

## Sec. 8. Accessory buildings.

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

1. *Use prior to principal building.* No accessory building shall be used as a principal dwelling.
2. *Use in residential districts.* The use of accessory buildings in residential districts shall be limited to those uses customarily associated with residential purposes.

The use of storage container units/shipping containers are prohibited in all zoning districts, for purposes of this section. Shipping containers shall mean a prefabricated metal structure consisting primarily of a steel exterior which is manufactured to transport goods. Personal storage unit shall mean any prefabricated structure designed for the temporary storage of property.

3. *As part of principal building.* Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the principal dwelling.
4. *Setback and location of detached accessory buildings.* Detached accessory buildings shall be erected in rear yards and side yards only, except for corner lots. See drawing for corner lots. On a corner lot a 25 ft side yard setback is required on the roadside to ensure vision and safety. Properties with homes 250 feet or more from the center line of the road may be even with the back of the neighbor's house. Setbacks from property lines are 1 time the height of exterior wall. The distance between dwelling and accessory building must be 1 ½ times the height of exterior walls.

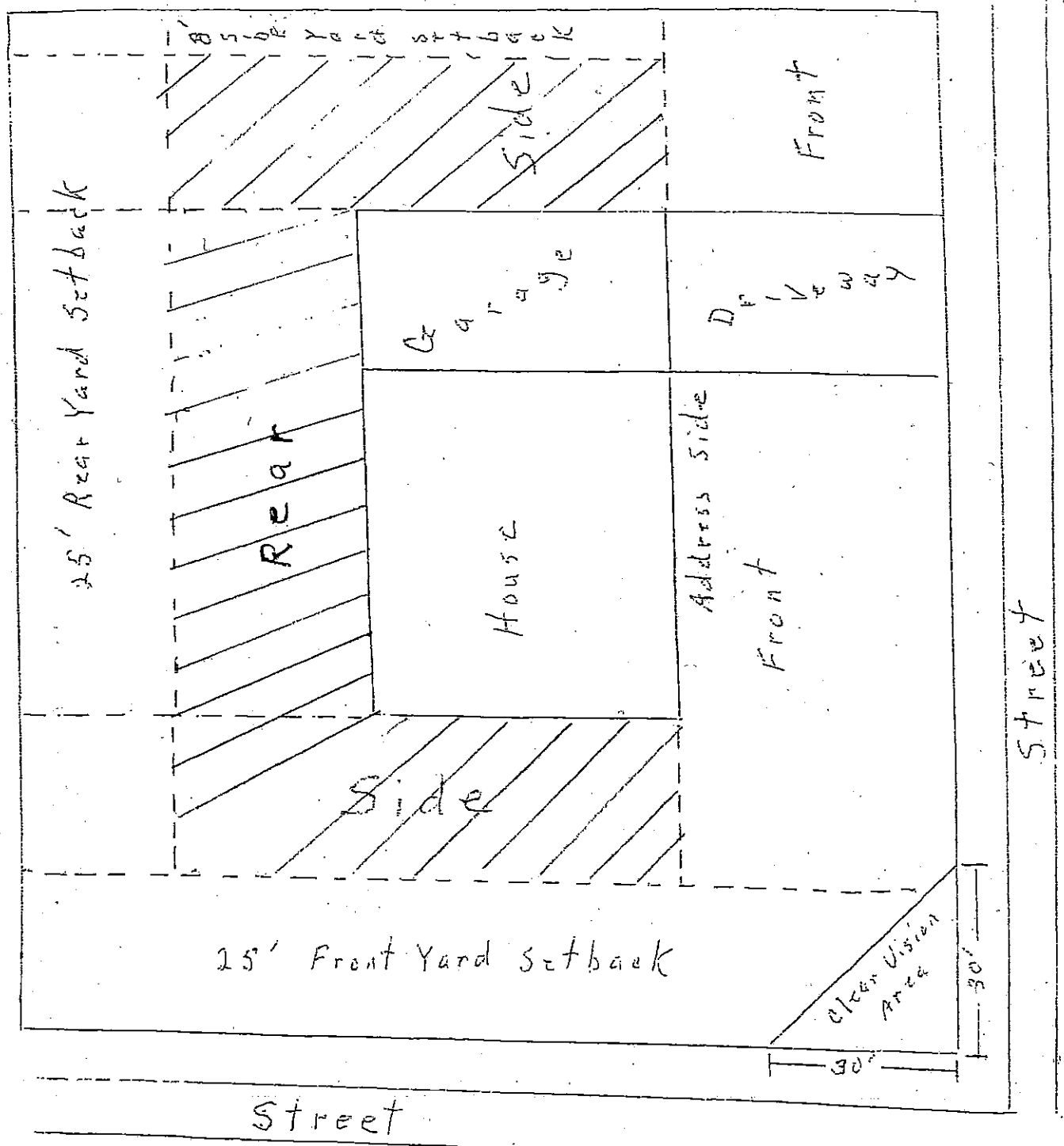
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5. *No maximum size.* Detached accessory buildings may not occupy more than 50% of the buildable side and rear yard combined per setbacks in R-1 thru R-3 and R-5.
6. *Lots with water frontage* are allowed one shed in the front yard with a maximum square footage of 120 square feet and maximum height of 10 feet.
7. *Building heights.* (Determined by the distance from the ground level to the highest point of the roof), R-1 thru R-3 & R-5, height shall be maximum 35 feet and no closer than 1 ½ times of exterior wall height from any surrounding building.
8. *Corner lot setback.* Accessory buildings on corner lots shall be located so that they do not project into setback or required side or rear yard areas as if extended from contiguous properties.

Proposed 2-15-20

Detached accessory buildings shall be erected in side yards and in rear yards. Side yards opposite address side on corner lots must maintain front yard setback.

Buildable Areas 



## ARTICLE II.

### TERMS AND DEFINITIONS

#### Sec. 1. Word use, terms and tense.

For the purpose of this ordinance, certain words and terms are herewith defined as follows: Words in the present tense include future; words in the singular include plural; and words in the plural include the singular, the word "building" includes "structure," and the word "structure" includes the word "building." The word "shall" is mandatory. The word "person" means persons, associations, co-partnerships or corporations or any other business or group association whether for profit or nonprofit, the word "occupied" includes designated or intended to be occupied, and the word "used" includes designed or intended to be used.

#### Sec. 2. Definitions.

(1.) *Accessory buildings.* A subordinate building, or portions of a main building, the use of which is incidental to that of the main building.

(2.) *Accessory use.* A use naturally and normally incidental and subordinate to the main use of the premises.

(3.) *Apartment house.* A building used or arranged for rental occupancy or cooperatively owned by its occupants, including, but not limited to, condominium ownership, having three or more family units, and with a yard, compound service or utilities in common.

(4.) *Basement.* That portion of a building, partly or completely below grade level.

(5.) *Boarding house.* A dwelling in which lodging or meals or both are furnished to three or more guests for compensation.

(6.) *Breezeway.* A covered structure connecting an accessory building with the principal building, or the building constituting the principal use. For the purpose of determining yard and area requirements, such connecting buildings shall be considered as part of the principal buildings, whether the said buildings constitute a private garage or not.

(7.) *Buildings.* Any permissible structure as defined by the current State of Michigan Building Code.

(8.) *Building height.* Building height is defined as the vertical distance measured from the finished floor of the first story of a building to a point one-half the distance between the top of the walls, (measured from the lowermost portion of the top plate thereof), and the topmost portion of the roof structure. The first story of any building shall be considered the lowest story in which the ceiling is four feet or more above the average contract grade level of any exterior wall of the building. The following illustrations demonstrate how this section shall be interpreted:

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(9.) *Building line.* An imaginary line, a specified distance from the road or street right-of-way, on which the front of a building is to be located. In the case of any lot or parcel on a corner, building line shall be further defined to mean any line which is parallel to any street, running parallel with the boundary of the lot or parcel, on which any part of a building is to be located, the term "Building Line" includes the definition of setback line.

(10.) *Building, principal.* A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot or parcel on which the said building is located.

(11.) *Campground.* A parcel of land devoted to the use of temporary occupancy, to be occupied by persons using house trailers, camping trailers, tents and other temporary dwelling units, for a recreational use only, licensed under the Public Acts of the State of Michigan, being Public Act 171 of 1970 as amended, and all rules and regulations made pursuant thereto.

(12.) *Church.* A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body, organized to sustain public worship; together with all accessory building and uses, customarily associated with such primary purpose.

(12a.) *Clear vision area.* On a corner lot, the triangular area formed by connecting the road right-of-way lines by passing a line through points on those lines measured 30 feet from their point of intersection. The accompanying illustration of a typical clear vision area is consistent with this definition.

(13.) *District.* A section of the Township of Egelston in all parts of which the regulations of this ordinance governing the area and use of buildings and premises are the same, provided, that a district may contain more than one allowable use in it geographical area.

(14.) *Dwelling, single-family.* A detached building containing only one dwelling unit for residential use, and meeting the standards of article III, section 12.

(15.) *Dwelling, two-family.* A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in article III, section 12.

(16.) *Dwelling, multiple-family.* A building containing three or more dwelling units arranged either side by side or vertically, and meeting the standards of article III, section 12. This definition includes an apartment house, townhouses and other similar multiple dwelling unit structures.

(17.) *Dwelling unit.* A unit including sleeping rooms, living rooms, baths and principal kitchen facilities designed as a unit for permanent occupancy by only one family for cooking, living and sleeping purposes.

(17a.) *Earth change.* This term includes natural resource removal and further includes any change of the topography of the earth or stripping of any material from the ground, excavation, grading or the moving of soil or material in the ground.

(18.) *Essential services.* The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead, surface or underground gas, electrical steam or water distribution or transmission systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, which shall be permitted as authorized and regulated by law and other ordinances of the township of Egelston in any use district.

(19.) *Farm hobby.* The use of land in any district in the township where farm products grown on the property are allowed to be sold or consumed on the premises. Hobby farming does not include livestock and it does not include the right to erect a structure for the sale of any farm products.

(20.) *Family.* A person living alone, or two or more persons who share a blood, adoption, foster or marital relationship, together with not more than one additional person not so related, living together as one housekeeping unit in a single dwelling unit.

(20a.) *Fence.* A structure erected to serve as a functional, decorative or ornamental enclosure or barrier, whether premanufactured, or made or constructed of posts, boards, wire, stakes, rails or similar materials.

(21.) *Filling, gas station, motor fuel service station.* Buildings or premises or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline or other fuel for the propulsion or lubrication of motor vehicles, including facilities for changing of tire, tube and tire repairing, polishing, greasing, washing or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major transmission or chassis or motor repairing, or bumping and painting.

(22.) *Frontage.* The front boundary line of a parcel of land abutting a street.

(23.) *Garage-private.* An accessory building to be used for the storage of noncommercial motor vehicles, and not more than one commercial motor vehicle where such vehicles are equipped, repaired and stored by the occupant of the principal building and having no public shop or services in connection therewith.

(24.) *Garage-public.* Any garage which is a building other than a private garage available to the public and which is used for the storage, repair, greasing, washing, rental, servicing, adjusting or equipping automobiles or other motor vehicles, not including the sales thereof.

(25.) *Home occupation.* An enterprise carried on in the occupant's residence and located in a residential district, conforming to the standards set forth in article III, section 17.

(26.) *Hotel-motel.* A building containing primarily rooming units to be used only for the accommodation of transients. Dwelling units in the building or buildings or accessory buildings erected or used on the same premises may not exceed more than ten percent of the total number of rooming units. The term "rooming unit" includes the term "dwelling unit," and any dwelling unit used in a hotel or motel may only be used for transients, with the exception of any unit occupied by full-time employees, management or staff.

(27.) *Junk yard.* A salvage yard as defined in section (57) of this article.

(28.) *Kennel.* Any premises on which more than three dogs or more than three cats four (4) months old or older are kept.

(29.) *Lot.* Means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.

(30.) *Lot area.* The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

(31.) *Lot, corner.* A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersecting of the street lot lines is the "corner." In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

(31a.) *Lot, waterfront.* The waterfront side of the land parcel shall be recognized as the front yard, if the residence is located within 300 feet of the water's edge.

(32.) *Lot line.* A line which marks the boundary of a lot.

(33.) *Lot line, front.* In case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or double frontage lot, the lot line separating said lot from that street which is designated as the front street in a request for zone change, building permit, certificate of occupancy, or in any proceeding concerning zoning before any board or commission.

(34.) *Lot line, rear.* The lot line opposite and most distant from the front lot line; in the case of irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten feet long and measured wholly within said lot.

(35.) *Lot line, side.* Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line, while a lot line separating a lot from another lot or lots is an interior side lot line.

(36.) *Lot width.* The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

(37.) *Lot of record.* A parcel of land described in a recorded plat created in accordance with the law in effect on the date of the recording thereof, including state law as well as all Township ordinances, and accepted by the proper public authorities on the said date of recording.

(38.) *Mobile home.* A structure used or adapted to be used or so constructed as to permit its being conveyed upon the public streets or highways and for occupancy as a dwelling or sleeping place for one or more persons, and whether or not the same has a foundation thereunder if said foundation is designed to permit the removal of such mobile home and its readaptation to use upon the public streets or highways, and which structure which has been inspected and approved in accordance with the "Mobile Home Construction and Safety Standards" promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as from time to time amended, or federal or state standards which provide for mobile homes meeting substantially the same requirements as provided by the said regulations. This definition does not include a travel trailer, camper, or camping trailer.

(39.) *Mobile home park.* A lot, parcel or tract of land licensed by the State of Michigan and used as the site of occupied mobile homes, including any building, structure, vehicle, or enclosure located and used in connection with such mobile home park.

(40.) *Mobile home stand.* A plot or section of ground within a mobile home park designed and situated so as to provide for the parking of the mobile home, the necessary open space around the mobile home and placement of its accessory structures.

(40a.) *Natural resource removal.* Any mining, excavation, or pit operation for the purpose of searching for or removing, for commercial use, any sand, earth, gravel, clay, or other similar mineral.

(41.) *New construction.* Any new structure or building including any new attachment or addition to an existing structure or building which provides additional floor space or increases the height or the distance below grade of the building.

(42.) *Nonconforming use.* The use which lawfully occupied a structure or land prior to the time of the adoption of this or any previous zoning ordinance, or any amendments thereto, but which does not conform with the use regulations set forth herein of the district in which it is located.

(43.) *Nonconforming structure.* The structure lawfully existing prior to the time of the adoption of this or any prior zoning ordinance or any amendment thereto, and not in violation at

the time of its erection, which is occupied by a nonconforming use or is the principal building in which a nonconforming use is carried on.

(44.) *Occupant.* A person who uses, or occupies land.

(45.) *Office.* A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research, and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbances, nuisance, or annoyance beyond the confines of said rooms or building.

(46.) *Open space, required.* The yard space of a lot which is established by and between the street, or the lot lines, and the required setback line and which shall be open, unoccupied and unobstructed by any structure.

(47.) *Open space, front, required.* The required open space extending the full width of the principal dwelling.

(48.) *Open space, rear, required.* The required open space extending the full width of the principal dwelling.

(49.) *Open space, side, required.* The required open space extending from the required front open space to the rear open space and of a width equal to the side required setback line measured horizontally at right angles to the side lot line.

(50.) *Park.* An area laid out for public recreation.

(51.) *Person.* An individual, partnership, corporation or unincorporated association, estate, or any organization of persons or individuals or property capable of being identified as an entity.

(52.) *Plan, basic.* The Egelston Township general development guide, a basic plan promulgated by the township in accordance with the Michigan Statutes in such case made and provided.

(53.) *Premises.* A piece of real estate; a house or other building with its land.

(54.) *Principal use.* The primary and chief purpose for which a lot or parcel or premises is used.

(55.) *Private club.* A voluntary, incorporated or unincorporated association of persons for any lawful purpose, the membership of which is exclusive of the public.

(56.) *Recreational vehicle.* A vehicle designed to be used primarily for recreational



purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however that any such vehicle or unit which is 40 feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

(57.) *Salvage yard.* Any premises, establishment, business, or enterprise dealing in the recovery, segregation, sorting, dismantling, baling, packing, storage, handling or sales of salvaged waste, scrap, or recovered used materials, including, but not limited to scrap iron and other metals, paper, rags, rubber tires, glass, construction and demolition debris, and also including auto wrecking yards, but not including uses established entirely within closed buildings. Also commonly known as junk yards, automobile or metal rendering yards, recycling or similar businesses.

(58.) *School.* A building used for the purpose of elementary or secondary education which meets all requirements of the compulsory education laws of the State of Michigan and not providing residential accommodations.

(59.) *School-residential.* A group of buildings located on a single premises containing, in addition to educational facilities, residential accommodations which have been approved by the planning commission in accordance with a site plan which [has] met the requirements of all building codes and health regulations.

(60.) *Service buildings.* An accessory building as hereinabove defined.

(61.) *Setback.* The minimum horizontal distance between the front line of the building, excluding steps, and including porches, open or enclosed, and the street line or right-of-way.

(62.) *Setback line, required.* A line, marking the setback distance from the street or lot lines, which establishes the minimum required front, side or rear open space of a lot. The term "setback line, required" includes the definition of the term "building line."

(63.) *Shed:* Any structure (120 sq ft or less) not requiring a building permit, according to the current State of Michigan Building Code as outlined.

(64.) *Shoreline.* Land bordering on any permanent body of water, including any creek, stream, lake, canal or open drain established by the County of Muskegon.

(65.) *Signs.* The term "sign" shall mean and include every announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained outside of any building or structure in view of the general public for identification, advertisement or promotion. This definition shall include, without limitation, billboard signs, signs painted directly on walls or parts of structures, free standing signs and temporary signs. Signs are further defined as to type and characteristics by the following definitions:

(a.) *Area.* Area of a sign shall mean the total square footage of a sign including all

parts thereof exposed to public view, meaning the area within a single, continuous perimeter composed of any line or geometric figure which encloses the extreme limits of writing, representation, emblem, logo, pictorial matter or any other figure of similar character together with any frame, material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

- (b.) *Billboard.* Any freestanding sign which exceeds 100 square feet in area which advertises a service, commodity or establishment which is not sold, produced, manufactured, furnished or located at the property on which the sign is located. An "off-premises sign," "outdoor advertising structure," or pole sign, may constitute a billboard.
- (c.) *Community special event sign.* A portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public, which events are sponsored by governmental agencies, schools, or nonprofit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- (d.) *Construction sign.* The sign identifying the owners, contractors, architects or other professionals of a building or development project under construction.
- (e.) *Directional sign.* A sign solely limited to directional messages principally for pedestrian or vehicular traffic.
- (f.) *Electronic or changeable reader board.* A sign in which copy may periodically change through electrical, mechanical or electronic means.
- (g.) *Flashing sign.* Any illuminated sign in which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- (h.) *Freestanding sign.* Any nonmovable sign not affixed to a building.
- (i.) *Governmental sign.* A sign erected or required to be erected by the township, the county of Muskegon, or by the state or federal government.
- (j.) *Identifying sign.* Any sign on the same premises which serves only to tell the name or use of a building or structure on the premises, or to tell the name or address of an apartment building, garden apartment, hotel, motel or similar business enterprise, or to inform the public as to the use of a parking lot or transit stop.
- (k.) *Memorial sign.* A sign, tablet or plaque memorializing a person, event, structure, or site.

- (l.) *Motion sign.* A sign of any type with moving parts or characters, except time/temperature, electronic message boards or barber poles.
- (m.) *Monument sign.* A sign set directly on a foundation at ground level with the display space not exceeding three feet from grade.
- (n.) *On-premises sign.* A sign located on the parcel of land or lot advertising a business, product, service of person or subject present on the said parcel of land or lot.
- (o.) *Pole sign.* An advertising structure which is supported by one or more uprights on permanent footings with all parts of the display surface of the sign eight feet or more above grade.
- (p.) *Political sign.* A sign erected for a limited period of time for the purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections, referenda or events held for the purpose of voting on or for public offices or public questions. The definitions does not include permanent commercially operated billboards, but pertains to signs such as yard signs and other temporary signs erected in connection with an election or referendum.
- (q.) *Portable sign.* A sign which is not permanently affixed to a building, structure or the ground. The definition includes temporary sign. Portable or temporary signs include without limitation signs supported on wooden posts, mobile chassis, motor vehicles, banners, flags, pennants, tripods, trailers or other movable objects.
- (r.) *Real estate sign.* A sign advertising that the premises on which it is located is for sale, lease or rent.
- (s.) *Subdivision identification sign.* A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, cooperative development or other residential development.
- (t.) *Wall sign.* A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from the building or structure.
- (u.) *Sign structure.* Any combination of supports or mounting devices holding a sign.
- (66.) *Storage.* Place to save, put aside, or accumulate for future use.
- (67.) *Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the upper surface of

the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered as a story. In any event, no story shall have a height more than 12 feet, for the purposes of this ordinance.

(68.) *Story-half.* That portion of a building between the eaves and the ridge of a pitched roof, which may or may not be used for living space.

(69.) *Street.* A public street, way, square or lane, permanently open to common and general use which affords the principal means of access to abutting property, and which is adequately maintained and open for public vehicular use, throughout the entire year.

(70.) *Structure alterations.* Any changes in the supporting members of a building or structure, such as bearing walls columns, beams or girders.

(71.) *Swimming pool.* Any structure located out of doors which is used or is intended to be used for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

(72.) *Variance.* The use granted by the zoning board of appeals to an individual, firm, corporation, or unincorporated company to use any structure or premises for a specific purpose in an area where such use is not normally permitted by this ordinance.

(72[a].) *Wireless communication antenna (WCA).* Any antenna used for the transmission or reception of wireless communication signals, except those used exclusively for dispatch by public authorities, amateur radio antennae, satellite antennae, those which receive video programming services which are one meter or less in diameter, and those which receive television broadcast signals.

(73.) *Wireless communication towers (WCT).* A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennae or other antennae.

(74.) *Wireless communication facilities (WCF).* All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including, without limitation, radio towers, television towers, telephone devices and exchanges, microwave towers, and shelters, structures and commercial mobile radio service facilities utilized in conjunction with all said facilities. This definition does not include citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, or government facilities which are subject to state or federal law or regulations which preempt local regulatory authority. This definition includes wireless communication antennae ("WCA's") and wireless communication towers (WCT's).

(75.) *Yard.* Space, or an occupied ground adjacent to and on same premises as a building.

(76.) *Yard, rear.* A space unoccupied except for an accessory building and extending the full width of the lot, between the principal building and the rear lot line.

(77.) *Yard, side.* An open, unoccupied space between the principal building or its attached accessory building or a garage accessory building erected not less than fifteen feet from the principal building, and the side lot line.

(Ord. of 6-16-2003)