

SHELBY TOWNSHIP
OCEANA COUNTY, MICHIGAN

ORDINANCE NO. 090319-3

AN ORDINANCE TO AMEND THE SHELBY COMMUNITY ZONING ORDINANCE; TO AMEND SECTION 2.02 TO ADD NEW DEFINITION; AND TO AMEND SECTION 3.11 PERTAINING TO ACCESSORY DWELLING UNITS.

SHELBY TOWNSHIP, OCEANA COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Section 2.02. Section 2.02 of the Shelby Community Zoning Ordinance is amended to include a new definition, which is added in alphabetical order:

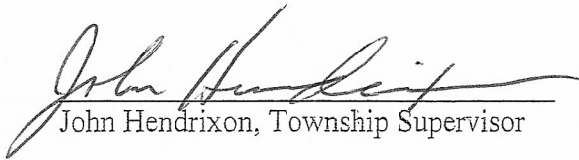
Accessory dwelling unit. A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit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

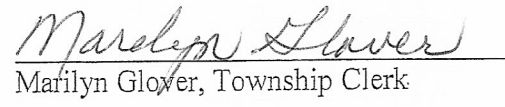
Section 2. Amendment of Section 3.11. Section 3.11 (H) of the Shelby Community Zoning Ordinance is amended to permit accessory dwelling units, which reads as follows:

H. Accessory Dwelling Units (ADUs). ADUs are permitted in Shelby Township only, and shall comply with the following standards:

1. Permit Required. An accessory dwelling unit (ADU) shall be permitted in Agricultural or Rural Residential zoning districts subject to Zoning Administrator review and approval of an application for an ADU. Permits for ADUs 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 periods of less than thirty (30) days.
3. Application. Applications for an ADU permit shall contain the following:
 - a. Basic site plan
 - b. Photographs of 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

Declared adopted on: [DATE]. *SEPT. 3, 2019*


John Hendrixon, Township Supervisor


Marilyn Glover, Township Clerk

4. Regulations and Conditions. ADU's 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 be either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located 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 ADU's 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 than the main entrance 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 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.

Section 3. Severability. Should any portion of this Ordinance/ordinance amendment be declared to be invalid or unconstitutional by a court of competent jurisdiction, that shall not affect any other portion or provision this Ordinance/ordinance amendment which shall remain valid and in full force and effect.

Section 4. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in Oceana's Herald-Journal, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES: 5 AYS

NO: 0 NAYS

ABSENT/ABSTAIN: _____