

**MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

**AN ORDINANCE TO AMEND CHAPTER 58 OF THE ZONING ORDINANCE
OF THE CHARTER TOWNSHIP OF MUSKEGON PERTAINING
TO REGULATIONS OF ACCESSORY BUILDINGS**

Ordinance No. 13-12

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. Purpose.

This amendment is intended provide for regulation of accessory buildings in residential zoning districts of Muskegon Charter Township.

Section 2. That Section ARTICLE I. Sec. 58-26. of the Zoning Ordinance of Muskegon Township titled Accessory buildings be amended to add as follows:

Accessory buildings may be erected in any residential zoning district only as an accessory to the existing residence (which includes being built simultaneously with the construction of the residence), except as otherwise permitted in this ordinance, and shall be limited to two (2) per parcel. Accessory buildings shall be subject to the following:

a) *Detached Accessory Buildings/location.* Detached accessory buildings shall be located in the rear yard (except as provided in subsection d. hereinafter). Detached buildings 120 square feet and smaller shall be not less than three (3) feet from rear and side property lines. All detached accessory buildings larger than 120 square feet (see Sec. 58-12(f)) shall not be located less than 10' to the rear and side lot lines for parcels with public sewer or 12' to the rear and side lot lines for parcels without public sewer.

b) *(Principal building required).* Accessory Buildings may not be constructed, or if constructed may not remain, on a parcel without a principal dwelling. The Zoning Administrator shall have the authority to grant a temporary exception to this prohibition, subject to reasonable conditions, if the Zoning Administrator finds that the temporary exception is consistent with the purposes of this Ordinance.

c) *Size and height of accessory buildings.* The permitted accessory building(s) shall be subject to a maximum aggregate size restriction as follows: 960 square feet in area for parcels under ½ acre, 1,200 square feet for parcels between ½ and 1 acre, 1,920 square feet for parcels larger than 1 acre. In the cases of parcels under ½ acre, at no time can the accessory structure(s) total square footage exceed seventy-five (75) percent of the main principal building footprint. The maximum height of an accessory building shall not be more than 2 stories or 35' from ground to top of roof, but in the case of parcels under ½ acre, the maximum height of an accessory building may never exceed the height of the main principal building.

d) If the accessory building is integrated into the permitted principal building, it shall not be considered an accessory building, but an attached garage, and shall therefore comply in all respects with the requirements of this ordinance that apply to the permitted principal building, including, but not limited to setback requirements, unless specifically stated to the contrary herein. The term integrated shall mean that the accessory building shares a common wall with the principal building, or is connected by an enclosed breezeway. An attached garage shall be no larger than the main principal building footprint.

e) Distance between buildings. The distance between a detached accessory building and the main principal building shall not be less than 6' (foundation to foundation). Accessory buildings shall be considered attached to the principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

f) Accessory buildings; waterfront. An accessory building may be constructed, erected and placed in the front yard of any waterfront lot if it is an accessory building and if it is approved by staff.

g) Permit required. No accessory building larger than 200 square feet shall be erected, constructed or installed prior to the issuance of a building permit.

Section 3. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 4. Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective ten (10) days after adoption.

Ann D. Oakes, Township Clerk

Introduced:

Adopted:

Published:

Effective: