

Ordinance No. 242

An Ordinance providing for the health, safety and general welfare of the residents of Port Huron Township, adopted to amend Sections 40-666 of the Charter Township of Port Huron Code of Ordinances, by amending the regulations for accessory buildings and structures on individual parcels of property within Port Huron Township.

THE CHARTER TOWNSHIP OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

Section 1: Section 40-666 Accessory Buildings and Structures shall be amended by the modification of item “b. Attached Accessory Buildings”, item “c. Detached Accessory Buildings” and the “Schedule of Detached Accessory Structures Regulations” chart of the Port Huron Township Zoning Ordinance with the following:

- b. Attached accessory buildings. Unless otherwise specified in this section, accessory buildings or structures that are attached to the principal building (such as an attached garage, breezeway or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height and bulk requirements in conformance with the following:
 - (1) Size and lot coverage. The first floor area of a garage or garages, attached to a principal structure shall comply with the following:
 - a. Residential.
 - i. On parcels of less than one acre or less than 70 feet wide or less than an acre, the total square footage of all attached accessory structures shall not exceed one thousand (1000) square feet, or the size of the existing principal residence, whichever is less.
 - ii. On lots of one (1) acre or more that are 70’ or wider, the total square footage of all attached accessory structures constructed on the property shall not exceed the following: >1 acre = 1600 sf, >2 acre = 1700 sf, >3 acre = 1800 sf, >4 acre = 1900 sf, >5 acre = 2000 sf, >6 acre = 2100 sf, >7 acre = 2200 sf, >8 acre = 2300 sf, >9 acre = 2400 sf, >10 acre = 2500 sf.
 - iii. The total square footage of the combined principal structure shall not exceed the “Maximum Lot Coverage” percentage found in the “Schedule of Regulations”, Section 40-619, for the district they are located in.
 - b. Other Districts. Accessory structures attached to a principle structure must comply with all requirements found in the ordinance for those districts including site plan approval by the Planning Commission where required elsewhere in this ordinance.
 - (2) Location, setbacks, and height. Attached accessory buildings shall comply with all requirements listed for the main structure in the “Schedule of Regulations”, Section 40-619, for the district in which they are located.
 - (3) Uses. All uses of attached accessory structures must comply with the requirements listed for the district in which they are located, including all approvals required as set forth elsewhere in this ordinance.

- c. Detached Accessory Buildings. All detached accessory structures, (DAS) shall comply with the requirements of the "Schedule of Detached Accessory Structures Regulations (SDASR) Chart, and with the following:
- (1) Sizes and lot coverage. Detached accessory buildings shall comply with the Maximum Allowable Floor Area (MAFA), height, width, length and story restrictions listed in the SDASR Chart.
 - (2) Location/Setbacks. Detached accessory buildings shall comply with the SDASR Chart and the Schedule of Regulations found in Section 40-619 as follows:
 - a. In residential districts, detached accessory buildings are allowed as follows:
 - i. Front yard setback. In no case shall an accessory building be located closer to the front lot line than the minimum front yard setback for the district in which it is located but may be allowed to be located in front of the residence when the front yard setbacks of both of the adjacent principal structures are located to the front of the residence.
 - ii. Side yard setback. A DAS may be located in a non-required side yard setback. *The minimum side yard setback requirements for the main structure apply to the DAS* in the case of double frontage lots or when it is allowed to be located in front of the primary residence up to the front yard setback of the adjacent residential structure when both structures are located to the front of the existing primary residence.
 - iii. Setback on corner lots. Accessory buildings in a residential district on a corner lot shall comply with the front setback requirements on any side that faces the street where there is a residence on the adjacent lot in the same block that fronts on said street.
 - iv. Rear yard setback. Detached accessory buildings shall be located in compliance with the SDASR Chart in residential districts. Where a rear lot line is coterminous with a minimum 10-foot alley right-of-way line, the building may be located adjacent to the right-of-way line, provided there are no projections into the right-of-way.
 - v. In the case of double frontage lots, or lots with both river and road frontage, they may be located in the rear, side or front yards, provided they can meet all other minimum setback requirements listed in the ordinance.
 - b. In nonresidential districts, detached accessory buildings shall not be located in a front or required side yard except in compliance with the setback requirements for the district in which it is located and subject to site plan review and approval of the planning commission as follows:
 - i. Buildings for parking attendants, guard shelters, gate houses and transformer pads.
 - ii. Other uses determined by the planning commission, during site plan review, to be similar to the above uses and necessary to the project for development.
 - (3) Distance from other buildings.
 - a. Detached residential accessory buildings and other structures shall be located at

least five (5) feet from any residential exterior wall on the site and at least five (5) feet from any lot line.

- b. Accessory buildings and structures for all other zoning districts shall comply with the minimum required setbacks listed in the zoning ordinance, or receive planning commission approval as required by ordinance.

(4) Height regulations

- a. Detached accessory buildings in residential districts shall not exceed a total height of twenty one (21) feet from the lowest floor surface to the peak,
- b. Detached accessory buildings in nonresidential districts shall comply with the maximum height standards for the district in which they are located, subject to Planning Commission where otherwise required in the ordinance.

- (5) Use regulations. Detached accessory buildings are prohibited from the use of such a structure for living facilities whether temporary or permanent. The buildings are also prohibited from the installation of kitchen or laundry facilities. While heat and electricity are allowed, this restriction prohibits the installation of any additional facilities other than a washing sink and toilet, unless otherwise permitted in the ordinance thru site plan approval by the Planning Commission.

(6) Additional Accessory Structure Regulations/Exemptions

- a. General requirements. Accessory structures such as swimming pools, tennis courts, exercise equipment/playgrounds, freestanding solar panels or antennas, windmills, and other uses determined to be similar by the zoning administrator or planning commission shall be located in the side or rear yards and shall comply with the Schedule of Detached Accessory Structures "Setback" Regulations. These structures may cover up to an additional 5% of the lot in excess of the "Maximum Percent (%) of Lot Coverage" found in the Schedule of District Regulations.
- b. Swimming pools. All swimming pools 24 inches deep at any point shall be considered an accessory structure for purposes of this chapter. Swimming pools shall also comply with all other applicable township codes and ordinances including any referenced appendices and/or codes of the current State Construction Code regulating swimming pools, spas and hot tubs.
- c. Porches. For lots under 1 acre, up to eight (8) feet wide unenclosed roofed or unroofed porches may be erected on existing or newly approved detached accessory structures, without being adding to the total square footage of regulated sizes, provided they do not extend into a required setback allowed for such structures.
- d. A total of no more than four (4) detached accessory structures may be erected on any one property with the exception of structures approved by the Planning Commission upon submittal of a "Sketch Plan Review" application and fees.

Section 2: Penalties. Any failure to comply with any part of this Ordinance, or to maintain and/or protect the safety of the animals, the property, and/or neighboring property shall be considered a violation of the Ordinance and subject to a Municipal Civil Infraction, and/or other action as deemed necessary by the Township.

Section 3. Severability. Should any provision or part of the Ordinance within be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

The above Ordinance was offered for adoption by Township Board Member _____, and was seconded by Township Board Member _____, the vote being as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

ORDINANCE DECLARED ADOPTED:

EFFECTIVE DATE: JULY 5, 2017

By: Benita Davis, Clerk
Charter Township of Port Huron

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on June 19th, 2017, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

Dated: _____

Benita Davis, Township Clerk
Charter Township of Port Huron