

# CHAPTER 4 General Provisions

## Section 4.01 Title:

General Provisions

## Section 4.02 Extent of Regulations:

These general provisions shall apply to all zoning districts except as otherwise noted.

## Section 4.03 Effect of Zoning:

No building, structure, premises, lot or parcel and parcel of land in the township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

## Section 4.04 Unlawful Use Not Authorized:

Nothing in the Ordinance or any amendment shall be interpreted as authorization for or approval of the continuance of the unlawful use of a structure, land or premises on the effective date of this Ordinance or any amendment.

## Section 4.05 Continuation of Existing Lawful Land Uses:

Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in "Chapter 22, Nonconforming Uses.

## Section 4.06 Ascribed Principal Use of Property:

No more than one principal building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land.

## Section 4.07 Registration of Property:

The description of and the deed for every parcel of land shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

## Section 4.08 Accessory Buildings and Structures

### - General:

For the purposes of maintaining orderliness, aesthetics and property values, especially in the residential areas, the following provisions are intended to regulate the location and character of accessory structures normally incidental to permitted principal uses. The following regulations are therefore intended to pertain to all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas and similar structures. Sidewalks, driveways, fences, light posts, utility poles and signs are excluded from these regulations unless specifically stated. In any zoning district an accessory building or structure may be erected from the permitted principal building or an integral part of the permitted principal building. Unless specifically regulated by other provisions of this Ordinance, accessory buildings and structures erected as an integral part of the principal building shall comply in all respects with the requirements of this Ordinance applicable to the principal building. In addition, the following general standards shall apply to all accessory structures.

1. The architectural character of all accessory buildings in excess of 200 square feet shall be compatible and similar to the principal building.
2. No accessory building or structure shall be constructed on any parcel on which there is no principal building. If an accessory structure and principal building are to be erected concurrently, a building permit for the accessory structure shall not be issued until such time that construction of the principal building has been at least fifty (50) percent completed.
3. Accessory structures other than attached porches and garages shall not be located in the front yard area of any lot except as allowed in Chapter 17, Section 17.03(b) or for a lot having water frontage where a customary detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.
4. Accessory buildings and structures may be located in the side or rear yard under the following provisions:
  - a. They shall not be located closer to any side or rear lot line than the principal building is



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permitted, except that boat houses may be permitted at or near the water's edge provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to construction.

- b. Those not classified as buildings, and buildings containing 200 square feet or less, may not project closer than 10 feet to any side or rear property line. Notwithstanding the foregoing, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection and placement. (Section amended by Ordinance #1 of 1992)
5. The distance between accessory buildings in excess of 200 square feet and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device.

### Section 4.09 Accessory Buildings - Residential:

Accessory buildings or structures on residential lots shall not directly or indirectly involve any business, trade, occupation or profession. In addition the following regulations shall apply: (Amended by Ordinance #6 of 2002)

- 1. **Special Use Permits Required:** Except as provided in Subsection 2, the following Table 4-1 shall be used to determine whether accessory buildings shall be approved under the provisions of Chapter 17, Special Use.

Maximum Height to Midpoint of Roof	Min. Bldg. Side Yard Setback	Min. Bldg. Rear Yard Setback	Special Use Permit Required
Up to 14'	10'	Min. – 25'	Over 832 sq. ft.
15'- 18'	40'	Min. – 40'	Over 832 sq. ft.
19'- 22'	60'	Min. – 60'	Over 832 sq. ft.

The following Table 4-2 shall be used to determine the number of accessory buildings permitted on a parcel.

Acreage	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3
*The number of buildings allowed is in addition to an attached or detached private garage. (Amended by Ordinance #12 of 2000)	

- 2. **Private Garage - Customary:** A customary private garage shall consist of any one (1) private garage attached to a principal dwelling unit, or in its place, any one (1) detached private garage. Subject to the following limitations, one such accessory building is permitted by right on any lot or parcel occupied for residential purposes, upon approval of the building inspector.
  - a. The maximum size of a detached private garage permitted by right shall be limited to 832 square feet of floor area. Detached private garages exceeding 832 square feet shall only be approved under the provisions of Chapter 15, Special Use.
  - b. The maximum size of a private garage attached to a dwelling unit shall be limited to 832 square feet for the first 1300 square feet of habitable floor area contained in the dwelling. In addition, for each whole increment of five (5) square feet that the floor area of the dwelling unit exceeds 1300 square feet, the floor area of the attached garage may be increased by one (1) square foot. Section 4.09(3) has been deleted (Amended by Ordinance #6 of 2002). (New Section added by Ordinance #1 of 1992)

