

Sec. 38-602. Accessory building in residential districts. (Ordinance No. 210, 09/2012)

In AG, R-1A, R-1B, R-2, RM and MHR districts accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(1) Accessory buildings structurally attached to a main building.

- a. To be considered structurally attached, the accessory building must be attached by a common party wall of at least 50% of the accessory building wall that is proposed to be attached to the main building.
- b. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings. Additionally, the color, style and proportions of the accessory building shall be identical to, or shall closely match, or shall complement the exterior of the main building.

(2) Detached Accessory Buildings

- a. The color, style and proportions of the accessory building shall be identical to, or shall closely match, or shall complement the front exterior of the main building as to at least two of these four categories: roof pitch and materials, finish materials and color, window style, or architectural details such as overhangs, brackets or gables.
- b. Size and setback requirements for accessory structures larger than 200 square feet:

Per Applicable Parcel Size:	Lot Area:	Less than 10,000 SF; OR	Less than 2 acres; OR	Greater than 2 acres; AND
	Lot Width:	Less than 75'	Less than 165'	Greater than 165'
The maximum allowable floor area of all detached accessory structures may not exceed the following totals, or 30% of the total lot area:		Twice the total square feet of the main residence, not to exceed 1,500 square feet.	Twice the total square feet of the main residence, not to exceed 2,000 square feet	Twice the total square feet of the main residence, plus an additional 500 square feet per acre, not to exceed 5,000 square feet
Maximum Height		16' maximum sidewall	16' maximum sidewall	16' maximum sidewall
Setback from any other standing structure:		Minimum 10'	Minimum 10'	Minimum 10'
Front Yard Setback (1.)		Must be located behind the front of the main residence.	Must be located behind the front of the main residence.	Must be located behind the front of the main residence.
Side Yard Setback (1. & 2.)		Minimum 10' Each Side	Minimum 10' Each Side	Minimum 20' Each Side
Rear Yard Setback (1. & 2.)		Minimum 10'	Minimum 10'	Minimum 20'
1. Corner lot yard restrictions apply, pursuant to Section 38-609				
2. Any detached accessory structure less than 200 square feet shall maintain minimum 5' side yard and 5' rear yard setbacks.				

c. Guest Quarters, Home Offices or Similar Uses. Guest quarters, home offices or similar uses may be permitted in a residential district as part of a detached accessory structure subject to the following requirements:

- 1. The guest quarters, home office or similar use shall not be utilized as a permanent dwelling unit. As part of the application for the construction of such accessory structure, the applicant shall sign an affidavit, to be filed with the St. Clair County Register of Deeds, stating the intention for the proposed use. The signed affidavit shall specifically state that the building will not be utilized as a permanent dwelling unit. The application shall also submit a plot plan and building plans showing the location, size, floor plan and building elevations.

2. Only residents of the main dwelling and their guests shall utilize the area. Rental of the area on a nightly, weekly, monthly or any other basis is prohibited. At no time shall an address be issued to a detached accessory structure.
 3. A home occupation is subject to the standards in this chapter, in the section for Home Occupations.
 4. The portion of the accessory structure utilized for guest quarters, a home office or similar use shall not exceed an area of 1,000 square feet, and in no instance shall the area exceed the square footage of the main building.
- (3) Boathouse, a boat well, or any other accessory building located substantially over the water, whether it be a river, lake, or canal, the following conditions apply:
- a. No more than 30 percent of the building area may have flooring, whether it is earth, concrete, wood, or any flooring material other than water.
 - b. Such boathouse may exceed the area of the primary (residential) building, so long as the total building area does not exceed the percent lot coverage of the exposed land as required in division 12, article III of this chapter for the district in which it is located.
 - c. All boathouses and lifts which exceed 16 feet in height or with wells to accommodate more than two boats shall be subject to prior approval of the zoning board of appeals. In determining the height of a boathouse, the definition of height shall apply (see section 38-4), except that in all instances the term "grade" shall be interpreted to mean the surface of the water. For the Black River or its tributaries, the surface of the water shall be set at the nearest base flood elevation as described on the flood insurance rate map. For Lake Huron, the elevation of the surface of the water shall be 580 feet above sea level. A commercial use of a boathouse is not permitted unless it is located within a commercial district.
 - d. A second floor shall not be permitted in a boathouse nor shall a boathouse have sanitary facilities unless self-contained or connected to a sanitary sewer system, which facility shall be in compliance with the rules and regulations and approved by the county health department.
 - e. A building permit for a boathouse shall not be issued unless and until the applicant has:
 1. Complied with all the provisions of this chapter, the single state construction code and state laws on inland lakes and streams (Part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.); and
 2. Secured the written approval from the U.S. Army Corps of Engineers and the state department of environmental quality when such permits are required and within the jurisdiction of these agencies.
- (4) When an accessory building is to serve both over the water boat storage and automobile storage (garage), the two areas shall be clearly defined. Each area shall be constructed as a separate building and meet the requirements for such building.
- (5) By definition an accessory building is clearly incidental to the principal building housing the main use; therefore, the building inspector shall not issue a building permit for a detached accessory structure prior to the issuance of a building permit for the main or principal building, and no rough framing of an accessory building shall begin until the rough framing of the principal building has been completed.