



## Accessory Buildings and Structures Zoning Requirements



### DEFINITIONS

**Pole Barn:** A structure used for storage having a metal roof and metal sides.

**Shed:** A type of accessory structure as defined herein which is not greater than two hundred (200) square feet in floor area and with a maximum height of ten (10) feet. Sheds must be constructed of solid materials.

**Gazebo:** A free standing roofed platform structure, usually open on the sides. A belvedere is the same as a gazebo.

**Garage:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

**Pool:** An accessory structure designed either above or below ground. Pools that are taller than 48" do not require a 4' fence. Pools less than 48" tall require a 4 ft fence.

Hamburg Township  
Planning and Zoning Department  
10405 Merrill Road  
PO BOX 157  
Hamburg, MI 48139  
Phone: (810) 231-1000 Ext. 231  
Email: [planning@hamburg.mi.us](mailto:planning@hamburg.mi.us)

## ZONING CODE REGULATIONS

### ARTICLE VII: SUPPLEMENTARY PROVISIONS

#### Municode Section 36-213: Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise provided for in this Ordinance, shall be subject to the following provisions:

(1) Authorized accessory buildings may be erected as part of the principal building; may be connected to the principal building by a roofed porch, breezeway, or similar structure; or may be completely detached from the principal building.

(2) All accessory buildings shall meet front and side yard requirements, except where such accessory buildings are detached and located completely to the rear of the principal building, in which case an accessory building may be located no nearer than five (5) feet to any side lot line.

(3) On a lot that abuts a water bodies if an accessory building is located between the principal structure and the front property (the property line that abuts the street) the accessory building may be located no nearer than fifteen (15) feet from the lot line which abuts the street and ten (10) feet from one side lot line and five (5) feet from the opposite side lot line.

(4) If the existing structure on a lot that abuts a water body has non-conforming side yard setbacks and a side yard setback less than ten (10) feet is utilized for the accessory building, the smallest side yard setback on the accessory building shall be on the same side as the smallest side yard setback on the existing structure.

(5) No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area.

(6) An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

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Garage/sunroom/pole barn: \$70.00

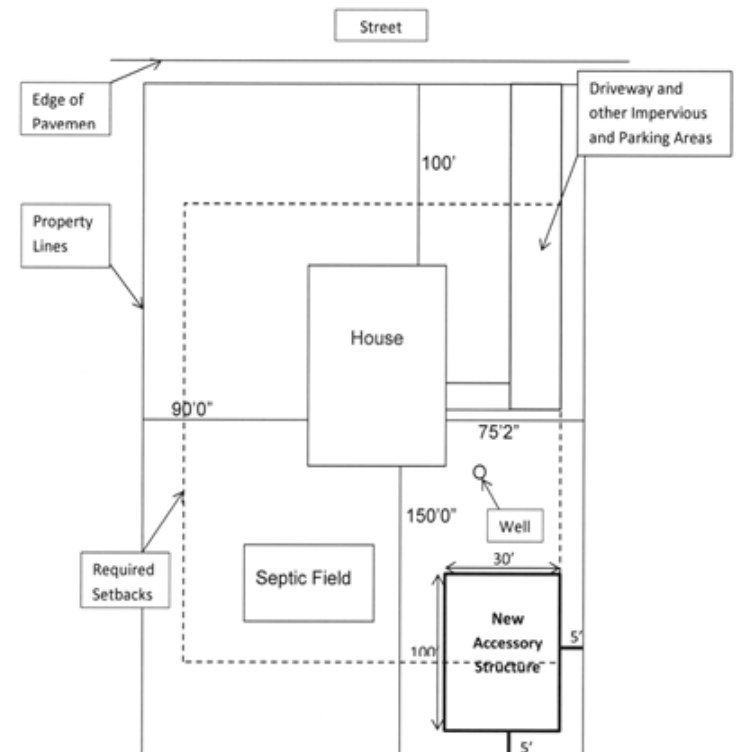
Pools/gazebos/sheds: \$40.00

**We accept credit cards, cash, and checks for in-person payment.**

6. When you come to pick-up your land use permit, we will return two (2) sets of plans to you, and you will be directed to go to the Livingston County building department in Howell to apply for your building permit. Livingston County Building Department:  
Ph. 517-546-3240, 2300 E. Grand River, Howell, MI 48843.
7. When you are finished with your project, check your Land Use Permit under “**Requirements for Final Zoning Compliance**”. Any items need to be completed before you call us for your final inspection (for example: remove all construction debris).

#### EXAMPLE SITE PLAN

Show all existing and proposed structures, septic tanks, drain fields, well, grinder pumps, roads, easements and property lines. Site plan must be drawn to scale and noted.



Note: This is not to scale, it is for example purposes only

## ACCESSORY BUILDING — SHED, BARN, GARAGE

### LAND USE PERMITTING PROCESS

(Always start at the township first, if you go to the county they will send you back to the township)

1. A COMPLETED LAND USE PERMIT [APPLICATION](#) FORM
2. Three (3) hard copies of your construction plans and (3) hard copies of your site (plot) plan - showing distances from your project to the property lines; well, septic or grinder pump location, structures on the property etc. (see example site plans). We require electronic copy of full-sized building plans also.
3. Your project **must be staked prior to our inspection**, if not, a \$25.00 re-inspection fee will be added to the cost of your land use permit.
  - Lot corners must be **CLEARLY** staked.
  - Lot lines must be marked with string for accurate lot line identification (when applicable).
  - Project corners must be **CLEARLY** staked and the building perimeter footprint marked with string (when applicable).
  - Lot must be **CLEARLY** identified with an address sign visible from the roadway.
4. If you are a contractor, or you are pulling a permit on someone else's behalf, we require completed [Letter of Authorization](#) or a copy of the contract that has been signed by both the owner and the contractor.
5. After you turn in all your paperwork, it will be processed through the appropriate departments and then our inspector will go out to do a site inspection. **(You do not need to be home for us to do our inspection)** Once an inspection has been done and the plans have been reviewed by the Zoning Administrator you will receive a call indicating that your permit is ready for pickup at the Zoning Department. Fees are as follows:

(7) On a corner lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot. In all cases, the garage entrance shall be located to allow adequate sight distance and off-street parking. When the rear lot line forms a part or all of a side lot line of an adjacent lot, a garage shall be no nearer than five (5) feet to the rear lot line.

(8) In Residential Districts, private **swimming pools** are permitted as an accessory use, provided that:

- (a) The pool, including all connections and appurtenances, is located either:
    - (i.) Entirely within a rear yard, maintains a minimum setback of five (5) feet from the rear and side property lines and pump and filter installations are located a minimum of ten (10) feet from the adjoining property lines; or
    - (ii.) Entirely within a side yard or partially within a side yard and rear yard and maintains a minimum setback from any property line equal to or greater than the required minimum rear yard setback as stated in **Section 36-186.**, including footnotes, for the zoning district in which it is located;
  - (b) A masonry wall or approved fence between four (4) and six (6) feet in height shall enclose the pool. All openings in the wall or fence shall be equipped with self-closing, self latching gates or doors.
- (9) Detached accessory buildings located within residential districts which have a roof pitch less than 8:12 shall not exceed 14 feet in height, as defined. Detached accessory buildings located within residential districts which have an 8:12 pitched roof or greater shall not exceed 17 feet in height, as defined. This provision shall not apply to parcels of land containing five acres or more.

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(10) No accessory building or structure shall be permitted prior to the construction of the main building or structure.

(11) Accessory Buildings, Structures and Uses in waterfront districts. In the Waterfront Residential District (WFR) and the Natural River Residential District (NR), accessory garage structure(s) may be placed on a separate lot of record than the principal structure if the following provisions are met and a permit has been issued by the Zoning Administrator:


- (a) The lot upon which the principal building is located must be a waterfront or riparian lot.
- (b) The garage can only be constructed on a non-waterfront lot.
- (c) The accessory structure(s) can be used only for a garage or storage facility. Garages or storage facilities may not exceed a combined total of 800 square feet of ground floor area. One shed may be permitted in addition to the 800 square feet of accessory buildings.
- (d) There shall be common ownership between the principal building or residence and lot being used for the garage.
- (e) The lot upon which the principal building is located must not be more than 66 feet from the lot being used for the garage.
- (f) The accessory structure(s) shall maintain all required front, side, rear yard setbacks and lot coverage regulations associated with a principal structure as specified in **Section 36-186**. Height shall conform with subsection (8) of this section.
- (g) A deed restriction shall be recorded that requires the lot upon which the principal building is located and the lot with the accessory building not to be sold separately unless all code requirements can be met. Meaning that a residential unit must be located on the lot with the accessory building on it. If no residential unit exists on the lot with the accessory building, one shall be built within one year of the sale of the property. A performance guarantee under Section 36-102 shall be provided by the new property owner of the lot with

Accessory building to the Township.

(12) On lots that abut a water body in any zoning district other than Natural Rivers District, accessory structures are permitted within fifty (50) feet of the ordinary high water mark of any body of water if they meet the following requirements:

- (a) They are less than 144 square feet in size.
- (b) They are no greater than ten (10) feet in height; and
- (c) Provided all other regulations in the zoning ordinance are met.

(13) All structures located within the Natural River District shall also comply with the requirements of [Section 36-175](#), Natural River District. **Example of Land Use Permit Application**

	<b>2023 LAND USE PERMIT FORM</b>	Hamburg Township Zoning Depart 10405 Merrill Rd., P.O. Box 157 Hamburg, MI 48139 (810) 231-1000
=====		
<b>ADDRESS/TAX IDENTIFICATION NUMBER: (Location where work will be conducted).</b>		
Address: _____		
City: _____	State: _____	Zip: _____
Tax ID# _____		
=====		
<b>OWNER of Property listed above:</b>		
Name: _____ Phone Number(s): _____		
Address: _____		
City: _____	State: _____	Zip: _____
E-Mail: _____		
=====		
<b>CONTRACTOR (Entity doing the work): If homeowner, just write in SELF.</b>		
Name: _____ Phone Number(s): _____		
Address: _____		
City: _____	State: _____	Zip: _____
E-Mail: _____		
=====		
<b>TYPE of LAND USE Permit:</b>		
<input type="checkbox"/> Accessory Dwelling Unit		
<input type="checkbox"/> Accessory Structures (Car Port, Garage, Gazebo, Green House, Pergola, Shed, Swimming Pool)		
<input type="checkbox"/> Addition or remodel		
<input type="checkbox"/> Deck		
<input type="checkbox"/> Demolition of structure (need utility turn-off letters)		
<input type="checkbox"/> Fences		
<input type="checkbox"/> Grading		
<input type="checkbox"/> Gutters		
<input type="checkbox"/> Mechanical (Air Conditioner, Generator, Heater, Jacuzzi, Solar Panels)		
<input type="checkbox"/> New Home		
<input type="checkbox"/> Patio & Porch		
<input type="checkbox"/> Roofing / Siding Windows & Doors		
=====		
<b>DESCRIBE WORK TO BE DONE:</b>		
_____		
_____		
_____		