

# Presque Isle Township Ordinance No. 3 of 2024

## An ordinance to amend the Presque Isle Township Zoning Ordinance Article 3.

Presque Isle Township, Presque Isle County, Michigan ordains:

### Section 1: Amendment to the Presque Isle Township Zoning Ordinance

That the Presque Isle Township Zoning Ordinance, Section 3.14 (Accessory Buildings) is hereby amended to read as follows:

### Section 3.14 Accessory Buildings & Accessory Structures

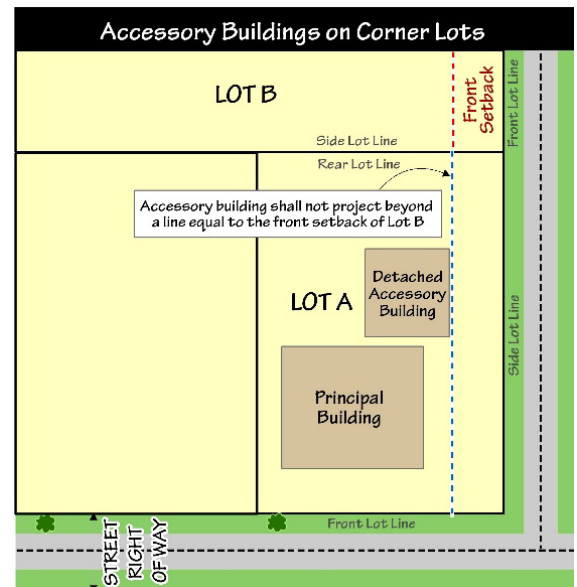
#### A. Attached Accessory Buildings and Accessory Structures – ALL DISTRICTS.

1. Attached accessory buildings and structures including garages, enclosed porches, open unenclosed porches, decks, breezeways, and carports shall be considered part of the principal building for purposes of determining or complying with yard areas and setbacks.
2. Where an accessory building is attached to a principal building it shall be considered part of the principal building and subject to all codes and ordinances applicable to the principal building, except that it shall not be included in the calculation of the required floor area for the principal building.

#### B. Detached Accessory Buildings and Accessory Structures – R-1, R-2, R-M, FR, and EC Districts.

##### 1. Location in Yard/Setbacks.

- a. Detached accessory buildings and accessory structures shall not be permitted or erected in any front yard.
- b. Detached accessory buildings and accessory structures shall comply with all applicable setback requirements for the principal building.
- c. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said accessory building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot. The accessory building/structure on **lot A** shall not exceed the minimum front setback requirement for **lot B** (see Diagram).



- d. Structures designed and used only for school bus pickup sheds or pump houses shall be exempt from this subsection B.1.

**2. Floor Area and Number of Accessory Buildings.**

**a. General.**

- (1) No accessory building or accessory structure shall occupy more than twenty (20%) percent of the unoccupied space of the total lot area.
- (2) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) of the lot area.
- (3) The approval of an accessory building or accessory structure in excess of twenty-four hundred (2,400) square feet in an R-1 District or of an accessory building or accessory structure in excess of twelve hundred (1,200) square feet in an R-2 District shall be subject to the following conditions:
  - (a) The structure may not obscure the view of a dwelling on an adjoining lot.
  - (b) The structure may not change the character of the neighborhood.
  - (c) The structure may not be of a height which casts a shadow onto adjoining property.
  - (d) If the grade of the property, slope of the roof, total impervious surface created by the proposed structure or any other factor raises an issue of stormwater runoff, the applicant shall obtain a report from a civil or environmental engineer showing the proposed structure will not cause stormwater runoff onto adjoining properties.
  - (e) Before construction of the accessory structure the applicant must establish a greenbelt which blocks the view of the accessory structure, to the greatest extent possible, from the road or from any principal dwelling on adjoining property within one hundred (100) feet of the proposed structure. The greenbelt must be completed to the satisfaction of the Zoning Administrator before construction of the accessory structure commences.
  - (f) For a lot which has no principal dwelling on which an accessory structure is permitted (Article 3.14.B.6 and B.7.), the accessory structure may not exceed fifteen (15%) percent of the lot size, subject to the conditions set forth above.

**b. Without a Site Plan Review – R-1 (lots less than 5 acres), R-2, and R-M Districts.**

- (1) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) percent of the lot area.
- (2) Except for farm buildings, no accessory building shall have a total floor area in excess of the ground floor area of the principal building.

- (3) The total floor area of all detached residential accessory buildings combined shall not exceed one thousand two hundred (1,200) square feet.
  - (4) No more than two (2) accessory buildings shall be allowed on one (1) parcel.
- c. **Without a Site Plan Review – R-1 (lots 5 acres or larger) EC, and FR Districts.**
- (1) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) percent of the lot area.
  - (2) The total floor area of all detached residential accessory buildings combined shall not exceed two thousand four hundred (2,400) square feet.
  - (3) No more than two (2) accessory buildings shall be allowed on one (1) parcel.
- d. **With a Site Plan Review – R-1 (lots less than 5 acres), R-2, and R-M Districts.** The following may be approved by the Planning Commission by means of a Site Plan Review provided the property meets all the minimum requirements of the zoning district, and the property owners within three hundred (300') feet of the subject property receive notice of such request a minimum of seven (7) days prior to the meeting in which the request is to be considered:
- (1) Detached accessory buildings larger than the floor area of one thousand two hundred (1,200) square feet.
  - (2) Detached accessory buildings larger than the floor area of the principal building.
3. **Height – All Districts.** Detached accessory buildings may be of a height no greater than the maximum height allowable in the district.
4. **Gazebos.** A detached gazebo shall be allowed as a Permitted Use in any district with site plan review by the Planning Commission. The gazebo shall not exceed fifteen (15') feet in height and one hundred fifty (150) square feet in area. The gazebo shall not be erected in the required greenbelt and shall meet all required setbacks of the principal building. A gazebo may be located in any yard.
5. **Boat Houses.** Boat houses shall not be allowed on any waterfront lot in the Township.
6. **Accessory Building without a Principal Dwelling.**
- a. **R-2 and R-M Districts.** In the R-2 and R-M Districts, an accessory building may be constructed only when there is an existing principal dwelling except as noted in **Section 3.23.F (Undeveloped Lakefront Lots)**.
  - b. **R-1, FR, and EC Districts.** In the R-1, FR, and EC Districts, an accessory building may be constructed without a principal dwelling. Zoning Administrator approval is required. The standards in subsections (1) and (2) below shall apply. A standard site plan meeting the requirements of **Section 5.3.C** shall be submitted to the Zoning Administrator for consideration. The Zoning

Administrator may request Planning Commission review and approval on any application for an accessory building without a principal dwelling. If a deviation from the accessory building square footage requirement below is needed, the Planning Commission has the authority to approve such deviation. In the case of a request for deviation, the Township shall transmit notice of the request to property owners within three hundred (300) feet of the subject property a minimum of seven (7) days prior to the meeting in which the deviation request is to be considered.

**(1) FR District and EC District.**

- (a) The lot or parcel shall be a minimum of five (5) acres in size in the FR District and ten (10) acres in size in the EC District.
- (b) The accessory building shall not exceed two thousand four hundred (2,400) square feet in size.
- (c) The accessory building shall not contain living quarters (i.e.: bathroom, bedroom(s), or kitchen).
- (d) The accessory building shall have a permanent greenbelt that protects the accessory building from view from adjacent property owners and the road.
- (e) The accessory building shall never be used for commercial purposes.
- (f) The accessory building shall meet required principal building setbacks.

**(2) R-1 District.**

- (a) The lot or parcel shall be a minimum of (1) acre in size and shall meet the width requirements of the R-1 District.
- (b) The accessory building shall not exceed two thousand four hundred (2,400) square feet in size.
- (c) The accessory building shall have a maximum of fourteen (14') foot side walls.
- (d) The accessory building shall not contain living quarters (ie: bathroom, bedroom(s), or kitchen).
- (e) The accessory building shall not be used for commercial purposes.
- (f) Minimum side and rear setbacks shall be twenty (20') feet.
- (g) A front setback shall be maintained so as to permit a dwelling which meets the minimum dwelling unit size and setbacks.
- (h) The accessory building shall have a permanent greenbelt that protects the accessory building from view from adjacent property owners and the road.

(i) An accessory building is not allowed on lakefront property without a dwelling.

7. **Lakefront Lots.** Where lakefront lots are shallow in depth or of substandard area, or where other special circumstances warrant, an accessory building may be permitted on a lot across the road from the principal building. Planning Commission review and approval is required. A standard site plan meeting the requirements **Section 5.3.C** shall be submitted to the Planning Commission for consideration. In this case, accessory buildings shall not be regulated by subsection 6 (above).
8. **Design of Accessory Buildings.** Accessory buildings shall be located in an area so as to blend in with the surroundings. The design of the building shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

**C. Detached Accessory Buildings – C-1, C-2, C-M, C-F, I-1, and I-2 Districts.**

Accessory Buildings in the C-1, C-2, C-M, C-F, I-1, and I-2 Districts shall be approved using the same site plan review procedure and standards as the principal building(s) as specified in **Article 5**.

**D. Non-Traditional Storage Facilities/Shipping Containers.**

1. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers and shipping containers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only for no more than ninety (90) consecutive days.
2. **Shipping Containers on Residential Lots.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only in the FR District. Shipping containers shall not be utilized for any accessory dwelling purposes. The shipping container shall not be visible from a public right-of-way or neighboring property at all times of the year.

**Section 2: Severability**

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3: Saving Clause**

The Presque Isle Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4: Effective Date**

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

\_\_\_\_\_  
Township Supervisor

\_\_\_\_\_  
Township Clerk

I, \_\_\_\_\_, Clerk for Presque Isle Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_ of 2024 of Presque Isle Township, adopted by at a meeting of the Township Board of Trustees held on \_\_\_\_\_.

A copy of the complete ordinance text may be inspected or purchased at the Presque Isle Township Hall, at 12653 E. Grand Lake Road, Presque Isle, MI 49777.

Adopted: \_\_\_\_\_ Published: \_\_\_\_\_ Effective: \_\_\_\_\_, subject to PA 110 of 2006 as amended.