

ORDINANCE NO. 79-_____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF FRANKENLUST TOWNSHIP, BAY COUNTY, MICHIGAN.

Pursuant to the authority vested in it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Frankenlust Township, Bay County, Michigan ordains the following amendments to Sections 3.07 (Accessory Structures) of the Frankenlust Township Zoning Ordinance No. 79 to update the requirements for attached and detached accessory structures.

[Additions are shown in **blue underlined** text, and deletions are shown in **red-strikethrough** text]

FRANKENLUST TOWNSHIP, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1.

Delete and replace subsection "B.1.a." of Section 3.07 (Accessory Structures) in its entirety to update the provisions for an attached accessory structure, as follows:

Section 3.07 Accessory Structures.

B. General Standards.

All accessory structures, including agricultural accessory structures governed by the Right to Farm Act, shall conform to the applicable requirements of this Section and Article 5.0 (Schedule of Regulations), and the following:

1. An accessory structure that is connected to a principal building shall be considered a part of and subject to the same yard setback requirements as the principal building.
 - a. Accessory structures shall be considered as attached to a principal building when the connecting structure consists of climate-controlled interior living space, including but not limited to as a mud room or entry hall. ~~distance between the structures is solidly covered by a~~ A connecting breezeway, portico, covered colonnade, or similar architectural device would not be sufficient to satisfy this requirement.
 - b. No such connecting structure shall exceed fourteen (14) feet in length.

SECTION 2.

Delete and replace subsection "E." of Section 3.07 (Accessory Structures) in its entirety to update the requirements for residential accessory structures, as follows:

Section 3.07 Accessory Structures.

E. Residential Accessory Structures.

The following additional standards shall apply to all detached accessory structures accessory to RESIDENTIAL USES or located in a residential zoning district:

1. Detached accessory structures shall be located in the side or rear yard of the lot, and shall be subject to the following general standards:

Gross Floor Area of Each Detached Accessory Structure	Maximum Height	Minimum Setback	Minimum Gross Lot Area
Up to 100 square-feet	10.0 feet	3.0 feet	None
100.01 to 2,400 square-feet	14.0 feet	3.0 feet plus one-half of the height	None
	18.0 feet	25.0 feet	1.0-acre
Greater than 2,400 square-feet	Special Use Permit required (Section 3.07I)		

2. The gross floor area of all detached accessory structures on a lot shall not exceed 2,400 square-feet plus 100.0 square-feet per acre or portion thereof of gross lot area. This requirement shall not apply to a private swimming pool on the lot.

- ~~1.3.~~ Detached accessory structures shall not be occupied for dwelling purposes.

- ~~2.~~ A detached accessory structure in a residential zoning district shall not exceed one (1) story or 14 feet in height. All doors on such structures shall not exceed 12 feet in height as measured from grade.

- ~~3.~~ A detached accessory structure accessory to RESIDENTIAL USES in the AG (Agricultural) and RF (Rural Small Farm) zoning districts on a lot one (1) acre or larger in lot area shall not exceed 18 feet in height. All doors on such structures shall not exceed 14 feet in height as measured from grade.

- ~~4.~~ Such accessory structures may be located in any required or non-required side or rear yard, subject to the following:

- ~~a.~~ Sheds not exceeding 100 square feet in floor area shall be set back a minimum of three (3) feet from all lot boundaries. All other residential accessory structures shall be set back a minimum of ten (10) feet from all lot boundaries.

- a.4. Such Detached accessory structures, including private swimming pools, shall not occupy more than twenty-five percent (25%) of the required side or rear yard setback area of the zoning district, as specified in Section 5.0 (Schedule of Regulations), and not more than forty percent (40%) of the total rear yard area.

- ~~b.~~ A detached accessory structure in a residential zoning district shall not exceed, in total floor area, the ground floor area of the principal building and attached garage on that lot.

- ~~c.~~ A detached accessory structure accessory to RESIDENTIAL USES in the AG (Agricultural) and RF (Rural Small Farm) zoning districts may exceed the ground floor area of the principal building and attached garage, subject to the following:

- ~~(1)~~ The lot has a minimum lot area of one (1) acre.

Draft Date: April 24, 2021

~~(2) The ground floor area of all accessory structures on the lot shall be limited to a maximum of ten percent (10%) of the total lot area or 2,400 square feet, whichever is less.~~

~~(3) Such accessory structures shall meet all setbacks as required for the principal building in the zoning district.~~

5. A maximum of one (1) private garage shall be permitted per principal dwelling in the Residential Districts.

SECTION 3.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed.

SECTION 4.

Adopted by the Township Board of Trustees for Frankenlust Township, Bay County, Michigan, at a meeting of the Township Board held on the _____ day of _____, 2021. This ordinance shall become effective on the eighth (8th) day following publication of the required Notice of Adoption.

Dated: _____, 2019

Ronald Campbell, Supervisor

Deborah A. Fisher, Clerk

CERTIFICATION

The above Ordinance No. _____ was adopted at a meeting of the Frankenlust Township Board of Trustees on the _____ day of _____, 2021, and the required Notice of Adoption was published in the _____, a newspaper of general circulation in Frankenlust Township, on the _____ day of _____, 2021.

Deborah A. Fisher, Clerk