.