



# Zoning Ordinance

ADOPTED • DECEMBER 2025





**TOWNSHIP BOARD  
SHELBY TOWNSHIP, OCEANA COUNTY**

**ORDINANCE NO. 12042025-1**

Commissioner Jim Prince, supported by Commissioner Sean Carey, moved the adoption of the following ordinance:

**AN ORDINANCE TO REPEAL AND REPLACE AN ORDINANCE ENTITLED "SHELBY COMMUNITY ZONING ORDINANCE" WHICH WAS ADOPTED MARCH 2006, AS AMENDED, TO MAINTAIN THE DOCUMENT AND ADOPT SPECIFIC LANGUAGE IN 2009, 2011, 2013, 2015, AND 2016**

**THE TOWNSHIP OF SHELBY ORDAINS:**

**Section 1. Amendment of the Shelby Township Zoning Ordinance.** The Shelby Community Zoning Ordinance of 2006, as amended (hereinafter the "Ordinance"), shall be amended to repeal and replace the Zoning Ordinance as follows:

Chapters 1-20 will replace the existing text.

Chapter 1	Title and purpose
Chapter 2	Definitions
Chapter 3	General provisions
Chapter 4	Zoning Districts and Zoning Map
Chapter 5	AG district
Chapter 6	R1 district
Chapter 7	R2 district
Chapter 8	R3 district
Chapter 9	C2 General Business Commercial District
Chapter 10	C3 Highway Commercial District
Chapter 11	IND Industrial District
Chapter 12	RM Rural Mixed Use District
Chapter 13	PUD Planned Unit Development
Chapter 14	Special Land Uses
Chapter 15	Site Plan Review
Chapter 16	Site Development Requirements
Chapter 17	Board of Appeals
Chapter 18	Administration and Enforcement
Chapter 19	Schedule of Regulations
Chapter 20	District Use Summary Table

**Section 2. Conflicting Ordinances.** All other ordinances and parts of ordinances, or amendments thereto, of Shelby Township in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. Recodification.** That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme



established by the Ordinance where articles are numbered within groups of ten to associate together similar articles on similar topics, and sections are numbered sequentially with the first two digits being the article number and the next two digits being the sequential section number.

**Section 4. Effective Date.** This ordinance shall take effect 7 days after its publication, or a summary thereof, in a newspaper of general circulation in the Township.

**Section 5. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Township Clerk in *The Oceana Echo*, a newspaper of general circulation in the Township.

Approved this 4<sup>th</sup> day of December 2025.



The foregoing ordinance was offered by Board Member Scott Beishuizen.

Support offered by Board Member Scott Meyers.

ROLL CALL VOTE: Scott Beishuizen – yes, Scott Meyers – yes, Becky Griffin – yes, Cathy Anderson – yes, Richard Raffaelli – yes.

AYES: 5

NAYS: 0

ABSENT: 0

ABSTAIN: 0

RESOLUTION DECLARED ADOPTED.

We hereby certify that the foregoing was adopted by the Shelby Township Board at a public session held on December 04, 2025.

Richard Raffelli, Township Supervisor

Dated: 12-08-2025

Cathy Anderson, Township Clerk

Dated: 12-8-2025



### CERTIFICATION

I, the undersigned Township Clerk of Shelby Township, certify that the above Ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Shelby Township Board held on December 04, 2025, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in *The Oceana Echo*, on December 12, 2025. I further certify that the above Ordinance was entered into the Ordinance Book of the Township on December, 2025 and was effective Dec 19, 2025.

Cathy Anderson, Township Clerk

Dated: 12-8-2025





# Zoning Ordinance

ADOPTED • DECEMBER 2025

Prepared with assistance by



**MCKENNA**

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Northville, Michigan 48072  
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# Chapter 1.

# Title and Purpose

## **SECTION 1.01      SHORT TITLE**

This Ordinance is hereby known as the "Shelby Township Zoning Ordinance."

## **SECTION 1.02      ENACTING CLAUSE**

The Township of Shelby, Oceana County, Michigan, Ordains:

## **SECTION 1.03      PURPOSE**

The purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people. The provisions are intended to, among other things:

- A. Encourage the use of lands, waters, air and other natural resources in accordance with their character and most suitable use;
- B. Limit the improper use of land, air and resources;
- C. Provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- D. Reduce hazards to life and property;
- E. Provide for orderly development;
- F. Avoid overcrowding of the population;
- G. Provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- H. Lessen congestion on the public roads and streets;
- I. Protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- J. Facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements;
- K. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

## **SECTION 1.04 THE EFFECT OF ZONING**

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located; these limitations being the minimum legislation necessary to achieve the purposes of this Ordinance.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, that use, erection, alteration, or occupation of land, building or structure shall be unlawful and shall be declared a nuisance and the use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and any land, building, or structure shall not be used or occupied until brought into conformance.
- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any building, provided that actual construction is being diligently carried on, and further provided that the building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.

## **SECTION 1.05 LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

# Chapter 2.

# Definitions

## SECTION 2.01 RULES APPLYING TO TEXT

- A. If the meaning of this Ordinance is unclear in a particular circumstance, then the body or person charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if the intent can be discerned from other provisions of the Ordinance or law.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. All words and phrases shall be construed and understood according to the common preferred use of the language; but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.
- D. The particular shall control the general. For terms used in this Ordinance the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "truck stop," as used in this Ordinance, shall not be interpreted to be the same as a "vehicle service station" since each is listed as a separate and distinct use.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- F. A "building" or "structure" includes any part thereof.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. The term "Shelby" refers to the Township of Shelby.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either Or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
  - 4. A masculine term shall include the feminine version of the term, and vice versa.
- J. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.



- K. With the exception of this Chapter, the headings which title a Chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- L. The listed terms and words are defined in this Chapter for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

## **SECTION 2.02 DEFINITIONS – A**

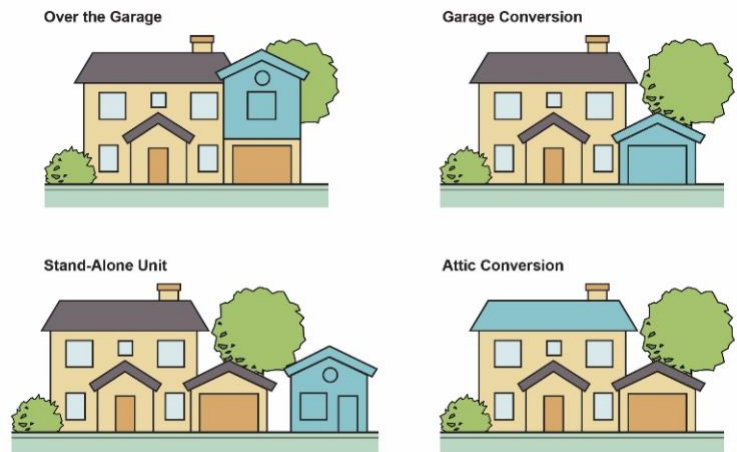
**ACCESSORY BUILDING OR STRUCTURE.** A structure, building or portion of, supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building or structure is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building or structure shall be considered a part of the main building.

**ACCESSORY DWELLING UNIT.** A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

**ACCESSORY USE.** A use that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related.

**ADULT DAY CARE FACILITY.** A facility designed to provide care and companionship for persons 18 years of age or older who need assistance or supervision during the day.

**ADULT FOSTER CARE FACILITY.** A facility defined by the Adult Foster Care Facility licensing act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. An adult foster care facility is a home or facility that provides foster care for adults. A facility includes facilities and foster care family homes for adults who are aged, mentally ill, have developmental or physical disabilities who require supervision on an ongoing basis, but who do not require continuous nursing care.



**Accessory Dwelling Units**

- A. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided foster care. The adult foster care licensee must be a member of the household and an occupant of the residence.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults who shall be provided foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

**AGRICULTURE.** The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

**AGRICULTURAL SERVICE ESTABLISHMENT.** An establishment engaged in activities directly related to, or in support of, farms and farm operations including, but not limited to, grain elevators and bins; sales of feed, fertilizers, seeds, and similar products; agricultural product processing operations, sawmills, employee housing and related uses.

**AGRI-TOURISM ESTABLISHMENT.** A commercial enterprise related to farming operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products; and which may include farm product retailing and sampling, educational and/or outdoor recreational programs, farm tours, horseback riding, corn mazes, ancillary food service facilities and similar activities.

**ALLEY.** A public way not more than thirty-three (33) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

**ALTERATIONS.** Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

**ARCHITECTURAL FEATURES.** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**ASSISTED LIVING HOME OR NURSING HOME.** A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. The home shall conform to, and qualify for, license under applicable State law.

**AVERAGE GRADE.** The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

## SECTION 2.03 DEFINITIONS – B

**BASEMENT OR CELLAR.** A portion of a building having more than one-half ( $\frac{1}{2}$ ) of its height below grade.

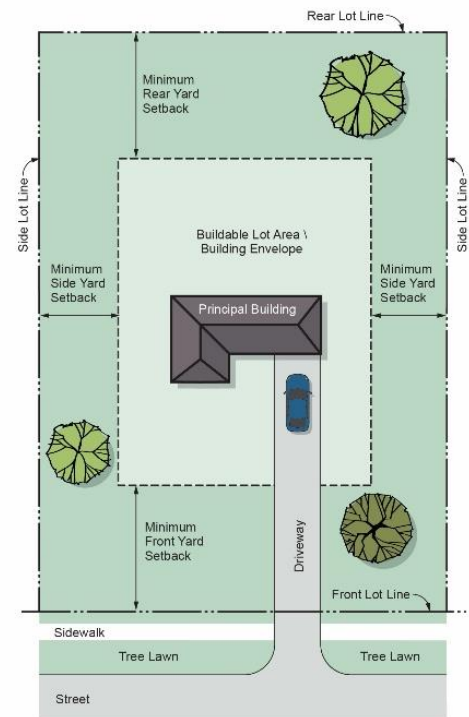
**BED AND BREAKFAST ESTABLISHMENT.** A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment. (See Figure)

**BOARD OF APPEALS, OR BOARD.** As used in this Ordinance, this term means the Zoning Board of Appeals for Shelby Township, except where specified.

**BUILDABLE AREA.** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met. (See Figure)

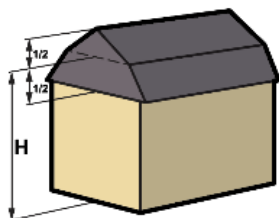
**BUILDING.** An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

**BUILDING HEIGHT.** The building height is the average vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between the top plate of the building wall and the ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

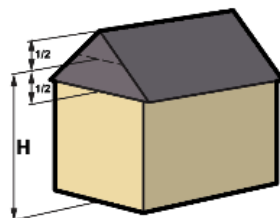


**Buildable Lot Area**

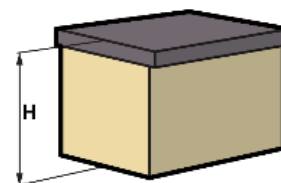
[---] Building Envelope



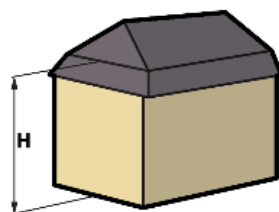
Gambrel Roof



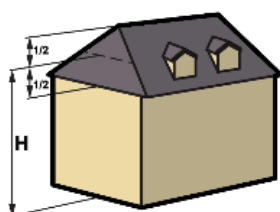
Gable Roof



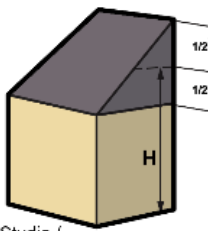
Flat Roof



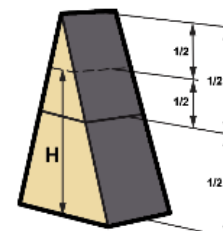
Mansard Roof



Hip Roof



Studio /  
Shed Roof



"A" Frame

## Building Height

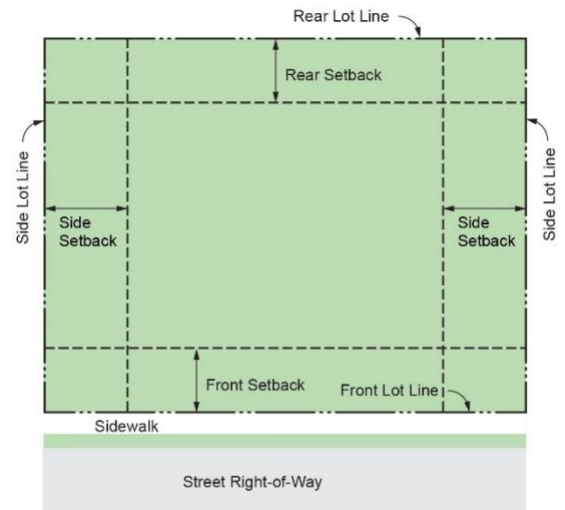
H = Height of Building

**BUILDING INSPECTOR.** A building inspector shall refer to the person or agency appointed by the Legislative Bodies as the Building Inspector for the Township.

**BUILDING PERMITS.** A building permit is the written authority as issued by the Building Inspector permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the adopted Building Code.

**BUILDING SETBACK LINES.** Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards. (See Figure IV)

- A. **Front Building Setback Line.** The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. **Rear Building Setback Line.** The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. **Side Building Setback Lines.** Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



**Setback**

## SECTION 2.04 DEFINITIONS – C

**CAMPGROUND, PUBLIC OR PRIVATE.** Means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. Campground does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

**CAMPGROUND, RESORT.** Means a publicly or privately owned establishment intended to contain temporary or permanent buildings, recreational vehicles, cabins, or other similar structures established or maintained as temporary living quarters, usually operated for recreation, religious, education, or vacation purposes.

### CHILD CARE

- A. **Child Care Center.** A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, shall not be considered a Child Care Center.
- B. **Family Child Care Home.** A private home in which 1 but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form

1099-MISC to the individual for compensation paid during the calendar year for those services. Family child care home includes a private home with increased capacity.

- C. **Group Child Care Home.** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.

**CHILD FOSTER CARE FACILITY.** A facility defined by the Child Care Organizations act (PA 116 of 1973), as amended, having as its principal function the receiving of children for foster care. A child foster care facility is a home or facility that provides foster care for children who are placed away from their parent, legal guardian, or legal custodian in foster care.

- A. **Foster Family Group Home.** A private home of an individual who has been licensed by the department to provide twenty-four (24) hour care for more than four (4) but fewer than seven (7) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care. The licensed individual providing care is required to comply with the reasonable and prudent parenting standard as defined in section 1 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

**CLEARING OF LAND.** The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide, forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

**CLERK.** The Clerk of Shelby Township.

**CLINIC, PROFESSIONAL.** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**CLUB.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

**COMMUNITY.** The term "Community" shall mean the Township of Shelby.

**COMMISSION, PLANNING.** As used in this Ordinance, this term means the Shelby Township Planning Commission.

**CONDOMINIUM ACT.** Public Act 59 of the Michigan Public Acts of 1978, as amended.

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

**CONDOMINIUM PROJECT.** A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

**CONSERVATION EASEMENT.** A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water.

**COMMERCIAL STORAGE.** A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

**CUSTOM DISPACTCHING AND PROCESSING OF ANIMALS.** An activity that involved the slaughtering, eviscerating, dressing, or processing of an animal or processing of non-inspected meat products (not under continuous inspections by either the Michigan Department of Agriculture or US Department of Agriculture for slaughterhouse activities) for animals that are consumed by the owner of the live animal, his/her family, non-paying guests, or employees.

## **SECTION 2.05      DEFINITIONS – D**

**DEED RESTRICTION.** A restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**DRIVE THROUGH FACILITY.** A commercial or other establishment that provides a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

**DRIVEWAY.** An improved or unimproved path extending from a public right-of-way or private road easement to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.

**DWELLING, OR DWELLING UNIT.** A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

- A. **Dwelling, Multiple Family.** A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in the building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.
- B. **Dwelling, Two Family.** A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in that building. It may also be termed a duplex.
- C. **Dwelling, Single Family (Detached).** A detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit.

## **SECTION 2.06      DEFINITIONS – E**

**ELDERLY HOUSING.** A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains an assisted living or nursing home as licensed under the Public Health Code, Act 368 of 1978, as amended, or a mental hospital for mental patients licensed under the Mental Health Code, Act 258 of 1974, as amended.

**ENGINEER.** The person or firm appointed by the Legislative Body as the Engineer for the Township.

**ERECTED.** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by those public utilities or municipal departments or commissions, or for the public health or general welfare, but not including cellular telephone or communications towers, or buildings other than those buildings that are primarily enclosures or shelters of the above essential service equipment.

**EXCAVATION.** Excavation shall be the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.



## SECTION 2.07 DEFINITIONS – F

**FAMILY.** An individual or group of two (2) or more persons related by consanguinity, marriage, or adoption together with foster children or servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; OR

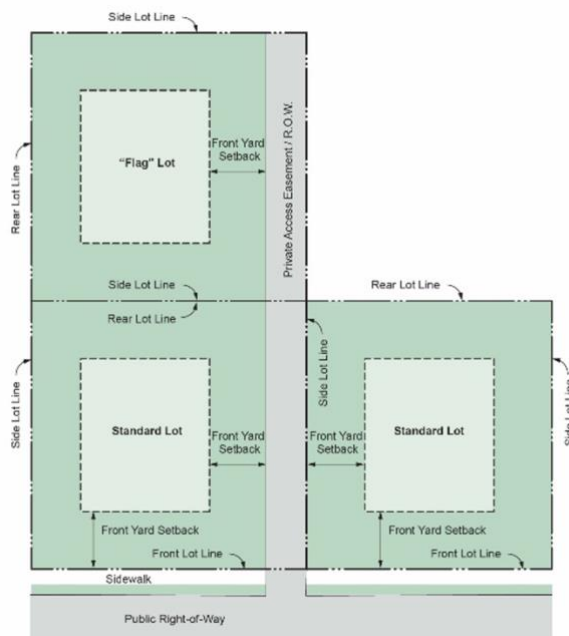
A collective number of individuals domiciled together, up to six (6) persons, in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition also does not include halfway houses for prisoner re-entry and similar facilities. It also does not include medication-assisted treatment for substance abuse patients, substance abuse disorder treatment facilities, and similar facilities for those not recovered from substance abuse treatment such as sober living homes.

**FARM.** Means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**FARM MARKET.** A structure and/or area of land used either temporarily or permanently for the outdoor display and retail sale of fruits, vegetables, flowers and other farm products, prepared foods and handmade arts and crafts including, but not limited to, pastries, bread, pottery and jewelry. Farm markets may also include picnic areas and vendors offering prepared foods for sale and consumption on site.

**FARM OPERATION.** Means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.



J. The employment and use of farm labor.

**FENCE.** Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

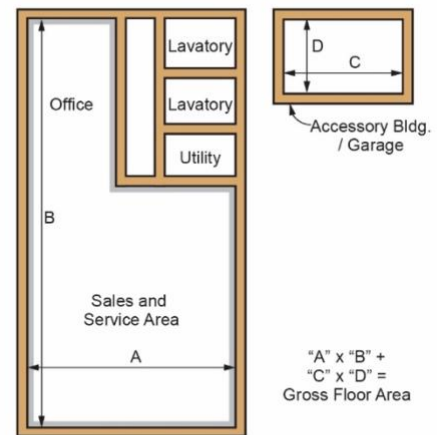
**FLAG LOT.** A lot that has less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land, and the largest portion of the lot is situated behind adjoining lots which front on a public or private street.

**FLOOR AREA, GROSS (GFA)**

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)
- B. Gross floor area shall not include attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

**FLOOR AREA, USABLE (UFA).** That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**FRONTAGE.** The horizontal distance between the side lot lines measured at the street right-of-way or easement line.



## Floor Area

 Usable Floor Area



## **SECTION 2.08      DEFINITIONS – G**

**GARAGE.** An accessory building, detached from or attached to a main building, designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GRADE.** The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. (Grade shall also mean average grade, as defined herein.)

## **SECTION 2.09      DEFINITIONS – H**

**HOME-BASED BUSINESS.** A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises. Examples of home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

**HOME-BASED OCCUPATION.** An occupation customarily conducted within a dwelling by its occupants as a subordinate use. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**HOSPITAL.** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

**HOTEL.** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals. A hotel shall include accessory uses, including, but not limited to gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel.

**HOUSEHOLD PETS.** Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

## **SECTION 2.10      DEFINITIONS – I**

**INOPERABLE VEHICLES.** Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

**INTENSIVE LIVESTOCK OPERATIONS.** An agricultural operation that meets the following criteria:

- A. A total of seven hundred and fifty (750) dairy cattle (all classes); seven hundred and fifty (750) slaughter or feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes); five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or
- B. A population per acre of at least four (4) dairy cattle, four (4) slaughter or feeder cattle, twenty (20) swine, seven hundred (700) poultry, ten (10) sheep or goats, or four (4) horses.

## SECTION 2.11 DEFINITIONS – J

**JUNK.** For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

**JUNK YARD.** The term "junk yard" includes vehicle wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

## SECTION 2.12 DEFINITIONS – K

**KENNEL, COMMERCIAL.** Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

## SECTION 2.13 DEFINITIONS – L

**LEGISLATIVE BODY.** The Township Board for Shelby Township.

**LOADING SPACE.** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

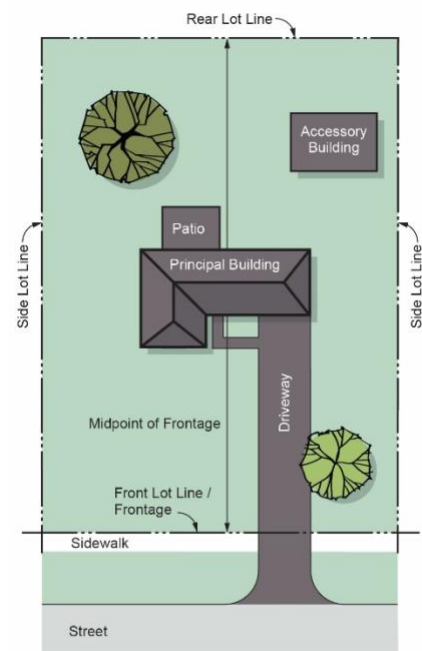
**LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by the Condominium Act, designed and intended for separate or limited ownership and/or use.

**LOT AREA.** The total horizontal area within the lot lines of a lot excluding road right-of-way.

**LOT, CORNER.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.

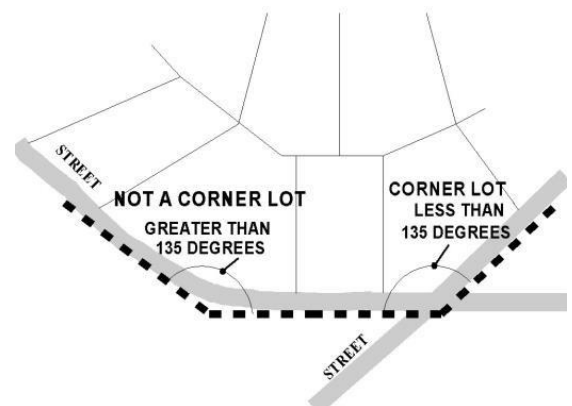
**LOT COVERAGE.** The part or percent of the lot occupied by buildings or structures.

**LOT DEPT.** The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a double frontage lot.



### Lot Terms

■ Lot Coverage



**LOT, DOUBLE FRONTAGE (THROUGH).** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where the structures presently front.

**LOT, INTERIOR.** A lot other than a corner lot with only one (1) lot line fronting on a street.

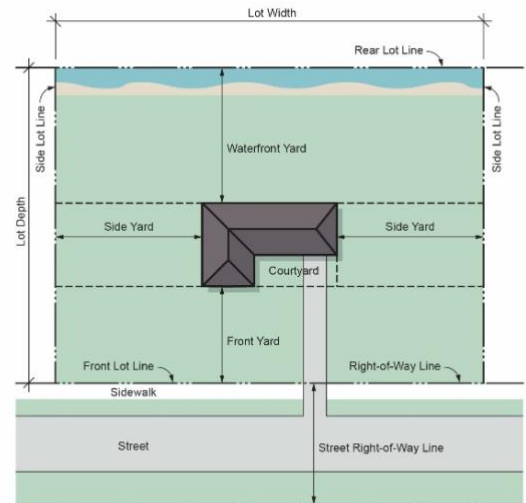
**LOT, WATERFRONT.** A lot having frontage directly upon a lake, river or otherwise formed impoundments of water.

**LOT LINES.** The property lines bounding the lot.

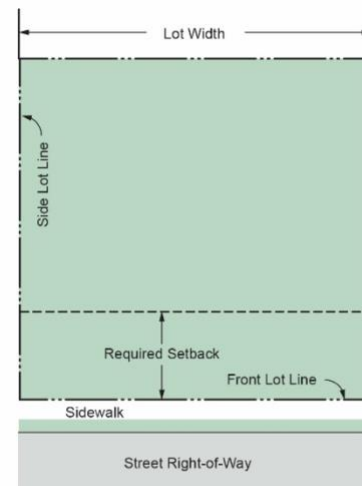
- A. **Front Lot Line.** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from a street right-of-way. In the case of a corner or double frontage lot, all lot lines abutting a street shall be considered a front lot line.
- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. A corner lot or a double frontage lot does not have a rear lot line. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. **Side Lot Line.** Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD.** A lot which lawfully exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lawful lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**LOT WIDTH.** The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line and the rear building setback line.



**Yard Terms – Waterfront Lot**



## Lot Width

Frontage

## **SECTION 2.14      DEFINITIONS – M**

**MAIN BUILDING.** A building in which is conducted the principal use of the lot upon which it is situated.

**MAJOR ROAD.** Roads that gather traffic from local streets and/or move larger volumes of traffic through the Township.

**MANUFACTURED HOME.** A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit and is wholly or substantially constructed at an off-site location, transported to a site and erected.

**MANUFACTURED HOME COMMUNITY.** A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**MANUFACTURING OR ASSEMBLY FACILITY.** Establishments engaged in a series of operations that transform materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, and such related activities as storage, packaging, shipping and scrapping.

**MASTER PLAN.** The Master Plan currently adopted by Shelby Township, including graphic and written materials, indicating the general location for streets, parks, public buildings, and all physical development of Shelby Township, and includes any unit, part, or amendment to the Plan.

**MIGRANT AGRICULTURAL LABOR HOUSING.** A tract of land and all, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of Michigan P.A. 368 of 1978, as amended.

**MOTEL.** A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation. A motel shall not include accessory uses, such as gift shops, restaurants, and other similar uses.

**MOTOR HOME.** A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

## **SECTION 2.15      DEFINITIONS – N**

**NATURAL FEATURES.** Includes but is not limited to: soils, wetlands, woodlots, overgrown fence rows, landmark and specimen trees, floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

**NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

**NONCONFORMING LOT OF RECORD.** A lot, whether platted or unplatted, that conformed with all zoning lot requirements at the time of recording but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance.

**NONCONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

**NONRESIDENTIAL DISTRICT.** Nonresidential District shall refer to the C-2, C-3 and IND Zoning Districts, as described in this Ordinance.

## **SECTION 2.16      DEFINITIONS – O**

**OPEN AIR BUSINESS.** Uses operated for profit substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

**OPEN SPACE DEVELOPMENT.** A development which is permitted to have smaller lot sizes in return for protected open space.

**OPEN SPACE.** Land used for recreation, resource protection, amenity, and/or buffers, and not containing any main building or structure.

- A. **Open Space, dedicated.** Common open space dedicated as a permanent recorded easement.
- B. **Open space, usable.** That portion of the common open space that meets the minimum dimensions as required by this Ordinance and which due to its slope, drainage characteristics and soil conditions can be used for recreation.

**OUTDOOR STORAGE.** The storage of any materials or objects outside the confines of a building.

## **SECTION 2.17      DEFINITIONS – P**

**PARKING LOT.** A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

**PARKING SPACE.** An off-street space of at least one hundred sixty-two (162) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**PERSONAL SERVICE ESTABLISHMENTS.** Any commercial business conducting services that are performed primarily on the premises.

**PLANNED UNIT DEVELOPMENT.** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION.** This term shall mean the Shelby Township Planning Commission.

**PLOT PLAN.** A drawing required by the Zoning Ordinance to ensure that a proposed land use or activity is in compliance with the Ordinance. It is a lesser site plan and used to provide information for a zoning permit for such things as single family home development, additions to homes, accessory buildings, and fences.

**PORCH, ENCLOSED.** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**PORCH, OPEN OR UNENCLOSED.** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

**PRINCIPAL USE.** The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services, not including wireless telecommunications providers or wind energy conversion facilities.

## **SECTION 2.18      DEFINITIONS – R**

**RECREATIONAL UNIT.** Means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

**RECREATIONAL VEHICLE OR EQUIPMENT.** A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. These vehicles shall include boats, airplanes, special purpose vehicles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

**RESIDENTIAL DISTRICT.** Residential District shall refer to the AG, R-1, R-2, R-3, and RM Zoning Districts, as described in this Ordinance.

**RETAIL ESTABLISHMENT.** An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and providing services incidental to the sale of such goods.

**ROADSIDE STAND.** A farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

## **SECTION 2.19      DEFINITIONS – S**

**SATELLITE DISH ANTENNA, OR DISH ANTENNA.** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

**SETBACK.** The distance required to comply with front, side or rear yard open space provisions of this Ordinance.

### **SEXUALLY ORIENTED BUSINESSES**

- A. **Adult Bookstore or Adult Video Store:** An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities”; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.



The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

3. Twenty-five percent (25%) or more of the commercial establishment’s gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.
  4. Twenty-five percent (25%) or more of the commercial establishment’s stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
  5. Twenty-five (25%) or more of the commercial establishment’s gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
- B. **Adult Cabaret:** An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
  2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any “specified anatomical areas” or “specified sexual activities”; or
  3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an “specified anatomical areas” or “specified sexual activities”.
- C. **Adult Motion Pictures Theater:** An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to , “specified anatomical areas” or “specified sexual activities”. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- D. **Massage establishment:** any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:
1. Hospitals, nursing homes, medical clinics;
  2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
  3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
  4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
  5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- E. **Sexually Oriented Business:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of

consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented in business.

**F. Specified Anatomical Areas:**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**G. Specified Sexual Activities:**

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of in connection with any of the activities set for in (1) or (2) above.

**SHORELINE.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

**SOLAR ENERGY COLLECTOR.** A system (including solar collector surfaces and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems. The following definitions are within this subcategory:

- A. **Ancillary Solar Equipment:** Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries electric meters, converters, or water heater tanks.
- B. **Property Owner or Lessor:** Any person, agent, firm, corporation, or partnership that alone, jointly or severally with others: (1) has legal or equitable title to any premises dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling, or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the County Register of Deeds to be the owner of a particular property shall be presumed to be the person in control of that property.
- C. **Solar Collector Surface:** Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
- D. **Solar Energy:** Radiant energy received from the sun that can be collected in the form on heat or light by a solar energy system.
- E. **Building-Mounted Solar Energy Collector:** A solar energy collector attached to the roof or wall of a building, or which services as the roof, or other element in whole or in part of a building. Also includes building-integrated photovoltaic systems (BIPV).
- F. **Ground-Mounted Solar Energy Collector:** A solar energy collector that is not attached to and is separate from any building on the lot on which the solar energy collector is located.
- G. **Small-Scale Solar Energy Collector:** A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, ground-mounted solar energy collectors, or building-mounted solar energy collectors.



- H. **Photovoltaic System:** A collection of solar panels and related equipment and components used to convert light into electrical power.
- I. **Utility Scale Solar Energy System:** A solar energy system that meets one or more of the following:
1. It is primarily used for generating electricity for sale and distribution to an authorized public utility for use in the electrical grid;
  2. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
  3. It is not considered an accessory use or structure by the Township Zoning Administrator.

**SPECIAL ACCOMMODATIONS USE.** A use that provides equal housing opportunities particularly suited to the needs of persons entitled to a reasonable accommodation under state or federal law, such as but not limited to, the Federal Fair Housing Act, as amended, 42 USC 3604(f)(1) et seq, the Americans with Disabilities Act, as amended, 42 USC 12131 et seq, and the Rehabilitation Act, as amended, 29 USC 794(a). The definition of special accommodation use shall be applicable to various types of transitional and permanent homes or living arrangements which occupy dwellings or other structures and may include, but not be limited to, adult foster care large group homes and congregate facilities, and sober living homes.

**SPECIFIED ANATOMICAL AREAS.** Specified anatomical areas are defined as less than completely and opaquely covered:

- A. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Specified sexual activities are defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STORY.** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over one-half ( $\frac{1}{2}$ ) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

**STREET, PRIVATE.** A privately owned and maintained thoroughfare meeting the requirements of this Ordinance and providing access to two (2) or more individual lots or parcels.

**STREET, PUBLIC.** A thoroughfare including any easements or rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

## **SECTION 2.20      DEFINITIONS – T**

**TEMPORARY BUILDING OR USE.** A structure or use permitted by the Zoning Administrator in accordance with the requirements of this Ordinance during periods of construction of a main building or for special events.

**TOWNSHIP.** The term "Township" shall refer to Shelby Township, Oceana County. **TOWNSHIP BOARD.** The words, "Township Board" shall mean the Shelby Township Board.

**TRANSITIONAL HOUSING.** For the purposes of this Ordinance, “Transitional Housing Facility” means the offering to others for purposes of occupancy through rental or lease agreements, or by other mutually acceptable agreements leading to occupancy, the occupancy of dwelling units in any form to two or more individuals who do not meet the qualifications of a “family” as defined in the Shelby Township Zoning Ordinance. “Transitional housing facility” does not include whether licensed by the state, county or otherwise; (2) any facility owned and operated directly by the Federal Bureau of Prisons; (3) an adult foster care home of six (6) persons or less licensed under the Michigan Adult Foster Care Licensing Facilities Act, MCL 400.701 et. Seq. or (4) a use granted a Special Accommodation as defined containing six (6) persons or less.

**TRUCK STOP.** An establishment primarily engaged in fueling, servicing, repairing, or parking tractor-trucks or similar heavy commercial vehicles, which may also include the sale of accessories or other retail items, and showering or laundromat facilities.

## **SECTION 2.21      DEFINITIONS – U**

Reserved for Future Use.

## **SECTION 2.22      DEFINITIONS – V**

**VARIANCE, NON-USE OR DIMENSIONAL.** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the zoning ordinance would cause practical difficulty owing to circumstances unique to the individual property.

**VEHICLE REPAIR, MAJOR.** Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust-proofing; or steam cleaning.

**VEHICLE REPAIR, MINOR.** Any use whose primary activity involves minor repair and maintenance of passenger vehicles and light trucks and vans, including, but not limited to vehicle detailing, oil change establishments, audio or cellular installation, and auto glass installation and repair, but not including fuel sales.

**VEHICLE SERVICE STATION.** A building or premises to be used for the retail sale of gasoline or other motor fuel for the propulsion of motor vehicles and accessory sales and installation of vehicle accessories, including, but not limited to, tires, batteries, oil, and similar products.

**VEHICLE WASH ESTABLISHMENT.** A building, or portion thereof, the primary purpose of which is washing motor vehicles.

## **SECTION 2.23      DEFINITIONS – W**

**WETLAND.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

**WIRELESS COMMUNICATION TOWER.** A structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services, along with associated equipment necessary to operate these facilities.

**WIRELESS COMMUNICATION ANTENNA.** The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

**WIND ENERGY CONVERSION SYSTEM (WECS)** definitions:

- A. **Wind Energy Conversion System (WECS)** - shall mean a combination of:
1. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
  2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
  3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted; and
  5. Building or equipment accessory thereto.
- B. **Survival wind speed:** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- C. **Wind farm:** Clusters (2 or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. The towers may or may not be owned by the owner of the property upon which the towers are placed.
- D. **Single WECS for commercial purposes:** A WECS tower placed upon land with the intent to sell or provide electricity to others. The tower may or may not be owned by the owner of the property upon which the tower is placed.
- E. **Interconnected WECS:** A WECS, which is electrically connected to the local electrical power utility system and can feed power back into the local electrical power utility system.
- F. **WECS:** A structure and equipment used to determine the potential for the placement of a WECS.
- G. **WESC tower height:**
1. **Horizontal axis wind turbine rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades;
  2. **Vertical axis wind turbine:** The distance between the ground and the highest point of the WECS.

## **SECTION 2.24      DEFINITIONS – Y**

**YARD.** A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

## **SECTION 2.25      DEFINITIONS – Z**

**ZONING ACT.** The Michigan Zoning Enabling Act, Act 110 of 2006 of the Public Acts of Michigan, as amended.

**ZONING ADMINISTRATOR.** The person(s) designated by the Legislative Body to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS, OR BOARD.** The Zoning Board of Appeals of Shelby Township.

# Chapter 3.

# General Provisions

## SECTION 3.01      ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building unless a permit for a main building has also been secured for that lot.
- B. When an accessory building or structure is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building or structure shall be considered a part of the main building and shall conform to the setback requirements of the main building.
- C. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- D. Detached accessory buildings shall be set back fifty (50) feet from any property line.
- E. Accessory building(s) shall not be erected in any required front yard.
- F. Accessory buildings shall be of residential construction and shall be compatible with surrounding residential homes. Sheet metal walls are prohibited. Accessory buildings under two hundred (200) square feet are exempt.
- G. **Accessory Dwelling Units (ADUs).** ADUs shall comply with the following standards:
  - 1. **Permit Required.** An accessory dwelling unit (ADU) shall be permitted in the Agricultural or Rural Residential zoning districts subject to Zoning Administrator review and approval of an application for an ADU. Permits for the ADU shall be issued for a period not longer than five (5) years and must be renewed at the end of the first term of issuance and every such period thereafter upon written request of the property owner. Previous violation of the ADU standards and requirements or other zoning ordinance provisions may be grounds for denial of an application for an ADU or renewal of an ADU permit.
  - 2. **Deed Restriction.** Prior to the issuance of a permit, the property owner must provide a deed restriction stating that the property owner shall occupy the property as a principal place of residence, that the ADU shall not be sold or otherwise conveyed separate from the primary residence and not be rented for period of less than (30) days.
  - 3. **Application.** Applications for an ADU permit shall contain the following:
    - a. Basic site plan
    - b. Photographs of the site
    - c. A narrative describing how the ADU will maintain aesthetic continuity with the principal dwelling unit
    - d. A copy of the deed restriction
    - e. Certification(s) by the Oceana County Health Department

**4. Regulations and Conditions.** ADUs must meet the following standards:

- a. ADUs shall be developed on lots with a minimum lot size of one (1) acre.
  - b. A maximum of one (1) ADU may be permitted on a single property and shall either be attached or located within the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling and location on the same lot as the proposed or existing primary dwelling.
  - c. The gross floor area of an ADU shall not be less than 650 square feet, but not exceed the total living space of the proposed or existing principal building.
  - d. ADUs shall comply with local building code requirements that apply to detached dwellings, as appropriate.
  - e. Water and sewer facilities shall be adequate for the projected number of residents and approved by the Oceana County Health Department.
  - f. If the ADUs primary entrance is not the same as that for the principal dwelling unit, it shall be less visible from the street view of the principal dwelling unit, and any stairway constructed for the ADU shall not be located on the front of the principal dwelling unit.
  - g. A maximum of two (2) off-street parking spaces shall be provided. Parking spaces include garages, carports, or off-street areas reserved for vehicles.
  - h. Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling, such as matching materials, colors, window style, and roof design.
- H. Manufactured homes, semi-trailers or other vehicles shall not be used as accessory storage structures.
- I. No accessory building shall occupy any portion of a required greenbelt or buffer in any District.
- J. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.
- K. A zoning permit shall be secured prior to the placement of any accessory building.
- L. The maximum height of accessory structures in the Township shall be twenty-eight (28) feet.

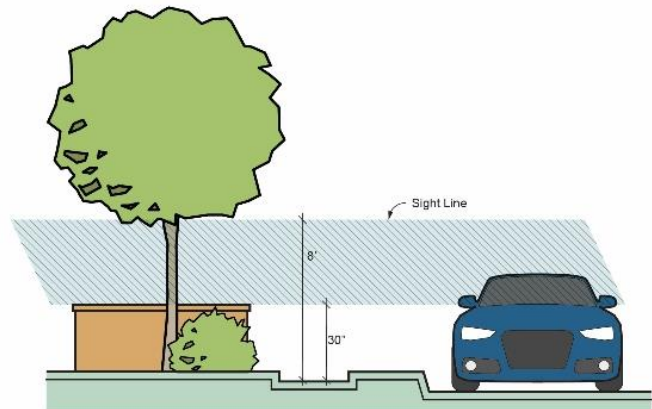
Minimum Lot Size	Maximum Square Footage (GFA)	Maximum Height (ft)
3,000 sq. ft.	384 sq. ft. (e.g. 16 x 24)	14 ft.
5,000 sq. ft.	672 sq. ft. (e.g. 24 x 28)	14 ft.
10,000 sq. ft.	864 sq. ft. (e.g., 24 x 36)	18 ft.
15,000 sq. ft.	1,080 sq. ft. (e.g. 30 x 36)	20 ft.
20,000 sq. ft.	1,200 sq. ft. (e.g., 30 x 40)	24 ft.
35,000 sq. ft.	1,600 sq. ft. (e.g., 40 x 40)	28 ft.
1 acres +	2,000 sq. ft. (e.g., 40 x 50)	28 ft.

## SECTION 3.02 APPLICATION OF REGULATIONS

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout Shelby Township and within each District. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
- B. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the District in which it is located in accordance with this Ordinance.
- C. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered:
- D. To accommodate or house a greater number of families than permitted by the Zoning District.
- E. To have narrower or smaller rear yards, front yards, or side yards, other than permitted.
- F. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

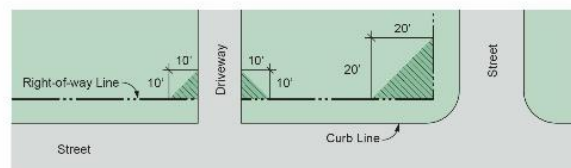
## SECTION 3.03 CLEAR VISION

- A. No plantings, fencing, signs or other obscuring structures or elements shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. This unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.
- B. This Section shall not prohibit the placement of shrubbery or other materials less than thirty (30) inches in height at maturity.
- C. No vegetation shall be maintained in any setback area of any District, which, in the opinion of the Zoning Administrator, will obstruct the view from vehicles entering or leaving the site from driveways or adjacent roadways.



### Clear Vision Area

Maximum Height 30" for Shrubs and Other Landscape Features



### Clear Vision Area

### **SECTION 3.04 CLEARING OF LAND**

Unless associated with a bona fide forestry, agricultural practice or public works project ( such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within Shelby Township without first receiving appropriate development approval.

### **SECTION 3.05 COMPATIBLE RENEWABLE ENERGY ORDINANCE**

A. **Definitions.** Words used herein shall have the following definitions:

1. Affected local unit means a unit of local government in which all or part of a proposed energy facility will be located.
2. Aircraft detection lighting system means a sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstructions lights until they are no longer needed.
3. Applicant means an applicant for a Township permit.
4. Certificate means a certificate issued for an energy facility by the Michigan Public Service Commission under MCL 460.1226(5).
5. Compatible renewable energy ordinance means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section MCL 460.1226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.
6. Construction means any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.
7. Dark sky-friendly lighting technology means a light fixture that is designed to minimize the amount of light that escapes upward into the sky.
8. Energy facility means an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.
9. Energy storage facility means a system that absorbs, stores, and discharges electricity with a nameplate capacity of 50 megawatts or more and an energy discharge capacity of 200 megawatt hours or more. Energy storage facility does not include either of the following:
  - a. Fossil fuel storage
  - b. Power-to-gas storage that directly uses fossil fuel inputs.
10. Independent power producer, or IPP, means a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.
11. Light intensity dimming solution technology means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.
12. Light-mitigating technology system means an aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.



13. Local unit of government or "local unit" means a county, township, city, or village.
14. Maximum blade tip height means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.
15. Nameplate capacity means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
16. Nonparticipating property means a property that is adjacent to an energy facility and that is not a participating property.
17. Occupied community building means a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
18. Participating property means real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
19. Person means an individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.
20. Repowering, with respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.
21. Secondary Containment means a physical structure or system designed to capture and contain any leaks, spills, or discharges of hazardous materials.
22. Solar energy facility means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property, and with a nameplate capacity of 50 megawatts or more. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.
23. Wind energy facility means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property, and with a nameplate capacity of 100 megawatts or more. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.



- B. Application to Construct an Energy Facility.** An electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
1. At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the site plan. The offer to meet must be delivered by email and certified mail and must also be sent to the Township Board in care of the Township Clerk in this same manner. The Supervisor or Supervisor's designee must respond within 30 days from the offer to meet.
  2. Within 30 days following the meeting described in paragraph 1, the Township Supervisor shall notify the electric provider or IPP planning to construct the energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
  3. To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.
- C. Application Review.** The application shall be processed as a special land use subject to the provisions of this Article. The Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. In consideration of the application the Planning Commission must approve the application and issue a permit for the requested construction if it complies with the following standards:

1. For a solar energy facility, all of the following:
  - a. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:
 

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line
  - b. Fencing for the solar energy facility complies with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).
  - c. Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
  - d. The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

- e. The solar energy facility will implement dark sky-friendly lighting solutions.
  - f. The solar energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(iv).
  - g. The solar energy facility shall be adequately screened from adjacent properties via a landscaped buffer. The Planning Commission shall approve the location, size, shape, materials, and other specifications required for buffer zones.
    - (1) The required buffer may be comprised of berms, required plant material in Section 12.01,B., additional plant material where required landscaping materials provide insufficient screening, walls, fences, or any combination thereof.
    - (2) The Planning Commission shall determine if the alternate materials will provide the same degree of screening and buffering than required by these standards.
2. For a wind energy facility, all of the following:

- a. The following minimum setback distances, measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- b. Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- c. Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- d. The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- e. The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
  - f. The purpose of the exemption.
    - (1) The proposed length of the exemption.
    - (2) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

- (3) The technical or economic reason a light-mitigating technology is not feasible.
- (4) Any other relevant information requested by the Township.
- (5) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (e), or other relevant issues as determined by the Township.
- g. The wind energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(b)(vii). Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.
- h. The wind energy facility shall be adequately screened from adjacent properties via a landscaped buffer. The Planning Commission shall approve the location, size, shape, materials and other specifications required for buffer zones.
  - (1) The required buffer may be comprised of berms, required plant material in Section 16.01,B., additional plant material where required landscaping materials provide insufficient screening, walls, fences, or any combination thereof.
  - (2) The Planning Commission shall determine if the alternate materials will provide the same degree of screening and buffering than required by these standards.

**3. For an energy storage facility, all of the following:**

- a. The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	120 feet measured from the nearest edge of a public road right-of-way
All adjacent land uses	120 feet measured from the nearest shared property line

- b. The energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(C)(ii).
- c. The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- d. The energy storage facility will implement dark sky-friendly lighting solutions.
- e. The energy storage facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(c)(v).
- f. The energy storage energy facility shall be adequately screened from adjacent properties via a landscaped buffer. The Planning Commission shall approve the location, size, shape, materials and other specifications required for buffer zones.
  - (1) The required buffer may be comprised of berms, required plant material in Section 16.01,B., additional plant material where required landscaping materials provide insufficient screening, walls, fences, or any combination thereof.

- (2) The Planning Commission shall determine if the alternate materials will provide the same degree of screening and buffering than required by these standards.
- g. Battery storage buildings must include secondary containment around all batteries.
- h. Applicant must provide a safety plan for all accessory buildings and devices including, but not limited to, batteries associated with solar or wind energy facilities, battery storage buildings, inverters, and primary and secondary containment devices. A monitored fire alarm system shall be included in the safety plan.

**D. Issuance and Compliance with Permit.**

- 1. Upon approval of an application the Township shall issue the permit to the electric provider or IPP. Construction of the proposed energy facility must begin within 5 years after the date the permit is issued and any challenges to the grant of the permit are concluded. The Township Board may extend this timeline at the request of the electric provider or IPP without requiring a new application.
- 2. The permit shall require the electric provider or IPP to remain in compliance at all times with the standards identified for approval of the permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the electric provider or IPP without the written agreement of the Township. The energy facility must further comply with all local ordinances, state and federal laws and regulations except as otherwise provided in Section MCL 460.1231. The Township shall not revoke a permit except for material noncompliance with the permit by the electric provider or IPP.
- 3. A permit may be transferred to another electric provider or IPP upon the filing with the Township of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.

E. **Host Community Agreement.** The permit holder shall enter into a host community agreement with the Township within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the Township \$2,000.00 per megawatt of nameplate capacity located within the Township. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the permit holder within said 90 days.

F. **Interpretation.** The provisions contained in this Article are intended to meet the definition of a Compatible Renewable Energy Ordinance pursuant to 2023 PA 233, as may be amended, MCL 460.1221 et. seq. and shall only be interpreted in a manner consistent with such intent.

**SECTION 3.06      DAMAGED BUILDINGS**

- A. A building which has collapsed or been damaged by fire, flood, storm, or act of God to such an extent that the cost of repair and reconstruction exceeds fifty percent (50%) of its replacement value at the time the damage occurred shall be repaired, removed, or reconstructed by commencement within ninety (90) days and completion within one (1) year of the damage and according to the provisions of this Ordinance and the Building Code relative to new construction.
- B. A building damaged by wear and tear, deterioration and/or depreciation to such an extent that the cost of repair and rehabilitation exceeds fifty percent (50%) of its replacement value shall be repaired, removed, or rehabilitated by commencement within ninety (90) days and completion within one (1) year of the date of notice given the Zoning Administrator, according to the provisions of this Ordinance and the building code relative to new construction.

- C. A building permit shall be secured before reconstruction of a building is commenced. The Zoning Administrator shall determine the extent of destruction, deterioration or depreciation prior to granting permission to apply for a building permit.
- D. The Zoning Administrator may require that damaged buildings be secured at the doors and windows or that the building be removed.

### **SECTION 3.07      DESIGN STANDARDS**

- A. With the exception of single family, two family, triplex and quadplex dwellings, all proposed development subject to site plan approval shall comply with the following architectural guidelines:
  - 1. The applicant shall use quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for Shelby Township.
  - 2. Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
  - 3. Buildings shall possess architectural variety but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
  - 4. The first floor of commercial buildings facing a road shall be comprised of ten (10%) minimum of clear glass or a percentage established by the Planning Commission.
  - 5. Any side of a building facing a road should be covered with, or constructed of, at least fifty percent (50%) of the following materials:
    - a. Brick.
    - b. Decorative concrete block.
    - c. Cut stone.
    - d. Logs.
    - e. Other materials approved as part of the site plan.
    - f. Building walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents or trees.
    - g. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color.
  - 6. Planning Commission may modify or waive the requirements of this Section if it finds that a proposed development is consistent with the character of the surrounding properties.

### **SECTION 3.08      ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this Section is to exempt actions regarding essential services from the application of this Ordinance.

### **SECTION 3.09 EXCAVATIONS**

No soil, sand, gravel, or other earth material shall be removed from any land within Shelby Township without Special Land Use approval, with the following exceptions:

- A. When the earth removal is incidental to an operation for which a building permit has been issued by the designated public official;
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than five hundred (500) cubic yards;
- D. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
- E. The soil removal will not be in violation of any other Section of this Ordinance, other Township ordinance, Natural Resource and Environmental Protection Act of 1994, or any other applicable state or federal law.

### **SECTION 3.10 RESERVED**

### **SECTION 3.11 FENCES**

- A. Fences shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc., free from deterioration, insect infestation, rot, and rust. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- B. Unless specifically provided for elsewhere in this Ordinance, no fence may exceed a height of three (3) feet for substantially solid or opaque fences and four (4) feet for chain-link, wrought iron, or picket fences within the front yard. No fence may exceed a height of six (6) feet behind the front building line of main buildings in Residential Districts or eight (8) feet in height behind the required front setback line in commercial and industrial districts.
- C. It shall be unlawful to construct any fence in any public right-of-way or across a utility easement.
- D. Fences may be erected on the property line.
- E. No fence shall be erected or maintained on any corner lot or parcel that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle drive approaching the intersection.

### **SECTION 3.12 HEIGHT EXCEPTIONS**

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, mechanical equipment, scenery lofts, parapet walls up to four (4) feet or other similar appurtenances not intended for human occupancy and usually required to be placed above the roof level.

### **SECTION 3.13 HOME OCCUPATIONS**

- A. A primary resident of the home shall be engaged in regular day to day conduct of the home occupation.
- B. The use of the residential property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. If conducted within the dwelling unit, the home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit. A home occupation may be conducted in an accessory building, provided that the home occupation does not occupy more than 3,200 square feet of the accessory building. An occupation utilizing more than 3,200 square feet of an accessory building is

considered a Home Based Business and must comply with the requirements in Section 15.04P. A home occupation shall not be conducted outside or include inside storage.

- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign, which shall not exceed sixteen (16) square feet in area. The permitted sign shall be located on the same property as the home occupation, shall not be located within any street right-of-way, and shall meet the clear vision requirements of Section 3.03.
- D. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
- E. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located off street and other than in a required yard.
- F. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- G. Home occupations are permitted in all Residential Zoning Districts.

### **SECTION 3.14 ILLEGAL DWELLINGS**

- A. The use of any basement for dwelling purposes is prohibited in any Zoning District unless the basement meets the appropriate adopted building codes for the Township. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
- B. The use of a tent or recreational vehicle may be permitted as an accessory use to a main building but in no case shall a tent or recreational vehicle be used for migrant labor housing. See also Section 3.30.

### **SECTION 3.15 KEEPING OF ANIMALS**

- A. No more than a combined total of six (6) adult cats or dogs six (6) months of age or older shall be kept or housed in a dwelling unit.
- B. One (1) horse, cow or pig may be permitted on a lot with a minimum of two (2) acres. For every animal thereafter, an additional one-half (1/2) acre shall be provided.
- C. Where animals other than household pets of the owner or occupant of the premises are kept or allowed outside, a fence of adequate construction to keep all animals from leaving the premises shall be provided and properly maintained.
- D. Livestock holding areas shall be a minimum of five (5) feet from any property line.
- E. Animal waste shall be managed so as not to be a hazard to health or a nuisance to neighbors.

### **SECTION 3.16 MAIN BUILDING OR PRINCIPAL USE**

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which form a unified function and appearance.



## **SECTION 3.17 NONCONFORMITIES**

A. The following table summarizes the nonconforming regulations contained in this Section.

<b>Issue</b>	<b>Requirement</b>	<b>Section</b>
Movement of nonconforming use or structure	Not permitted unless the movement eliminates the nonconformity	3.17CA
Abandonment of nonconforming use (see 3.17.B) for a period of more than one (1) year	Any subsequent use shall conform to the requirements of this Ordinance	3.17CB
Substitution of one non-conformity for another	Permitted only if new use more conforming than the previous use	3.17CC
Reestablishment of non-conforming use after establishment of conforming use	Not permitted	3.17CC
Enlargement of nonconforming use	Permitted under certain conditions (see 3.14.B.D)	3.17CD
Expansion of nonconforming structure	Permitted provided that the addition complies with this Ordinance and does not increase the nonconformity	3.17DA
Rebuilding after catastrophe	Permitted provided the cost of restoration does not exceed sixty (60%) of the replacement value as determined by the Building Inspector	3.17DB
Use of nonconforming lot	Permitted if already less than minimum requirements, shall not be divided so as to increase noncompliance	3.17EA
Nonconforming contiguous lots under the same ownership	Shall be considered to be an undivided parcel for the purposes of this Ordinance	3.17EB

### **B. General Provisions**

- Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
- An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
- A lawful use of land or structure which is under construction at the time of adoption of this Ordinance may continue establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Section.

### **C. Nonconforming Uses**

- No part of any nonconforming use shall be moved unless the movement eliminates the nonconformity.
- If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - Utilities, such as water, gas and electricity to the property, have been disconnected.
  - The property, buildings, and grounds, have fallen into disrepair.



- c. Signs or other indications of the existence of the nonconforming use have been removed.
  - d. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
  - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
3. A nonconforming use shall not be changed to another use that is also nonconforming unless it is more conforming than the previous use. Once a conforming use is established the prior nonconforming use may not be reestablished.
4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
- a. Is not larger than twenty five percent (25%) of the original nonconforming area.
  - b. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
  - c. Complies with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area.
  - d. Complies with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

**D. Nonconforming Buildings and Structures.**

- 1. The expansion of a nonconforming structure shall be permitted provided that the addition complies with this Ordinance and does not increase the nonconformity.
- 2. In the event any nonconforming building or structure shall be damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed sixty (60%) of the replacement value as determined by the Building Inspector.
- 3. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.

**E. Nonconforming Lots of Record.**

- 1. A nonconforming lot may be used for the purposes for which it is zoned, provided that:
  - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
  - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
- 2. Combination of Nonconforming Lots
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - (1) Are in common ownership.
    - (2) Are adjacent to each other or have continuous frontage.

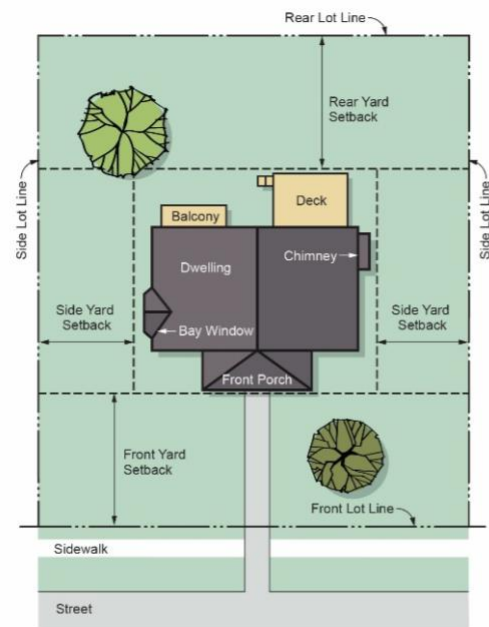
- (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
- b. Parcels meeting the provisions of subsection 2, a, above, shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

## **SECTION 3.18 PRIVATE STREETS**

Private streets are permitted in Shelby Township in accordance with County Road Commission standards.

## **SECTION 3.19 PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
  - 1. May project a maximum of four (4) feet into a required front or rear yard setback area; and shall not project into the required side yard setback.
  - 2. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered and extend more than six (6) inches above the average grade:
    - a. May project a maximum of ten (10) feet into a required front yard setback area.
    - b. May project a maximum of fifteen (15) feet into a required rear yard setback area.
    - c. Shall not project into a required side yard setback area.
    - d. Shall not be placed closer than ten (10) feet to any front or rear lot line.
  - 3. If these structures are permanently enclosed on any side, covered in any manner, or otherwise attached to the main building, they shall be considered part of the main building.



### **Building Projections**

Permitted Building Projections into Required Yards

## **SECTION 3.20 ROADSIDE STANDS**

Roadside stands may be permitted in the Agricultural District subject to the following:

- A. Off-street parking shall be provided on the property and outside the public road right-of-way.
- B. One (1) on-site sign may be permitted of up to sixteen (16) square feet in area, located outside of the road right-of-way and adhering to clear vision requirements of Section 3.06, and have a height limit of eight (8) feet from the ground to the top of the sign.

## **SECTION 3.21 REGULATIONS APPLICABLE TO ALL CONSTRUCTION**

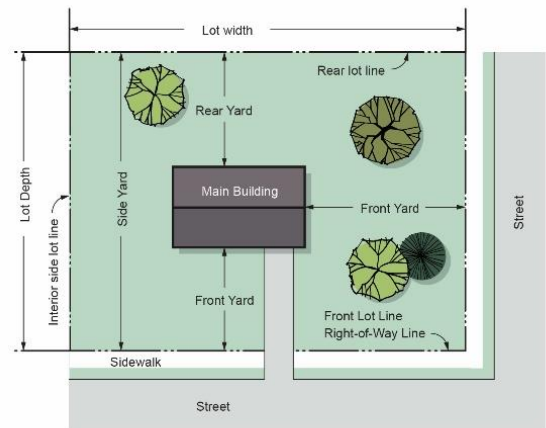
All building is subject to the adopted International Building Code and is subject to review and approval by the Building Official.

## **SECTION 3.22 SATELLITE DISH ANTENNAS**

- A. These regulations shall not apply to dish antennas that are one (1) meter or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
- B. In all Districts, the following restrictions shall apply:
  1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.
  2. The nearest part of the antenna shall be at least five (5) feet from any property line.
  3. The height shall not exceed the height restrictions in the District in which the proposed device is to be located.
  4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
  5. A site plan shall be prepared and submitted to and approved by the Zoning Administrator for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
  6. The Zoning Administrator may waive these requirements where they make the dish unusable.

## **SECTION 3.23 SETBACK MEASUREMENTS**

- A. The front yard setback line shall be measured from the right-of-way line or easement line abutting a street, to the front foundation line of the building.
- B. On waterfront lots, the front yard shall be considered as the portion of the lot facing the waterfront. A waterfront lot shall not be considered a through lot.
- C. Side lot setbacks shall be measured from the property line to the drip line of the building.
- D. On corner and through lots, the front yard requirements shall apply on both streets and both frontages shall be considered front yards. Corner lots shall have two (2) front lot lines and two (2) side lot lines and no rear lot line.



**Corner Lot Terms**

## **SECTION 3.24 SUBDIVISIONS**

- A. **General Standards.** All parceling of existing lots, parcels, or tracts of land ("lots") shall meet the required standards of this section. Lots that do not comply with the standards in this article are nonconforming properties and they may not be further divided or subdivided. See Chapter 19, Schedule of Regulations, to determine property size and measure lot width. See Section 3.17 for nonconforming properties.

1. A lot shall not be divided, altered, or reduced to make lot area and/or width less than the minimum required in Chapter 20 Schedule of Regulations.
2. Corner lots for residential use shall meet the front yard building setback from both street frontages. This shall be considered when determining lot size.
3. The Zoning Administrator or their Designee shall review the Township's Master Plan, other ordinances or other plans or ordinances to ensure each requested lot division, alteration, or combination complies with applicable requirements.
4. Approval of a lot division, alteration, or combination shall be withheld if any resulting lot is determined to be unsuitable for the permitted use due to a topographical or other physical reason.
5. All lots created by a division, alteration, or combination shall have direct and immediate deeded frontage on a street unless approved as a flag lot by the Zoning Administrator or designee. Flag lots serving two or fewer lots are permitted. If access serves two or more lots, road or private road easement standards in Section 17.06 must be met.
6. All site development requirements shall be met as specified in Chapter 15.
7. Subdivisions and site condominiums.
  - a. Protection of important natural features. The arrangement of lots, units, and streets shall preserve to the greatest extent practicable watercourses, wetlands, flood-prone areas, and wildlife habitat.
  - b. Arrangement of lots and units. The size and arrangement of lots and units shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots and units shall be created in such a way as to enable their development pursuant to the requirements of UDO and ensure a clear transfer of title. Interior lot or unit lines extending from a street shall be perpendicular or radial to the street right-of-way line to the greatest extent practicable.
  - c. Major street frontages. For subdivisions and site condominiums abutting or containing a major street, the approving authority may require marginal access streets, reverse frontage with screen planting in a non accessway along the rear property line, deep lots, units with rear service alleys, or other treatments as may be necessary for adequate protection to residential properties.
  - d. Connectivity of streets and sidewalks. The established grid of interconnected streets and sidewalks shall be maintained and extended to the greatest extent practicable.
  - e. Dedication of streets. Streets in subdivisions and site condominiums shall be designated as public or private by agreement with the Planning Commission.
  - f. Dedication of easements. Subdivisions and site condominiums shall provide dedications of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
  - g. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
  - h. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon as allowed in the Zoning District provided the unit meets the Development Requirements for the Zoning District in which it is located.

- i. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the Site Plan Review process of Chapter 11.
- j. Subdivisions created under the Land Division Act shall be subject to a public hearing process under Section 14.03 and shall meet the standards of Section 15.06.

**B. Land division process.**

- 1. **Definition.** In a land division, an applicant applies to divide an existing unplatted parcel or tract of multiple parcels in accordance with Sections 560.108 through 560.109b of the Land Division Act, MCLA 560.108 through 560.109b, and related provisions of the Land Division Act. The Act requires that any division of a parcel or tract, as defined in the Act, that would result in any lot of less than 40 acres be approved by the local unit of government before the resulting parcels are marketed, sold or reflected in a document recorded with the County Register of Deeds. The number of allowable lot splits is dependent on the size of the parent parcel or parent tract, as applicable, as of March 31, 1997.
- 2. **Approval process.** An application for a land division shall be submitted based on the following criteria:
  - a. Plat Amendments or Divisions of a platted lot shall receive a recommendation from Planning Commission and a Final Determination shall be made by Township Board pursuant to the Land Division Act.
  - b. Following a recommendation from Planning Commission, Township Board shall review the Plat and make a determination on the plat pursuant to the Land Division Act.
  - c. The following items shall be submitted with the application:
- 3. Evidence of ownership interest in the property subject to the proposed split or combination.
- 4. A legal description and evidence establishing that the parent parcel was lawfully in existence on March 31, 1997.
- 5. Evidence that the split shall not exceed the maximum number of divisions allowed under the Land Division Act.
- 6. A survey indicating that the lot(s) meets the area and width minimums required in Chapter 19 Schedule of Regulations and indicating that the lots shall be accessible by a street, easement or other approved means of access.
- 7. Evidence that there are no outstanding property taxes or special assessments on the land subject to the application.

**C. Subdivision plats.**

- 1. **Definition.** A subdivision plat is used when the property is proposed to be divided pursuant to the subdivision provisions of the Michigan Land Division Act into platted lots.
- 2. Subdivision review considerations. See Section 3.24A Subdivision General Standards.
- 3. Application and review process: final determination required by Township Board. See Section 3.24B.

## **SECTION 3.25 SMALL-SCALE SOLAR ENERGY SYSTEMS**

- A. Small-Scale Solar Energy Systems shall be permitted as an accessory use in all zoning districts, provided the following standards are met:
1. **Applicability.** This section applies to any system of small-scale solar energy collector systems. This section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than five (5) feet above the ground, nor does this section apply to utility-scale collector systems, which are regulated in Section 15.04H. Nothing in this section shall be construed to the sale of excess power through a net billing or net-metering arrangement.
  2. **General Requirements.**
    - a. **Permit Required.** No small-scale solar energy collector system shall be installed or operated except in compliance with this Section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system.
    - b. **Application.** In addition to all other required application contents as listed in Section 14.03., equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review by the Zoning Administrator.
    - c. **Sketch Plan.** A sketch plan shall be submitted to the Zoning Administrator to demonstrate adequate solar access at the proposed site of the small-scale solar energy system. This may include aerial imagery, maps, a site plan, or other materials that depict the proposed location and surrounding environment of the small-scale solar energy system.
    - d. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.
    - e. **Installation.**
      - (1) A small-scale solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable Township and state requirements.
      - (2) Small scale solar energy collectors shall be installed, maintained, and used only in accordance with the manufacture's specifications. Upon request, a copy of such specifications shall be submitted to the Township prior to installation.
    - f. **Power Lines.** On-site power lines between solar panels and inverters shall be placed underground pursuant to applicable building and electrical code.
    - g. **Abandonment and Removal.** A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system.
  3. **Building-Mounted Solar Energy Collectors.** These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
    - a. **Maximum Height.** The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet.
    - b. **Obstruction.** Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

- 4. Ground-Mounted Solar Energy Collectors.** These systems are permitted in all zoning districts subject to the following conditions:
- a. **Rear and Side Yards.** The unit may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory structures.
  - b. **Front Yard.** The unit may be located in the front yard only if located no less than one hundred fifty (150) feet from the front lot line.
  - c. **Obstruction.** Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
  - d. **Vegetation.** All vegetation underneath solar energy infrastructure shall be properly maintained so as to not block access to solar collectors.
  - e. **Maximum Number.**
    - (1) Residential Uses. There shall be no more than one (1) ground-mounted solar energy collector per principal building on a lot.
    - (2) Agricultural, Commercial, and Industrial Uses. There shall be no limit to the number of ground-mounted solar energy collectors on a lot.
  - f. **Maximum Size.**
    - (1) Residential Uses. There shall be no more than one percent (1%) of the lot area, up to one thousand five hundred (1,500) square feet, of collector panels on a ground-mounted solar energy collector system.
    - (2) Agricultural, Commercial, and Industrial Uses. There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a Utility Scale Solar Energy Systems is approved pursuant to Section 14.04(GG) of this Ordinance.
  - g. **Maximum Height.**
    - (1) Residential Uses. The maximum height shall be six (6) feet, measured from the natural grade below the unit to the highest point at full tilt.
    - (2) Agricultural, Commercial, and Industrial Uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
  - h. **Minimum Lot Area.** One (1) acre shall be the minimum lot area to establish a ground-mounted solar energy collector system.
  - i. **Screening.** Screening shall be required in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
  - j. Applicant requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses.

## **SECTION 3.26 STREET ACCESS**

Any lot created after the effective date of this Ordinance shall front upon and have its minimum width upon a public street, or private street easement meeting the requirements of Section 3.27.



### **SECTION 3.27 STORAGE AND REPAIR OF VEHICLES**

The carrying out or repair, storage, restoration and maintenance procedures or projects on personal vehicles in any District shall be subject to the following limitations:

- A. In the Township, procedures or projects which require the vehicle to be immobile or inoperable in excess of thirty (30) days within any twelve (12) month period shall be carried out either in the rear yard or within an enclosed building. Vehicles in long term storage shall be stored to prevent oil, gas, antifreeze and battery acid from being released into the environment.
- B. Inoperable or unlicensed vehicles, boats, trailers, motorcycles, and vehicle parts shall be stored in a completely enclosed structure

### **SECTION 3.28 SWIMMING POOLS**

- A. Any pool over (24) inches deep and with a surface area of more than two hundred and fifty (250) square feet shall not be constructed, installed, enlarged or altered until a building permit has been obtained and shall comply with the requirements of this Section.
- B. The outside edge of the pool wall and/or the deck and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- C. Each pool shall be enclosed by a minimum five (5) foot high stockade fence, wall, or other structure or device, sufficient to make the pool inaccessible to small children. This enclosure, including gates therein, must be not less than five (5) feet above the underlying ground; all gates must be self-latching with latches placed five (5) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.
- D. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

### **SECTION 3.29 TEMPORARY AND PERMANENT CAMPING**

#### **A. General Provisions Applicable to Temporary and Permanent Camping.**

- 1. Shelby Township hereby permits the use of any lot or land within the Township to be utilized for either temporary or permanent camping facilities, provided the provisions of this Section are met.
- 2. Campgrounds shall not be subject to the requirements of this Section. Provisions for campgrounds are included in Section 14.04.F of this Zoning Ordinance.
  - a. All campgrounds are subject to review and licensing by the State of Michigan.
- 3. Septic systems shall be required for all temporary and permanent camping sites, facilities, and activities conducted within recreational vehicles. Septic systems shall comply with all applicable Oceana County Health Department regulations.
  - a. Recreational vehicles shall not be permitted to share a septic system with an existing dwelling unit.
- 4. Permit Required. All temporary and camping activities shall require a permit from the Shelby Township Zoning Administrator, or their designee with the following requirements:
  - a. A maximum of one (1) temporary or permanent camping permit shall be issued per property owner.
  - b. A temporary or permanent camping permit shall be valid for a period of one (1) calendar year. At the time of expiration, a property owner may reapply.



- c. When approving a temporary or permanent camping permit, the Zoning Administrator may impose conditions considering but not limited to the following:
  - (1) The size of the lot or parcel to be used for the campsite.
  - (2) The setback and location of camping areas from existing property lines.
  - (3) The density and proximity of permanent dwellings in the vicinity.
  - (4) The number of tents, recreational vehicles, or structures to be placed on the lot or parcel.
  - (5) The proximity to surface water and other natural features and the relative risk of damage to natural features.
  - (6) The Zoning Administrator may conduct annual site reviews of temporary and permanent camping facilities to ensure compliance with this Section.

**5. All campers shall comply with the following rules:**

- a. Quiet hours shall be maintained between the hours of 11:00 p.m. and 7:00 a.m.
- b. All camping activities are kept a minimum of fifty (50) feet from the ordinary high water mark.
- c. Upon termination of camping, all equipment and supplies must be removed. Garbage and refuse must be removed after each stay.
- d. Areas used for temporary camping as well as any adjacent lands must be kept in a neat, clean, and sanitary condition. No porta potties shall be permitted for temporary or permanent camping facilities.
- e. In-ground septic facility, water well, or electricity may be permitted on a lot without a main, or principal, building.
- f. Recreational campfire areas shall be designated and contained by a fire ring. Burning permits shall be obtained when required and fires shall be adequately monitored and contained. The campfire shall not constitute a nuisance to neighboring properties due to the size or location of the fire, excessive smoke, or noxious items being burned.
- g. Camping activities shall not be a nuisance to surrounding property.

**B. Temporary Camping.** Temporary Camping may be permitted on any lot or parcel under the following conditions:

- 1. Definition.** Temporary Camping shall be defined as the act of staying and sleeping in an outside area for a period of one (1) to fourteen (14) days or nights, in a tent or recreational vehicle.
- 2. General Requirements.**
  - a. The minimum lot size for temporary camping is one (1) acre.
  - b. Temporary camping shall not exceed a total of three (3) tents or recreational vehicles, or any combination thereof, on a single lot or parcel.
  - c. Temporary camping sites or facilities do not require a license from the State of Michigan.

**C. Permanent Camping.** Permanent camping may be permitted on any lot or parcel under the following conditions:

- 1. Definition.** Permanent camping shall be defined as the act of staying and sleeping in an outside area for period of fifteen (15) to three hundred and sixty-five (365) days or nights in a recreational vehicle or structure intended for living, other than tents, which are set directly on the ground on permanent foundations.
- 2. General Requirements.**

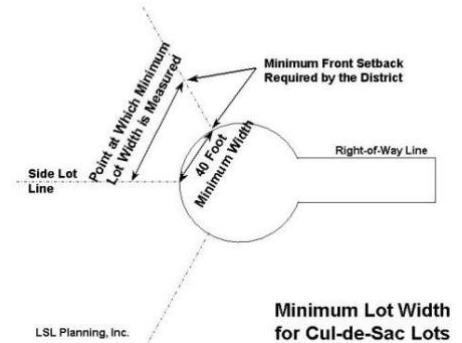
- a. Permanent structures, other than recreational vehicles, shall comply with applicable rules and regulations as set forth by the Oceana County Building Department.
- b. The minimum lot size for permanent camping is one (1) acre.
- c. Permanent camping shall not exceed a total of three (3) recreational vehicles, or permanent structures, or any combination thereof, on a single lot or parcel.
- d. Permanent camping sites or facilities do not require a license from the State of Michigan.
- e. All applicable setbacks for single-family dwellings shall be met for the zoning district in which the permanent camping site is located.
- f. One detached accessory building shall be permitted per recreational vehicle or permanent structure, not to exceed 200 square feet.
- g. Permanent camping facilities shall be inspected annually to ensure compliance with this Ordinance.

### **SECTION 3.30      TEMPORARY USES OR BUILDINGS**

- A. Upon application, and as noted below, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit for these uses shall specify a location for the building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose, provided that the reason for the extension is due to circumstances beyond the immediate control of the applicant for the permit extension.
  - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
  - 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards and requirements of this Section are met. The Zoning Administrator shall determine that:
  - 1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
  - 2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  - 3. The use or structure does not adversely impact the character of the surrounding neighborhood; and
  - 4. Access to the use area or structure is located at a safe location.
- C. The Zoning Administrator may, at his discretion, submit a request for a temporary use or building to the Planning Commission for a final decision. In making its decision, the Planning Commission shall consider the same standards as enumerated in C, above.
- D. A performance guarantee may be required to ensure compliance with the terms of the temporary use permit.

### **SECTION 3.31 WIDTH TO DEPTH RATIO**

- A. No lot shall be created with a lot depth that exceeds four (4) times its width in the Township.
- B. The Legislative Body, after recommendation by the Planning Commission, may permit the creation of a lot or parcel which does not comply with this Section to be used for the construction of a building. In determining whether to grant this approval, the Legislative Body shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of the lot will not conflict with other ordinances and regulations, unless an appropriate variance is received from any other ordinances or regulations.
- C. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. These lots shall have a minimum frontage of forty (40) feet at the front property line.



### **SECTION 3.32 WASTE ACCUMULATION**

The accumulation of waste, rubbish, garbage, refuse, trash; abandoned, discarded or unused objects, machinery or equipment such as furniture, stoves, refrigerators, freezers, cans or containers; or other deleterious substance on the premises of private residences or properties, commercial institutions, and in the roadway creates blight and greatly increases danger of fire, and spread of infections and diseases and is expressly prohibited by this Ordinance.

# Chapter 4.

# Zoning Districts and

# Zoning Map

## SECTION 4.01 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, Shelby Township is divided into the following Zoning Districts:

AG	Agricultural
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Multiple Family Dwelling District
C-2	General Business District
C-3	Highway Business District
IND	Industrial District
RM	Rural Mixed Use District
PUD	Planned Unit Development District

See Chapter 20 for a full District Use Summary Table.

## SECTION 4.02 OFFICIAL ZONING DISTRICTS MAP

The boundaries of the Zoning Districts enumerated in Section 4.01 are hereby established as shown on the "Official Zoning Map, Shelby Township" which accompanies this text; this map with all notations, references and other information shown thereon is hereby adopted by reference as a part of this Ordinance. One (1) copy of the Official Zoning Map shall be maintained and kept up to date by the Township Clerk, accessible to the public, and the final authority as to the current zoning status of all property in the Township.

## SECTION 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

If because of the scale, lack of details, or illegibility of the Official Zoning Map, there is any uncertainty, contradiction, or conflict regarding the intended location of any district boundaries shown on the map, interpretation concerning the exact location of District boundary lines shall be determined by the Zoning Administrator. In arriving at a decision, the Zoning Administrator shall apply the following standards:

- A. The boundaries of Zoning Districts are intended to follow centerlines of alleys, streets, other rights-of-way, or lot lines, or to be parallel or perpendicular thereto, unless the district boundary lines are otherwise clearly indicated on the Official Zoning Map.
- B. Where District boundaries are indicated to approximately follow lot of record lines, those lines shall be construed to be the boundaries.
- C. Unless shown by dimension on the Official Zoning Map, where a District boundary divides a lot of record the location of the boundary shall be determined by use of the scale shown on the map.
- D. Where District boundaries are indicated as approximately following Township limits, they shall be construed as following Township limits.
- E. A boundary indicated as following a shoreline shall be construed as following that shoreline, and in the event of a naturally occurring change in a shoreline, the boundary shall be construed as following the actual shoreline. A boundary indicated as following the centerline of a stream, river, or other body of water shall be construed as following that centerline.
- F. If a District boundary is indicated as being parallel to, or an extension of a feature described in this Section it shall be so construed.

#### **SECTION 4.04 ZONING OF VACATED AREAS**

If a street, alley or other public right-of-way within the Township is vacated by official governmental action and if the lands within the boundaries thereof attach to and become part of lands adjoining the street, alley or public right-of-way, the lands involved shall automatically acquire and be subject to the same zoning regulations applicable to adjoining lands and shall be governed by this Ordinance.

#### **SECTION 4.05 DISTRICT REQUIREMENTS**

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to Chapter 19 Schedule of Regulations, and Chapter 20 District Use Summary Table.

# Chapter 5.

## AG Agricultural District

### SECTION 5.01 PURPOSE

The regulations of the AG Agricultural District are intended to ensure that land areas within the Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Subdivisions or site condominium developments requiring urban services are to be excluded from these areas. Open space developments are encouraged. The Districts shall also accommodate very low density residential development and other uses generally associated with agricultural and rural residential uses. As an Agricultural District, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Shelby Township residents.

### SECTION 5.02 PERMITTED USES

The following abbreviations apply to the Table of Uses for the AG District:

P: **Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

S: **Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

**TABLE 5-1: AG PERMITTED USES**

AGRICULTURAL	
Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm buildings but excluding intensive livestock operations	P
Agricultural service establishment	P
Agri-tourism establishment	S
Custom Dispatching and Processing of Animals	S
Game farm	S
General farming	P
Horse riding breeding stable	S
Retail garden and landscape supply stores	P
Intensive livestock operation	S
Roadside stand subject to Section 3.20	P
Mineral removal, removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	S

<b>CARE AND SOCIAL ASSISTANCE</b>	
Family Child Care Home (6 or fewer)	P
Adult foster care facility	P
<b>COMMERCIAL</b>	
Bed and breakfast establishment	S
Home occupation subject to Section 3.24	P
Home-based business	S
<b>INSTITUTIONAL</b>	
Campgrounds, public or private, including travel trailer parks	S
Campgrounds, Resort	S
Cemeteries	P
Conference center, assembly hall or place of worship under 4,000 square feet	P
<b>RESIDENTIAL</b>	
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Manufacture Home Community	P
Migrant labor housing	S
Open space development	S
<b>UTILITIES</b>	
Utility scale solar energy systems	S
Wind energy conversion systems (WECS)	S
Wireless communication services	S

## SECTION 5.03 DIMENSIONAL REQUIREMENTS

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

**TABLE 5-2: AG DIMENSIONAL REQUIREMENTS**

Lot Requirements		
Minimum Area	87,120 sq. ft. (2 acres)	
Minimum Width	200 ft.	
Minimum Depth	–	
Maximum Lot Coverage	15%	
Width to Depth Ratio	1:4 (see also Section 3.31)	
Setback Requirements		
Minimum Front	100 ft. from road ROW	
Minimum Sides	Residential Uses	50 ft
	Non-residential Uses	50 ft
Minimum Rear	50 ft.	
Maximum Setback	–	
Building Requirements		
Maximum Height	2.5 stories or 35 ft, whichever is higher	
Minimum Dwelling Unit Floor Area	750 sq. ft.	

**B. Permitted Lot Splits.**

1. Any new lots created must meet the minimum lot size requirements as listed in Chapter 19 Schedule of Regulations.
2. Lot splits shall not exceed the maximum number of divisions allowed under the Land Division Act.
3. The above regulations shall not cause the lot of record to be split in a manner which would violate the requirements for access and other applicable provisions contained in the Michigan Land Division Act, Act 288 of 1967, or the Township Land Division Ordinance, as amended. Any provision of this Ordinance notwithstanding, Shelby Township is not responsible for any violations of this Ordinance or of the Land Division Act.
4. Service roads may be permitted for land based on Oceana County Road Commission standards. The property owner shall provide a service road easement prior to the approval of a new land division.

**C. Monitoring Lot Splits.** Shelby Township recognizes that proper administration of this subsection must be established along with an official register containing the following information:

1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
  2. An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the AG District.
  3. As allotments are used up, the official map and register shall be updated to reflect these changes.
- D. The official map and register shall be maintained by the Clerk of the Township and copies made available for inspection by the public.



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# Chapter 6.

## R-1 Low Density Residential District

### SECTION 6.01 PURPOSE

The regulations of the R-1 Low Density Residential District are intended to encourage a suitable environment for lower residential densities, and compatible supportive recreational, institutional, and educational uses. The intent of the R-1 Residential District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

### SECTION 6.02 PERMITTED USES

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

**TABLE 6-1: R-1 PERMITTED USES**

AGRICULTURAL	
Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm buildings but excluding intensive livestock operations	P
CARE AND SOCIAL ASSISTANCE	
Adult day care	S
Assisted Living Home/Nursing Home	S
Family Child Care Home (6 or fewer)	P
Group Child Care Home (7-12)	S
Adult foster care facility	P
Adult foster care family home	P
Adult foster care small group home	S
COMMERCIAL	
Bed and breakfast establishment	S
Home occupation subject to Section 3.13	P
Home-based business	S

<b>INSTITUTIONAL</b>	
Campgrounds, public or private, including travel trailer parks	S
Campgrounds, Resort	S
Cemeteries	S
Conference center, assembly hall or place of worship under 4,000 square feet	P
Elementary, middle and high school (or private)	S
Golf course or country club	S
Park, playground or community center	P
<b>RESIDENTIAL</b>	
Accessory Dwelling Units	P
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Duplex	P
Open space development	S
Planned Unit Development	S
<b>UTILITIES</b>	
Public and utility service buildings, not including storage yards	S
Utility scale solar energy systems	S
Utility substation, transmission line and switching station	S
Wind energy conversion systems (WECS)	S
Wireless communication towers not exceeding 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P

## SECTION 6.03 DIMENSIONAL REQUIREMENTS

- A. **Dimensional Requirements.** See Table 6-2 below for lot, yard and building requirements. An infill main structure on a single lot on a minor street may align with adjacent main structures provided the minimum setback is at least five (5) feet from the road right-of-way.

**TABLE 6-2: R-1 DIMENSIONAL REQUIREMENTS**

Lot Requirements		
Minimum Area	21,780 sq. ft. (.5 acres)	
Minimum Width	100 ft.	
Minimum Depth	–	
Maximum Lot Coverage	35%	
Width to Depth Ratio	1:4 (see also Section 3.31)	
Setback Requirements (ft)		
Minimum Front	40 ft.	
Minimum Sides	Residential Uses	20 ft.
	Non-residential Uses	20 ft.
Minimum Rear	35 ft.	
Maximum Setback	–	
Building Requirements		
Maximum Height	2.5 stories or 35 ft, whichever is higher	
Minimum Dwelling Unit Floor Area	750 sq. ft.	

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# Chapter 7.

## R-2 Medium Density Residential District

### SECTION 7.01 PURPOSE

The regulations of the R-2 Medium Density Residential District are intended to encourage a suitable environment for lower residential densities while allowing for further compatible supportive recreational, institutional, and educational uses. The intent of the R-2 Residential District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

### SECTION 7.02 PERMITTED USES

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

TABLE 7-1: R-2 PERMITTED USES	
CARE AND SOCIAL ASSISTANCE	
Adult day care	P
Assisted Living Home/Nursing Home	P
Family Child Care Home (6 or fewer)	P
Group Child Care Home (7-12)	S
Hospital	P
Adult foster care facility	P
Adult foster care family home	P
Adult foster care small group home	S
Adult foster care large group home	S
COMMERCIAL	
Bed and breakfast establishment	S
Home occupation subject to Section 3.24	P
INSTITUTIONAL	
Cemeteries	S
Conference center, assembly hall or place of worship under 4,000 square feet	P
Elderly housing	S

Elementary, middle and high school (or private)	S
Park, playground or community center	P
<b>RESIDENTIAL</b>	
Accessory Dwelling Units	P
Accessory apartments as part of a commercial use	P
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Duplex	P
Triplex	P
Quadplex	S
Multiple family dwelling (5 or more units)	S
Open space development	S
Planned Unit Development	S
<b>UTILITIES</b>	
Public and utility service buildings, not including storage yards	S
Utility substation, transmission line and switching station	S
Wireless communication towers not exceeding 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P

### SECTION 7.03 DIMENSIONAL REQUIREMENTS

A. **Dimensional Requirements.** See Table 7-2 below for lot, yard and building requirements.

TABLE 7-2: R-2 DIMENSIONAL REQUIREMENTS			
Lot Requirements		Single Family	Two Family
Minimum Area		8,000 sq. ft.	10,000 sq. ft.
Minimum Width		65 ft	100 ft
Minimum Depth		–	–
Maximum Lot Coverage		40%	
Width to Depth Ratio		1:4 (see also Section 3.31)	
Setback Requirements			
Minimum Front		15 ft.	
Minimum Sides	Residential Uses	Each side: minimum 4 ft. Total of two sides: minimum 16 ft	10 ft.
	Non-residential Uses	25 ft.	
Minimum Rear	35	30 ft.	
Maximum Setback	–	–	
Building Requirements			
Maximum Height		2.5 stories or 35 ft, whichever is higher	
Minimum Dwelling Unit Floor Area		1,200 sq. ft.	1,000 sq. ft. per unit

# Chapter 8.

## R-3 Multiple Family Residential District

### SECTION 8.01 PURPOSE

The regulations of the R-3 Multiple Family Residential District are intended to encourage a suitable environment for higher residential densities, and compatible supportive recreational, institutional, and educational uses. The intent of the R-3 Residential District is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

### SECTION 8.02 PERMITTED USES

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

**TABLE 8-1: R-3 PERMITTED USES**

<b>CARE AND SOCIAL ASSISTANCE</b>	
Adult day care	P
Assisted Living Home/Nursing Home	P
Family Child Care Home (6 or fewer)	P
Group Child Care Home (7-12)	S
Child Care Center or Day Care Center/Nursery School	S
Hospital	P
Adult foster care facility	P
Adult foster care family home	P
Adult foster care small group home	S
Adult foster care large group home	S
<b>COMMERCIAL</b>	
Bed and breakfast establishment	S
Home occupation subject to Section 3.24	P
<b>INSTITUTIONAL</b>	
Cemeteries	S
Conference center, assembly hall or place of worship	



under 4,000 square feet	P
over 4,000 square feet	S
Elderly housing	P
Elementary, middle and high school (or private)	S
Park, playground or community center	P
<b>RESIDENTIAL</b>	
Accessory Dwelling Units	P
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Duplex	P
Triplex	P
Quadplex	P
Multiple family dwelling (5 or more units)	P
Multiple family detached dwellings (e.g. cottage court)	P
Mobile home park	S
Open space development	S
Planned Unit Development	S
<b>UTILITIES</b>	
Public and utility service buildings, not including storage yards	S
Utility substation, transmission line and switching station	S
Wireless communication towers not exceeding 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P

## SECTION 8.03 DIMENSIONAL REQUIREMENTS

- A. **Dimensional Requirements.** See Table 8-2 below for lot, yard and building requirements. An infill main structure on a single lot on a minor street may align with adjacent main structures provided the minimum setback is at least five (5) feet from the road right-of-way.

**TABLE 8-2: R-3 DIMENSIONAL REQUIREMENTS**

Lot Requirements		1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Minimum Area		10,000 sq. ft. minimum plus 3,000 sq. ft. per dwelling unit			
Minimum Width		150 ft.			
Minimum Depth		—			
Maximum Lot Coverage		40%			
Width to Depth Ratio		1:4 (see also Section 3.31)			
Setback Requirements					
Minimum Front		30 ft.			
Minimum Sides	Residential Uses	25 ft.			
	Non-residential Uses				
Minimum Rear		40 ft.			
Maximum Setback		—			
Building Requirements					
Maximum Height		2 1/2 stories or 35 ft, whichever is higher			
Minimum Dwelling Unit Floor Area		650 sq. ft.	750 sq. ft.	900 sq. ft.	additional 100 sq. ft. for each over 3 ft.

# Chapter 9.

## C-2 General Business Commercial District

### SECTION 9.01 PURPOSE

The C-2, General Business Commercial District is intended primarily for uses emphasizing community shopping needs for the citizens of Shelby Township that are of a higher intensity than those found in a traditional downtown. Screening, landscaping and site design will be strongly considered when sites are developed to ensure they mesh well with adjacent residential uses.

### SECTION 9.02 PERMITTED USES

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

**TABLE 9-1: C-2 PERMITTED USES**

<b>CARE AND SOCIAL ASSISTANCE</b>	
Adult day care	P
Assisted Living Home/Nursing Home	P
Child Care Center or Day Care Center/Nursery School	P
Hospital	S
Residential Human Care and Treatment Facility (for ex: a homeless shelter or halfway house) unless otherwise exempt by law	S
<b>COMMERCIAL</b>	
Art studio/craft shop	P
Bank or other financial institution without drive through facility	P
Bus passenger station	S
Catering establishment	S
Commercial storage warehouse	S
Contractor's office (with outdoor storage)	S
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner)	S
Health or exercise club	P
Hotel/motel	S

Indoor theater	P
Kennel, commercial	S
Laundromat	P
Medical office, including clinic	S
Mortuary or funeral home	S
Motor freight transportation/trucking terminal	S
Open air business	S
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P
Professional offices	S
Restaurant with drive-through	S
Restaurant without drive-through	P
Retail building supplies and equipment stores with outdoor display and storage	S
Retail establishments 10,000 square feet GFA and over	S
Retail establishments under 10,000 square feet GFA	P
Tavern, with or without dancing, live entertainment or consumption of alcoholic beverages on premises, except sexually oriented businesses	S
Vehicle repair, major	S
Vehicle repair, minor	P
Vehicle sales	S
Vehicle service station	S
Vehicle wash establishment	S
Veterinary clinic	S
<b>INDUSTRIAL</b>	
Assembly or manufacturing facility under 10,000 square feet GFA	S
Contractors' yards, building material storage	P
<b>INSTITUTIONAL</b>	
Conference center, assembly hall or place of worship	
under 4,000 square feet	P
over 4,000 square feet	S
Elementary, middle and high school (or private)	S
Fraternal or social club or lodge	P
Recreation facility, indoor (e.g., arcades, bowling, billiards)	S
Recreation facility, outdoor (e.g., mini-golf, batting cages)	S
<b>RESIDENTIAL</b>	
Accessory apartments as part of a commercial use	S
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Expansion of existing single family dwellings, provided the expansion is not more than 30% of the existing floor area of the dwelling.	P
<b>UTILITIES</b>	
Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage	S
Public and utility service buildings, not including storage yards	S
Utility scale solar energy systems	S
Utility substation, transmission line and switching station	S

Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other existing structure, subject to District height restrictions

P

Wireless communication tower

S

## SECTION 9.03 DIMENSIONAL REQUIREMENTS

A. **Dimensional Requirements.** See Table 10-2 below for lot, yard and building requirements.

**TABLE 9-2: C-2 DIMENSIONAL REQUIREMENTS**

Lot Requirements		
Minimum Area		20,000 sq. ft.
Minimum Width		80 ft.
Minimum Depth		120 ft.
Maximum Lot Coverage		50%
Width to Depth Ratio		1:4 (see also Section 3.31)
Setback Requirements		
Minimum Front		100 ft.
Minimum Sides	Residential Uses	–
	Non-residential Uses	One side: 5 ft.; 40 ft. if adjacent to Residential District property. Total of two sides: 20 ft.
Minimum Rear		20 ft.
Maximum Setback		150 ft.
Building Requirements		
Maximum Height		2.5 stories or 35 ft., whichever is higher
Minimum Dwelling Unit Floor Area		–

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# Chapter 10.

## C-3 Highway Commercial District

### SECTION 10.01 PURPOSE

The C-3 Highway Commercial District is intended to serve as a convenience center for the traveling public, generally on lands near the U.S. 31 interchanges. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well-planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the roadway or from neighboring residential uses. The C-3 District is further intended to provide for uses, which, due to either size or nature, are not well suited for locations within the C-2 District.

### SECTION 10.02 PERMITTED USES

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

TABLE 10-1: C-3 PERMITTED USES	
CARE AND SOCIAL ASSISTANCE	
Assisted Living Home/Nursing Home	S
Child Care Center or Day Care Center/Nursery School	P
Hospital	S
COMMERCIAL	
Art studio/craft shop	P
Bank or other financial institution without drive through facility	P
Bus passenger station	P
Catering establishment	P
Commercial storage warehouse	S
Contractor's office (with outdoor storage)	P
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner)	P
Health or exercise club	P
Hotel/motel	P

Indoor theater	P
Kennel, commercial	S
Laundromat	P
Medical office, including clinic	P
Mortuary or funeral home	S
Motor freight transportation/trucking terminal	S
Open air business	S
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P
Professional offices	S
Restaurant with drive-through	P
Restaurant without drive-through	P
Retail building supplies and equipment stores with outdoor display and storage	P
Retail establishments 10,000 square feet GFA and over	P
Retail establishments under 10,000 square feet GFA	P
Truck stop	S
Vehicle repair, major	S
Vehicle repair, minor	P
Vehicle sales	P
Vehicle service station	P
Vehicle wash establishment	S
Veterinary clinic	S
<b>INDUSTRIAL</b>	
Assembly or manufacturing facility under 10,000 square feet GFA	P
Contractor's yards, building material storage	P
<b>INSTITUTIONAL</b>	
Conference center, assembly hall or place of worship	
under 4,000 square feet	P
over 4,000 square feet	P
Elementary, middle and high school (or private)	S
Fraternal or social club or lodge	P
Hospital	S
Recreation facility, indoor (e.g., arcades, bowling, billiards)	S
Recreation facility, outdoor (e.g., mini-golf, batting cages)	S
<b>RESIDENTIAL</b>	
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
<b>UTILITIES</b>	
Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage	S
Public and utility service buildings, not including storage yards	S
Utility scale solar energy systems	S
Utility substation, transmission line and switching station	S
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other existing structure, subject to District height restrictions	P
Wireless communication tower	S

## SECTION 10.03 DIMENSIONAL REQUIREMENTS

A. **Dimensional Requirements.** See Table below for lot, yard and building requirements.

TABLE 10-2: C-3 DIMENSIONAL REQUIREMENTS		
Lot Requirements		
Minimum Area		1.5 acres
Minimum Width		120 ft.
Minimum Depth		180 ft.
Maximum Lot Coverage		60%
Width to Depth Ratio		1:4 (see also Section 3.31)
Setback Requirements		
Minimum Front		100 ft.
Minimum Sides	Residential Uses	–
	Non-residential Uses	Each side: minimum 30 ft.
Minimum Rear		30 ft.
Maximum Setback		150 ft.
Building Requirements		
Maximum Height		2.5 stories or 35 ft., whichever is higher
Minimum Dwelling Unit Floor Area		–



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# Chapter 11.

## IND Industrial District

### SECTION 11.01 PURPOSE

The regulations of this District are intended primarily for heavy commercial and general industrial uses. The District is established to encourage operations which manufacture, compound, processing, package, treat and assemble products from previously prepared materials.

### SECTION 11.02 PERMITTED USES

The following abbreviations apply to the Table of Uses:

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

**TABLE 11-2: IND PERMITTED USES**

<b>AGRICULTURAL</b>	
Mineral removal, removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	S
Custom Dispatching and Processing of Animals	S
<b>CARE AND SOCIAL ASSISTANCE</b>	
Child Care Center or Day Care Center/Nursery School	S
<b>COMMERCIAL</b>	
Accessory office areas related to principal uses	P
Sexually oriented businesses	S
Vehicle repair, major	P
Vehicle repair, minor	P
Vehicle wash establishment	S
<b>INDUSTRIAL</b>	
Assembly of paperboard containers, building paper, building board, and bookbinding	P
Assembly or manufacturing facility greater than 10,000 square feet GFA	S
Assembly or manufacturing facility under 10,000 square feet GFA	P
Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities (including warehousing and transport facilities)	S
Contractors' yards, building material storage	P
Freight forwarding, packing, and crating services	P

Laboratories including experimental, film, and testing	P
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	P
Lumberyards	P
Motor freight terminal including garaging and maintenance of equipment	S
Printing and publishing	P
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials	P
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage, and kindred foods	S
Production of household goods like jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, etc.	P
Production of textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread, and other textile goods	S
Production or assembly of furniture and fixtures	P
Research and development facilities	P
Retail sales of goods where sales are clearly incidental and accessory to the primary industrial use, provided that no more than 20% of usable floor area is dedicated to retail use	P
Salvage or junk yards	S
Tool and die manufacturing facilities	P
Warehouses, cartage businesses	S
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products	P
<b>INSTITUTIONAL</b>	
Airports and landing fields	S
Trade or industrial schools	S
<b>UTILITIES</b>	
Utility scale solar energy systems	S
Wireless communication tower	S
Public and utility service buildings	P
Waste treatment facilities	S
Water supply and treatment facilities	P
Wireless Communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other structure, subject to overall height restrictions	P

## SECTION 11.03 DIMENSIONAL REQUIREMENTS

A. **Dimensional Requirements.** See Table 12-2 below for lot, yard and building requirements.

TABLE 11-2: IND DIMENSIONAL REQUIREMENTS		
Lot Requirements		
Minimum Area		1 acre; within an industrial park, 20,000 sq. ft
Minimum Width		150 ft.
Minimum Depth		200 ft.
Maximum Lot Coverage		75%
Width to Depth Ratio		1:4 (see also Section 3.31)
Setback Requirements		
Minimum Front		50 ft.
Minimum Sides	Residential Uses	–
	Non-residential Uses	One side: minimum 25 ft. Total of two sides: minimum 50 ft. Adjacent to Residential District or Use lot line: 50 ft.
Minimum Rear		Adjacent to Non-residential District: 25 ft. Adjacent to Residential District: 50 ft.
Maximum Setback		–
Building Requirements		
Maximum Height		50 ft.
Minimum Dwelling Unit Floor Area		–

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# Chapter 12.

## RM Rural Mixed Uses District

### SECTION 12.01 PURPOSE

The Rural Mixed Use Zoning District is designed to accommodate a diverse range of uses while preserving the region's rural character. This district allows for hotels, lodging, restaurants, offices, professional services such as salons and medical or dental practices, as well as single, two-family, triplex and quadplex residences and small-scale retail businesses. To ensure high-quality development, the district includes architectural and site design requirements that promote attractive building exteriors and frontages, incorporating rural design elements consistent with the surrounding area. Landscaping and lighting standards enhance visual appeal, while parking lots are required to be located at the side or rear of buildings to maintain a pedestrian-friendly streetscape. Additionally, signage regulations help ensure a cohesive and unobtrusive visual character. By blending residential and commercial uses within a thoughtfully designed framework, this district aims to support local businesses, and community needs while maintaining the rural charm that defines the area.

### SECTION 12.02 PERMITTED USES

The following abbreviations apply to the Table of Uses:

**P: Permitted Use:** Land and/or buildings in this District may be used for the purposes listed by right.

**S: Special Land Use:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 14 are met.

TABLE 12-1: RM PERMITTED USES

CARE AND SOCIAL ASSISTANCE	
Adult day care	P
Assisted Living Home/Nursing Home	P
Group Child Care Home (7-12)	S
Child Care Center or Day Care Center/Nursery School	S
Hospital	S
Residential Human Care and Treatment Facility (for ex: a homeless shelter or halfway house) unless otherwise exempt by law	S
COMMERCIAL	
Accessory office areas related to principal uses	P

Art studio/craft shop	P
Bank or other financial institution without drive through facility	P
Bed and breakfast establishment	P
Catering establishment	P
Contractor's office (with outdoor storage)	P
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner)	P
Health or exercise club	P
Home occupation subject to Section 3.24	P
Home-based business	P
Hotel/motel	P
Indoor theater	P
Kennel, commercial	S
Laundromat	P
Medical office, including clinic	P
Mortuary or funeral home	S
Open air business	S
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)	P
Professional offices	P
Restaurant with drive-through	P
Restaurant without drive-through	P
Retail building supplies and equipment stores with outdoor display and storage	S
Retail establishments under 10,000 square feet GFA	P
Sexually oriented businesses	S
Tavern, with or without dancing, live entertainment or consumption of alcoholic beverages on premises, except sexually oriented businesses	S
Vehicle repair, minor	P
Vehicle service station	P
Vehicle wash establishment	P
Veterinary clinic	S
<b>INDUSTRIAL</b>	
Contractor's yards, building material storage	S
<b>INSTITUTIONAL</b>	
Conference center, assembly hall or place of worship	
under 4,000 square feet	P
over 4,000 square feet	P
<b>RESIDENTIAL</b>	
Accessory Dwelling Units	P
Accessory apartments as part of a commercial use	P
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P
Single family dwelling (detached)	P
Duplex	P
Triplex	P
Quadplex	P
Multiple family dwelling (5 or more units)	S
Multiple family detached dwellings (e.g. cottage court)	S

## SECTION 12.03 DIMENSIONAL REQUIREMENTS

A. **Dimensional Requirements.** See Table 13-2 below for lot, yard and building requirements.

**TABLE 12-2: RM DIMENSIONAL REQUIREMENTS**

Lot Requirements		
Minimum Area		10,000 sq. ft.
Minimum Width (ft)		100 ft.
Minimum Depth (ft)		–
Maximum Lot Coverage		40%
Width to Depth Ratio		1:4 (see also Section 3.31)
Setback Requirements (ft)		
Minimum Front		15 ft.
Minimum Sides	Residential Uses	10 ft.
	Non-residential Uses	25 ft.
Minimum Rear		30 ft.
Maximum Setback		–
Building Requirements		
Maximum Height (ft)		2.5 stories or 35 ft, whichever is higher
Minimum Dwelling Unit Floor Area		1,000 sq. ft.



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# Chapter 13.

# PUD Planned Unit Development District

## SECTION 13.01 PURPOSE

Traditional zoning, with its rigid separation of uses into different zones under very restricted placement controls, has now been recognized as being inappropriate to many medium and large-scale developments. Planned Unit Developments (PUD), which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This Chapter provides a controlled degree of flexibility in the placement of structures and lot sizes and types of uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a separate Zoning District, in accordance with the regulations of this Chapter.

## SECTION 13.02 OBJECTIVES

- A. The PUD Objectives are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as a basis for the evaluation of the proposed PUD. The following Objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of the PUD.
1. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, shorelines, hills, and similar natural assets.
  2. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
  3. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
  4. To provide more efficient and aesthetic use of open areas.
  5. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well-designed access and circulation
  6. Ensure compatibility of design and function between neighboring properties.
  7. Promote efficient provision of public services and utilities.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these

provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of Shelby Township, assure a superior quality of development. If this improved quality is not clearly apparent upon Shelby Township review, a site shall not qualify for the modifications allowable under this Chapter.

### **SECTION 13.03 ELIGIBILITY CRITERIA**

To be eligible for Planned Unit Development approval, the applicant must demonstrate that all of the following criteria will be met:

- A. **Demonstrated Benefit.** The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
  - 1. Preservation of significant natural or historic features.
  - 2. Preservation of agricultural lands.
  - 3. A complementary mixture of uses or a variety of housing types.
  - 4. Common open space for passive or active recreational use. Noncontiguous open space is permitted but in no case shall the project open space be less than ten percent (10%) of the total site area.
  - 5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- B. **Control of Property, Unified Agreement.** Land owners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township's attorney that indicates their unified approach to the PUD development concept.

### **SECTION 13.04 PERMITTED USES**

- A. The following uses of land and structures may be permitted within a PUD.
  - 1. Single-family detached dwellings.
  - 2. Two-family dwellings, provided that these units make up no more than twenty percent (20%) of the total number of residential dwelling units in the PUD.
  - 3. Multiple family dwellings, provided that these units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
  - 4. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding those with drive through facilities), and similar uses, open only to members and their guests.
  - 5. Accessory buildings, structures, and uses, as regulated by Section 3.11.

### **SECTION 13.05 APPLICATION AND REVIEW**

#### **A. Process.**

- 1. An application for a PUD shall consist of the following minimum requirements:
  - a. A fully completed and signed application form as provided by the respective Community.
  - b. The application review fee and any other fees required by the respective Community.
  - c. A legal description of the property to be included in the PUD.

- d. Twelve (12) copies of a Preliminary Sketch Plan or Final Development Plan, completed in accordance with the requirements of this Chapter.
2. A Planned Unit Development approval shall require a rezoning from the existing zone district to the PUD District. The rezoning shall not be considered until approval of a Final PUD Plan has been granted.
3. Within one (1) year from the Preliminary Sketch Plan approval the applicant shall submit a Final PUD application and a petition for PUD rezoning. Failure to submit the application within this time will void the Preliminary Sketch Plan approval.
4. The Final PUD application will be submitted and reviewed in accordance with the requirements of this Chapter and the Zoning Act. Approval of the Final PUD will constitute approval of the rezoning.

**B. Preliminary Sketch Plan.**

1. An application for a PUD approval will be accompanied by a Preliminary Sketch Plan including maps and written statement, in twelve (12) copies, and shall be submitted to the Zoning Administrator.
2. The application shall be submitted at least thirty (30) days prior to the date of first consideration by the Planning Commission.
3. The Planning Commission shall review the Preliminary Sketch Plan to determine its conformance with the requirements of this Chapter.
4. The Preliminary Sketch Plan may be in general, schematic form containing, at a minimum, the following, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
  - b. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
  - c. Existing and proposed land uses and their approximate location, character, density, and type, including the character and approximate net residential density being proposed.
  - d. Existing topographic character of the site.
  - e. Circulation patterns including roadways, drives, parking areas, and pedestrian ways.
  - f. Public uses including schools, parks, open space, etc.
  - g. Existing flood plains, bodies of water, wetlands and other unbuildable areas.
  - h. Existing significant natural features and planned open space.
5. A written statement shall also be submitted with the Preliminary Sketch Plan containing, at a minimum, the following information:
  - a. An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which it reflects the PUD Objectives of this Chapter.
  - b. Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
  - c. A general indication of the expected schedule of development.

- d. A general indication of the expected public interest to be served by the PUD and conformance of the PUD to the Shelby Township Master Plan.
- e. A general statement regarding conformance to the development requirements for the PUD as stated in this Chapter.
- f. An indication of any contemplated private deed restrictions or covenants.
- g. A description of how the PUD meets the requirements of Section 9.03.
- h. The Planning Commission shall review the Preliminary Sketch Plan and make recommendations to the applicant that will reasonably cause the Plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed Plan, but shall not be bound by any statements or indications of the general acceptance of the Plan.

**C. Final PUD.**

- 1. Within one (1) year from the Preliminary Sketch Plan review the applicant shall submit an application for Final PUD and rezoning. Failure to submit a Final PUD application will render the preliminary approval null and void.
- 2. The application shall be submitted to the Zoning Administrator on a form supplied by the Township at least thirty (30) days prior to the date of first consideration by the Planning Commission.
- 3. The Final PUD application shall contain, at a minimum, the following, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - a. An application fee as established by the Legislative Body.
  - b. A final site plan as specified in Chapter 12 for the entire PUD or for one (1) or more phases of the PUD.
  - c. A development schedule indicating the approximate date for commencement of construction.
  - d. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.
  - e. A legal description of the area to be rezoned.
- 4. **Planning Commission Review.**
  - a. Upon receipt of an application for a Final PUD the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the Zoning Act (see Section 14.03(B)).
  - b. Following the public hearing, the Planning Commission shall consider the application and submit a recommendation to the Legislative Body. The Planning Commission shall consider the following standards in formulating its recommendation:
    - (1) Conformance of the PUD request with the Shelby Township Master Plan.
    - (2) The overall objectives of PUD as stated in Section 9.02.
    - (3) The development requirements and permitted uses for the PUD.
    - (4) The site plan review standards of Chapter 11.
    - (5) Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.

- (6) The proposed lot dimensions and building and yard requirements shall result in a higher quality of development than would be possible using conventional zoning standards.

**5. Design Standards.**

- a. Building designs shall meet the standards of Section 3.29.
- b. Density and height limits of the current underlying district shall not be increased more than twenty-five percent (25%).
- c. Utilities shall be underground to the maximum extent feasible.
- d. Dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub streets are preferred.
- e. Where adjoining areas are not subdivided, the arrangement of streets within the PUD may be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
- f. Pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improve traffic operations and views.
- g. Site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate main buildings from the parking lots. The Planning Commission may recommend to the Legislative Body to require the development provide amenities such as bus stops or bus turn-outs.
- h. Natural features shall be preserved to the maximum extent possible.
- i. At least fifteen percent (15%) of the site shall be set aside as dedicated common open space. At least one third (1/3) of the common open space shall be usable open space. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach the recreational or common open spaces. Open space shall be permanently protected.
- j. No building shall be sited on slopes steeper than fifteen percent (15%), within one hundred (100) feet of any ordinary high water mark, wetland, or on soil classified as being very poorly drained.

**6. Legislative Body Decision.**

- a. After receiving the recommendation of the Planning Commission, the Legislative Body shall review the application for the Final PUD rezoning and the Planning Commission recommendation. The Legislative Body shall then make its findings as to denial, approval, or approval with conditions of the rezoning in accordance with the proposed PUD plan, using the standards noted in Section 13.05, C, 4, b.
  - b. The PUD plan shall not be considered final until the applicant submits a written acceptance of the approved PUD. No building permits may be issued until the final approval is granted and the written acceptance has been received.
  - c. After final approval, the following requirements shall also be met, if applicable:
7. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to planning approval.

8. The Legislative Body shall cause to have legal documents or contracts prepared which involve Shelby Township and are required as a result of the conditions contained in the final approval included but not limited to: provision of public services, arrangements for the perpetual maintenance and protection of designated open space and description of the approved building designs and density. All contracts shall be executed and recorded in the office of the Oceana County Register of Deeds.
- D. The Zoning Administrator shall inspect the development at each stage to ensure reasonable compliance with the conditions of the Final PUD approval, the Final Site Plan and the approved schedule of improvements.
1. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. Approval of the Final PUD shall be completed prior to the development of an individual phase. All phases must be generally consistent with the approved preliminary sketch plan for the PUD.

**E. Changes to an Approved PUD.**

1. Approval of the final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.
2. The Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
3. The Zoning Administrator may approve the proposed revision upon finding the change would not alter the approved design or provisions of the PUD would not reduce the area devoted to open space, and all applicable regulations of this Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Legislative body of the approval in writing.
4. The Zoning Administrator shall consider the following when determining a change to be minor:
  - a. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend into any required open space or required setback.
  - b. Gross floor area of non-residential buildings may be decreased; or increased by up to three percent (3%) or two thousand (2,000) square feet, whichever is smaller, of the originally approved area, provided parking requirements are met, and the building does not extend into any required open space or required setback.
  - c. Floor plans may be changed if consistent with the character of the use.
  - d. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space and other requirements.
  - e. Height of buildings may be lowered.
  - f. Designated woodlands or areas not to be disturbed may be increased.
  - g. Plantings on the approved landscape plan may be replaced by similar types of landscaping on an equal or greater basis; any trees shown as preserved on the final site plan and subsequently lost during construction shall be replaced on a caliper per caliper basis on the site. For example, a 12-inch in diameter tree could be replaced with six (6) 2-inch in diameter trees.
  - h. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate.

- i. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Zoning Administrator.
  - j. Grade change of up to one (1) foot, after review by the Township Engineer.
  - k. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  - l. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  - m. Changes to the location of accessory buildings and structures, when the new location will be consistent with the building envelope identified on the approved plan.
  - n. Changes required or requested by the County or State for safety reasons.
5. Where the Zoning Administrator determines that a requested amendment to the approved site plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD plan; a revised Preliminary Sketch Plan shall be submitted according to the procedures outlined in this Chapter. In all cases, a change in use to a more intensive use than approved in the Preliminary Sketch Plan shall be considered major and require resubmission of a new Preliminary Sketch Plan.
6. Decisions granting PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan and otherwise meets the applicable review standards applicable to variances in this Ordinance.

## **SECTION 13.06 DEVELOPMENT REQUIREMENTS**

- A. Open space may be established to separate use areas within the PUD, where significant natural features may be preserved, and/or be used for passive or active recreation.
- B. Open space, except for where trails and bike paths are located, shall have minimum dimension of one hundred (100) feet by one hundred (100) feet.
- C. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- D. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
- E. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained or is determined by the Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.
- F. All land set aside as open space shall be deed restricted to ensure that the open space is preserved in perpetuity. Land set aside for agriculture uses may, at the discretion of the property owner(s), be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development, unless an amendment to the PUD is applied for and approved.



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# Chapter 14.

# Special Land Uses

## SECTION 14.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures that, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the Township. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Shelby Township. For purposes of this Ordinance, all Special Land Uses are subject to the requirements and standards of this Chapter.

- A. **Authority to Grant Permits.** The Planning Commission shall have the authority to grant Special Land Use permits. The Planning Commission has the authority to impose such conditions of design and operations, safeguards and time limitations as it may determine for all special uses, specially allowed in the various district provisions of this Ordinance and in accordance with Chapter 16 Site Plan Review.

## SECTION 14.02 APPLICATION AND REVIEW PROCEDURES

### A. Optional Preliminary Special Land Use Review Meeting.

1. Prior to submitting an application, an applicant may request a preliminary Special Land Use Review Meeting with the Planning Commission staff to discuss the proposal, design elements, ordinance requirements, and so forth. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The City's comments during a preliminary Special Land Use Review meeting shall be advisory in nature only.

### B. An application shall be submitted through the Clerk, accompanied by:

1. The payment of a fee as established by the Legislative Body.
2. A completed application form, as provided by the Township.
3. A complete site plan in twelve (12) hard copies, as specified in Chapter 15.

### C. Applications for a Special Land Use shall be submitted with a site plan at least thirty (30) days prior to the next Planning Commission meeting at which the application is to be considered.

### D. The Zoning Administrator will review the application for completeness and general conformance with Ordinance requirements and will transmit review comments to the applicant for revision, if necessary. Applicant submits revised materials to the Zoning Administrator, if necessary, for re-consideration. Comments made by the Zoning Administrator shall be forwarded on to the Planning Commission for consideration.

- E. The Zoning Administrator will notify the Clerk when Special Land Use applications are adequate for consideration by the Planning Commission. The Zoning Administrator and the Clerk will establish a public hearing date and post/send public notices.
- F. The Planning Commission shall hold a public hearing on the application, with notice in accordance with the Zoning Act (see Section 14.03(B)). The Planning Commission shall then review the application and other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township's planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed. The decision on a special land use shall incorporate a statement containing the findings and conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions recommended. If the Planning Commission required additional information, the application may be postponed to a date certain until such information has been received.
- G. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which in the opinion of the Zoning Administrator might reasonably result in favorable action upon resubmittal. Each reapplication will be treated as a new application
- H. Upon approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction and show substantial progress toward completion or begin operation of the approved activity within one (1) year after the date of approval of the Special Land Use, except as noted below.
  - 1. The Planning Commission may grant one (1) six (6) month extension of this time period, provided the applicant requests the extension in writing prior to the date of the expiration of the Special Land Use approval.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void. Property shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification.
- I. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, conditions of the Special Land Use approval, or if one or more of the following conditions apply:
  - 1. The special land use is not constructed in conformance with the approved plans or the property is not being used in conformance with the approval special land use.
  - 2. Compliance with the special land use permit and any conditions has not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful.
  - 3. The special land use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant.
  - 4. Prior to any action, the Planning Commission shall conduct a public hearing following the notification requirements for the original approval.

## **SECTION 14.03 GENERAL STANDARDS**

- A. In addition to the requirements established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 15.07, and conditions, as authorized and governed by Section 15.08 may be placed upon a Special Land Use.
- B. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use:
1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed; At a minimum, this should include:
    - a. Location of use(s) on a site
    - b. Height of all improvements and structures
    - c. Adjacent conforming land uses
    - d. Conformance with the Master Plan and future land use map adopted by the Planning Commission; and
    - e. Compatibility with the permitted principal uses allowed in the zoning district where the Special land Use is requested, and consistency with the intent of the zoning district.
  2. Be designed in a way that considers the natural environment and makes efficient use of natural resources and energy;
  3. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
  4. Not create excessive additional requirements at public cost for public facilities and services; and
  5. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or public health, safety, the general welfare, by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Planning Commission.
- C. The Planning Commission may stipulate additional conditions and safeguards as deemed necessary to accomplish the General Standards and Specific Requirements of this Chapter. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Failure to comply with these conditions may result in the revocation of the Special Land Use approval, pursuant to Section 14.02, F.

## **SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The General Standards of Section 16.03, B, are basic to all Special Land Uses. The specific and detailed requirements set forth in this Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

### **A. Accessory apartments as part of a commercial use.**

1. The gross floor area for all residential units shall not exceed twice the gross floor area of the commercial or office uses to which they are accessory.
2. Residential dwelling units shall meet the minimum floor area requirements applicable to multiple family units in the R-3 District.

3. Separate parking facilities will be provided for all dwelling units in accordance with the requirements of the R-3 District and Section 16.02.

**B. Agricultural service establishments.**

1. These uses shall include, but need not be limited to, the following:
  - a. Grain elevators for storage, drying and sales
  - b. Bulk feed and fertilizer outlets and distribution centers
  - c. Seed dealership outlets and distribution centers
  - d. Grain and livestock, truck and cartage facilities
  - e. Agricultural products, production and processing operations
  - f. Auctions for livestock
  - g. Sawmill
  - h. Employee housing, subject to subsection 7 hereof
2. Minimum lot or parcel size shall be two (2) acres and have a minimum lot frontage of three hundred thirty (330) feet.
3. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of Section 16.01.
4. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
5. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
6. All agricultural service establishments shall be located at least one hundred (100) feet from any driveway affecting access to a farm dwelling or field, and at least three hundred (300) feet from any single-family dwelling.
7. Agricultural service establishments may include attached or detached employee housing units, provided that the following standards are met:
  - a. Housing units must be located on land owned by a farm or agricultural service establishment and be operated by a farm or an affiliated organization.
  - b. Each employee housing unit must have a minimum floor area of at least five hundred and fifty (550) square feet.
  - c. Mobile/manufactured homes are not permitted to be used as employee housing.
  - d. One accessory structure is permitted per units and shall not exceed two hundred (200) square feet in area.
  - e. The employee housing shall comply with applicable requirements of Section 3.25 of this Ordinance.
  - f. The Planning Commission may limit the number of employee housing units permitted on a property.
  - g. Multiple employee housing units may be located on one parcel provided that they are planned and arranged as a single, integral development.
  - h. Employee housing shall not be used for migrant worker housing.

**C. Agri-tourism establishment.**

1. Minimum lot size shall be five (5) acres.
2. The bulk of farm products sold shall be grown or produced on the farm.
3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
4. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
5. All parking shall be out of the public right of way. Agri-tourism establishments shall provide adequate off-street parking for guests, and such off-street parking arrangements shall be reviewed by the Planning Commission during site plan review.
6. The access drive which shall be wide enough to accommodate two (2) vehicles side-by-side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.
7. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
8. Suitable containers for rubbish shall be placed on the premises for public use.
9. Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00 p.m.

**D. Bed and breakfast establishments.**

1. The establishment shall be serviced by approved public or private water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a public road.
3. These uses shall only be established in detached single-family dwellings which shall be the principal residence of the operator.
4. Parking is required in accordance with Section 12.02 and the number of spaces required in the District. Specific spaces shall be designated for guest parking. Parking areas shall be located to minimize negative impacts on adjacent properties.
5. The lot on which the establishment is located shall meet the minimum lot size requirements of the Zone District.
6. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
8. One (1) sign shall be allowed not exceeding sixteen (16) square feet in area or four (4) feet in height. If illuminated, the illumination shall only be of an indirect nature; internally lighted signs are not permitted. The permitted sign shall be set back at least ten (10) feet from the front lot line and at least fifteen (15) feet from any side or rear lot line.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
10. Meals may be served only to the operator's family, employees, and overnight guests.

**E. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities (including warehousing and transport facilities).**

1. The minimum lot size shall be ten (10) acres for bulk oil and gasoline. The minimum lot size for liquid propane or compressed gas shall be two (2) acres.
2. The lot shall be located so that at least one (1) side abuts a primary road, as designated by the County Road Commission, or State trunk line and all access shall be from that road.
3. No storage shall take place closer than seventy-five (75) feet from any property line, or five hundred (500) feet from any Residential District, or a greater distance if required by applicable State or Federal regulations.
4. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the Special Land Use approval.
5. Fencing, lighting, security, and other appropriate conditions may be imposed which are more stringent than, but not inconsistent with, Federal or State requirements.
6. Outdoor storage of empty tanks for sale or lease to the public shall be permitted only on the same premises and not within any required setback area.
7. The site shall be designed to permit easy access by emergency vehicles.
8. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
9. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

**F. Campgrounds, public or private, including travel trailer parks.**

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road.
2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. This convenience store, excluding laundry and similar ancillary uses, shall not exceed a gross floor area of one thousand (1,000) square feet.
4. Each site shall contain a minimum of one thousand five hundred (1,500) square feet and shall be set back at least seventy-five (75) feet from any public access drive, right-of-way or property line.
5. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
6. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
7. At least fifteen (15) feet shall be provided between all travel trailers and tents.

**G. Campgrounds, Resort.**

1. The minimum parcel size shall be no less than ten (10) acres.

2. Each resort camping rental unit shall have a maximum interior floor area of nine hundred (900) square feet and shall not exceed twenty (20) feet in height, measured from grade to the roof peak.
3. Each resort camping rental unit shall include an adjacent space with outdoor amenities, such as a firepit and picnic table. Each resort camping rental unit, including outdoor amenities, shall hereby be referred to as the "camping site"
  - a. A minimum distance of one hundred (100) feet shall be provided between all camping sites.
4. All buildings and structures shall be setback a minimum of seventy-five (75) feet from any public access drive, right-of-way, or property line.
5. There may be a dwelling, occupied by the owner or manager, on the same parcel as the resort campground.
  - a. Hours of operation for any office, administrative activities, structures intended for check-in, or other similar activities/structures shall not exceed what would otherwise be considered as normal for the district and adjacent parcels.
  - b. Quiet time will be at 10pm. Noise levels must comply with the Township Ordinance.
6. Each project shall include a minimum of one (1) fully enclosed dumpster on the property.
7. A minimum of five (5) camping sites are required and subject to applicable State campground licensing rules and regulations.
8. No resort camping rental unit shall be occupied by the same tenant for more than sixty (60) consecutive days.
9. Each project containing more than fifteen (15) resort camping rental units shall provide a permanent building providing showers, flush toilets, and potable water.
  - a. Projects containing less than fifteen (15) camping rental units shall provide, at minimum, a privy and potable water.
10. No commercial use shall be permitted to operate on the project, except that a convenience shopping facility may be provided with the store gross floor area not to exceed one thousand (1,000) square feet. This excludes laundry and similar ancillary uses.
11. Each camping site shall provide up to two (2) parking spaces. Additionally, there shall be a gravel or hard-surfaced, dust-free parking area providing one (1) space per the number of camping sites provided for overflow and guest parking.
  - a. The parking area shall be located no less than one hundred (100) feet to any side or rear property line.
12. Each camping site shall have direct access to a gravel or hard-surfaced, dust-free roadway of at least ten (10) feet in width, or alternative width approved by the Fire Department.
13. Drainage and storm water management must be reviewed and approved by the Oceana County Drain Commissioner.
14. Landscaping requirements shall be compliant with the requirements of Section 12.01B of this Ordinance.
  - a. The Planning Commission may alter plant material requirements or may require additional landscaping, berming, wall or fence in addition to the greenbelt area, in order to provide an effective screen.
  - b. The Planning Commission may waive these landscaping requirements with adequate justification provided by the applicant.



15. The project and use shall meet all applicable regulations of any relevant County or State agency, including but not limited to, the Oceana County Health Department, the Michigan Department of Natural Resources, and the Michigan Department of Environment, Great Lakes, and Energy.
16. Campgrounds are required to be licensed in accordance with the Public Health Code in Michigan, Act 368, PA 1978, as amended.

**H. Cemeteries.**

1. The site shall have a minimum area of five (5) acres and a minimum frontage of two hundred (200) feet.
2. The cemetery shall be located on property with direct access to a public road.
3. Buildings, including buildings for storage of equipment, shall be set back two hundred (200) feet from an existing Residential District.
4. Drives and parking areas shall be at least fifty (50) feet from any adjacent property line.

**I. Commercial storage warehouses.**

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a primary road.
3. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
4. A six (6) foot fence of a material acceptable to the Planning Commission shall enclose the area occupied by the use. If the use is adjacent to a residential zone, the fence shall be screening. The fence shall be set back at least thirty (30) feet from the front property line.
5. The front yard, up to the fence, shall be landscaped in accordance with Section 12.01.
6. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened in accordance with the provisions of Section 12.01.
7. Minimum side and rear yards as specified for the District shall be maintained. No storage is permitted within the required setback.
8. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
9. Traffic direction and parking shall be designated by signs or painting.
10. The storage of hazardous or toxic materials are prohibited.
11. The lot area used for parking and access shall be provided with a paved surface and shall be drained to dispose of all surface water.
12. Parking, 1 space for every storage unit (adjacent to the units) plus 1 for each employee.

**J. Drive-through facility other than a restaurant (e.g. bank, credit union, pharmacy, dry cleaner).**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. A minimum of four (4) stacking spaces for each drive-through station shall be provided.

2. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
5. Access driveways shall be at least fifty (50) feet from any adjacent property line.
6. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.

**K. Elderly housing.**

1. Parking shall be provided at the rate of one (1) space per unit. Should units revert to general occupancy, then two (2) parking spaces per unit shall be provided.
2. Minimum lot size shall be one (1) acre with a minimum of two thousand, four hundred (2,400) square feet of lot area per dwelling unit.
3. All units in the building shall have a minimum of four hundred and fifty (450) square feet per unit.
4. A covered drop-off and pick-area shall be provided on-site in close proximity to the main entrance.
5. Walkways shall be provided from the main building entrances to the sidewalk, as linkages to adjacent developments (as appropriate) and along the adjacent public or private street(s).
6. Maximum height shall not exceed three (3) stories or fifty (50) feet.

**L. Game farm.**

1. Minimum lot area shall be forty (40) acres.
2. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
3. The site plan shall clearly indicate all safety zones to assure that any projectile fired within the boundaries shall not carry into or over an adjacent district or area.
4. The operator shall have the County Sheriff review and comment on the site plan prior to its review by the Planning Commission.
5. Signs designating the area as a hunting area shall be clearly posted not more than fifty (50) feet apart.
6. Hours of operation shall be between one half (½) hour before sunrise and one half (½) hour after sunset.

**M. Group child care homes.**

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
5. The group child care home shall not be located closer than 1,500 feet to any of the following:

- a. Another licensed group child care home.
  - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - d. Community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
6. The operator shall maintain the property consistent with the visible characteristics of the neighborhood.
  7. The group child care home shall not exceed 16 hours of operation during any 24 hour period. The Planning Commission may limit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
  8. The group child care home may have a sign in accordance with Residential District requirements.

**N. Home-based business.**

1. Home-based businesses shall not include a vehicle repair or maintenance shop for hire, junk yards or scrapping operations, and uses which must meet special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems, and other such systems.
2. The following additional information shall be included with the Special Land Use application and associated site plan:
  - a. Type of business.
  - b. Hours of operation.
  - c. Number of employees.
  - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
  - e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
  - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
3. The parcel containing the home-based business shall be a minimum of eighty thousand (80,000) square feet and shall contain a single-family dwelling.
4. The home-based business shall be owned and operated by the owner of the dwelling located on the property.
5. No more than two (2) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.
6. Any need for parking generated by the conduct of such home business shall be provided off the road.
7. The home-based business may be conducted entirely within the single-family dwelling or one (1) approved accessory building of up to three percent (3%) of the total land area of the parcel, not exceeding five thousand (5,000) square feet in area. All activities shall be conducted within that building and no outdoor storage of materials shall be permitted.
8. Parking of commercial grade vehicles shall be screened from public view and neighboring properties. No more than two (2) commercial grade vehicles are permitted.

9. The accessory building in which the home-based business is conducted shall have a minimum front setback of one hundred fifty (150) feet and shall not be closer than one hundred (100) feet to any side or rear property line.
10. The home-based business shall not result in the alteration of the dwelling, nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.
11. One (1) nonilluminated sign may be permitted for the home-based business, not exceeding six (6) square feet in area and not higher than four (4) feet above grade.
12. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
13. The use shall not constitute a nuisance to surrounding property owners.

**O. Hotels/motels.**

1. Minimum lot area shall be two (2) acres; minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of fifty (50) feet and side and rear yard setbacks of ten (10) feet, except that uses located on waterfront lots shall maintain a rear yard setback of at least twenty (20) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**P. Intensive livestock operations.**

1. Minimum lot area shall be eighty (80) acres.
2. Any part of the operation, including storage pens, manure storage, feeding areas, and other similar activity areas shall be set back a minimum of one thousand (1,000) feet from the property lines of an adjacent residence or use, or a standing body of water, or flowing stream.
3. No direct runoff from any part of the proposed operation shall be permitted to flow onto any adjacent property.
4. All buildings, structures, enclosed areas, and storage areas for animals or animal waste associated with the operation shall be located at least two hundred (200) feet from a water well.
5. No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
6. Manure and urine storage facilities must be of a sufficient capacity, design and maintenance to store all animal waste until such time as the waste can be transported and/or used as fertilizer. Storage facilities for manure and related waste must be designed, sited, constructed, maintained and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater or soil and be constructed and operated in accordance with an approved Animal Waste Management Plan, as required by this subsection.
7. Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.
8. No such operation shall be permitted where any lot line is within one thousand (1,000) feet of another intensive livestock operation's lot line.
9. In addition to meeting the requirements of Section 16.03, site plans shall contain the following additional information:

- a. Locations of main buildings, manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted.
- b. Separation distances between all facilities and uses associated with the intensive livestock operation and: adjacent property lines; on-site water wells; private homes; and any water body or flood plain, including wetlands, streams, or designated county drains.

**10.** A copy of the approved Animal Waste Management Plan shall be provided to the Township. Upon commencement or expansion of an intensive livestock operation, the owner of the operation shall submit a written Animal Waste Management Plan (herein referred to as “the Plan”) prepared and signed by a professional agrologist, a person certified to develop these Plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified State agency official (e.g., cooperative extension agent). The Plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the Michigan Agricultural Commission, Natural Resource Conservation Service (Field Office Technical Guide), and Cooperative Extension Service (Resource Notebook). The Plan shall be submitted as part of the Special Land Use application and include and conform to the following narrative description including necessary drawings and/or diagrams as applicable:

- a. Runoff control and wastewater management methods (for all areas where livestock density precludes sustaining vegetative growth on the soil).
- b. Design, construction, operation, and maintenance methods for the treatment, storage and transportation of animal waste.
- c. Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
- d. Specifications on how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.

**Q. Kennels, commercial.**

1. The minimum lot size shall be two (2) acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

**R. Migrant agricultural labor housing.**

1. Migrant agricultural labor housing shall be located on forty (40) or more contiguous acres of land that are used for farming purposes.
2. Migrant agricultural labor housing shall only be used for persons primarily employed by the owner of the farm and their families.
3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant agricultural labor housing shall apply where any dwelling or manufactured home is used to house five (5) or more seasonal workers. A license granted by the State of Michigan for migrant agricultural labor housing shall be provided to the Township prior to occupancy each year.
4. Migrant agricultural labor housing shall be located at least one hundred (100) feet from any public road, at least two hundred (200) feet from any other property line and five hundred (500) feet from any dwelling on adjacent property.

5. No newly constructed migrant agricultural labor housing unit shall have more than one (1) story nor accommodate more than one (1) family, although migrant agricultural labor housing may be occupied by a group of people that are not a family as defined in this Ordinance.
6. In no case shall migrant agricultural labor housing be occupied by more people than permitted in the State of Michigan's Rules for Agricultural Labor Camps.
7. To ensure adequate access for emergency vehicles and personnel, no migrant agricultural labor housing unit shall be located closer than thirty (30) feet to a driveway or private road and no closer than ten (10) feet to any other building or structure.
8. All construction of migrant agricultural labor housing shall conform to the building codes adopted by the Township and other Ordinances where such regulations impose greater standards than State and Federal regulations. Migrant agricultural labor housing shall meet the standards of Section 3.15 of this Ordinance.
9. Migrant agricultural labor housing located in a manufactured home that is not occupied by seasonal workers for three (3) consecutive years shall be removed by the owner within six (6) months. Manufactured homes used for migrant agricultural labor housing shall comply with Section 3.21 of this Ordinance.

**S. Manufacturing or Assembly Facility**

1. The applicant shall disclose the nature and quantity of all chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with any applicable local, state or federal requirements.
2. No toxic or hazardous materials shall be discharged to groundwater or surface waters, nor shall such materials be discharged to any public or private wastewater system except as permitted by appropriate authorities.
3. All manufacturing and/or assembly activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or 6-foot tall fencing designed to be compatible with the surrounding neighborhood.
4. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) decibels at any property line.
6. The Planning Commission may require additional open space and landscape buffer screening the proposed special use from adjacent property.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.

**T. Custom Dispatching and Processing of Animals**

1. No person may sell, offer for sale, or possess with intent to sell meat derived from custom dispatching or processing.
2. Custom dispatching and processing shall meet the following standards:
  - a. Dispatching and processing may only occur by any person of animals that are his/her own raising, through contract with a mobile custom slaughterer where animals are of the owner's raising, or through any person, firm, or corporation where animals are delivered by the owner thereof for such slaughter.

- b. Transportation in commerce of carcasses, parts thereof, meat, and meat food products of such animals shall be exclusively for use by the owner of such animals, members of the household, his non-paying guests, or employees.
- c. Custom dispatching and processing of animals shall be located on parcels of land at least ten (10) acres in size.
- d. Exterior storage areas, including animal storage areas, shall be fenced and screened from adjacent property and public rights of way. Fencing shall be sufficient to provide adequate screening and contain animals securely on the owner's property at all times.
- e. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures.
- f. All exterior structures and improvements or fences for the keeping or confinement of animals shall meet all setbacks as defined by this Ordinance.
- g. Every package of meat produced must clearly be marked NOT FOR RETAIL SALE. This meat shall not be sold or donated to anyone.
- h. All dispatching and processing activities must adhere to humane methods of slaughter.
- i. No dispatching and processing activity shall be used which creates, odors, noise, vibration, glare, or fumes that are deterrable to the normal senses off the premises.
- j. The physical structure, pens, stockyard, or cages that are intended for custom dispatching and processing activities shall not be closer than one thousand (1,000) feet to any adjacent residential district.
- k. All custom dispatching and processing activities shall be conducted within a completely enclosed structure.
- l. Any meat that is offered for retail sale shall adhere to all applicable local, state, and federal regulations.

**U. Mortuary or funeral home.**

- 1. Minimum lot area shall be forty-three thousand five hundred and sixty (43,560) square feet with a minimum width of two hundred (200) feet.
- 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
- 3. A caretaker's residence may be provided within the main building.
- 4. The proposed site shall front upon a paved public street. All ingress and egress shall be from this thoroughfare.

**V. Motor freight terminal, including garaging and maintenance of equipment.**

- 1. Minimum lot size shall be three (3) acres.
- 2. At least one (1) property line shall abut a paved County Primary road. The ingress and egress for all vehicles shall be directly from the paved county road.
- 3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.



4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

**W. Open air businesses.**

1. Minimum lot area shall be eighty thousand (80,000) square feet.
2. Minimum lot width shall be two hundred (200) feet.
3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
7. All lighting shall be shielded from adjacent residential areas.
8. No display area shall be located within twenty (20) feet of a public road right-of-way line.

**X. Open space developments.**

1. **Description and Purpose.** The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD, and other design objectives intended to foster an improved living environment.
2. **Qualifying Conditions.**
  - a. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
  - b. The property which is the subject of an OSD application must be a minimum of twenty (20) contiguous acres. The Planning Commission may consider a lesser development size if the proposed project substantially forwards the purpose of the OSD regulations.
  - c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which could be otherwise be developed but will be preserved as a result of the OSD.
  - d. Only traditional farming activities (except intensive livestock operations) and single family dwellings and their accessory uses may be approved as part of the OSD.
3. **Review Procedures.**
  - a. Sketch Plan Approval
    - (1) To be considered as a OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Chapter.



- (2) In addition to the requirements of Chapter 11, the application materials shall include twelve (12) copies of all of the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
- (a) Written documentation that the proposal meets the standards of this subsection.
  - (b) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (c) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (d) Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:
    - i. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.
    - ii. All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.
    - iii. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
    - iv. While intended as a conceptual plan, the Planning Commission shall only approve the parallel plan after a determination is found that the submitted plan would otherwise be approvable under current Township ordinances and review considerations.
- 4. Density Bonus.** In order to preserve the maximum amount of open space, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan.
- a. In no case shall the density bonus exceed fifty percent (50%) of the base density.
  - b. The OSD may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space	50% open space	10-20%
Community or Public Sanitary Sewer Service		15%
Community or Public Water Service		15%

- c. For the purposes of this Section, community sanitary sewer service shall be defined as all aspects of a complete system required to properly collect, treat, and dispose of wastewater from all of the individual dwelling units or other buildings within the OSD, including all pumps, pipes, laterals, controls, valves, treatment units, and other equipment necessary to collect, treat, and dispose of wastewater at a central location.

- d. Community water service shall be defined as all aspects of a complete system required to draw water from a groundwater source, including all pumps, pipes, laterals, controls, valves, and other equipment necessary to provide potable domestic water to all of the individual dwelling units or other buildings within the OSD from a central location or water source.

- 5. The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance and deny, approve, or approve with conditions, the sketch plan.

**6. Final Site Plan Approval**

- a. After receiving approval of a sketch plan the applicant shall within one (1) year submit a final site plan to the Planning Commission.
- b. The final site plan may be for either the entire project or for one (1) or more phases.
- c. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
  - (1) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file the application.
  - (2) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (3) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (4) A completed application form, supplied by the Zoning Administrator.
  - (5) A final site plan meeting the requirements of Chapter 11.
- d. Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
- e. The Planning Commission shall deny, approve, or approve with conditions, the final site plan for the OSD.
- f. Major changes in the final site plan shall be submitted to the Township pursuant to the procedures applicable to the original application.
- g. Open Space: Any open space provided in the OSD shall meet the following considerations and requirements:
  - (1) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire OSD may utilize the available open space.
  - (2) The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
  - (3) All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

- (4) All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- h. Development Setback
  - (1) Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.
  - (2) No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may require natural vegetation to augment the natural buffer.
  - (3) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The one hundred (100) foot landscape screen shall meet all of the following minimum requirements:
    - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
    - (b) Be on a strip of unoccupied land at least fifty (50) feet in depth.
    - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
    - (d) Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - (4) OSD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- 7. **Design Principles:** The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the Township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.
  - a. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
  - b. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight to ten (8-10) units per cluster for projects of less than fifty (50) dwelling units and not more than ten to fifteen (10-15) for projects with fifty (50) or more dwelling units.
  - c. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.

- d. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. These areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. These areas may, however, incorporate trails or other internal pedestrian circulation paths.
- e. The overall design of the Open Space Development should emphasize the rural character of the township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

**8. Review Standards.**

- a. The following review standards will be used by the Planning Commission in its consideration of an OSD. Before these developments may be approved the Planning Commission shall find:
  - (1) That the OSD meets the stated purposes of this Subsection
  - (2) The OSD is in substantial compliance with the design principles of this Section.
  - (3) That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
  - (4) That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
  - (5) That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
  - (6) That the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.

**Y. Public and utility service buildings.**

- 1. Buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
- 2. Any building shall comply with the yard setback requirements for main buildings of the District in which it is located.

**Z. Recreation facilities, indoor and outdoor.**

- 1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- 2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use property line.
- 3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study may, at the Planning Commission's discretion, be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
- 4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**AA. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.**

1. Unless it meets the standards of Section 3.09, no soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval.
2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
  - a. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - (1) A north arrow, scale, and date;
    - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - (4) the location and nature of all structures on the lands;
    - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
    - (6) existing elevations of the lands at intervals of not more than five (5) feet;
    - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
    - (8) mineral processing and storage areas;
    - (9) topsoil stockpile areas;
    - (10) proposed fencing, gates, parking areas, and signs;
    - (11) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
    - (12) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
    - (13) areas to be used for ponding.
3. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
4. A site rehabilitation plan including the following:
  - a. A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
  - b. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end- use(s); and
  - c. A description of the proposed methods or features which will ensure that the end- use(s) are feasible and will comply with the Shelby Township Master Plan and all applicable requirements of this Ordinance.

- d. The Planning Commission may require an environmental assessment statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
5. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following:
  - a. Topsoil shall be replaced on the site to a depth of not less than four (4) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced, and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
6. No machinery shall be erected or maintained within one hundred (100) feet of any property or street line. No cut or excavation shall be made closer than one hundred (100) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District or use property line.
7. The Planning Commission shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
8. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in a condition or manner so as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
10. The Planning Commission may require compliance with any other conditions as may be necessary to ensure compliance with the terms of this subsection. These conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.

11. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming Shelby Township as applicable as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have other applicable terms and shall be in an amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
  - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

**BB. Restaurants with drive-through facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into a private or public right-of-way, with a minimum of ten (10) stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation, access to parking spaces, and egress from the property by vehicles not using the drive-through facility.
2. In addition to parking space requirements, at least three (3) parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Any paved area shall have minimum side and rear yard setback of twenty (20) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
7. Outdoor menu boards shall be located behind the front building line.

**CC. Retail establishments over ten thousand (10,000) square feet gross floor area.**

1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of the access.
2. Any main building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.



5. All buildings shall comply with the design standards of Section 3.29.

**DD. Retail garden and landscape supply stores.**

1. Minimum lot size shall be two (2) acres.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
5. All loading activities and parking areas shall be provided on the same premises (off- street).
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
7. Ingress and egress to the lot shall be from a paved County Primary road.

**EE. Salvage or junk yards.**

1. Minimum lot size shall be five (5) acres.
2. Applications shall require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
3. The site shall be provided with suitable access to a paved primary street to ensure safe, direct transport of salvage to and from the site.
4. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
5. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Any fence or wall shall be continuously maintained in good condition and shall contain only incidental signs.
6. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
7. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
8. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
9. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
10. All portions of the storage area shall be accessible to emergency vehicles.
11. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.



12. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other similar substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
13. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
14. All fences shall be set back a minimum of fifty (50) feet from any Residential District or use property line.
15. All salvage activities shall take place within an enclosed building.
16. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
17. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township Community. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

**FF. Sexually Oriented Businesses.**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Sexually oriented businesses shall comply with the following requirements:
  - a. The sexually oriented business shall not be located within a one thousand (1,000) foot radius of any other sexually oriented business or be located on a lot or parcel within five hundred (500) feet of a public park, school, child care facility, or place of worship, measured from the lot lines of the lots or parcels containing each use.
  - b. No sexually oriented business shall be located within five hundred (500) feet of any Residential District, or within five hundred (500) feet of any Open Space Development (OSD), or other development which contains dwellings.
  - c. Any sign or signs proposed for an sexually oriented business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  - d. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
    - (1) "Persons under the age of 18 years are not permitted to enter the premises." and,
    - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

- e. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- f. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
- g. No sexually oriented business shall be open for business prior to ten o'clock a.m. 10:00 a.m., nor after 10:00 p.m.. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
- h. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
- i. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

**GG. Utility Scale Solar Energy Systems.**

- 1. **Application.** A formal application shall be filed for any Special Land Use approval in accordance with Section 10.02., along with any application fees as established by the Township Board.
- 2. **Site Plan Required.** An application for special land use approval for a Utility Scale Solar Energy System shall include a site plan in accordance with Chapter 11. In addition to the information required for site plan approval in Section 11.03., all applications must also include the following:
  - a. Equipment and unit renderings.
  - b. Elevation drawings.
  - c. Setbacks from property lines and adjacent structures.
  - d. Notarized written permission from the property owner authorizing the Utility Scale Solar Energy System.
  - e. The name of all owners and property parcel numbers where there are multiple property owners leasing land to the Property Owner or Lessor.
  - f. Information regarding access driveways within and to the Utility Solar Energy System, together with details regarding dimensions, composition, and maintenance of each proposed driveway.
  - g. All additional plans and requirements set forth in this Section.
- 3. **Permits.** No utility-scale solar energy system shall be constructed, installed, operated, maintained, or modified as provided in this Section without first obtaining all applicable permits. The construction, installation, operation, maintenance, or modification of all utility-scale solar systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a utility-scale solar energy system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the manufacturer's specifications.
- 4. **Lot Area.** Utility scale solar energy systems shall be located on a lot of at least ten (10) acres.

5. **Lot Coverage.** Utility scale solar energy systems shall be exempt from maximum lot coverage limitations, provided that they are in compliance with applicable regulations established by the Oceana County Drain Commission.
6. **Agricultural and Forested Lands.** The Township desires to have utility scale solar energy systems on more marginal lands; however, it recognizes that agricultural lands are ideal locations for these facilities. Where a utility scale solar energy system is located on Prime Agricultural Land as so classified by the County or MSU Extension Agent, the Property Owner or Lessor shall identify what mitigating actions it is taking to minimize the loss of agricultural productions (such as low-light plantings, wildflowers and sunflowers, bee apiaries, animal grazing, and other similar options).
7. **Setbacks.** Utility scale solar energy systems shall be located at least fifty (50) feet from all property lines and at least one hundred (100) feet from any off-site residential structure, including any attached accessory use. The Township may require larger setbacks if it is determined that greater separation would better protect adjacent residents and property owners.
8. **Height.** Utility scale solar energy systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the unit to the highest point at full tilt. The Planning Commission may approve a higher elevation where animal grazing is permitted under the solar collector surface. The height of any Substation and related electrical transmission equipment shall not exceed thirty-five (35) feet. Electrical transmission towers or poles may be at heights required by industry standards.
9. **Noise.** Noise emanating from the solar energy collector system shall not exceed fifty (50) decibels (dBA) as measured from any property line.
10. **Screening.** The Planning Commission may require that a utility scale solar energy system be screened from residential properties of public right-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.
11. **Signage.** No advertising or non-project related graphics shall be permitted on any part of the utility scale solar energy system or ancillary solar equipment. This exclusion does not apply to entrance gate signage or notifications containing contact personnel, or any and all other information that may be required by authorities having jurisdiction for electrical operations. This provision shall not limit the use of signage as otherwise permitted in this Ordinance for that Zoning District; except that Billboards advertising products or services off-premises shall not be permitted.
12. **Glare and Reflection.** The exterior surfaces of utility scale solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.

**HH. Vehicle service stations and vehicle repair, minor and major.**

1. Minimum lot area shall be eighty thousand (80,000) square feet.
2. Minimum lot width shall be two hundred (200) feet.
3. No more than one (1) curb opening shall be permitted for every one hundred (100) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
4. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

5. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and formal landscaped areas.
6. All areas for driving and parking shall be paved.
7. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
8. When adjoining a Residential District parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) vehicles) shall not be permitted for a period exceeding ten (10) days.
10. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
11. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of the lights from view by adjacent property.
12. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

**II. Vehicle wash establishments, either self-serve or automatic.**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in any required yard.
3. Each wash bay shall provide a minimum of three (3) stacking spaces.
4. Each self-service vacuum station shall provide at least one (1) stacking space.

**JJ. Veterinary hospitals and animal clinics.**

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling.,
2. No dog runs and/or exercise areas shall be located in any required front, rear or side yard setback area.

**KK. Wireless communication towers.**

1. These provisions shall not apply to towers located on existing buildings, or to antenna located on existing structures.
2. A television, radio, cellular or wireless communication tower shall meet these required standards:
  - a. Antennas for Commercial Wireless Telecommunication Services
    - (1) Antennas for Commercial Wireless Telecommunications Services shall be required to locate on any existing or approved tower or suitable publicly- or privately-owned structure within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:

- (a) The planned equipment would exceed the structural capacity of the existing or approved structure, tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - (b) The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the structure, tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
  - (c) Existing or approved structures, towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
  - (d) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing structure, tower or building.
3. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights. Adequate space shall be reserved on the site for ground-mounted equipment serving the additional users.
4. Communications towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
5. The tower base shall be setback from all lot lines a minimum distance equal to one-half ( $\frac{1}{2}$ ) the height of the tower. The tower height shall be measured from the grade at the base of the tower to the topmost element of the tower and all antennae.
6. Tower height shall be limited to three hundred (300) feet, including antenna.
7. The Planning Commission may require structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
8. Communications towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
9. A performance guarantee shall be provided for communication towers to ensure that if they are abandoned or unused the tower shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal or reactivate its use.

**LL. Wind Energy Conversions Systems (WECS).**

- 1. These facilities may be a principal use or an accessory use on a parcel.
- 2. Minimum lot size for a commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum lot size for a non-commercial WECS shall be five (5) acres.
- 3. In addition to the requirements for site plan application and review outlined in Section 11.03, C, the following information shall be include with any application of a Special Land Use for a WECS:

- a. Location of overhead electrical transmission or distribution lines.
  - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
  - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
  - d. A proper buffer or greenbelt to screen the use from any adjacent Residential District or use and the public road as outlined in Section 16.01.
  - e. Existing and proposed setbacks of all structures located on the property in question.
  - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
  - g. Access road to the WECS facility with detail on dimensions, composition, and maintenance.
  - h. Planned security measures to prevent unauthorized trespass and access.
  - i. WECS maintenance programs shall be provided that describes the maintenance program used to maintain the WECS, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
  5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township.
  6. A minimum of a six (6) foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECSs, around the perimeter of the site.
  7. No part of a WECS shall be located within or above any required front, side or rear yard setback of the Zoning District in which it is located.
  8. WECS towers shall be setback from the closest property line one (2) feet for every one (1) foot of system height.
  9. WECS shall not be located within thirty (30) feet of an above ground utility line.
  10. The height of a WECS shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WESC shall be two hundred (200) feet for a commercial WECS and add maximum height of one hundred and thirty (130) feet for a non-commercial WECS.
  11. WESC shall be of monopole design and shall not have guy wires.



12. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
13. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
14. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - b. A locked anti-climb device shall be installed on the tower.
  - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
15. Each WECS shall have one (1) sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.
16. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
17. WECS shall be designed and constructed so as not to cause radio and television interference.
18. Noise emanating from the operation of WECS shall not exceed sixty-five (65) decibels, as measured on the dBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.
21. The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.
22. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the Township.
23. The Township hereby reserves the right upon issuing any WECS special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
24. Any WECS which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township shall require a performance guarantee in accordance with the provisions of Section 18.09 to ensure enforcement of this requirement.

**MM. Mobile home park.**

- 1. Dimensional Requirements.** See Table 15-1 below for lot, yard and building requirements.

TABLE 15-1: MOBILE HOME PARK DIMENSIONAL REQUIREMENTS		Mobile Home Park	
		Park	Individual Sites
<b>Lot Requirements</b>			
Minimum Area		–	5,000 sq. ft.
Minimum Width		–	40 ft.
Minimum Depth		–	–
Maximum Lot Coverage		–	–
Width to Depth Ratio			
<b>Setback Requirements</b>			
Minimum Front		50 ft	5 ft
Minimum Sides	Residential Uses	50 ft	One side: minimum 10 ft. Total of two sides: minimum 30 ft.
	Non-residential Uses		
Minimum Rear		50 ft	15 ft
Maximum Setback		–	–
<b>Building Requirements</b>			
Maximum Height		2.5 stories or 35 ft. for community buildings; 1 story or 15 ft. or dwellings and all other buildings	
Minimum Dwelling Unit Floor Area		980 sq. ft. per unit	

- 2. Parking Requirements.** See Section 16.02.C for parking requirements for mobile home parks.



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# Chapter 15.

## Site Plan Review

### SECTION 15.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

- A. **Site Plan Review Authority.** Site plans may be reviewed and acted upon by the Zoning Administrator or the Planning Commission.

### SECTION 15.02 SITE PLAN REVIEW

- A. **Site Plan Required.** Plot plans are required for single-family and duplex units, site plan approval is not required. A minor Site Plan shall be approved by the Zoning Administrator unless the Zoning Administrator deems it necessary to go before the Planning Commission, a major Site Plan shall gain approval from the Planning Commission.
- B. **Minor Site Plan Review.** The following conditions qualify for a minor site plan which shall be approved administratively by the Zoning Administrator (unless the Zoning Administrator deems it necessary to go before the Planning Commission):
  - 1. The change from one permitted use to another permitted use in a given commercial, industrial, or residential zoning district provided that there is adequate parking located on the property to accommodate the new use.
  - 2. The addition of any residential use beyond a single-family use, for example a duplex, tri-plex, quad-plex shall be reviewed administratively by the Zoning Administrator. Multi-family, or five or more units requires a major site plan review.
  - 3. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, for a single-family or duplex, tri-plex or quad-plex.
  - 4. Erection, moving, relocation, conversion or structural alteration to a non-residential building or structure to create less than 4,000 square feet of additional floor space.
  - 5. Expansion or paving of off-street parking involving nineteen (19) or fewer spaces and/or a change in circulation or access for other than a single-family dwelling.
  - 6. Triplexes and quadplexes require a minor site plan review.
- C. **Major Site Plan Review.** The following conditions qualify for a major site plan which shall be approved by the Planning Commission:

1. The erection, moving, relocation, conversion or structural alteration to a building or structure to create more than 4,000 square feet of additional floor space.
  2. Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.
  3. Development of all commercial uses permitted in single family districts.
  4. Major changes in use as identified as requiring site changes to achieve compliance with the standards set forth in this Ordinance, other than for residential uses.
  5. Expansion or paving of off-street parking involving twenty (20) or more spaces and/or a change in circulation or access for other than a single-family dwelling.
  6. Any excavation that meets the requirements of the ordinance, filling, soil removal, mining or landfill, or creation of ponds.
  7. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family or two-family dwelling or mobile home.
  8. Any use or development for which submission of a site plan is required by the provisions of this Ordinance.
  9. Multi-family, or the creation of five or more units requires a major site plan review.
- D. No grading, removal of trees, landfilling or construction of improvements shall commence for any development which requires site plan approval until a site plan is approved and is in effect.

## **SECTION 15.03 SITE PLAN REVIEW REQUIREMENTS**

### **A. Optional Preliminary Site Plan Review**

1. Twelve (12) hard copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. A digital copy of the submittal is also required.
2. Preliminary site plan submittal shall include the information as listed in the table A below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').

#### **a. Preliminary Site Plan Requirements**

##### **Standard Drawing Components**

Project title, street address and parcel number.

Legal description of the subject property.

A scaled drawing at a scale not exceeding 1ft. = 100 ft.

The date, a north arrow, a graphic scale bar, and a legend for all symbology. All drawings should be north-orienting to the extent possible.

Name and address of the property owner or petitioner.

Name and address of the person and/or firm who drafted the plan.

A vicinity location map, with a north arrow, that identifies nearby properties, the nearest major road(s) and intersections, proposed master plan roads, and nearby local streets that are located within a half mile (1/2 mi) of the property.

### Standard Drawing Components

Written Plan Narrative (Shown on site plan or attached separately)

The overall objectives of the proposed development, including proposed uses of buildings and site improvements. Include estimated number of employees, if applicable.

Proposed time of project completion and phasing schedule.

Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public roads and drives, and open space.

Note indicating any variances previously received.

Note indicating additional use standards.

Existing Conditions Drawing

Zoning classification of petitioner's parcel, and existing zoning and use of all properties abutting the subject property.

Location of all existing and lot lines, approximate lot dimensions, property lines, right-of-way, and road centerlines.

Labeled Public and Private Streets and Alleys.

Easements and Utility Lines.

Floodplain delineation, stormwater management facilities, and environmental buffers.

Steep slopes and erodible soils.

Significant natural features and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards.

Historical Resources.

Water and sewer category

Proposed Concept Plan Drawing

Building footprints

Location of all proposed lot lines, approximate lot dimensions, property lines, right-of-way, and road centerlines.

Proposed uses and locations or uses in buildings

Density Tabulations:

Schedule showing maximum allowable lot coverage and proposed lot coverage.

Gross floor area and usable floor area of all existing and/or proposed structures.

Gross square feet

Building Height and number of stories for proposed buildings

Front, side, and rear yard setbacks

Distances between existing and/or proposed buildings

Dwelling unit densities by type, if applicable.

Labeled Proposed Public and Private Streets and Alleys.

Driveways, parking areas, access aisles, and site entrances for loading and parking

Proposed buffer strips or screening.

Proposed open space, natural features, and tree plantings

Proposed method of solid waste collection. For waste receptacles, provide location, detail, and method of screening for the enclosure.

Proposed Site Features (i.e. retaining walls, steep slopes, proposed amenities, stormwater management facilities, etc.)

3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan. All comments made by the Planning Commission at the preliminary Site Plan Review meeting shall be advisory in nature only.

**B. Final Site Plan Review.**

1. If submission of a preliminary site plan is not desired by the applicant, an application for Site Plan Review shall be made to the Zoning Administrator with the following materials:
  - a. One copy of the completed Site Plan Application Form, including at minimum the following information:
    - (1) The applicant's name, address and telephone number.
    - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
    - (3) The name, address and telephone number of the owner(s) of record, if different from the applicant.
    - (4) The address and/or parcel number of the property.
    - (5) A project description, including the number of structures, dwelling units, square feet of the building, parking spaces and employees.
    - (6) Gross and net acreage of all parcels in the project
  - b. An application fee, as required by the Township, along with any necessary Escrow fees.
  - c. Two copies of a site plan, one electronic file as well as other required data and exhibits additional copies shall be provided upon request. Upon determination by the Zoning Administrator that the Site Plan Application is complete, twelve (12) hard copies of a final site plan prepared by a professional competent in these matters may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
2. Applications for final site plan reviews shall include the information as listed within Table C below, unless deemed unnecessary by the Zoning Administrator.

**C. Required Final Site Plan Submission Requirements.**

<b>Final Site Plan Requirements</b>
Descriptive and Identification Data
Project title, street address and parcel number.
A location sketch showing at minimum, properties, roads and use of land within .5 mile of the area for the Township.
Property Size: Acres, square feet, dimensions
Legal description of the subject property.
The date, north arrow, and scale.
Name and address of the property owner or petitioner.
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared/revised.
Seal of registered architect, landscape architect, land surveyor, or engineer that prepared the plan.
Zoning classification of petitioner's parcel, and existing zoning and use of all properties abutting the subject property.
Written Plan Narrative (Shown on site plan or attached separately)

Revised narrative, as recommended by optional pre-application meeting

The overall objectives of the proposed development, including proposed uses of buildings and site improvements. Include estimated number of employees, if applicable.

Proposed time of project completion and phasing schedule.

Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public roads and drives, and open space.

Note indicating any variances previously received.

Note indicating additional use standards.

Proposed method of providing sewer and water service, as well as other public and private utilities.

Proposed method of providing storm drainage.

#### **General Site Data**

North point and scale drawn no less than 1 inch = 100 ft (1" = 100').

Date of preparation of drawings and revisions.

Location and/or size and depth (±) of all existing sewer, water, gas, telephone, and electrical utility lines, and associated structures, both on-site and adjacent to the site.

Location of all existing and proposed lot lines, approximate lot dimensions, property lines, easements, right-of-way, and road centerlines.

Existing adjacent roads and proposed roads.

Verification of ownership of all existing utilities and/or rights-of-way.

All existing (recorded) easements for utilities and/or rights-of-way

Location of any 100-year floodplain and floodway locations present on the subject property, or within 50 feet of the subject property.

Location of any known or anticipated wetlands present on the subject property, or within 50 feet of the subject property

Topography on the site and within 100 ft of the site at two ft contour intervals, referenced to a U.S.G.S. benchmark.

Note indicating any anticipated changes in terms of dust, odor, smoke, fumes, noise, light, etc.

Assessment of potential impacts from the use, storage, processing, or movement of hazardous materials or chemicals, if applicable.

#### **Building Form and Design Standards**

Front, side, and rear yard setbacks.

Distances between existing and/or proposed buildings.

Location, dimensions, height, and number of stories for all existing and/or proposed structures.

Facade and ground floor heights.

Building facade elevations for each side of the building indicating the type of building materials, colors, height, architectural detail and wall lengths.

Primary entrance details.

Percentage of first floor and additional floor glass windows.

#### **Floor plan.**

Gross floor area and usable floor area of all existing and/or proposed structures.

For multiple-family structures, include a schedule of dwelling units indicating the total number of units broken down by the number of bedrooms and keyed to the buildings.

Schedule showing maximum allowable lot coverage and proposed lot coverage.

Other pertinent features or structures, including entrance details, including porches, fences, flag poles, mailboxes, etc.

Method of solid waste collection. For waste receptacles, provide location, detail, and method of screening for the enclosure.

Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.

Location and size of all surface water drainage facilities.

Rooftop equipment and the method of screening.

### Parking and Circulation

All existing and proposed drives (including dimensions and radii).

Parking lot layout showing the dimensions of the parking bays and the number of parking spaces to be provided, maneuvering lanes, islands, turnarounds, the location of directional signage, pavement marking, and access points.

Location and type of surfacing for all pavement areas and curbs.

Location and dimensions of barrier-free spaces and barrier-free ramps.

Location and dimensions of bicycle parking.

Locations and dimensions of EV charging and EV-ready spaces,

Table showing the total number of parking spaces required and proposed. Include the calculations used to determine the number of parking spaces

Location and dimensions of any fire lanes, acceleration/deceleration lanes, loading and unloading spaces, services areas, and/or stacking spaces.

Location and width of existing and/or proposed sidewalks.

Demonstration that all pedestrian walking lanes are safe and provide uninterrupted path to entrance.

Area designated for "snow storage"

Note indicating that approaches to roads under the jurisdiction of Oceana County are required to meet County standards and permit requirements.

Note indicating that approaches to roads under the jurisdiction of MDOT are required to meet State of Michigan standards and permit requirements. A note to that effect must be provided.

Letter from the road agency with jurisdiction indicating the approval of the location and geometrics of any proposed ingress/egress.

### Landscape and Screening

Location, height, type, and description of existing and proposed screening walls and fences, including dimensions, placement, relationship to grading, materials and color.

Location of all existing and proposed landscaped areas, including trees and shrubs green roofs, rainwater storage systems and areas of permeable surfacing that are intended to provide stormwater treatment or control functions, if applicable.

Location of all significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural

assets or hazards.

General topographical features at contour intervals no greater than 2 feet.

Landscape Schedule indicating the type, size, and quantity of plant and tree materials. Calculations used to determine the quantity of trees and shrubs required.

Note indicating tree and shrub planting details.

Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

### Lighting

Location, type, and height of all outdoor lighting.

Signage

Location, illumination, type and height of all proposed signage and sign structures.

- D. **Additional Information.** The Planning Commission, prior to granting approval of a final site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. This material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, traffic study, soil tests and other pertinent information.

## **SECTION 15.04 APPLICATION AND REVIEW**

- A. Required site plans, application form, escrow fees (if applicable), and an application fee shall be submitted to the Zoning Administrator by the applicant or his agent. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.
- B. The Zoning Administrator shall forward the application and copies of the site plan to the Planning Commission within 30 days of the receipt of the application. Unless the application is deemed to be a minor site plan review in which case the Zoning Administrator shall review and respond within 30 days. A copy of the site plan may be forwarded to the Police and/or Fire Departments for review as deemed appropriate by the Zoning Administrator.
- C. The Planning Commission shall review the site plan for compliance with the requirements of this Zoning Ordinance and the conformity with the standards dictated in this Chapter, and shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
- D. The Planning Commission shall notify the Zoning Administrator and the applicant of its decision within thirty days of the meeting at which the plan was reviewed. Failure to do so will cause the project to be approved unless the failure is beyond the ability of the Planning Commission to control. The applicant may waive this requirement.
- E. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- F. Two (2) copies of the final approved site plan shall be signed and dated by the Zoning Administrator or designee and the applicant. The Township shall keep one (1) of these approved copies on file, one (1) shall be returned to the applicant or his designated representative.
- G. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension at least 30 days prior to the date of the expiration of the site plan.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the one (1) year extension has expired prior to construction, the site plan approval shall be null and void.
- H. Construction related to each development subject to site plan review, or approved phase of that development, shall be completed within three (3) years after the date of approval of the final site plan.
  - 1. The Planning Commission may grant a single one (1) year extension of the time period for the phase, provided the applicant requests, in writing, an extension prior to the required completion date. The Planning Commission may require a performance guarantee as part of the extension.
  - 2. The extension shall be approved only for the phase in question if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed to completion within the extension period.
  - 3. If neither of the above provisions are fulfilled or the one (1) year extension of site plan approval shall be null and void and any performance guarantees may be exercised to finalize required improvements.



**I. Application and Review Requirements.**

Review Process	Application Requirements	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>Administrative and Planning Commission Review of Site Plan (Chapter 16)</b>	Completed application form	X	X	X	X	X	X	X	X
	Application fee/escrow fee	X	X	X	X	X	X	X	X
	Proof of ownership or interest in property	X	X	X	X	X	X	X	X
	Legal description of property	X	X	X	X	X	X	X	X
	Narrative addressing Review Standards of Section 15.06	X	X	X	X	X	X	X	X
	Complete site plans in accordance with Section 15.03	X	X	X	X	X	X	X	X
<b>Special Land Uses (Chapter 15)</b>	Application fee/escrow fee	X	X	X	X				
	Proof of ownership or interest in property	X	X	X	X				
	Legal description of property	X	X	X	X				
	Narrative addressing specific requirements of Section 14.04	X	X	X	X				
	Same as Site Plan Review						X	X	X
	Narrative addressing General Standards of Section 14.03 and applicable Specific Requirements of Section 14.04						X	X	X
<b>Rezoning</b>	Narrative addressing Review Standards of Section 14.04	X	X	X	X		X		X
	Proof of ownership or interest in property	X	X	X	X		X	X	X
	Legal description of property	X	X	X	X		X	X	X
	Completed application form						X	X	X
	Application fee/escrow fee						X	X	X
	Property map showing property to be rezoned and surrounding properties and current zoning						X	X	X

## **SECTION 15.05 REVIEW STANDARDS**

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the Planning Commission in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

### **A. Site Development Standards.**

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
3. Landscaping and screening shall comply with Section 16.01
4. Exterior lighting shall comply with Section 16.04.
5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department under jurisdiction of the project.
6. Site plans shall conform to all applicable requirements of County, State, and Federal agencies. Approval may be conditioned on the applicant receiving necessary County, State, and Federal permits before a building permit or an occupancy permit is granted.
7. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
8. Utility lines and wires shall be located underground, whenever possible.
9. The general purposes and spirit of this Ordinance and the Shelby Township Master Plan shall be maintained.

### **B. Pedestrian Standards.**

1. Sidewalks or pathways appropriate for pedestrians or non-motorized vehicles shall be required but may be deferred with an appropriate performance guarantee.
2. The arrangement of pedestrian connections throughout the development, to adjacent developments, and to existing or future roads shall be planned to provide a safe and efficient nonmotorized circulation system.

### **C. Access Management.**

#### **1. Number of Driveways.**

- a. In commercial, industrial, or multiple family developments, access to a parcel may be required to consist of either a single two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
- b. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.

- c. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
- d. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers manual Trip Generation or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point.
- e. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) driveway being designed and signed for right-turns-in, right-turns-out only.

## **2. Shared Access, Frontage Roads, Parking Lot Connections and Rear Service Drives**

- a. Shared use of access between two (2) or more property owners may be required as part of the lot split or site plan review process. The use of driveways constructed along property lines, connecting parking lots and on-site construction of frontage roads and rear service drives (where frontage dimensions are less than three hundred (300) feet) at locations with sight distance problems shall be considered. In these cases, a shared access may be the only access design allowed.
- b. In cases where a site is adjacent to an existing parking lot of a compatible use, or rear service drive, a connection to the adjacent facility shall be required by the Planning Commission, where feasible.
- c. In cases where a site is adjacent to undeveloped property, the site shall grant a cross access easement to future development. Prior to the issuance of a zoning permit, the applicant shall provide the Zoning Administrator with irrevocable, registered access easements to adjacent properties.

## **3. Directional Driveways, Divided Driveways and Deceleration Tapers**

- a. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.
- b. Driveways shall be designed with a twenty-five (25) foot radii or a thirty (30) foot radii where daily semi-truck traffic is expected.
- c. Commercial Driveways
  - (1) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent to the property or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than two hundred (200) feet.
  - (2) Minimum spacing between two (2) commercial driveways shall be not less than three hundred (300) feet along the parcel frontage. The minimum spacing is measured from centerline to centerline.
  - (3) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred fifty (250) feet from those on the opposite side of the roadway.
  - (4) These requirements may be reduced by the Planning Commission in cases where compliance is not possible.

**D. Environmental and Natural Features Standards.**

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Dispersing storm water management techniques throughout the site are preferred. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
4. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater on-site, as deemed necessary by the Township Engineer using sound engineering practices.

**SECTION 15.06 SITE PLAN APPROVALS**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act and this Ordinance.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance. All applicants are required to carry out Site Maintenance after Approval:
  1. It is the responsibility of the owner of a property for which zoning plan approval has been granted to maintain the property in accordance with the approved plans, including all site design elements and improvements, on a continuing basis until the property is razed, new zoning regulations supersede the regulations upon which plan approval was based, or a new plan is approved.
  2. Any property owner who fails to maintain an approved zoning plan in full compliance with approvals granted by the city according to the provisions of these regulations, is in violation of these regulations and required to return the site conditions consistent with the approved plans or they will lose their zoning plan approval and risk the loss of their certificate of occupancy and business license.

- F. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The Building Official shall also be notified to withhold permits until a new site plan is approved.
- G. No application which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.

## **SECTION 15.07 CHANGES IN THE APPROVED SITE PLAN**

- A. All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the ordinance and the intent of the design and will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Change in the building size, up to five percent (5%) in total floor area.
  - 2. Movement of buildings or other structures by no more than ten (10) feet.
  - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  - 4. Changes in approved building materials to a comparable or higher quality.
  - 5. Relocation of an outdoor waste receptacle.
  - 6. Modification of up to ten percent (10%) of the total parking area provided the number of parking spaces are not reduced below that required by this Ordinance.
  - 7. Sign location or reduction in size or height.
  - 8. The addition of small accessory buildings of not more than two hundred (200) square feet in area.
  - 9. Changes in floor plans which do not alter the character of the use.
  - 10. Changes required or requested by a County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. If the Zoning Administrator determines that a proposed minor change may have a major impact on the area involved, a re-submittal to the Planning Commission shall be required. The Zoning Administrator shall refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application. The Planning Commission or Zoning Administrator may require the applicant to correct any physical changes to the site that were completed without prior approval, so as to conform to the approved final site plan. The Zoning Administrator is also hereby authorized to issue a stop work order to any project that is under construction with changes that have not received prior approval
- D. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

## **SECTION 15.08      PERFORMANCE GUARANTEES**

The Planning Commission may require a performance guarantee to be deposited with the Planning and Zoning Department at the time of issuance of the building permit, in accordance with Section 18.09 to ensure compliance with the approved site plan, in accordance with MCL 125.3505

## **SECTION 15.09      APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 17.07.

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# Chapter 16.

# Site Development

# Requirements

## **SECTION 16.01     LANDSCAPING, BUFFERING AND SCREENING**

- A. A landscape plan shall be submitted as part of any site plan review application referenced in Section 11.02(A). The landscape plan shall include, but not necessarily be limited to, the following items:
1. Identification of existing natural features, drainage areas, woodlots, free standing trees outside of a woodlot over twelve (12) inches in diameter, and vegetative cover areas to be preserved will be clearly delineated.
  2. Location, spacing, size and descriptions for each plant type proposed for use within the required landscape area.
  3. Identification of areas to be grass or other ground cover and method of installation.
  4. Typical straight cross-section including slope, height, and width of berms and swales, or height and type of construction of wall or fence, including footings.
  5. Construction details for features to be constructed to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
  6. Screening details for all loading and unloading areas and outside storage areas, including areas for the storage of trash. Areas which face or are visible from Residential Districts or public roads, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
- B. **Landscaping Requirements.**
1. Landscaping requirements may be waived if the existing vegetation to be retained on site meets or exceeds the requirements of this Chapter.
  2. All existing live trees in excess of twelve (12) inches in diameter shall be preserved (as much as practical) outside the immediate building area of the site; however, existing trees of those species listed below as "Prohibited Species" in Section 16.01, F may be removed.
  3. All required front setbacks shall be landscaped with a minimum of one (1) canopy or shade tree and four (4) shrubs for each thirty (30) lineal feet (or major portion thereof) of frontage abutting the right-of-way. Access ways from public rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.



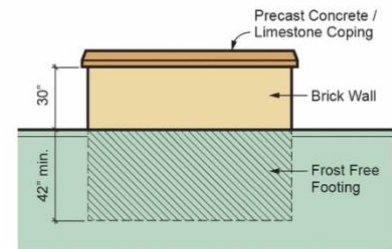
4. All required side and rear setbacks shall be landscaped with a minimum of one (1) canopy, under story, or evergreen tree and three (3) shrubs for each forty (40) lineal feet (or major portion thereof) along property lines.
5. Parking lots exceeding twenty (20) parking spaces shall provide the equivalent of one (1) landscape island or perimeter bump-out for every twenty (20) spaces of parking or part thereof. Landscape islands or bump-outs shall be at least one hundred and eighty (180) square feet in size, with a minimum width of three (3) feet. Landscape islands shall be landscaped with one (1) canopy or ornamental tree and two (2) shrubs for every sixty (60) square feet of landscaping island. Receded landscape islands are encouraged to manage storm water on site.
6. All formal landscaped areas must be irrigated and be installed with moisture detectors.
7. Additional landscaping may be required adjacent to the front or side of buildings to break up long building expanses and walls without windows.
8. If the Planning Commission finds that the existing conditions on the subject parcel are such that compliance with the landscaping requirements is not feasible, the Planning Commission, as appropriate, may approve an alternative landscaping plan provided that the general purposes and spirit of this Ordinance are met.

**C. Screening Requirements.**

1. Screening may be required on the subject parcel in the following situations, except as may be provided elsewhere in this Ordinance.
  - a. Around all trash dumpsters in all Districts.
  - b. Around designated outdoor storage areas in the C-2, C-3 and IND Districts.
  - c. Around any loading/unloading area.
2. Screening may be required on the subject parcel even if the surrounding area or adjacent parcels are unimproved.
3. When any developed parcel changes to a more intense land use, screening shall be provided in compliance with this Ordinance.
4. If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the Planning Commission, as appropriate, shall determine the character of the screen based on the following criteria:
  - a. Traffic access and circulation.
  - b. Building and parking lot coverage.
  - c. Outdoor sales, display, or manufacturing area.
  - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
5. Views and noise levels.

**D. Screening Fences or Walls.** All required screens shall meet the following requirements:

1. A solid, sight-obscuring fence or wall six (6) feet high.
2. Dumpsters, enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use.
3. The fence or wall shall be constructed of masonry, treated wood, or other material approved by the Planning Commission if determined to be durable, weather resistant, rust proof, and easily maintained.
4. All other applicable standards of this Section shall be met.



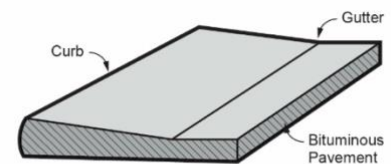
**Screen Wall Detail**

**E.** The Planning Commission may require a landscaped buffer in conjunction with any approval of a site plan. When a buffer is required for a use in Nonresidential District between a Residential and a Nonresidential District, it shall be placed on the Nonresidential District side. The Planning Commission shall approve the location, size, shape, materials and other specifications for the buffer zone subject to the general requirements of this Section.

1. The required buffer may be comprised of berms, required plant material in Section 12.01, B above, additional plant material where required landscaping materials provide insufficient screening, walls, fences, or any combination thereof. The Planning Commission shall determine if the alternate materials will provide the same degree of screening and buffering than required by these standards.
2. Landscaping may be required to serve as windbreaks.
3. Unless otherwise stated in this Ordinance, minimum width of the buffer shall correspond to the setback requirements for parking areas as prescribed in the Section 15.02, but shall not be less than ten (10) feet.
4. All areas within the buffer which do not contain trees or planting beds shall be covered with grass or other living ground cover.
5. Detention/retention areas shall be permitted within a required buffer provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.

**F. Landscaping Standards.**

1. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
2. A raised, rolled, or sub-surface curb or curb stops shall protect all landscape islands and landscaped areas immediately adjacent to paved areas. There shall also be a means of protecting site trees against injury from mowing equipment.
3. Unless used as street trees, all landscaped areas shall be arranged to simulate a natural setting such as staggered rows or clusters.
4. Landscaping, including street trees, shall be designed to blend with adjacent parcels where a road, walkway or other connections are provided between parcels.
5. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.



**Rolled Bituminous Wedge Curb**

6. Minimum plant sizes at time of installation shall be according to the chart below.

Plant Type	Minimum Size (DBH)
Deciduous Canopy Tree	1.5 in. caliper
Deciduous Ornamental Tree	1.5 in. caliper
Evergreen Tree	6 ft. height
Deciduous Shrub	18 in. height
Upright Evergreen Shrub	2 ft. height
Spreading Evergreen Shrub	18 to 24 in. spread

7. The overall landscape plan shall not contain more than twenty-five percent (25%) of any one (1) plant species.
8. Where a berm is provided for the purposes of screening and buffering, it shall have a maximum slope of one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3) with a crest area at least four (4) feet wide.
9. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

PROHIBITED SPECIES	
Common Name	Horticultural Name
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Russian Olive	Elaeagnus-angustifolia

- G. The Planning Commission may require a performance guarantee in accordance with the requirements of Section 19.09 of sufficient amount to ensure the installation of all required landscaping.

## SECTION 16.02 PARKING REQUIREMENTS

### A. Parking Requirements According to Use.

RESIDENTIAL	
Use	Minimum Parking Requirement
Bed and breakfast establishment	1 per bedroom
Multiple family dwellings	1 per dwelling unit

Manufactured home community	2 spaces per manufactured home site, plus 1 space per each 5 home sites for use of visitors, plus 1 space for each 300 sq. ft. UFA in the office area
Single family detached dwellings and two-family dwellings	2 per dwelling unit
Triplex	1 per dwelling unit
Quadplex	1 per dwelling unit

#### **INSTITUTIONAL**

Use	Minimum Parking Requirement
Auditoriums or places of assembly, as included in uses permitted in the Residential District	1 per 3 seats
Assisted Living Home/Nursing Home	1 per each 3 beds or 2 rooms, plus 10 spaces marked for visitors
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Child Care Center	1 space per each 3 clients computed on the basis of the greatest number of clients on site at a given time
Elementary and middle schools	4 per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup must be provided
Family Child Care Home and Group Child Care Home	1 per each 3 clients computed on the basis of the greatest number of clients on site at a given time in addition to those required for the residence
Fraternal or social club or lodge	1 space for every 4 persons by occupancy permitted in the structure by fire code
Golf courses or country clubs	2 per each hole for a par 3 course; 6 per hole for other courses plus those required for accessory uses as noted in the applicable Districts
High Schools	1 for each teacher, employee or administrator plus 1 for each 10 students, plus those required for an auditorium or place of assembly; separate areas for student drop off and pickup must be provided
Hospitals	1 per each three beds and 1 per each employee in addition to 1 per each 200 square feet of UFA of outpatient area
Municipal and public service activities	1 per each 300 sq. ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), plus spaces required for assembly areas
Parks, playgrounds and community centers	10 per each athletic field plus 1 per each 10 sq. ft. of indoor or outdoor play area
Conference center, assembly hall or place of worship	0.33 spaces per seat (6 feet of pew or bench = 3 seats) +1 space for each employee at the largest working shift
Recreation facility, indoor (e.g., arcades, bowling, billiards)	1 space for every 3 persons by occupancy permitted in the structure by fire code
Recreation facility, outdoor (e.g., mini-golf, batting cages)	1 space per each 2 miniature golf holes, plus 2 per each batting cage, plus 1 per each 100 sq. ft. of GFA of arcade space
Adult foster care facility	1 per each 3 beds or 2 rooms, whichever is less, plus 1 per on duty shift staff
Trade or industrial schools	1 space per employee plus, 1 space per every 2 students

#### **BUSINESS AND COMMERCIAL**

Use	Minimum Parking Requirement
Accessory apartments as part of a commercial use	1 per dwelling unit
Accessory office areas related to principal uses	1 space per each 300 sq. ft. of UFA
Art studio/craft shop	1 space per 800 sq. ft. of GFA
Bank or other financial institution without drive-through facility	1 space per each 400 sq. ft. of GFA
Bus passenger station	1 space per 200 sq. ft. of GFA
Health or exercise club	1 space for every 6 persons by occupancy permitted in the structure by fire code
Horse riding stables, horse breeding stables	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles plus trailers
Hotel/motel	3 spaces for employees, plus 1 for each guest room, plus required spaces for accessory uses
Indoor theater	1 space per each 3 seats, plus 1 for each 2 employees
Kennel, commercial	1 space for each 400 sq. ft. of UFA
Medical office, including clinic	1 space per each 400 sq. ft. of GFA
Mortuary or funeral home	1 space per each 75 sq. ft. of UFA
Open air business	1 space per each 800 sq. ft. of lot area used of the open air business, plus parking for any main building and associated accessory uses
Personal service establishment	2 spaces per service provider
Professional office	1 space per each 500 sq. ft. of GFA
Restaurant without drive through facility	1 per 100 sq. ft. of floor space not used for seating area plus 1 for each employee area plus 1 space for each 3 persons allowed within the maximum occupancy load as established by applicable building or health codes for the area devoted to indoor seating
Retail building supplies and equipment store	1 space per each 300 sq. ft. of UFA
Retail establishment	1 space per each 300 sq. ft. of GFA
Retail garden and landscape supply stores	1 space per each 300 sq. ft. of UFA plus area of outdoor storage area ((UFA + outdoor)/300)
Retail sales of goods where the sale is clearly incidental and accessory to the principal use	1 space per each 300 sq. ft. of UFA retail sales area
Sexually oriented businesses	1 per 300 sq. ft. of floor space not used for seating area plus 1 for each employee area plus 1 space for each 3 persons allowed within the maximum occupancy load as established by applicable building or health codes.
Tavern, with or without dancing, live entertainment or consumption of alcoholic beverages on premises	1 space for every 3 persons by occupancy permitted in the structure by fire code
Truck stop	1 space for each employee and 1 space per each 200 sq. ft. of UFA
Vehicle repair, minor and major	1 space per service bay plus 1 space per employee

Vehicle Repair, minor and major	3 spaces for each repair and service stall, plus one (1) space for every employee
Vehicle sales	1 per each 300 sq. ft. of GFA in the showroom/office, plus required spaces for accessory repair areas
Vehicle wash establishment	1 space per each 3 wash bays plus stacking as required by Chapter 11
Veterinary clinics	1 space for each 500 sq. ft. of UFA
Video rental and sales	1 for each 800 sq. ft. UFA plus 1 for each 2 employees
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products	1 for each 2,000 sq. ft., plus GFA required for office space

#### **INDUSTRIAL, MANUFACTURING, AND ENTERPRISE**

<b>Use</b>	<b>Minimum Parking Requirement</b>
Assembly or production uses: printing, publishing and bookbinding; chemical production; production of apparel, food products, household goods, textiles, furniture, and similar assembly and production uses	1 space per each 1,000 sq. ft. of GFA
Commercial storage warehouse	1 space for every storage unit (adjacent to the units) plus 1 for each employee
Contractor's yard, building materials storage	1 space for every storage unit (adjacent to the units) plus 1 for each employee.
Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage	1 space
Freight forwarding, packing, and crating services	1 space for each 2,000 sq. ft. of GFA
Freight transportation/trucking terminal	1 space per each employee
Fuel depot	1 space per 1.5 employees on the largest shift
Laboratories including experimental, film, and testing	1 space for each 500 sq. ft. of UFA required for offices located on the premises
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps	1 space per 1.5 employees on the largest shift
Lumberyards	1 space per each 300 sq. ft. of UFA office space plus 1 space per employee on the largest shift
Motor freight terminal including garaging and maintenance of equipment	1 space per each 1,000 sq. ft. of GFA of office space, plus 1 space per employee on the largest shift
Public and utility service buildings	1 space per each 300 sq. ft. of GFA, not including parking areas for municipal vehicles
Research and development facilities	1 space for each 500 sq. ft. of UFA
Salvage or junk yards	1 space per each 300 sq. ft. of UFA office space plus 1 space per employee on the largest shift
Tool and Die manufacturing facilities	1 space for each 1,000 sq. ft., plus those spaces required for offices located on the premises

Warehouses, cartage businesses	1 for each 2,000 sq. ft., plus that required for office space
Waste treatment facilities	1 space per employee, plus adequate spaces to store municipal vehicles
Water supply and treatment facilities	1 space per employee, plus adequate spaces to store municipal vehicles
Wireless Communication Towers or Wind Energy Conversion	1 space per tower

**B. Parking – General.**

1. Unless otherwise permitted in this Ordinance, off-street parking shall not be located within the required front yard.
2. The minimum number of parking spaces provided shall conform to the requirements of the uses as enumerated in the Zoning Districts of this Ordinance.
3. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Ordinance.
4. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
5. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
  - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - b. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
  - c. All or a portion of any deferred parking shall be constructed if required by the Zoning Administrator upon a finding that the additional parking is needed.

**C. Maximum Parking Requirement.**

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Parking Requirements as noted in each Zoning District.
2. The Planning Commission, upon application, may grant additional spaces beyond those permitted in subparagraph a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant. The Planning Commission may consider this request as part of any required Site Plan Review.



**D. Parking – Residential Districts.**

1. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. The parking spaces shall be constructed with an asphalt or portland cement binder, graveled, or compacted earth so as to provide a durable and dustless surface, and shall occupy no greater than thirty-three (33%) percent of the required front yard. All parking shall take place in these areas.
2. Overnight parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half (.5) tons shall be prohibited in any Residential District, except as may be permitted for a home-based business.
3. Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in any required front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways.
4. Mobile Home Parking Requirements.
  - a. Location of parking.
    - (1) **Manufactured Home Community:** The off-street parking facilities required for a single home site shall be located on the same lot as the dwelling unit they are intended to serve. Parking is limited to the garage/carport and driveway only. Required parking spaces provided for visitors shall be evenly distributed throughout the development.
    - (2) **Non-residential Uses:** The off-street parking facilities required for non-residential uses shall not be located in the required front yard area. The respective side and rear yard setback common to an adjacent Residential District or use shall be a minimum of thirty (30) feet of which ten (10) feet nearest the respective property line shall be developed as a buffer strip in accordance with Section 17.01, E. The buffer strip shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining the Residential District or use, or the width of the rear of the lot in the case of rear yard parking adjoining the Residential District or use. The required buffer strip shall incorporate a minimum six (6) foot high vertical screen.
  - b. **Amount of Parking.** The amount of required off-street parking spaces for individual uses shall be determined in accordance with the Parking Requirement Table in Section 16.02.

**E. Parking – Nonresidential Districts.**

1. Off-street parking shall be located on the same lot as the use is intended to serve. Fifty percent (50%) of the C-1 parking requirements may be shared, on-street or community parking.
2. Two (2) or more buildings or uses on separate lots may collectively provide the required off-street parking provided a joint recorded agreement is provided and registered with the Oceana County Register of Deeds and continually maintained.
3. **Shared Parking Area.**
  - a. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
  - b. Required parking shall be calculated from the use that requires the greatest number of spaces.
  - c. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.



**F. Parking – Industrial District.**

**1. Location of parking.**

- a. The off-street parking facilities required shall not be located within twenty (20) feet of the road right of way.
- b. The side and rear yard setback areas common to an adjacent Residential District or use shall be a minimum of fifty (50) feet of which twenty (20) feet nearest the respective property line is to be developed as a buffer strip in accordance with Section 16.01,E. The buffer strip shall:
  - (1) Extend the entire depth of the side of the lot in the case of the side yard parking adjoining a Residential District or use, or the width of the rear of the lot in the case of rear yard parking adjoining a Residential District or use.
  - (2) The required buffer strip shall incorporate a minimum six (6) foot high landscape screen or fence.
  - (3) The Planning Commission may require a four (4) foot wall where noise and activity associated with a particular industrial use could be a nuisance to neighboring residential lands.
2. The amount of required off-street parking spaces for individual uses shall be determined in accordance with Table 9.4 and shall meet the dimensional requirements of Section 16.02.

**G. Off-Street Parking Lot Construction and Design Requirements.**

1. Wherever the parking requirements of each Zoning District require the building of an off- street parking facility, it shall be laid out, constructed and maintained in accordance with the standards and regulations of this subsection.
2. **Permits.**
  - a. No parking lot shall be constructed unless and until the Zoning Administrator issues a zoning permit or final site plan approval has been granted.
  - b. Application for a permit shall be submitted in a form provided by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing compliance with the provisions of this Chapter.
  - c. No final occupancy permit shall be issued for a use for which the parking lot is intended until the parking lot has been completed, or a performance guarantee is in place for its completion.
3. Parking spaces and maneuvering lanes shall comply with the parking space requirements of the Parking Table.

<b>PARKING TABLE</b>				
<b>Parking Pattern (Degrees)</b>	<b>Parking Space (ft)</b>		<b>Aisle Lane Width (ft)</b>	
	<b>Width</b>	<b>Depth</b>	<b>One Way**</b>	<b>Two Way</b>
0 (parallel)	9	22	12	20
1 to 29	9	18	15	NP
30 to 53	9	18	15	NP
54 to 74	9	18	15	NP
75 to 89	9	18	15	NP
90	9	18	15	24

\*\*Where one-way drives for access about buildings, the minimum width shall be twenty (20) feet.

NP = Not Permitted

4. All spaces shall be provided adequate access by means of maneuvering aisles. Backing directly onto a road shall be prohibited.

#### **5. Parking Lot Access**

- a. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- b. Ingress and egress to and from a parking lot located in a Nonresidential District shall not be across land zoned in a Residential District or land used for residential purposes.
- c. Except as may otherwise be required by this Chapter, each entrance and exit to and from any off-street parking lot located in an area zoned for other than single- family residential use shall be at least twenty (20) feet from any adjacent property located in a Residential District.
- d. Parking areas and access points shall comply with the access management standards of Section 16.06(C).

#### **6. Construction Requirements**

- a. The entire parking area, including parking spaces and maneuvering lanes, shall be provided with asphalt or concrete surfacing in accordance with approved specifications.
- b. Surfacing of the parking area shall be completed prior to occupancy unless seasonal restrictions apply in which case a performance guarantee which ensures that paving occurs by a specified time shall be provided.
- c. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- d. All parking spaces shall be striped with paint or other approved material, at least four (4) inches in width. The striping shall be maintained and clearly visible.
- e. Curbing or bumper blocks shall be provided along the perimeter of all paved and landscaped areas sufficient to keep vehicles from encroaching on property lines or sidewalks. Bumper blocks shall be provided at least four (4) feet from the edge of a property line or sidewalk. Bumper blocks shall be secured to prevent their movement. Where parking spaces terminate at a curb parallel to a sidewalk, bumper blocks shall be utilized to prevent vehicle overhang on the sidewalk.

#### **7. Snow Storage**

- a. For parking lots having more than one hundred (100) spaces, where the Planning Commission determines that snow removal and storage may pose a problem to traffic circulation or reduce the amount of required parking, the site plan shall designate snow storage areas.
- b. Storage areas may be provided only within a side or rear yard, and shall not be permitted to hinder the vision of drivers or pedestrians within or outside the parking area.
- c. The snow storage area shall be equal to at least ten percent (10%) of the size of the planned parking lot. The area used for calculation of snow storage shall not include deferred parking areas, until such time as the deferred parking area is converted to parking.
- d. Snow shall be removed as necessary to maintain the number of required parking spaces.

H. **Change of use of an existing structure.** When a commercial, industrial or office building has a change of use the new use shall comply with the following:

1. The previously approved site plan, should one exist.
2. All maintenance-related standards of this Ordinance.
3. Screening and landscaping requirements of this Ordinance.

I. **Off-Street Parking Requirements.**

1. Parking space requirements for specific uses are found in the respective Zoning Districts.
2. **Units of Measure**
  - a. When units or measurements determining the number of required parking or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half (.5) shall be disregarded, and fractions over one-half (.5) shall require one (1) parking space.
  - b. Gross floor area will be used to compute the number of parking spaces required, unless otherwise noted. When usable floor area is used to calculate parking requirements, eighty-five percent (85%) of the gross floor area shall be used if more precise calculations are unavailable.
3. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that is similar in type. If there is no requirement that is reasonably applicable to the use, the Zoning Administrator shall determine the number of parking spaces that must be provided.

J. **Stacking Spaces.**

1. Certain uses are greatly reliant on vehicle access and possess characteristics that create the need for additional area devoted to stacking of vehicles. This subsection addresses these individual uses and outlines requirements for stacking spaces.
2. Each stacking space shall be shown on a site plan.
3. Each stacking space shall have a minimum dimension shown of twenty-two (22) feet in length by nine (9) feet in width. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.
4. The location of stacking spaces shall be placed to avoid undue interference with on-site parking and to prevent unnecessary hazards to pedestrians.
5. Regardless of the number of stacking spaces required or provided, in no instance shall the operator permit vehicles to stack up into any adjacent public or private road.

## **SECTION 16.03     LOADING REQUIREMENTS**

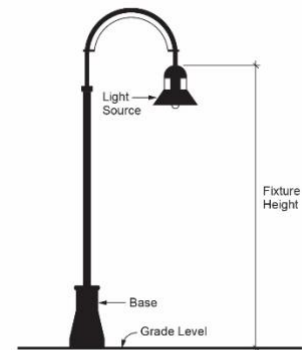
- A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise.
- B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours.

- C. At least one (1) loading space per commercial or service establishment shall be provided in the C- 2 and C-3 Districts in addition to any required off-street parking area. Unloading aisle, separate from parking areas may be provided in the required front yard.
- D. All loading spaces in the Industrial District shall be at least ten (10) by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder. Spaces shall be provided as follows:

Gross Floor Area (sq. ft.)	Loading and Unloading Spaces Required
0--1,400	None
1,401--20,000	1 space
20,001--100,000	1 space plus 1 for each 20,000 sq. ft. UFA over 20,001 sq. ft. UFA
100,001 and over	5 spaces plus 1 for each 40,000 sq. ft. UFA over 100,001 sq. ft. UFA

## SECTION 16.04 EXTERIOR LIGHTING

- A. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally, except for private lighting for single and two family dwellings.
- B. All outdoor lighting shall be directed away from, and if necessary, shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- C. Light poles used to illuminate parking lots or storage areas shall be limited to thirty (30) feet in height.
- D. Lights used for canopies for the uses as vehicle service stations, drive-in establishments and other similar uses shall be completely recessed in the canopy structure and shall not extend lower than the underside surface of the canopy.
- E. Lighting of parking areas, buildings, or structures shall be minimized to reduce light pollution and preserve the rural character of Shelby Township.



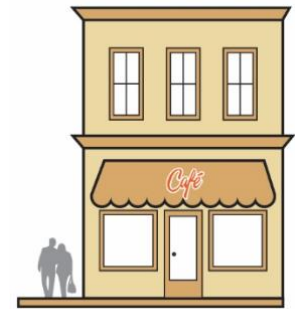
**Light Fixture Height**

## SECTION 16.05 SIGNS

- A. **Purpose.** The sign provisions of this Ordinance are intended to regulate the size, number, location, and manner of display of signs in the Township, consistent with the following purposes:
  1. To protect the safety and welfare of residents; to conserve and enhance the character of the Township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
  2. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
  3. To promote uniformity in size, number, and placement of signs within zoning districts.
  4. To promote the identification of establishments and premises in the Township.

**B. Definitions.**

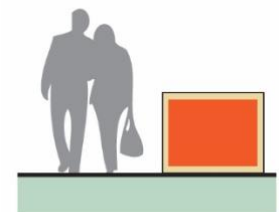
1. **SIGN.** Any individual announcement, declaration, demonstration, display, illustration, insignia, surface, or space that is affixed to, located on, painted, illuminated, or otherwise depicted on any structure, land interior or exterior of a building in view of the general public for identification, advertisement or promotion of the interests of any person.
2. **ABANDONED SIGN.** A sign that no longer identifies or advertises a current business, service, owner, product, or activity conducted on the premises; a sign for which no legal owner can be found; or a sign that is dilapidated beyond repair.
3. **AWNING SIGN.** A sign which is part of, hung from the underside of, or attached to, a marquee, canopy, awning, or other covered structure projecting from and supported by a building, and which does not project horizontally beyond or vertically above the marquee, canopy, or covered structure.
4. **BANNER.** A temporary sign made of natural, flexible, synthetic, plastic, or other non-rigid material with or without structural frame. Banner signs do not include pennants or flags.
5. **BILLBOARD.** A sign structure which exceeds one hundred (100) square feet advertising a service, commodity, or establishment that is not sold, produced, manufactured, or furnished at the property on which the sign is located.
6. **ELECTRONIC MESSAGE BOARD.** A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means, including an automatic lamp bank or mechanical means, e.g., electrical or electronic time and temperature units.
7. **FREESTANDING SIGN.** Any non-movable sign not affixed to a building and wither supported by one (1) or more poles, braces, or attached directly to the ground.
8. **GOVERNMENT SIGN.** A sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is required by the federal, state, or local government. Signs otherwise required by the state or deferral government are also considered government signs (e.g., signs required for safety warnings, traffic control signs, etc.).
9. **ILLUMINATED SIGN.** Any sign designated to give forth artificial light, either internally through from a light source within such sign or externally by a light source aimed at its surface and shielded so that no direct rays are visible from any public right-of-way or from abutting property.
10. **MONUMENT SIGN.** A freestanding sign affixed to the ground with short supporting upright braces, or some other base with a full footing on the ground where the display surface is less than four (4) feet above grade to the bottom of the display area.



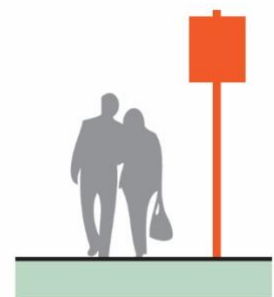
Awning Face Sign



Temporary Wall Sign



Ground Sign



Pole Sign

11. **PENNANT.** A series of small, often triangular, tapering flags made of lightweight plastic, fabric, or other similar material often deigned to move in the wind and used in multitudes as a device to call attention to a land use or activity.
12. **POLE SIGN.** A freestanding sign which is supported by one (1) or more uprights in permanent footings with al parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign.
13. **TEMPORARY SIGN.** A sign which is not permanently affixed to a building, structure, or the ground, and which obtains some or all of its structural stability with respect to wind or other normally applied forced by means of its geometry or character.
14. **ROOF SIGN.** A sign which is erected, constructed, and maintained upon or above the roof, or parapet wall, to which it is connected.
15. **WINDOW SIGN.** A sign that is applied or attached to the exterior or interior of a window or locate in such a manner within a building that it can be seen from the exterior of the structure through a window.
16. **WALL SIGN.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background of surface of, the sign and which does not project more than twelve (12) inches from the building or structure.

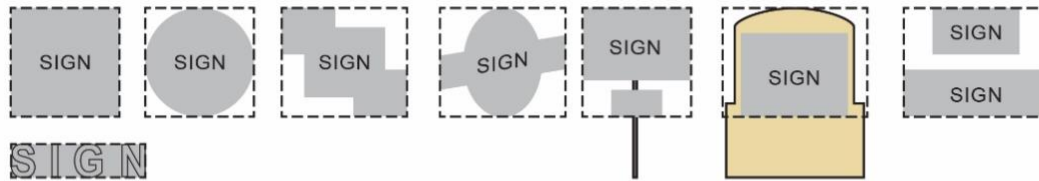


**C. Permit Required.**

1. Unless otherwise provided by this Ordinance, a sign permit shall be required for all new signs, sign replacements, or alterations to existing signs. No permit is required for the normal maintenance or repair of a sign; for the change of copy on painted, printed, or changeable copy signs; or signs exempted under Section 17.05.F.
2. An application for a sign permit shall be made to the Zoning Administrator and shall include payment of a fee as established by resolution or other action by the Township Board. The application shall include the following:
  - a. A completed application on a form provided by the Township as applicable.
  - b. A sketch plan with the sign drawn to scale showing the sign's proposed location, relation to buildings and structures on the site, required setbacks from lot lines, specifications for the sign (area, height, lighting, etc.) and information on the method of construction and attachment to structures or the ground.
  - c. Sufficient other details to demonstrate that the proposed sign, including structural and electrical components, shall comply with the provisions of this Ordinance. Copies of any other required permit, such as an electrical permit, shall be submitted to the Zoning Administrator.
  - d. Any other information which the Zoning Administrator may require in order to determine compliance with this Ordinance.
3. The Zoning Administrator shall issue a sign permit if all provisions of this Section 16.05, other provisions of this Ordinance, and other applicable ordinances are satisfied.
4. **Expiration.** An approved sign permit shall expire if the sign is not installed or under constriction within six (6) months of the date of issuance of the sign permit. A new sign permit may be issued upon the filing of a new application and payment of the required fee. The Zoning Administrator may grant an extension of the sign permit not to exceed six (6) months if a substantial change in circumstances is found to warrant an extension.

**D. Sign Regulations Applicable to All Districts.**

1. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any public lands in Shelby Township except in accordance with the provisions of this Ordinance.
2. **Measurement of Signs.**
  - a. The area of a sign shall be measured as the area within a single, continuous rectangle that encloses the extreme limits or writing, representation, emblem, logo, and any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Such area shall exclude only the structure necessary to support the sign, unless the supports or uprights contain writing, representations, emblems, or any figure of similar character, in which case the area of such sign shall be computed within the total sign area.

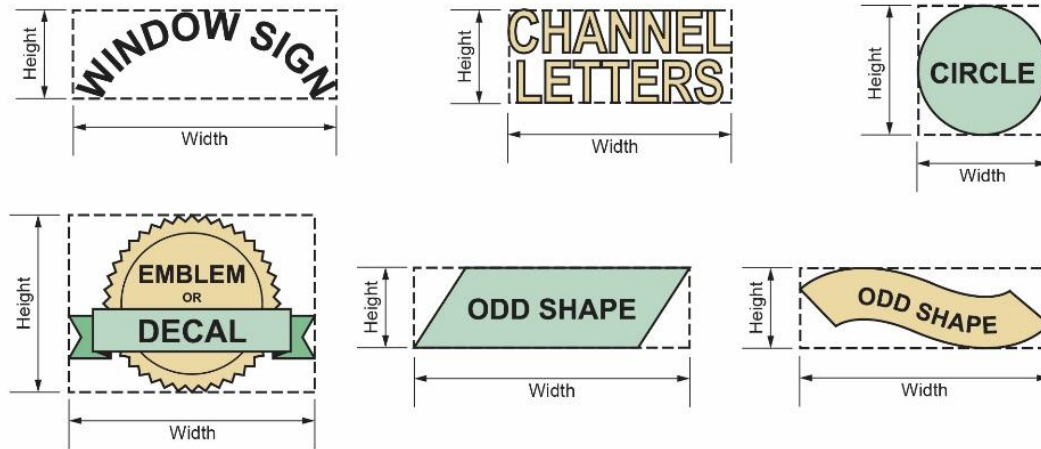


**Computation of Sign Area**

■ Sign Area  
□ Computed Sign Area

- b. Where a sign has two (2) or more faces, sign area shall be measured by including the area of all sign faces, except that if two (2) sign faces are placed back to back and are of equal size, the area of two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) sign face.
- c. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grader of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.





## Sign Height and Width

- d. Any sign, including any awning to which a sign is affixed or displayed, not resting directly on the ground shall maintain a minimum clear space or eight (8) feet from the bottom of the sign to the ground.

### 3. **Lighting.** Signs that are illuminated shall comply with the following standards:

- a. Illumination shall be steady, stationary, shielded light sources directed solely at the sign or internal to the sign.
- b. Illumination shall not be flashing, blinking, intermittent, changing in color, changing in intensity, or an on-and-off type of lighting.
- c. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way, street easement, or any adjacent property.
- d. Internal illumination. Only the only sign face shall be illuminated and shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face.
- e. External illumination. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.

### 4. **Electronic message boards** shall be permitted in C-2 and C-3 Commercial districts, subject to special land use review and approval and following requirements:

- a. The electronic message board shall not occupy more than fifty percent (50%) of the total area of the sign or twenty-four (24) square feet, whichever is less.
- b. The message(s) displayed on the electronic message board shall pertain to the principal use of the lot or parcel on which it is located.



- c. The intensity and contrast of the light levels on the electronic message board shall remain constant throughout the sign face. An electronic message board shall use automatic day/night dimming software or programming to reduce the illumination intensity of the sign at night.
- d. The electronic message board shall not have flashing, blinking, or a similar effect and shall have a static display free of movement.
- e. The message shall change no more frequently than once every sixty (60) seconds.
- f. The brightness of an electronic message board, measured at the property line, shall not exceed 0.3 footcandles. An applicant proposing an electronic message board shall provide a photometric plan demonstrating compliance with this standard.
- g. An electronic message board shall not be located within one hundred (100) feet of a parcel containing a residential principal use or a parcel in the AG, RR, R-1, R-2, or R-3 districts.
- h. It shall be the responsibility of the owner on whose property the sign is located to present the Zoning Administrator documentation that the brightness of the electronic message board is compliant with this Ordinance within ten (10) days of installation.

**5. Clear Vision Area.** Signs shall not obstruct the clear view of traffic and no sign shall be placed in the clear vision area as described in Section 3.03 of the Ordinance nor in a similar clear vision area at the intersection of a public road with a driveway or private road.

**6.** Except for governmental signs, no sign shall be placed in, or extend into, any public street right-of-way.

**7.** All signs shall advertise only the business or activity conducted on the premises, with the exception of temporary billboards.

**8. Installation and Maintenance.** All signs and sign structures shall conform to all applicable codes adopted or enforced by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frames, and fastenings free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant materials.

**9. Abandoned Signs.** A sign that no longer serves the purpose for which it is intended, is abandoned, or is not maintained in accordance with applicable regulations of the Township, shall be removed by the owner, or by the Township at the expense of such owner, within thirty (30) days upon written notice by the Zoning Administrator.

**10. Substitution Clause.** Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

**E. Prohibited Signs.** The following signs are expressly prohibited in all zoning districts:

- 1. A sign resembling the flashing lights customarily used in traffic signals, police, fire, ambulance, or rescue vehicle; signs which imitate official traffic directional signs or devices; or any sign that may obstruct a motorist's vision.
- 2. Abandoned signs.
- 3. Signs with flashing or moving illumination.
- 4. A sign using the words "Stop", "Danger", or any other words, phrases, symbols, or characters, in such manner as to interfere with, mislead, or confuse a vehicle driver.
- 5. A sign on parked vehicles where the sign is the primary use of the vehicle.

6. Signs affixed to trees, shrubs, or other similar natural features.
  7. Signs affixed to fences, utility poles, or structural elements not capable of supporting the signs.
  8. Roof signs.
  9. Signs located in, projecting into, or overhanging the public right-of-way or dedicated public easement, except:
    - a. Official traffic signs posted by a governmental agency;
    - b. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
    - c. Emergency warning signs erected by a governmental agency, public utility company, or contractor doing authorized permitted work within the right-of-way; or
    - d. Any sign installed by a Township Official or County Road Commission.
  10. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
  11. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights, or other devices with similar characteristics, except when used for period to exceed fifteen (15) days to announce an event.
- F. **Exempt Signs.** Except for the regulations of Section 14.05D., the following signs shall be exempt from the provisions of this Ordinance.
1. Governmental signs.
  2. Signs erected by the Township, County, state, federal government for street direction or traffic control.
  3. Signs for essential public services denoting utility lines, railroad lines, hazards, and precautions, including flashing portable signs.
  4. Signs designating sites recognized by the State historical Commission as Centennial Farms or Historical Landmarks.
  5. Memorial signs or tablets.
  6. Signs with an address and/or name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall.
  7. Non-illuminated trespassing, safety, directional, caution or announcement signs or signs announcing the sale of produce each not exceeding two (2) square feet in area.
  8. Signs, pennants, flags, or banners used for holidays, public demonstrations for promotion of civic welfare, or charitable purposes wherein the same sign shall be used for not more than thirty (30) days.
  9. Non-illuminated temporary signs in accordance with the following requirements:
    - a. A property owner may place one (1) temporary sign with an area no larger than six (6) square feet on a lot at any time, for a time period not to exceed thirty (30) consecutive days.
    - b. A property owner may place a temporary sign no larger than six (6) square feet in one (1) window on a lot at any time, for a time period not to exceed thirty (30) consecutive days.
    - c. In addition to the temporary signs permitted above, the following signs may also be permitted:
      - (1) One (1) temporary sign may be located on a lot when the owner consents and that lot is currently being offered for sale or lease and shall be removed no later than thirty (30) days after completion of sale or lease of property.

- (2) One (1) temporary sign not exceeding twelve (12) feet may remain on the lot or parcel during a time period of thirty (30) days prior to an election date to ten (10) days after the election date.

**10.** One (1) construction sign per site is permitted, subject to the following restrictions:

- a. Construction signs shall not be larger than thirty-two (32) square feet and shall not exceed twelve (12) feet in height.
- b. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
- c. Construction signs shall be removed immediately upon issuance of any occupancy permit for the building or structure which is the subject of the construction sign.

**G. Signs Permitted in Each Zoning District.** Within the zoning districts indicated, only the following types of signs are allowed with an approved sign permit, except as elsewhere permitted by this Ordinance:

**1.** In all zoning districts, the following signs are permitted for home occupations:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?	Minimum Setback
Wall	1 per lot	8 square feet	-	No	N/A
Freestanding	1 per lot	8 square feet	5 feet	No	N/A

- a. A freestanding sign shall only be permitted if the home occupation is located at least seventy-five (75) feet from a public right-of-way.

**2.** In all zoning districts, the following sign is permitted at an entrance to a residential development:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?	Minimum Setback
Monument	1 per public road frontage; but not to exceed 2 signs total	32 square feet per sign	6 feet	No	N/A

**3.** The following signs are permitted in the Agricultural District:

- a. One (1) non-illuminated wall sign of up to eight (8) square feet for a home occupation. If a residential unit containing a home occupation is located seventy-five (75) feet or more from the right-of-way line, one (1) freestanding sign of not more than eight (8) square feet in area and five (5) feet in height is permitted.
- b. One (1) non-illuminated real estate sign not exceeding six (6) square feet in area.
- c. Non-illuminated trespassing, safety, directional, caution or announcement signs or signs announcing the sale of produce each not exceeding two (2) square feet in area.
- d. On-site political signs not exceeding twelve (12) square feet in display area. It is recommended that they are not erected any sooner than thirty (30) days prior to the scheduled day of election for which they are made and shall be removed within ten (10) days after the election.

4. In R-1, R-2, and R-3, Residential zoning districts for all institutional uses:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?	Minimum Setback
Monument	1 per lot	32 square feet	8 feet	No	N/A

5. In the C-2 General Business and C-3 Highway Commercial districts, the following signs are permitted:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?	Minimum Setback
Wall or Awning	1 per building wall facing a public street	10% of the building wall area but not to exceed 75 square feet	N/A	Yes	5 feet from all property lines
Monument	1 per lot	48 square feet	8 feet	Yes	5 feet from all property lines
Pole	1 per lot, in lieu of monument	48 square feet	20 feet	Yes	5 feet from all property lines

- One (1) monument or pole sign is permitted per property, regardless of the number of businesses there, except that one (1) additional freestanding sign (monument or pole) may be erected per road frontage when the development has parallel frontage on more than one (1) major road or corner frontages on major roads totaling over five hundred (500) linear feet.
- The maximum area of wall or awning sign may be increased to fifteen percent (15%) if the building wall facing a public street is located at least one hundred (100) feet from a road right-of-way or twenty percent (20%) if the building wall facing a public street is over three hundred (300) feet from the road or public right-of-way.

6. In the IND, Industrial district, the following signs are permitted:

Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted?	Minimum Setback
Wall or Awning	1 per building wall facing a public street	10% of the building wall area, not to exceed 75 square feet	N/A	Yes	5 feet from all property lines
Monument	1 per lot	48 square feet	10 feet	Yes	5 feet from all property lines
Pole	1 per lot, in lieu of monument	48 square feet	20 feet	Yes	5 feet from all property lines

- One (1) monument or pole sign is permitted per property, regardless of the number of businesses there, except that one (1) additional freestanding sign (monument or pole) may be erected per road frontage when the development has parallel frontage on more than one (1) major road or corner frontages on major roads totaling over five hundred (500) linear feet.

- H. **Billboards.** Billboards are permitted only in the C-2 General Business and IND Industrial districts after a Sign Permit has been obtained. All billboards must comply with the following standards:

- A billboard may be considered a principal or accessory use and shall be located on a parcel that meets the lot area and width requirements of the district in which it is located.

2. In addition to the application requirements Section 16.05.C., an application for billboard approval shall also include the following:
  - a. Distances from existing billboards;
  - b. Locations of adjacent residential district and uses
3. **Spacing.**
  - a. Billboard structures shall be located at least seventy-five (75) feet from any Residential District or use.
  - b. A billboard shall be located at least three hundred (300) feet from another billboard. This distance shall not be measured from across a street.
  - c. A billboard shall be at least two hundred (200) feet from any intersection.
  - d. Not more than three (3) billboards may be located per linear mile of a public street, regardless of the fact that such billboards may be located on different sides of the public street. The linear mile measurement shall not be limited to the boundaries of the Township where the particular road extends beyond such jurisdictional boundaries.
  - e. Billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirements set forth herein. The following billboard arrangements are considered one (1) billboard:
    - (1) Double-faced billboard structures and V-type billboard structures having only one (1) facer visible to traffic proceeding from any direction on the road' or
    - (2) Billboard structures having tandem billboard faces with two (2) parallel billboard faces side by side and facing the same direction.
4. **Area.** The surface display of an area (sign face) of any side of a billboard may not exceed three hundred and fifty (350) square feet. No billboard shall exceed twenty-five (25) feet in width.
5. **Height.**
  - a. On a vacant lot, the top of the billboard shall not exceed twenty (20) feet above the average grade of the ground on which the billboard is located or the grade of the abutting public street, whichever is greater.
  - b. On a lot with a main building, the top of the billboard shall not exceed thirty-five (25) feet above the average grade of the ground on which the billboard is located or the grade of the abutting public street, whichever is greater.
6. **Lighting.** A billboard may be illuminated, provided such illuminations is confined to the surface of the sign and is so located as to avoid glare, upward light, or reflection onto any portion of an adjacent street or highway, property, the path of oncoming vehicles, or any adjacent premises. Lighting of a billboard shall be of a continuous light and shall not have a flashing, intermittent, rotating, oscillating, or similar effect.
7. **Setbacks.** Billboards shall comply with setback requirements for principal buildings of the district in which it is located, as measured to the nearest part of the billboard.
8. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of the structure, continued structural soundness, and continued readability of message.
9. Billboards shall comply with all applicable provisions of the Highway Advertising Act of 1972, as amended.

**I. Nonconforming Signs.**

1. Every permanent sign, legally established prior to the adoption or amendment of this Ordinance that does not meet the height, size, area, or location requirements of this Chapter is deemed to be a nonconforming structure. A nonconforming sign shall not:
  - a. Be expanded, enlarged, or extended; or
  - b. Be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
2. A nonconforming sign may be maintained and repaired so as to continue its useful life.
3. A nonconforming sign may be diminished in size or dimensions, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.

**J. Removal of Signs.**

1. **Abandoned Signs.** A sign that no longer serves the purpose for which it was intended, is no longer associated with an active business, or is not maintained in accordance with this Ordinance, shall be considered abandoned. Abandoned signs shall be removed by the property owner, or by the Township at the owner's expense, within thirty (30) days of written notice by the Zoning Administrator.
2. **Closed or Discontinued Businesses.** Signs identifying a business or activity that has permanently closed or ceased operations shall be removed within ninety (90) days of closure. If the sign remains in place beyond this period and no new business or use has occupied the premises, the sign shall be deemed abandoned and subject to removal as described above.

## **SECTION 16.06 ROAD STANDARDS**

Road standards must comply with the Oceana County Road Commission standards for public and private roads.

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# Chapter 17.

## Board of Appeals

### SECTION 17.01 AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Board of Appeals.

### SECTION 17.02 MEMBERSHIP - TERMS OF OFFICE

- A. The Board of Appeals of Shelby Township shall consist of members appointed by the Legislative Body.
  - 1. The first member of the Board of Appeals shall be a member of the Planning Commission; the second member may be a member of the Legislative Body but shall not serve as chairperson of the Board of Appeals; the additional members shall be selected from the electors residing in the Township.
  - 2. The additional members shall not be elected officers or employees of the Legislative Body. The additional members shall be appointed for three (3) year terms; the Planning Commission and Legislative Body representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Legislative Body may appoint up to two (2) alternate members for the same terms as the regular members.
  - 1. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings.
  - 2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
  - 3. The alternate member shall serve in the case until a final decision is made.
  - 4. The alternate member shall have the same voting rights as a regular member when called.

### SECTION 17.03 DUTIES AND POWERS

- A. **Appeals.** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
- B. **Interpretation.** The Board of Appeals shall have the power to:
  - 1. Hear and decide upon requests for the interpretation of the provisions of this Ordinance; and



2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator.
- C. **Variances.** The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. **Use Variances.** The Board of Appeals is not allowed to authorize use variances.
- E. The Board of Appeals shall not have the authority to approve any sign type which is not permitted by this Ordinance.

## **SECTION 17.04 MEETINGS**

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.

## **SECTION 17.05 APPLICATIONS AND HEARINGS**

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Legislative Body, which shall be paid to the Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application the Secretary shall cause notices stating the time, place and subject of the hearing. The public hearing shall be advertised in a newspaper of general circulation not less than fifteen (15) days prior to the hearing. Additionally, a written notice shall be provided personally or by first class mail addressed to the parties submitting the application, and those persons residing within three hundred (300) feet of the property which is the subject of the application.
  1. All notices shall be sent to the addresses listed in the last assessment roll.
  2. The written notices shall be sent at least ten (10) days prior to the date of the scheduled hearing.
  3. The Board may recess the hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

## **SECTION 17.06 DECISIONS**

- A. The concurring vote of a majority of the total membership stated in Section 13.02, A of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held.
- C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact. An appeal shall be filed within 30 days after the Board of Appeals certifies its decision in writing or approves the minutes of its decision.

- E. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- F. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

## **SECTION 17.07 APPEALS**

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for appeals shall be filed within twenty-one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant that was not otherwise available to the person or body making the decision from which the appeal was taken.

## **SECTION 17.08 REVIEW STANDARDS FOR VARIANCES**

- A. **Variance.** A variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include but are not limited to:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter; or
    - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
    - d. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
  - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  5. The variance will not impair the intent and purpose of this Ordinance.
  6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.
- B. The following data shall accompany all applications for a use variance:
1. A site plan must be submitted which meets the requirements of this Ordinance.
  2. Application form and any associated fees.
  3. The Zoning Board of Appeals may require a certified survey.

# Chapter 18.

# Administration and Enforcement

## **SECTION 18.01 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by Shelby Township on June 7, 1982, and the Village of Shelby on April 24, 1972, and all amendments thereto for each Ordinance, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

## **SECTION 18.02 INTERPRETATION**

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any other rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## **SECTION 18.03 ZONING ORDINANCE AMENDMENTS, INITIATION**

- A. The Planning Commission, pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), has the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission at a hearing or decreed by a court of competent jurisdiction.
- B. All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least thirty (30) days prior to the first consideration by the Planning Commission.

- C. Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the Planning Commission or the Legislative Body through official action taken at a public meeting which has been properly noticed as required by law. A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the Township. The notice shall include:
1. The nature of the request.
  2. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
  3. Location and time of the hearing.
  4. Where and when written comments may be received.
- D. In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:
1. Completion of a Zoning Amendment Application as provided by the Zoning Administrator. An application shall include:
    - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
    - b. Property description.
    - c. In the case of a text amendment, the specific section to be amended and the proposed text change.
    - d. If a change in the zoning map is requested, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by a scaled map, the location of the property requested for rezoning.
    - e. The nature of the amendment shall be fully described in writing.
    - f. Payment of all fees as required by the Township.
  2. If, in the opinion of the Zoning Administrator, Planning Commission, or Legislative Body, the information submitted does not provide a clear delineation of the specific area to be rezoned, the Zoning Administrator, Planning Commission, or Legislative Body may require the applicant to submit a boundary survey of the property in question. The survey shall include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor licensed by the State of Michigan.

## **SECTION 18.04     AMENDMENT PROCEDURE**

- A. After submission of the application and fee, amendments to this Ordinance shall be processed as provided in the Zoning Act.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the Legislative Body in consideration of amendments to the Zoning Ordinance:
1. **Text Amendment:**
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.

- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
  - d. The proposed text amendment would promote compliance with changes in other Township, County, State, or Federal regulations.
  - e. In the event the amendment will add a use to a District, that use shall be fully consistent with the character of the range of uses provided for within the District.
  - f. The amendment shall not result in or create incompatible land uses within a Zoning District, or between adjacent Districts.
  - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
  - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
  - i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the Township.
- C. **Map Amendment (Rezoning).** In making its recommendation to the Legislative Body, the Planning Commission shall consider the following criteria:
- 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Shelby Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
  - 2. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed Zoning District shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
  - 3. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
  - 4. Other factors deemed appropriate by the Planning Commission.
- D. **Consideration of Amendment by the Legislative Body.** Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Legislative Body may modify the proposed amendment or adopt it as presented by the Planning Commission.

## **SECTION 18.05     CONDITIONAL REZONING AGREEMENTS**

An applicant shall have the option of applying for a Conditional Rezoning whereby the applicant voluntarily offers certain site-specific regulations, set forth in a Conditional Rezoning Agreement, that are equally or more limiting than the regulations that would apply to the property under the proposed Zone District. Conditional Rezoning Agreements shall not be amendable. A Conditional Rezoning and Agreement shall be subject to the process for zoning amendments outlined in Section 18.03 and 18.04.

## **SECTION 18.06 REMEDIES AND ENFORCEMENT**

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- C. The owner of any building, structure or premises or part thereof which is in violation of this Article, who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.
- D. The civil fine for a municipal civil infraction shall be as noted in the Shelby Township Municipal Civil Infraction Ordinance.
- E. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

The Township Board, or their duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and the Legislative Bodies are hereby empowered, in the name of Shelby Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Oceana County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by this non-compliance or violation may institute suit and/or join the Legislative Body in the suit to abate the same.

- F. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

## **SECTION 18.07 PUBLIC NUISANCE, PER SE**

Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## **SECTION 18.08 ADMINISTRATIVE AND ESCROW FEES**

- A. Any application shall be accompanied by a fee, in an amount to be established by the Township Board by resolution. The application fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. No part of this fee shall be refundable.
- B. A separate deposit may be collected from the applicant, as determined by the Legislative Body, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning, and engineering professionals regarding the application. The basis for the amount of the deposit must be based on a reasonable estimate to provide these services. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the Township. In addition to regularly established fees, the Legislative Body in its discretion may also require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may incurred by the



Township in reviewing and acting upon any such application or related matters. Such estimated fee and costs shall be submitted prior to any Township review of an application or request.

- C. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant.

## **SECTION 18.09 PERFORMANCE GUARANTEES**

- A. The Zoning Administrator, Planning Commission, Board of Appeals, and Legislative Body are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, letter of credit or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project that is the subject of the guarantee. The guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking service drives, traffic control devices within the jurisdiction of the Township, reclamation, etc. The guarantee shall include a schedule of costs assigned to the different improvements and approved by the Township Board.
- B. A performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit by the Township authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If the improvements are not completed, the security shall be forfeited, either in whole or in part.
- C. Moneys may be released to the applicant in proportion to work completed on the different elements after inspection of work and the approval of the Building Department. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. No partial release of funds shall exceed 90 percent of the guarantee, i.e., at least ten percent shall be retained by the city until all work has been completed and subsequently inspected and approved by the Building Department.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance if any shall be returned to the depositor.

## **SECTION 18.10 FEES**

- A. The Legislative Body shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. Fees for inspections, permits, certificates or copies thereof required or issued under this Article shall be collected by the Building Department in advance of issuance. A listing of current fees shall be available for review by the public during regular office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Legislative Body.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.

## **SECTION 18.11 ZONING PERMITS**

- A. No dwelling, building or structure subject to the provisions of this Ordinance shall be erected, altered, repaired, enlarged or moved upon any lot or premises until a zoning permit has been issued by the Zoning Administrator in conformity with the provisions of this Ordinance. The terms "altered" and "repaired" include any changes in



structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress or other changes affecting or regulated by the city, except for minor repairs or changes as determined by the Building Official. The permit shall be nontransferable and shall be good for one (1) year with the right of renewal in the discretion of the Zoning Administrator upon proper application and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun.

- B. All applications for a zoning permit shall be submitted to the Zoning Administrator and shall be accompanied by a site plan as set forth in Chapter 15 of this Ordinance.
- C. For each zoning permit issued a fee shall be charged as set forth in Section 19.10 of this Ordinance. No zoning permit shall be valid until the required fee has been paid. Zoning permits may be renewed for a second year at no cost when no significant changes of plans have occurred. When significant changes, if determined by the Zoning Administrator, have occurred, a new application for zoning permit and fee shall be required.
- D. Nothing in this Section of the Zoning Ordinance shall be construed as to prohibit the applicant or their agent from preparing their own plans and specifications, provided the same are clear and legible and adhere to the required information as set forth in this Ordinance.
- E. **Permit Revocation.**
  - 1. The Zoning Administrator shall have the authority to revoke or otherwise cancel any zoning permit issued in cases of failure and/or neglect to comply with any of the provisions of the Ordinance, conditions of approval, or in the case of false statement or misrepresentation made by the applicant.
  - 2. Written notice of the revocation of cancellation of the zoning permit shall be provided by first class mail or personal delivery by the Zoning Administrator to the applicant or holder of the permit as soon as practicable, but in no case more than five (5) days after the revoking of canceling of the permit.
  - 3. The applicant or holder of the zoning permit shall have the right of appeal to the Board of Appeals in accordance with the provisions of Section 18.07.
- F. Accessory buildings when erected at the same time as the main building on a lot and shown on the application thereof shall not require a separate zoning permit.

## **SECTION 18.12 STOP WORK ORDERS**

- A. **Notice to Owner.** Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, the work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. **Unlawful Continuance.** Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

## **SECTION 18.13 PROPERTY SURVEYS**

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Board of Appeals, or Legislative Body pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, the survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless the survey and related information has been provided to the Township.

## **SECTION 18.14 ZONING ADMINISTRATOR**

- A. Each Legislative Body shall appoint a Zoning Administrator. Each Legislative Body may also appoint a Deputy Zoning Administrator authorized to act during periods of absence of the Zoning Administrator, or assist the Zoning Administrator with his responsibilities, with the same powers as granted the Zoning Administrator.
- B. The Zoning Administrator and Deputy shall not be members of the Legislative Body, Planning Commission, or Board of Appeals.
- C. The Zoning Administrator and Deputy shall be appointed for a term and subject to such conditions and at a rate of compensation as the Legislative Body determines.
- D. The Legislative Body may instruct the Zoning Administrator in writing to initiate an enforcement action or other legal action as may be permitted by this Ordinance. The Zoning Administrator shall keep a record of every written complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be a matter of public record.
- E. **Reports**
  - 1. The Zoning Administrator shall prepare and file an annual report to the Legislative Body on the operation of the Zoning Ordinance including recommendations as to the enactment of any changes, amendments, or supplements to the Zoning Ordinance.
  - 2. The Zoning Administrator shall issue to the respective legislative body a semiannual report on permits issued, variances issued, special use permits and complaint of violation and the action taken thereon.
- F. **Duties and Responsibilities.** The Zoning Administrator shall:
  - 1. Administer the provisions of this Zoning Ordinance.
  - 2. Be authorized to review applications for permits as set forth in this Ordinance and to grant or deny these permits.
  - 3. Shall ensure that complete files are kept regarding all administrative matters associated with this Ordinance.
  - 4. Refer all matters that relate to the Legislative Body, Planning Commission, or Board of Appeals as set forth in this Ordinance.
  - 5. Be empowered to make inspections of buildings or premises in order to properly administer and enforce this Ordinance.
- G. Should the Zoning Administrator have a personal or financial interest in the use of land, or the construction of any dwelling, building or structure subject to the provisions of this Ordinance, the Deputy Zoning Administrator shall examine the plans, inspect the dwelling, building or structure and issue the necessary permits, approvals and certificates.

## **SECTION 18.15 SEVERABILITY**

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

## **SECTION 18.16     ENACTMENT**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Adoption" in a newspaper circulating within the Township. The effective date of this Zoning Ordinance for Shelby Township is \_\_\_\_\_, 2025.

# Chapter 19.

## Schedule of Regulations

Table: Schedule of Regulations

District		Lot Requirements <sup>1</sup>				Setback Requirements (ft) <sup>2</sup>					Building Requirements	
		Minimum Area (sqft)	Minimum Width (ft)	Minimum Depth (ft)	Maximum Lot Coverage	Minimum Front	Minimum Sides		Minimum Rear	Maximum Setback	Maximum Height (ft) <sup>3</sup>	Minimum Dwelling Unit Floor Area (sqft)
							Residential Uses	Non-residential Uses				
AG Agricultural		87, 120 (2 acres)	200	-	15%	100 from road ROW.	50		50	-	2 ½ stories or 35 ft, whichever is higher	750
R-1 Low Density Residential		21,780 (.5 acres)	100	-	35%	40	20	20	35	-	2 ½ stories or 35 ft, whichever is higher	750
R-2 Medium Density Residential	Single Family	8,000	65	-	40%	15	Each side: minimum 4 Total of two sides: minimum 16	25	30	-	2 ½ stories or 35 ft, whichever is higher	1,200
	Two Family	10,000	100				10					1,000 per unit
R-3 Multiple Family Residential	1 Bedroom	10,000 minimum plus 3,000 per dwelling unit	150	-	40%	30	25		40	-	2 ½ stories or 35 ft, whichever is higher	650
	2 Bedroom											750
	3 Bedroom											900
	4 Bedroom											additional 100 for each over 3
C-2 General Business Commercial		20,000	80	120	50%	100	-	One side: 5; 40 if adjacent to Residential District property. Total of two sides: 20	20	150	2 ½ stories or 35 ft, whichever is higher	-

District	Lot Requirements <sup>1</sup>				Setback Requirements (ft) <sup>2</sup>					Building Requirements	
	Minimum Area (sqft)	Minimum Width (ft)	Minimum Depth (ft)	Maximum Lot Coverage	Minimum Front	Minimum Sides		Minimum Rear	Maximum Setback	Maximum Height (ft) <sup>3</sup>	Minimum Dwelling Unit Floor Area (sqft)
						Residential Uses	Non-residential Uses				
<b>C-3 Highway Commercial</b>	1.5 acres	120	180	60%	100	-	Each side: minimum 30	30	150	2 ½ stories or 35 ft, whichever is higher	-
<b>IND Industrial</b>	1 acre; within an industrial park, 20,000 sq. ft.	150	200	75%	50	-	One side: minimum 25 Total of two sides: minimum 50 Adjacent to Residential District or Use lot line: 50	Adjacent to Non-residential District : 25 Adjacent to Residential District : 50	-	50	-
<b>RM Rural Mixed Use</b>	10,000	100	-	40%	15	10	25	30	-	2 ½ stories or 35 ft, whichever is higher	1,000

<sup>1</sup> Width to depth ratio is 1:4 for all districts. See Section 3.31.  
<sup>2</sup> See Section 3.19 Projections into Yards for maximum allowed projections of various architectural features.  
<sup>3</sup> The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, mechanical equipment, scenery lofts, parapet walls up to four (4) feet or other similar appurtenances not intended for human occupancy and usually required to be placed above the roof level.

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# Chapter 20.

## District Use Summary Table



LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>AGRICULTURAL</b>								
Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm buildings but excluding intensive livestock operations	P	P						
Agricultural service establishment	P							
Agri-tourism establishment	S							
Custom Dispatching and Processing of Animals	S						S	
Game farm	S							
General farming	P							
Horse riding breeding stable	S							
Retail garden and landscape supply stores	P							
Intensive livestock operation	S							
Roadside stand subject to Section 3.25	P							
Mineral removal, removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	S	S					S	

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>CARE AND SOCIAL ASSISTANCE</b>								
Adult day care		S	P	P	P			P
Assisted Living Home/Nursing Home		S	P	P	P	S		P
Child Care Services (see 3 following rows)								
Family Child Care Home (6 or fewer)	P	P	P	P				
Group Child Care Home (7-12)		S	S	S				S
Child Care Center or Day Care Center/Nursery School				S	P	P	S	S
Hospital			P	P	S	S		S
Residential Human Care and Treatment Facility (for ex: a homeless shelter or halfway house) unless otherwise exempt by law					S			S
State-Licensed Residential Facilities (Adult Foster Care Facility)								
Adult foster care facility	P	P	P	P				
Adult foster care family home		P	P	P				
Adult foster care small group home		S	S	S				
Adult foster care large group home			S	S				

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>COMMERCIAL</b>								
Accessory office areas related to principal uses							P	P
Art studio/craft shop					P	P		P
Bank or other financial institution without drive through facility					P	P		P
Bed and breakfast establishment	S	S	S	S				P
Bus passenger station					S	P		
Catering establishment					S	P		P
Commercial storage warehouse					S	S		
Contractor's office (with outdoor storage)					S	P		P
Drive through facility other than a restaurant (e.g., bank, credit union, pharmacy, dry cleaner)					S	P		P
Health or exercise club					P	P		P
Hotel/motel					S	P		P
Indoor theater					P	P		P
Kennel, commercial					S	S		S
Laundromat					P	P		P
Medical office, including clinic					S	P		P
Mortuary or funeral home					S	S		S
Motor freight transportation/trucking terminal					S	S		
Open air business					S	S		S
Personal service establishment (e.g., salon, tailor, dry cleaning drop-off site, etc.)					P	P		P
Professional offices					S	S		P
Restaurant with drive-through					S	P		P
Restaurant without drive-through					P	P		P
Retail building supplies and equipment stores with outdoor display and storage					S	P		S
Retail establishments 10,000 square feet GFA and over					S	P		
Retail establishments under 10,000 square feet GFA					P	P		P
Sexually oriented businesses							S	S
Tavern, with or without dancing, live entertainment or consumption of alcoholic beverages on premises, except sexually oriented businesses					S			S
Truck stop						S		
Vehicle repair, major					S	S	P	
Vehicle repair, minor					P	P	P	P
Vehicle sales					S	P		
Vehicle service station					S	P		P
Vehicle wash establishment					S	S	S	P
Veterinary clinic					S	S		S

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>INDUSTRIAL</b>								
Assembly of paperboard containers, building paper, building board, and bookbinding							P	
Assembly or manufacturing facility greater than 10,000 square feet GFA							S	
Assembly or manufacturing facility under 10,000 square feet GFA					S	P	P	
Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities (including warehousing and transport facilities)							S	
Contractor's yards, building material storage					P	P	P	S
Freight forwarding, packing, and crating services							P	
Laboratories including experimental, film, and testing							P	
Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps							P	
Lumberyards							P	
Motor freight terminal including garaging and maintenance of equipment							S	
Printing and publishing							P	
Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials							P	
Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage, and kindred foods							S	
Production of household goods like jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, etc.							P	
Production of textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread, and other textile goods							S	
Production or assembly of furniture and fixtures							P	
Research and development facilities							P	
Retail sales of goods where sales are clearly incidental and accessory to the primary industrial use, provided that no more than 20% of usable floor area is dedicated to retail use							P	
Salvage or junk yards							S	
Tool and die manufacturing facilities							P	
Warehouses, cartage businesses							S	
Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products							P	

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>INSTITUTIONAL</b>								
Airports and landing fields							S	
Campgrounds, public or private, including travel trailer parks	S	S						
Campgrounds, Resort	S	S						
Cemeteries	P	S	S	S				
Elderly housing			S	P				
Elementary, middle and high school (or private)		S	S	S	S	S		
Fraternal or social club or lodge					P	P		
Golf course or country club		S						
Park, playground or community center		P	P	P				
Conference center, assembly hall or place of worship								
under 4,000 square feet	P	P	P	P	P	P		P
over 4,000 square feet				S	S	P		P
Recreation facility, indoor (e.g., arcades, bowling, billiards)					S	S		
Recreation facility, outdoor (e.g., mini-golf, batting cages)					S	S		
Trade or industrial schools							S	

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>RESIDENTIAL</b>								
Accessory Dwelling Units		P	P	P				P
Accessory apartments as part of a commercial use			P		S			P
Accessory structures and uses as defined in Chapter 2 and subject to Section 3.01	P	P	P	P	P	P		P
Single family dwelling (detached)	P	P	P	P	P	P		P
Duplex		P	P	P				P
Triplex			P	P				P
Quadplex			S	P				P
Multiple family dwelling (5 or more units)			S	P				S
Multiple family detached dwellings (e.g.cottage court)				P				S
Mobile home park				S				
Expansion of existing single family dwellings, provided the expansion is not more than 30% of the existing floor area of the dwelling.					P			
Manufactured home community	P							
Migrant labor housing	S							
Open space development	S	S	S	S				
Planned Unit Development		S	S	S				
Home occupation subject to Section 3.13	P	P	P	P				P
Home-based business	S	S						P

LAND USE	AG	R-1	R-2	R-3	C-2	C-3	IND	RM
<b>UTILITIES</b>								
Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage					S	S		
Public and utility service buildings, not including storage yards		S	S	S	S	S		
Utility scale solar energy systems	S	S			S	S	S	
Utility substation, transmission line and switching station		S	S	S	S	S		
Wind energy conversion systems (WECS)	S	S						
Wireless communication services	S							
Wireless communication towers not exceeding 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.		P	P	P				
Wireless communications antenna when attached to a lawful existing telecommunications tower, water tower, or other existing structure, subject to District height restrictions					P	P		
Wireless communication tower					S	S	S	
Public and utility service buildings							P	
Waste treatment facilities							S	
Water supply and treatment facilities							P	
Wireless Communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other structure, subject to overall height restrictions							P	