

Sec. 46-653. - Accessory buildings.

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

- (1) The front yard (roadside) setback for any accessory building is (63) sixty-three feet from the roadway right of way, or (93) ninety-three feet from the center of the road whichever is greater. The total of all buildings and structures shall not exceed 25% lot coverage of the entire lot or parcel based on sky view, or the widest point of all structures not to include eaves troughs if any.
- (2) No detached accessory building is permitted in any residential district on a lot or parcel having less than (1) one acre in area unless there is a residential structure on the lot or parcel. However, the Zoning Administrator may grant permission to construct an accessory building on an adjoining or vacant lot or parcel; provided that the vacant parcel is adjacent to or directly across the street from a parcel with a residence owned by the applicant, if one of the following has taken place:
 - a. The properties will be combined for tax purposes by the Township Assessor; or
 - b. The property owner must prepare a recordable document, approved by the Township Attorney, to be filed with the County Register of Deeds that provides that the residential parcel and the vacant parcel will be sold together unless or until the second parcel has a residential structure or a building permit is in effect for a residential structure and construction is in process.
- (3) In LR and R-2 residential districts, no (detached) single accessory building may exceed 2400 sq. ft. in size.
- (4) No detached accessory building in the R-2, R-3, LR, MH or MH-1 residential zoning districts shall exceed 22 feet in height.
- (5) No accessory building in an AG and R-1 zoning districts shall exceed 35 feet in height except for silos and farm buildings constructed as agricultural building in which case GAAMPS height limitations, if any may apply.
- (6) Any accessory building planned to be sited in the front yards of waterfront properties require special exception use permits in accordance with section 46-348 or section 46-660(b). Such structures must have a minimum width of six feet and shall not exceed 120 sq ft. in ground floor area. Such accessory structure located in the front yard of a waterfront lot or parcel shall not cause a vision obstruction to any other lot or parcel owner in the area.
- (7) No detached accessory building shall be located closer than five (5) feet to any main building nor shall it be located closer than ten feet to any side or rear lot line. In those instances where the rear lot line is coterminous with any alley right-of-way, the accessory building shall not be closer than (10) ten feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- (8) When an accessory building is located on a corner lot, those sides having road frontage shall be considered as the front yard. The accessory building shall be placed such that it complies with two front yard setbacks.
- (9) All trailer coaches, motor homes, recreational vehicles or camping trailers parked or stored other than in established mobile home parks or licensed campgrounds shall not be occupied for more than 14 days per year. Tent camping on any lot with or without a permanent dwelling situated thereon shall not exceed 14 days per calendar year, except in licensed campgrounds or licensed children's camps. All trailers, trailer coaches, motor homes, recreational vehicles, or camping trailers must also comply with Section 22-2.
- (10) Where a trailer coach or mobile home is intended to be occupied as a temporary residence while construction of a permanent residential building is in process, or where an existing residence has been damaged or destroyed by fire, windstorm, or other such disaster, the Zoning Administrator may approve issuance of a temporary permit for the use of a trailer coach or motor

home as a dwelling for a period not to exceed one year, provided valid permits from the health department serving the County of St. Joseph for water, sewage or septic disposal for such use are presented by the applicant. Said permit may be renewed for a maximum of (6) six months only if a building permit for the permanent residence has been obtained and actual building construction is being diligently carried on. Such mobile home or trailer coach is exempt from the minimum living area requirements but must be sited in accordance with required setbacks unless a variance has been granted by the Zoning Board of Appeals.

- (11) The use of semi-trailers, former house trailers, previously used manufactured homes shipping containers or any other type of device that was originally designed for a different use or purpose as temporary storage units or accessory buildings or structures is prohibited. Trailers and semi-trailers may be used as temporary offices and/or tool storage facilities on construction or building sites in any district only as long as the building permit for the project is valid.

(12) Accessory Buildings as a Main Principal Use (use by right).

Not more than one (1) customary residential accessory building, such as a garage, shed, or pole barn may be constructed without the requirement for a main (principal) building. A zoning permit and building permit is required and the following conditions must be met:

1. Must be located on a parcel with a minimum of 1 acre in size, except for those parcels in the Ag District Zoning Classification, the minimum required acreage for a detached accessory building is 5 acres. An improved survey must be submitted that contains the following information.

Such improved survey must contain the following information:

- o Boundary survey
- o Square footage of parcel
- o Any existing building(s) or structure(s) from widest point of the finished structure
- o Foundation(s) of existing building(s) or structure(s)
- o Foundation(s) of proposed building(s) or structure(s)
- o Any proposed building(s) or structure(s) from widest point of finished structure (not including rain gutters)
- o Flood plan information if present
- o Lot coverage of all buildings or structures

Such survey must have been performed within one-hundred and eighty 180 days of submittal to the township.

2. The structure is sited in such a manner as to permit the construction of a legal Main Principal Use structure at a future time. A minimum of 2000 sq. ft. must be set aside and added to the 25% lot coverage for this purpose.
3. The structure shall meet all front, side, and rear yard setbacks as contained in The zoning district in which the accessory building as a main use is located.
4. The structure is constructed of materials and is of a design that is in harmony with existing structures or uses in the immediate vicinity.
- 5.. A bathroom is permitted as long as approved by the Branch, St. Joseph, Hillsdale County Health Department. Kitchen facilities, sleeping quarters, bedrooms and living rooms are prohibited. There shall be no use of an accessory building as a

main use for any form of habitation, which would include the use of a recreational vehicle inside of the building as a dwelling.

6. The structure and surrounding property shall meet all other township zoning ordinances.
7. All uses of the property must be in keeping with the residential or agricultural use of other properties in the immediate vicinity. For example, the structure may be used for recreational vehicle (motor home) storage; for boat storage, and for storage of personal items belonging to the owner of the property on which the structure is situated. There shall be no rental of such building, or use of the building for any type of commercial use or home occupation is prohibited.
8. The applicant shall sign a recordable document establishing that the use of the building is in compliance with this section and acknowledging that any use of the structure not identified in the affidavit constitutes a violation of this section and the zoning ordinance and is a nuisance per se subject to abatement.

(Zoning Ord. 1977, art. XIV, § 1410; Ord. No. 15, 12-13-1977; Ord. No. 65, 9-30-1997; Ord. No. 73, § 1, 8-25-1999; Ord. No. 79, 3-24-2000; Ord. No. 88, 3-29-2001; Ord. No. 95, 5-1-2003; Ord. No. 97, 4-29-2004; Ord. No. 104, 3-25-2005; Ord. No. 110, 8-2-2005; Ord. No. 136, § I, 2-8-2012; Ord. No. 136, § 1, 2-8-2012; Ord. No. 154, § V(A, B), 1-9-2019; Ord. No. 164, § II(J), 2-12-2020)