



# Shelby Township Zoning Ordinance

Effective March 8, 2018

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

**1 Purpose and Introduction**

**2 Definitions**

**3 Zoning Districts**

**4 Use Standards**

**5 Site Standards**

**6 Development Procedures**

**7 Admin and Enforcement**

**3.2 R-1 One-Family Residential**

**A. INTENT**

The One-Family districts are established to provide principally for one-family dwellings at varying densities. The specific intent of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

**User Note:** For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

**B. PRINCIPAL PERMITTED USES**

1. Farms<sup>44.1</sup>
2. One-family dwellings
3. Existing cemeteries<sup>44.3</sup>
4. Township buildings and uses
5. Accessory buildings<sup>44.5.2</sup>
6. State licensed residential facilities<sup>44.7</sup>
7. Family child care homes<sup>44.8</sup>
8. Home occupancies<sup>44.2</sup>

**C. SPECIAL LAND USES**

1. Cemeteries and crematoriums<sup>44.3</sup>
2. Churches and private schools<sup>44.4</sup>
3. Cluster housing<sup>44.5.4</sup>
4. Golf courses<sup>44.5</sup>
5. Group child care homes<sup>44.6</sup>
6. Planned Unit Development<sup>44.3.7</sup>
7. Private non-commercial recreation facilities<sup>44.7</sup>
8. Public buildings and recreation<sup>44.8</sup>
9. Public utility buildings without storage<sup>44.9</sup>
10. Other uses similar to those above

**D. DEVELOPMENT STANDARDS**

**Lot Size**

Minimum lot area<sup>44.2</sup> 30,000 sq. ft.  
Minimum lot width<sup>44.2</sup> 120 ft.

**Lot Coverage**<sup>44.3</sup>

Maximum lot coverage 30%

**Setbacks**<sup>44.4</sup>

Minimum front & street side yard setback See Section 3.27  
Minimum rear yard setback: 100 ft.  
Minimum side yard setback:  
One side 20 ft.  
Total of two sides 50 ft.

**Distance Between Units**

Minimum distance 40 ft.

**Building Height**<sup>44.5</sup>

Maximum building height 35 ft.

Principal Structure Type	Minimum Area in Square Feet	
	3-2 bedrooms	3 bedrooms
1-story	1,380	1,500
1 1/2 story first floor	960	1,100
Total of two	1,500	1,650
2 story first floor	850	1,100
Total of two	1,500	1,800

**Note to District Standards:**  
Section 3.28 B.1, 2, 3, 4, 6, 7, 8, 10.  
Also see Sec. 3.29—Residential Regulations

**E. SELECTED REFERENCES**

- 3. Zoning Districts
  - Open Space Preservation Option 13.2.2
  - Average Lot Size 13.2.3
  - Residential District 13.2.9
  - General Exceptions 13.4.3
- 4. Use Standards
  - Landfills 14.5
  - Animals 14.6
  - Excavation of Holes 14.6.2
  - Garage Sales, Rummage 14.6.2
  - Outdoor Merchandise 14.6.3
- 5. Site Standards
  - Access Across Residential 15.1
  - Accessory Buildings 15.2
- 6. Site Standards (Continued)
  - Corner Visibility 15.3
  - Residential Yard Fences 15.5
  - Frontage 15.6
  - Garbage, Rubbish and Waste Storage, Accumulations 15.7
  - Location and Screening 15.8
  - Maintenance of Property 15.9
  - Location of Structures and 15.10
  - Lot Limitations 15.12
  - Waterford Access 15.13
  - Sanitary Sewer Systems 15.14
  - Site Development 15.17
  - Preservation of Wooded 15.18
  - Landscaping 15.19
- 7. Site Standards (Continued)
  - Parking Lot Landscaping 15.20
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  - Sign Regulations 15.24
  - Lighting 15.25
  - Performance Standards 15.26
  - Stake Requirement and 15.27
  - Building (Structural) Grades 15.28
  - Storage of Motor Vehicles 15.29
- 8. Development Procedures
  - Site Plan Review 16.1
  - Traffic Impact Studies 16.2
  - Site Condominium Sub 16.3
  - Special Land Use Approval 16.5

**How to Calculate Height?**

The above drawings are not to scale.

**3-4** Shelby Township Zoning Ordinance clearzoning®

**3-5** Shelby Township Zoning Ordinance clearzoning®

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

Notes provide relevant district information recommended for review.

Link to *Table of Contents*.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

## Digital User Note:

### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



**Article tabs** located on the side of each page are linked to the Contents page of each Article.



**Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



**Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

### How do I calculate height?

**‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.



**Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the residential uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-1-A	R-1-B	R-1-C	R-2	R-3 to R-7	R-8 to R-12	MHP	HMR
Accessory buildings	P	P	P	P	P	P	P	P	P
Accessory uses					P	P	P	P	P
Age-restricted adult housing			S	S	S	S	S	S	S
Cemeteries and crematoriums	S	S	S	S	S	P	P	S	P
Cemeteries, existing	P	P	P	P	P				
Child care centers and nursery schools					S	S	S	S	S
Child care homes, family	P	P	P	P	P	P	P	P	P
Child care homes, group	S	S	S	S	S	S	S	S	S
Churches	S	S	S	S	S	S	S	S	S
Cluster housing	S	S	S	S				S	P
Colleges and universities									S
Dwellings, apartments						P	P	P	P
Dwellings, multiplexes						P	P	P	P
Dwellings, one-family	P	P	P	P	P	P	P	P	P
Dwellings, detached one-family - planned project						S	S	S	S
Dwellings, two-family					P	P	P	P	P
Dwellings, townhouses						P	P	P	P
Farms	P	P	P	P	P	P	P	P	P
Funeral homes and mortuaries, not including crematoriums					S				
General hospitals, emergency care treatment centers and similar outpatient treatment facilities						S	S	S	S
Gifts, novelties and souvenirs									
Golf courses	S	S	S	S	S	S	S	S	S
Home occupations	P	P	P	P	P	P	P	P	P
Hotels and Motels									P
Mobile home parks								P	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the residential uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	R-1	R-1-A	R-1-B	R-1-C	R-2	R-3 to R-7	R-8 to R-12	MHP	HMR
Nursing homes and skilled nursing facilities						S	S	S	S
Nursery schools and day-care centers						S	S		P
Office, business									P
Office, professional									P
Planned Unit Developments (PUD)	S	S	S	S	S	S	S	S	S
Private clubs, fraternal and lodge halls						S	S	S	S
Public buildings and recreation	S	S	S	S	S	S	S	S	S
Public utility buildings without storage	S	S	S	S	S	S	S	S	S
Recreation facilities, private non-commercial	S	S	S	S	S	S	S	S	S
Schools, private	S	S	S	S	S	S	P	S	P
Sign								P	
State licensed residential facilities	P	P	P	P	P	P	P	P	P
Township buildings and uses	P	P	P	P	P	P	P		P
Wetlands planned development		S							

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the non-residential uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use

A = Accessory Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Accessory buildings			P	P	P	P	P			P	
Accessory outdoor storage									P	P	
Accessory uses	P	P	P	P	P	P	P		P	P	
Adult entertainment						P			P	P	
Age-restricted adult housing										S	
Agricultural uses									P	P	
Amusement and recreation services (except racing and all ride-type uses), including amusement device centers						S					S
Amusement device centers				S	S		A				S
Apparel and accessory stores					P		P				S
Art galleries				P	P	P	P	P			S
Art studios							P				S
Assisted living, housing for elderly (special senior housing)								S			S
Auditoriums, stadiums and outdoor theaters											S
Auto and motorcycle services				P		P					S
Auto parking for a fee, except tow-in parking lots				P		P					S
Auto Repair									P	P	
Auto Services					S	P			P	P	
Automobile washing facilities				S		S			P	P	
Automotive dealer						P			P	P	
Bakery				P	P	P		P			S
Bakery - up to 2,400 sq. ft.			P								
Banks, credit unions and similar uses		P		P	P	P					S
Banks, credit unions and similar uses without drive-through facilities								P			
Banks, credit unions and similar uses - up to 3,500 sq. ft.			P								S
Banks, savings and loan offices, credit unions and similar financial institutions with drive-through window service								S			S
Barber shop/beauty salon				P	P	P					S
Barber shop/beauty salon - up to 2,400 sq. ft.			P								

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the non-residential uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

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A = Accessory Use



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Beauty schools				P	P	P				S	
Beauty schools - up to 5,000 sq. ft.			P								
Bed and breakfast inns and "Suites Hotel"								S		S	
"Big Box" commercial developments								S		S	
Building and landscaping contractor offices with garages for maintenance and storage of equipment									P	P	
Building materials, hardware and garden supplies (except mobile home dealers)						P				S	
Businesses of a drive-in nature, but not including outdoor theaters						S				S	
Cafeterias and shops									A	S	
Cemeteries and crematoriums							P			S	
Cemeteries, existing										S	
Child care centers and nursery schools	S	S	S	S			A	S		S	
Child care homes, family							P			S	
Child care homes, group							P			S	
Churches			S	S	S	S			S	S	
Civic and institutions, including cultural services, minor utility services, public administrative services, public safety, and Recreational facilities								P		S	
Cluster housing							P			S	
Colleges and universities		S								S	
Commercial uses										S	A
Common Open Space, including pedestrian plazas and courts							P			S	
Communication towers	S	S	S	S	S	S	S	S	S	S	S
Community (Township) center							P			S	
Composting (municipal and commercial)										S	
Compounding, processing, packaging, or treatment of products									P	P	
Convenience stores				P	P	P		P			
Convenience stores up to 3,000 sq. ft.			P								

Continued on next page





# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Cultural services								P			
Dance and instructional studios, including martial arts and similar activities				P		P		P		S	
Drilling, completion, and operation of oil and gas wells, and ancillary uses, structures and facilities									S	P	
Drug stores				P	P	P				S	
Drug stores - up to 12,000 sq. ft.			P								
Drug stores w/o drive through service								P		S	
Drug stores with drive-through window service								S		S	
Dry cleaners/laundromats, pick up station with limited dry cleaning on site				P	P	P				S	
Dry cleaners/laundromats, pick up station with limited dry cleaning on site - up to 2,400 sq. ft.			P								
Dry cleaning and garment services								P		S	
Dwellings, apartments							P	P	P	P	
Dwellings, multiplexes							P	P		S	
Dwellings, one-family								P			
Dwellings, single-family - existing									P	P	
Dwellings, detached one-family - planned project								P		S	
Dwellings, two-family							P	P		S	
Dwellings, townhouses							P	P		S	
Educational and design facilities									P	P	
Farms								P		S	
Flower shops with seasonal sales w/o outdoor storage								P		S	
Food, specialty				P	P	P		P		S	
Food, specialty - up to 1,200 sq. ft.			P								

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Food stores						P				S	
Funeral homes and mortuaries, not including crematoriums	S	S						S		S	
Funeral parlors				P		P				S	
Gasoline self-service stations (on existing lawful nonconforming use sites)			S							S	
Gasoline service stations				S	S	P			P	P	
General hospitals, emergency care treatment centers and similar outpatient treatment facilities		S								S	
General merchandise stores, department stores and variety stores				P	P	P	P			S	
Golf courses										S	P
Grocery stores				P	P	P		P		S	
Grocery stores - up to 12,000 sq. ft.			P								
Grocery stores and supermarkets					P		P			S	
Hardware stores				P	P	P		P		S	
Hardware stores - up to 10,000 sq. ft.			P								
Health and athletic clubs				P	P	P	P			S	
Home furniture, furnishing and equipment stores				P	P	P	P			S	
Home furnishings - up to 2,400 sq. ft.			P							S	
Home improvement, specialty				P		P				S	
Home improvement, specialty - up to 2,000 sq. ft.			P								
Home occupations							P			S	
Hotels and motels							P			S	
Hotels, motels, and tourist court						P				S	
Instructional businesses									P	P	
Junk yards										S	
Kennels										S	
Landfills										S	
Laundry, cleaning and garment services				P		P				S	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Library or museum							P			S	
Massage Therapy	A	A	A	A	A	A	A	A			
Manufacture of light products									P	P	
Manufacturing									P	P	
Mining and extraction									S	S	
Motion picture theaters, except drive-ins					P	P	P			S	
Movie and art theaters								P		S	
Multiple Family Residential							P			S	
Nursing homes and skilled nursing facilities		S								S	
Nurseries and greenhouses				S	S	S			S	S	
Nursery schools and day-care centers	S		S	S			P	S		S	
Office, administrative									P	P	
Office, business							P		P	P	
Office, corporate headquarters									P	P	
Office, financial institutions (w/o drive through facilities)								P		S	
Office, medical and dental								P		S	
Office, real estate		P								S	
Office, professional	P	P	P	P	P	P	P	P	P	P	
Open air businesses						S				S	
Outdoor display of merchandise						P		P		S	
Outdoor storage as a predominant use (also see accessory outdoor storage)									S		
Parking and loading structures and areas							A				
Passenger car rental and leasing and used vehicle display lots				P		P				S	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Personal service (except escort services massage parlors and lingerie sales with modeling)				P		P					S
Personal service (except escort services massage parlors and tattoo parlors)						P					S
Personal service (including barber/beauty salon, and small appliance repair)								P			S
Personal services, other - up to 1,600 sq. ft.			P								
Pet shops				P	P	P	P				S
Photographic studios				P	P	P	P	P			S
Pilot plants									P	P	
Planned Unit Developments (PUD)	S	S	S	S	S	S			S	S	
Private clubs, fraternal and lodge halls		S								S	
Propane sales	A	A	A	A	A	A	A	A			
Production of prototype products in limited quantities									P	P	
Public administrative services								P			
Public buildings and recreation							P				
Public facilities and uses									P	P	
Public parks, public playgrounds, public swimming areas, and similar outdoor public recreation activity areas and public open space											P
Public safety services								P			
Public utilities							A				
Public utility buildings									S	S	
Public utility buildings without storage	S	P	P	P	S	P				S	
Race Tracks										S	
Radio, telephone and television towers, antennae and similar structures							A				

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Recreation facilities, both indoor and outdoor							A			S	
Recreation facilities, private non-commercial		S								S	
Recreation, indoor							P		P	P	
Recreation space providing children's amusement park and other similar recreations					S					S	
Refuse disposal incinerators and transfer stations										S	
Repair services				P	P	P				S	
Repair services - up to 1,000 sq. ft.			P								
Research, development and testing facilities for industrial, scientific and business establishments									P	P	
Restaurant, fast-food/carry-out - up to 1,500 sq. ft.			P							S	
Restaurant, fast-food/carry-out with accessory drive through				S	P		P			S	
Restaurant, fast-food/carry-out without accessory drive through				P		P					
Restaurants, sit-down							P	P	P	P	
Restaurants, sit-down without entertainment				P	P	P				S	
Restaurants with outdoor dining				P	P	P	P	P	P	P	
Restaurants, sit-down without entertainment - up to 5,000 sq. ft.			P								
Retail, clothing and shoes				P			P	P		S	
Retail, clothing and shoes - up to 1,500 sq. ft.			P								
Retail complementary to office districts		P								S	
Retail, general				P	P	P	P			S	
Retail, gifts/specialty								P		S	

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Retail, gifts/specialty - up to 1,600 sq. ft.			P								
Retail sales, outdoors					S					S	
Schools, business and technical							P			S	
Schools, private			S	S	S	S				S	
Screening											P
Self-storage facilities						S			P	P	
Sewing, needle work and piece goods				P		P				S	
Shooting ranges										S	
Showrooms for the display of merchandise or equipment									P	S	
Slaughterhouses										S	
Sleeping quarters for security and maintenance personnel									P	P	
Specialty markets, seasonal with limited outdoor merchandising								S		S	
State licensed residential facilities							P			S	
Stationary - up to 5,000 sq. ft.			P								
Tanning salons				P	P	P				S	
Tanning salons - up to 1,200 sq. ft.			P								
Telephone exchanges, transformer stations and substations without storage yard			P	P	P	P					
Temporary buildings			P	P	P	P				P	
Theaters, auditoriums, concert halls and similar places of assembly							P			S	
Township buildings and uses							P			S	
Township, county, state, and federal buildings and uses for administrative functions and uses by the general public											P

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the non-residential uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
Utility service buildings, water supply and water and gas tanks and holders									P	P	
Utility services, minor								P			
Veterinary clinics, doctors, dog grooming, boarding and dog day care				P		P				S	
Video stores				P	P	P				S	
Video stores - up to 7,500 sq. ft.			P								
Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses									P	P	
Wetlands planned development										S	



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 One-Family Residential	30,000 sq. ft.	120	<a href="#">See Section 3.27</a>	20 one side 50 total of two	100
R-1-A One-Family Residential	19,800 sq. ft.	110	<a href="#">See Section 3.27</a>	8 one side 20 total of two	50
R-1-B One-Family Residential	14,400 sq. ft.	90	<a href="#">See Section 3.27</a>	7 one side 18 total of two	50
R-1-C One-Family Residential	12,000 sq. ft.	90	<a href="#">See Section 3.27</a>	7 one side 15 total of two	40
R-2 Two-Family Residential with public sewer & water	14,000 sq. ft.	100	<a href="#">See Section 3.27</a>	10	35
R-2 Two-Family Residential without public sewer & water	17,500 sq. ft.	100	<a href="#">See Section 3.27</a>	10	35
R-3 to R-7 Multiple-Family Residential Low-Rise	24,000 sq. ft.	100	<a href="#">See Section 3.27</a>	50	50
R-4 to R-12 Multiple-Family Residential Low-Rise	24,000 sq. ft.	100	<a href="#">See Section 3.27</a>	50	50
MHP Mobile Home Park	10 acres for park 5,500 sq. ft. lot	<a href="#">See Section 3.30</a>	120 from perimeter of park	50 from perimeter of park	50 from perimeter of park
HMR High and Mid-Rise	N/A	N/A	<a href="#">See Section 3.27</a>	<a href="#">See Section 3.32</a>	
O-1 Professional Office	12,000 sq. ft. per building	80 ft. per building	<a href="#">See Section 3.27</a>	30 abutting residential 0 on interior side	30 abutting residential 24 abutting non-residential
O-2 Service Office	15,000 sq. ft. per building	100 ft. per building	<a href="#">See Section 3.27</a>	30 abutting residential 10 on interior side	20

Continued on next page





# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE (CONTINUED)

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
C-1 Local Retail Business	12,000 sq. ft. per building	80 per building	<a href="#">See Section 3.27</a>	30 abutting residential 20 abutting street or alley	20
C-2 Linear Retail Business	16,000 sq. ft. per building	80 per building	<a href="#">See Section 3.27</a>	30 abutting residential 20 abutting street or alley	24
C-3 Shopping Center Business	5 acres per building	300	<a href="#">See Section 3.27</a>	40	100 abutting residential 40 abutting non-residential
C-4 General Business	40,000 sq. ft. per building	100	<a href="#">See Section 3.27</a>	30	30
C-5 Multi-Use	80 acres	1 to 4 ratio	<a href="#">See Section 3.27</a>	<a href="#">Section 3.33.H.3</a>	
C-6 Shelby Center	<a href="#">See Section 3.18</a>				
L-M Light Manufacturing	20,000 sq. ft.	100	<a href="#">See Section 3.27</a>	50 abutting non-manufacturing 5 abutting manufacturing	100 abutting residential 20 abutting non-residential
H-M Heavy Manufacturing	20,000 sq. ft.	100	<a href="#">See Section 3.27</a>	100 abutting non-manufacturing 5 abutting manufacturing	100 abutting residential 20 abutting non-residential
REC Recreation	<a href="#">See Section 3.35</a>			100 abutting residential 25 abutting non-residential	100 abutting residential 25 abutting non-residential

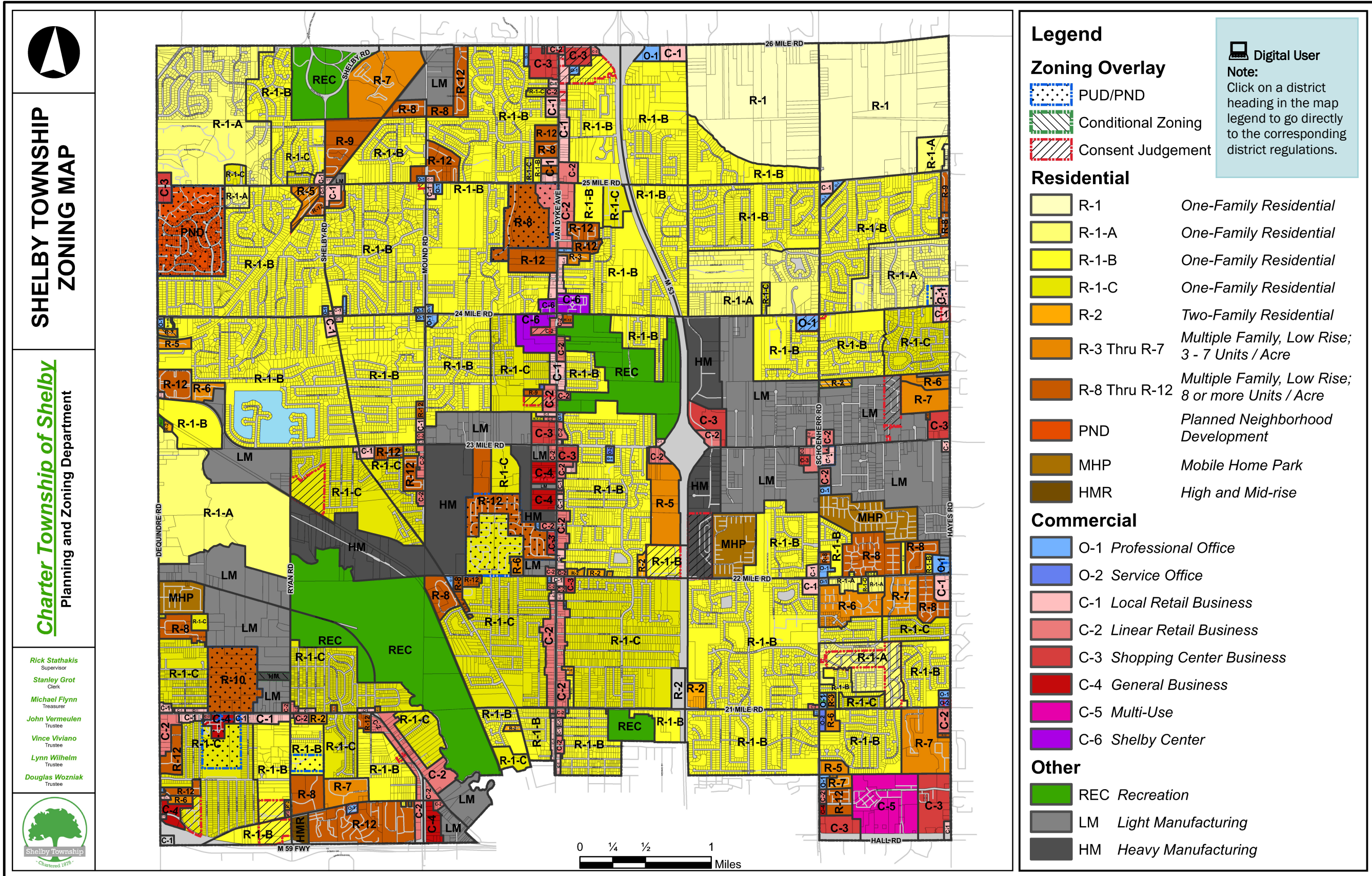


# How to Use This Ordinance

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# ZONING MAP



## SHELBY TOWNSHIP ZONING MAP

*Charter Township of Shelby*  
Planning and Zoning Department

- Rick Stathakis*  
Supervisor
- Stanley Grot*  
Clerk
- Michael Flynn*  
Treasurer
- John Vermeulen*  
Trustee
- Vince Viviano*  
Trustee
- Lynn Wilhelm*  
Trustee
- Douglas Wozniak*  
Trustee



### Legend

#### Zoning Overlay

- PUD/PND
- Conditional Zoning
- Consent Judgement



**Note:**  
Click on a district heading in the map legend to go directly to the corresponding district regulations.

#### Residential

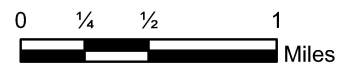
- R-1 *One-Family Residential*
- R-1-A *One-Family Residential*
- R-1-B *One-Family Residential*
- R-1-C *One-Family Residential*
- R-2 *Two-Family Residential*
- R-3 Thru R-7 *Multiple Family, Low Rise; 3 - 7 Units / Acre*
- R-8 Thru R-12 *Multiple Family, Low Rise; 8 or more Units / Acre*
- PND *Planned Neighborhood Development*
- MHP *Mobile Home Park*
- HMR *High and Mid-rise*

#### Commercial

- O-1 *Professional Office*
- O-2 *Service Office*
- C-1 *Local Retail Business*
- C-2 *Linear Retail Business*
- C-3 *Shopping Center Business*
- C-4 *General Business*
- C-5 *Multi-Use*
- C-6 *Shelby Center*

#### Other

- REC *Recreation*
- LM *Light Manufacturing*
- HM *Heavy Manufacturing*



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# Article 1.0

## Purpose and Introduction



Article 1.0 Purpose and Introduction

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- 1.2 Intent \_\_\_\_\_ 1-3
- 1.3 Application \_\_\_\_\_ 1-3
- 1.4 Interpretation, Application and Conflict \_\_\_\_\_ 1-3
- 1.5 Zoning Map \_\_\_\_\_ 1-3
- 1.6 Voting Place \_\_\_\_\_ 1-4
- 1.7 Savings Clause \_\_\_\_\_ 1-4
- 1.8 Severability \_\_\_\_\_ 1-4
- 1.9 Conflicting Provisions \_\_\_\_\_ 1-4
- 1.10 Inconsistent Acts \_\_\_\_\_ 1-4
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- 1.12 Effective Date \_\_\_\_\_ 1-4
- 1.13 Publication \_\_\_\_\_ 1-4



# 1.0 Purpose and Introduction

## 1.1 SHORT TITLE.

This Ordinance shall be known and may be cited as the Charter Township of Shelby Zoning Ordinance, as amended, and shall be referred to herein as "this Ordinance."

## 1.2 INTENT.

The purpose of this Ordinance is to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to preserve the natural resources and assure the provision of adequate land for food, fiber, energy and other natural resources, as well as providing places of residence, recreation, industry, trade, service and other uses of land; to provide limitations on the inappropriate overcrowding of land and the congestion of population, transportation systems and other public facilities; to preserve open space and natural features; to protect industry, commerce, agriculture and residences against the incursion of incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township; to assure the provision of adequate space conducive to healthy living conditions; to provide facilities for the parking of vehicles necessary and incidental to principal uses of land; to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems; and to require that all uses of land be coordinated in conformity with the Charter Township of Shelby Master Plan.

## 1.3 APPLICATION

No building or structure, or part thereof, shall hereinafter be moved into the Township, erected, constructed, reconstructed or altered and maintained, and no new use or change in use shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

## 1.4 INTERPRETATION, APPLICATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, these regulations shall be held to be the minimum requirements necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and, likewise, not in conflict with this Ordinance. Nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district, and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special approval land use permit by the Shelby Township Planning Commission or Township Board where such higher or more restrictive conditions meet the state requirements and are found necessary after review by the Township Board or Planning Commission to attain the intent of this Ordinance.

## 1.5 ZONING MAP

1. The areas of the Charter Township of Shelby comprising the zoning districts as established in Article 3 of this Ordinance and the boundaries of said district shall be as shown upon the map attached hereto, which map, together with all notations, references and other information shown thereon, shall be and hereby is designated as the Charter Township of Shelby Zoning Map and is hereby made a part of this Ordinance.
2. Regardless of the existence of purported copies of the zoning map which may from time-to-time be made or published, the zoning map, which shall be located in the office of the Township clerk, shall be the final authority as to the current status of zoning in Shelby Township.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- 3. In the event that the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may, by resolution, adopt a new zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but in no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof.
- 4. Unless the prior zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

1.6 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

1.7 SAVINGS CLAUSE

Any applicant which has filed an application for approval of a site plan, special land use or subdivision plat and, at the time of adoption of this Ordinance, the site plan or special land use has been approved by the Planning Commission or the subdivision plat has been granted tentative preliminary plat approval, shall have a right to process the application under the zoning in effect at the time the application was filed. Any approval or permit for a use which would be nonconforming under this Ordinance or any amendment hereto shall not be renewed in the event construction pursuant to such approval and permit is not commenced within one year from the date of approval.

1.8 SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

1.9 CONFLICTING PROVISIONS

Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the Charter Township of Shelby, Macomb County, Michigan, Ordinance Number 1, effective July 16, 1993, and as amended, is specifically repealed in its entirety.

1.10 INCONSISTENT ACTS

Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling except that this act shall not supersede Article 20 of Public Act No. 299 of 1980 (MCL 339.2001 et seq., MSA 18.425 (2001) et seq.), as to work required to be performed by registered architects, professional engineers or land surveyors. This act shall not preclude the creation or continuance of a Township Planning Commission created pursuant to Public Act No. 33 of 2008 (MCL 125.31 et seq., MSA 5.2991 et seq.).

1.11 INCONSISTENT ORDINANCES

Insofar as the provisions of any ordinance lawfully adopted under the provisions of this act are inconsistent with the provisions of ordinances adopted under any other law, the provisions of ordinances adopted under the provisions of this act, unless otherwise provided in this act, shall be controlling.

1.12 EFFECTIVE DATE

This Ordinance shall take effect seven days from and after publication of a notice of adoption of said Ordinance in The Source, a newspaper of general circulation within the Charter Township of Shelby, Macomb County, Michigan.

1.13 PUBLICATION

Notice of adoption of this Ordinance was published in The Source, a newspaper of general circulation within the Charter Township of Shelby, on February 28, 2018.





**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

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# Article 2.0 Definitions



## Article 2.0 Definitions

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Abandonment Abutting Accessory building (accessory structure) Accessory use, or accessory Active adult community Adult Entertainment definitions* Age-restricted adult housing Agricultural pond Agricultural use Air rights Airport Alley Alterations Amusement device Amusement device center Ancillary use Antenna (See also satellite dish antenna) Apartment Apartment (house) Architectural features Assisted living facilities Automobile repair Automobile wash Automobile wrecking yard (See also junkyard) Basement (cellar) Bedroom Berm Block Boat house Boat, recreational Bureau Buildable area Building	Building director Building group Building height Building line Building, main or principal Building, multiple-family Building permits Building, single-family Building, temporary Building, townhouse Building, two-family Canal Canopy Car wash Car wash, automatic Carport Carry-out restaurant Cemetery Child care center Church or place of religious worship Clinic Club, lodge or fraternity Cluster development Commercial use Commission Community [township] center Compost Compostable material Composting Condominium Condominium Act Condominium subdivision plan Congregate care facility Conservation easement Construct and erect	Contaminants Continuing care retirement community Convalescent Convenience store Court Deck Density Development District (zoning district) Drive-in establishment Dwelling unit Earth materials Earthfill Easement Equal degree of encroachment Erected Essential services Excavation Facade Family Family child care home Farm* Farm buildings Fast-food restaurant Fence Filling Flea market Floodlight illumination Floor area, gross (for the purpose of computing parking) Floor area ratio Floor area, residential Foot candle *Multiple terms are defined in this Ordinance.
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Freeway	Logo	Nursing facility, skilled
Frontage	Lot*	Nursing home
Funeral home	Lot area	Obstruction, water
Garage, automobile repair	Lot, condominium	Occupancy load
Garage, private	Lot, corner	Occupied
Garage, public	Lot coverage	Off-street parking lot
Garage, storage	Lot depth	Open air business uses
Garbage	Lot, double frontage (also through lot)	Open front store
Gas and service station	Lot lines*	Open space
Gasoline self-service station	Lot of record	Open space, common
Gasoline service station	Lot, substandard	Outdoor storage
Gift and specialty store	Lot width	Outlot
Grade	Major thoroughfare	Parcel
Grade, building	Malfeasance	Park
Greenbelt (also see screening)	Manufacture of light products	Parking space
Gross floor area	Manufacturing	Performance guarantee (also maintenance guarantee)
Gross site area	Master deed	Person
Group child care home	Master plan	Personal services, other
Hazardous substances	Mean grade	Planned development
Home occupation	Mechanical movement	Planned shopping center
Hospital	Mezzanine	Planned unit development (PUD)
Hotel	Misfeasance	Planning Commission
House, boarding	Mobile home	Planning coordinator
House, rooming	Mobile home park	Porch, enclosed
House, trailer	Motel	Porch, open
Household pet	Municipal and commercial composting operations	Principal building
Impervious surface	Municipal civil infraction action	Principal use
Independent living facility	Municipal civil infraction citation	Private drive
Indirect illumination	Municipal civil infraction notice	Private street or road
Industrial park	Municipal ordinance violations bureau	Professional office building
Industry, general	Municipality [Township]	Public launching ramp
Industry, light	Neighborhood	Public nuisance
Interstate highway	Nonconforming building	Public road
Inverted residential structures	Nonconforming use	Public utility
Junk	Nonfeasance	Quarry excavation (see also excavation)
Junkyard	Nuisance	Recreation vehicles*
Kennel	Nuisance factor	Recreational vehicle (RV) park
Laboratory	Nursery, plant materials	
Lake	Nursery school	
Lake, private		
Loading space		

\*Multiple terms are defined in this Ordinance.

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- Recycling center
- Recycling collection point
- Recycling plant
- Regulatory flood protection elevation
- Repairs
- Repeat offense
- Residential entrance way
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- Restaurant, fast-food
- Retail, general
- Right-of-way
- River Valley Floodplains
- Roadside stands
- Room
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- Satellite dish antenna
- Scenic easement
- Screening
- Secondary road
- Self-service storage facility
- Separate ownership
- Setback
- Shopping center
- Sign\*
- Site
- Skilled nursing facility
- Soil removal
- Special mobile equipment
- Special land use
- Specialty food
- Stable, commercial
- Stable, private
- State equalized valuation
- State licensed residential facility
- Story
- Story, half
- Street
- Structural alteration
- Structure
- Swimming pool
- Temporary use or building
- Tents
- Territecture
- Township
- Township Board
- Transfer of development rights
- Transitional use
- Travel trailer park (overnight camping facility)
- Tree canopy
- Use
- Valley areas
- Variance
- Vertical projection
- Veterinarian clinic
- Walls, obscuring
- Warehousing and distribution
- Woodland or woodlot
- Yard\*
- Yard waste
- Zero lot line
- Zone
- Zoning Board of Appeals
- Zoning Ordinance

\*Multiple terms are defined in this Ordinance.



# 2.0 Definitions

## 2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
- D. 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.
- E. A "building" or "structure" includes any part thereof.
- F. The term "lot" includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for."
- H. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and", "or", "either ... or", the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either or" indicates that the connected items, conditions, provisions or events shall apply but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.

## 2.2 DEFINITIONS

**Abandonment.** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abutting.** Having a common border with, or being separated from such a common border by, a right-of-way, alley or easement.

**Accessory building (accessory structure).** A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. For measurement of area proposed, an attached garage or deck shall be considered an accessory structure.

**Accessory use, or accessory.** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence or their guests.
- C. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- F. Accessory off-street parking spaces, upon or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.

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- G. Uses clearly incidental to a main use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- H. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.
- I. Accessory signs, subject to the sign regulations for the district in which the lot is located.

(NOTE: The storage of boats, vehicles, recreation equipment in excess of size or number of those commonly associated with residential uses in the district will not be considered accessory regardless of whether or not such storage is located in a building.)

**Active adult community.** A community or living facility designed specifically for the interest of persons age 55 and older, which typically contains recreational amenities and support services for older adults who are healthy, active, and capable of complete independent living.

**Adult Entertainment definitions.**

- A. **Adult book store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult mini motion picture theater.** An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- C. **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- D. **Adult video store.** An establishment having as a substantial or significant portion of its stock in trade, pictures, films or videotapes which are characterized or distinguished by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as further defined).
- E. **Cabaret.** See group "D" cabaret definition.
- F. **Group "D" cabaret.** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
- G. **Specified anatomical areas:**
  - 1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. Specified sexual activities:
  - 1. Human genitals in a state of sexual stimulation or arousal.
  - 2. Acts of human masturbation, sexual intercourse or sodomy.
  - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Age-restricted adult housing.** A variety of housing types designed to specifically meet the varied needs of persons age 55 and older. Such housing may include active adult communities, independent living facilities, continuing care retirement communities, assisted living and congregate care facilities.

**Agricultural pond.** A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set by the soil conservation service (SCS) for design, engineering, construction and maintenance. This definition shall also include water and land areas devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use.



**Agricultural use.** Farms and general farming, including horticulture, floricultural [floriculture], dairying, livestock and poultry raising, farm forestry, sod farming, greenhouses and tree and shrub nurseries where only stock raised on the premises may be sold at retail, and other similar enterprises or uses; and no agricultural use shall be operated for the disposal of garbage, sewage, rubbish, offal or [of] rendering plants, or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.

**Air rights.** The ownership or control of all land, property, and that area of space at and above a horizontal plain [plane] over the ground surface of land used for railroad or freeway purposes. The horizontal plain [plane] shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

**Airport.** Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley.** Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation and not more than 20 feet wide.

**Alterations.** Any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed." (Also see structural alteration.)

**Amusement device.** Amusement device means any coin, token or otherwise mechanically or electronically operated device which may be operated or set in motion by the insertion of a coin, token or other mechanical or electronic means. Examples of such devices, by way of illustration and not by way of limitation, are video games, pinball machine, skee-ball machine, air hockey machine, pool table, miniature pool table, shuffle board, motion picture machine, bagatelle, pigeonhole, pingame, puckgame, marblegame, baffleboard, tabletop game, music playing machine commonly known as "juke box" or any similar machine, instrument or contrivance.

**Amusement device center.** A structure, tenant space or building containing six or more amusement devices.

**Ancillary use.** An ancillary use is any use, building or facility that is substantially similar in character to the use that is authorized as a permitted use or special land use in any specific land use district, including but not limited to ancillary uses such as storage, waste, processing, mixing, hauling, transport, pits, pads, pipelines, berms associated with the authorized permitted use or special land use.

**Antenna (See also satellite dish antenna).** A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas and satellite receiving dishes.

**Apartment.** A room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities therein.

**Apartment (house).** A building containing three or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

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

**Assisted living facilities.** Housing for seniors who require limited supportive services for their daily living activities but are mobile and capable of performing most routine tasks. Dementia-care or memory-care facilities are typically secured assisted living facilities.

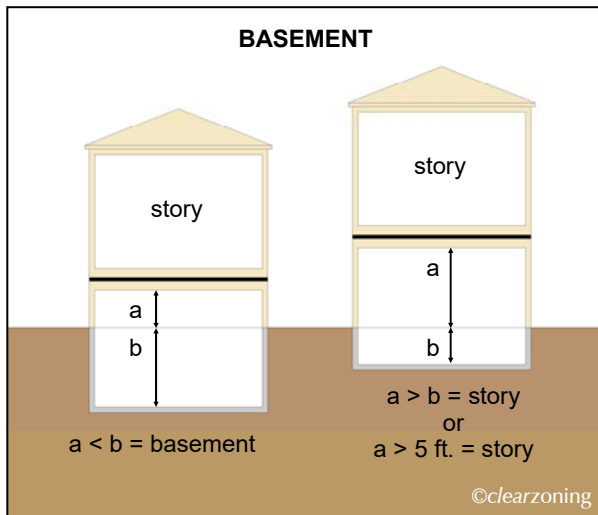
**Automobile repair.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service (such as body, frame or fender straightening and repair), overall painting, and vehicle rustproofing.

**Automobile wash.** (See car wash).



**Automobile wrecking yard (See also junkyard).** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Basement (cellar).** A basement is that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five feet or more, such areas shall be considered as a story. 🏠



**Bedroom.** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**Berm.** An earthen mound graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

**Block.** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the Township.

**Boat house.** A boat house is a structure for the storage, shelter and simple routine maintenance of a privately owned boat and not used to serve the public for revenue, public storage or maintenance purposes.

**Boat, recreational.** Any vessel used primarily for non-commercial use or leased, rented, or chartered to another for the latter's non-commercial use. Commercial boats used by six or fewer persons for recreational purposes shall be considered as recreational boats for purposes of this Ordinance.

**Bureau.** The Charter Township of Shelby Municipal Ordinance Violations Bureau as established by [Section 7.24.E](#).

**Buildable area.** The buildable area of a site or lot is the space remaining after the minimum space requirements of this Ordinance have been deducted.

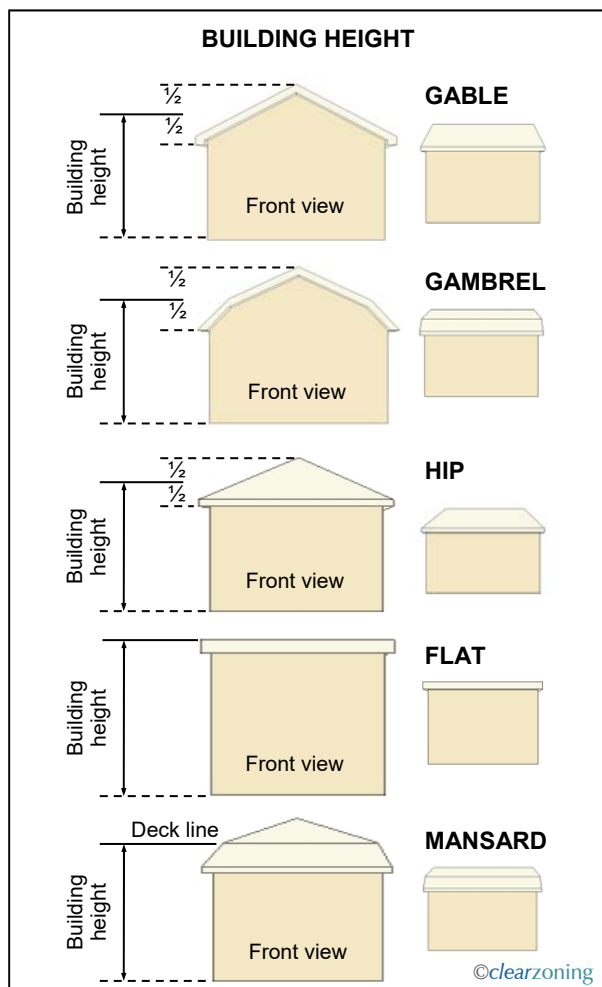
**Building.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels in a building. This shall include tents, awnings or vehicles situated on private property and use for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**Building director.** The individual designated by the Township Board, or his authorized representative, to enforce the provisions of the building code.



**Building group.** A group of two or more detached or semi-detached buildings occupying a parcel of land in common ownership and having yards or courts in common.

**Building height.** The vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure. ✍



**Building line.** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

**Building, main or principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building, multiple-family.** A building, or portion thereof, used or designed as residence for three or more families living independently of each other, including but not limited to apartments, multiplexes, townhouses, and similar uses.

**Building permits.** A building permit is the written authority issued by the building official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

**Building, single-family.** A detached building designed or occupied exclusively by one family.

**Building, temporary.** A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

**Building, townhouse.** A building occupied by three or more families where each dwelling unit is divided from the one adjacent to it by a party wall extending the full height of the building. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties and utilities and service facilities are independent for each property.

**Building, two-family.** A detached building designed for or occupied exclusively by two families living independently of each other, such as a duplex dwelling unit.

**Canal.** An artificially constructed or excavated channel used for navigation purposes or boat docks and as a means of ingress or egress to other bodies of water or for building lots on the banks thereof shall be known as a canal.



**Canopy.** A suspended covering, often movable, placed above a door, window, or other entranceway constructed of cloth, metal, wood, or other materials.

**Car wash.** An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning and washing of motor vehicles.

**Car wash, automatic.** A building that provides facilities for washing and cleaning motor vehicles, which uses production line methods with a conveyor, blower or other mechanical devices, and which may employ some hand labor for drying, polishing or waxing.

**Carport.** A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

**Carry-out restaurant.** (See restaurant, fast-food).


**Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

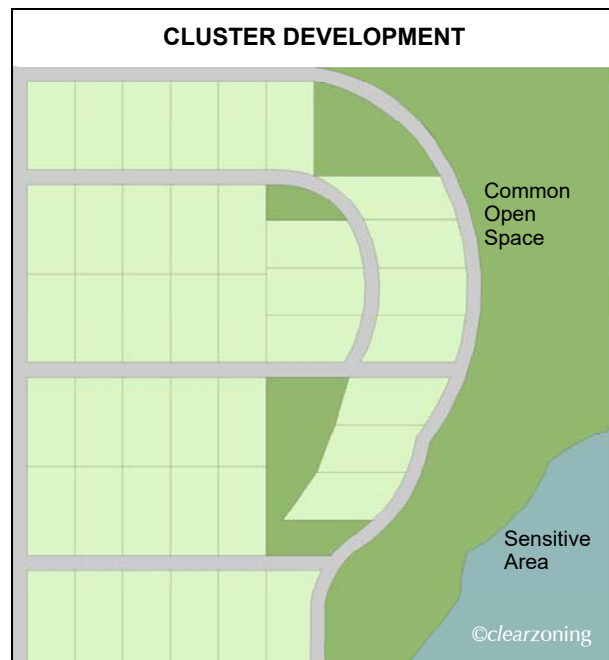
**Child care center.** A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

**Church or place of religious worship.** An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word "church" shall not include or mean an undertaker's chapel or funeral building.

**Clinic.** A place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

**Club, lodge or fraternity.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

**Cluster development.** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas. 



**Commercial use.** An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

**Commission.** The word "commission" shall mean the Charter Township of Shelby Planning Commission.

**Community [township] center.** A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community [township].

**Compost.** A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials; the end product of the composting process; also known as humus.

**Compostable material.** For the purpose of this Ordinance, compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to, leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge or garbage.

**Composting.** A yard waste management alternative to burning and/or landfilling in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

**Condominium.** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property.

**Condominium Act.** Public Act 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.).

**Condominium subdivision plan.** The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements of site plan review.

**Congregate care facility.** Group living facility for seniors who may or may not require assistance with daily living. Typically provide more intensive services than assisted living facilities, but require residents to have at least partial mobility and reasonably good health.

**Conservation easement.** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

**Construct and erect.** In relation to a sign, means to build, construct, attach, hang, place, paint, suspend or affix any sign.

**Contaminants.** Material received along with the yard wastes which cannot be composted and, therefore, should be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to, plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

**Continuing care retirement community.** Cluster of a variety of housing options to meet the spectrum of needs and interests ranging from active adults through assisted living, often including on-premises skilled nursing facilities. Primary feature is the provision of "lifetime" supportive services at each stage of a senior's later life.

**Convalescent.** (See nursing home and skilled nursing facility).

**Convenience store.** A party store, store selling beer and wine, and similar retail businesses .

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**Court.** An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied, except as otherwise herein provided. 



**Deck.** A wooden platform structure higher than 18 inches above the mean yard grade.

**Density.** The number of families residing on, or dwelling units developed on, an acre of land.

**Development.** The construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, fill or land disturbance; and any use or extension of the use of land.

**District (zoning district).** A portion of the Charter Township of Shelby within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Drive-in establishment.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

**Dwelling unit.** A dwelling unit is any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

**Earth materials.** Earth materials include top soil, subsoil, sand, gravel, clay and any combination of natural materials located on or in the earth itself (but not including oil or gases) as they exist in their normal state.

**Earthfill.** The orderly deposit of earthen materials for the purpose of elevating the grade to develop the site for specific use.

**Easement.** The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

**Equal degree of encroachment.** A standard applied in determining the location of encroachment limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of floodflows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for significant reach.

**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 term "essential services" means the erection, construction, alteration, maintenance addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications (excluding commercial radio, television and other transmitting or relay antenna towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and



accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality [township] and immediate surrounding territory by such public utilities or municipal departments or commissions. Such facilities both above and below ground, including storage fields and high pressure mains designated to serve users outside of this municipality [township] and immediate surrounding territory, shall not be considered essential services under this definition.

**Excavation.** Any breaking of ground, except common household gardening and ground care.

**Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Family.** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

**Family child care home.** A private residence in which one but fewer than seven minor children are received for care or supervision for periods less than 24 hours a day and more than four weeks in a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption.

**Farm.**

A. In the one-family districts, farm shall mean the raising of vegetables or the keeping of small farm animals, including poultry, for any purpose. The keeping of horses shall be governed by [Section 4.60.B](#).

B. In all other districts farm shall mean the cultivation of land for the production of agricultural crops and includes the production of poultry and poultry products, the production of livestock including breeding and grazing, the production of grains and feeds, the production of forages and sod, the production of dairy products, the production of fruits and vegetables, the production of timber and timber products, the production of seeds and grasses, and the production of equine.

**Farm buildings.** Any building or structure, other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**Fast-food restaurant.** (See restaurant, fast-food and restaurant, drive-in.)

**Fence.** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.


**Filling.** Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

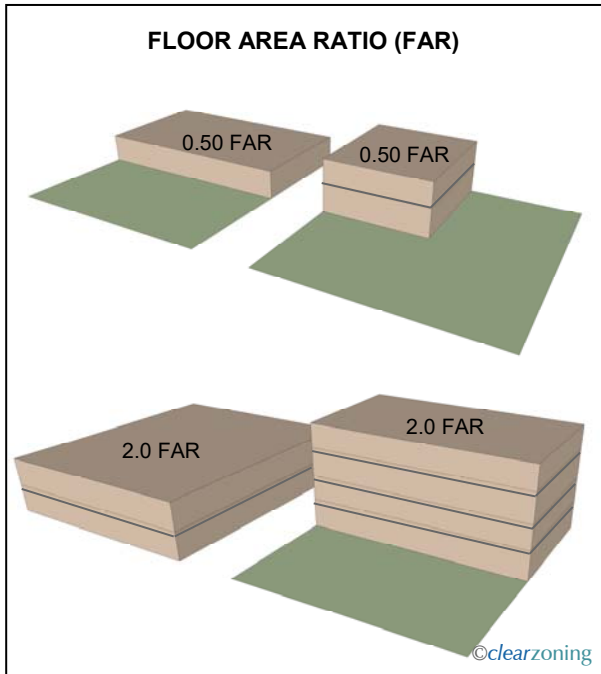
**Flea market.** An occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

**Floodlight illumination.** Illumination provided by a floodlight or spotlight.

**Floor area, gross. (for the purpose of computing parking):** Floor area is the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls or from the centerline of walls separating two buildings. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines.



**Floor area ratio.** Determined by dividing the gross floor area of all buildings on a lot or site by the area of that lot/site. 



**Floor area, residential.** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Foot candle.** The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

**Freeway.** A divided highway of not less than two lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from or across the highway, except at points determined by, or as otherwise provided by, the authorities responsible therefor.

**Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

**Funeral home.** A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Garage, automobile repair.** See automobile repair.

**Garage, private.** An accessory building or portion of 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, with no facilities for mechanical service or repair of a commercial or public nature, having capacity for not more than three automobiles.

**Garage, public.** Any building or premises, other than a gasoline filling station, used for housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

**Garage, storage.** Any premises, except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**Garbage.** Garbage shall mean all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure and fowl manures.



**Gas and service station.** A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space or facilities for the storage, minor repair or servicing, but not including bumping, painting, refinishing, large parts installation where the primary use of the premises is such, or high speed washing thereof.

**Gasoline self-service station.** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**Gasoline service station.** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair as herein defined for automobile repair stations.

**Gift and specialty store.** This use includes florist, records/tapes, party supplies, cosmetics, baseball cards, collectibles, hobby supplies, cake decorating supplies, jewelry, trophy shops, art gallery, eye glasses, sporting goods, pets, fabrics, computers and musical instruments, and other similar uses.

**Grade.** The lowest point of elevation of the finished surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

**Grade, building.** The finished grade at the building shall be the building grade.

**Greenbelt (also see screening)** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**Gross floor area.** The total area of a building measured with reference to the outside walls thereof and including all levels.

**Gross site area.** The total site area under the ownership of the applicant before any deductions are made for roads, open space, parcels to be separated or planned for later development, and the like.

**Group child care home.** A private residence in which more than six but not more than 12 minor children are received for care or supervision for periods less than 24 hours a day and more than four weeks in a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption.

**Hazardous substances.** Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials as defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources, and hazardous waste as defined by the Michigan Department of Natural Resources

**Home occupation.** An activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Home occupations may include uses such as or similar to home offices; personal services such as barbershops, beauty parlors, manicure and pedicure shops, and pet grooming; instructional services such as music, dance, tutoring, and art and craft classes; studios for artists, sculptors, musicians, and photographers; workrooms for tailors, dressmakers, and craft persons; and repair services for items such as watches and clocks, small appliances, computers, and electronic devices.

**Hospital.** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the health department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

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**Hotel.** A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation. Hotels may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

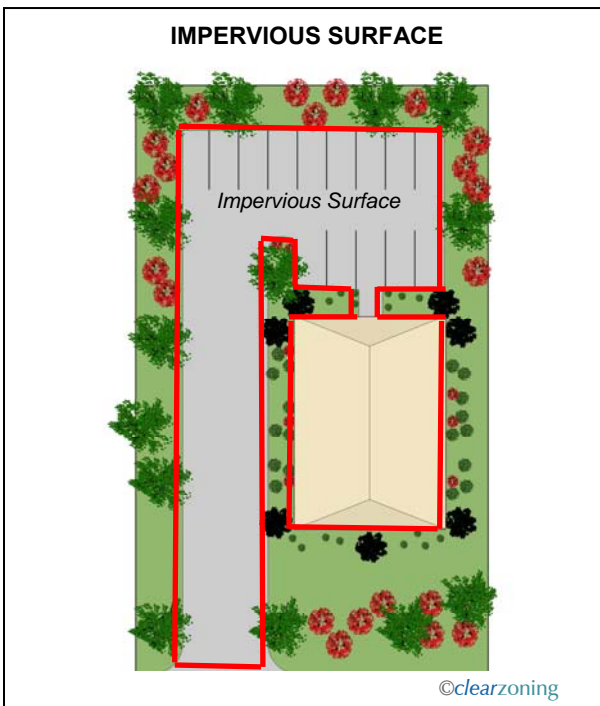
**House, boarding.** A residential structure in which non-family members are sheltered and fed for a fee.

**House, rooming.** A residential structure in which non-family members are sheltered for a fee.

**House, trailer.** See mobile home.

**Household pet.** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds and rodents, not to include pot belly pigs or reptiles.

**Impervious surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar improvements and structures.



**Independent living facility.** Housing which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided. Typically multiple-family residential buildings.

**Indirect illumination.** Illumination from a concealed light source.

**Industrial park.** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**Industry, general.** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve nuisances or commonly recognized offensive conditions. Such use shall be within the limits of the district's performance standards.

**Industry, light.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such use shall be within the district's performance standards.

**Interstate highway.** A highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

**Inverted residential structures.** A residential structure where the floor area of the second floor exceeds the floor area of the first floor.



**Junk.** For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**Junkyard.** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Kennel.** Any lot or premises on which three or more dogs, six months old or older are kept, either permanently or temporarily.

**Laboratory.** A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.

**Lake.** Any body of water which is not private and which is accessible to the public via publicly owned lands, waters or highways, contiguous thereto or via the bed of a stream and which may be used for navigation, fishing, hunting or other lawful purpose and reasonably capable of supporting a beneficial public interest.

**Lake, private.** Any body of water, other than a public lake, which is owned by one person, group of persons, association, partnership or corporation for use regulated by the owners only.

**Loading space.** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Logo.** A distinctive company signature, trademark, clophon, emblem or motto.

**Lot.** A parcel of land occupied or intended to be occupies [occupied] by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road.

- A. **Front.** The front of a lot is that boundary line which borders on a street other than an alley. In case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
- B. **Rear.** The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street.

**Lot area.** The total horizontal area within the lot lines of a lot. ☞

**Lot, condominium.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium lot shall be of sufficient size and area of the zoning district within which it is located to accommodate a structure observing all required yard setbacks.

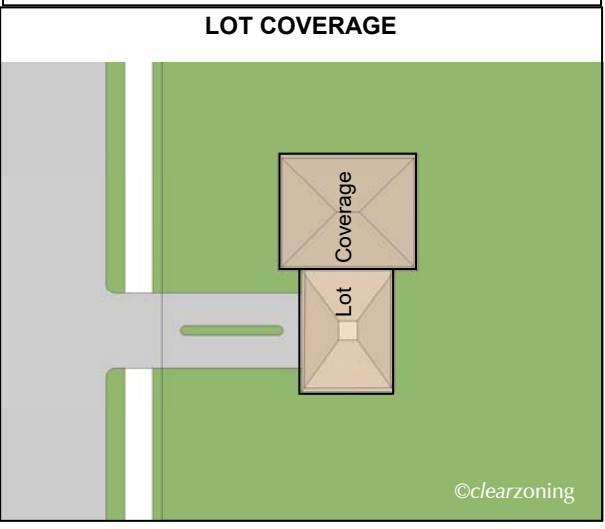
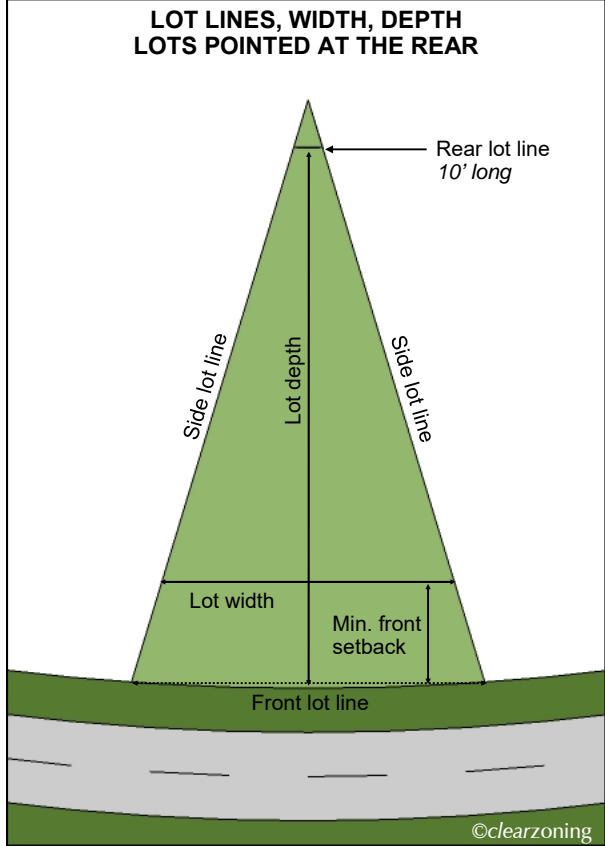
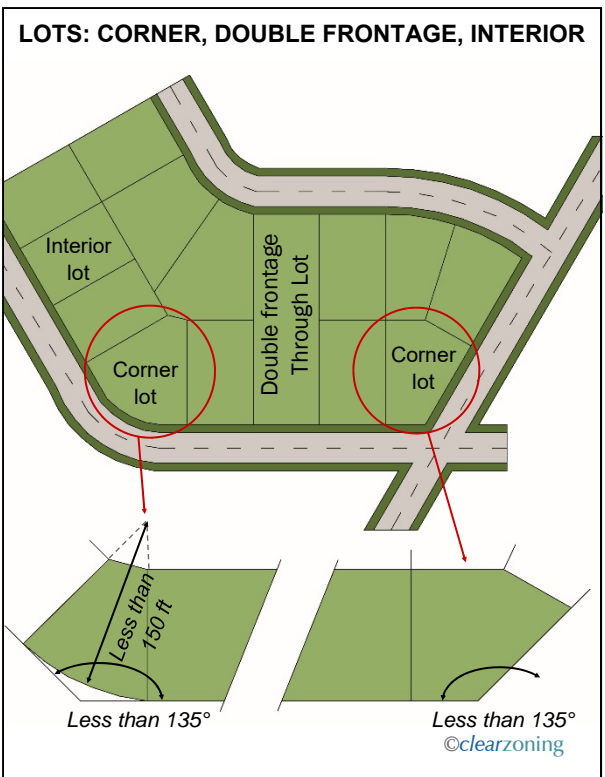
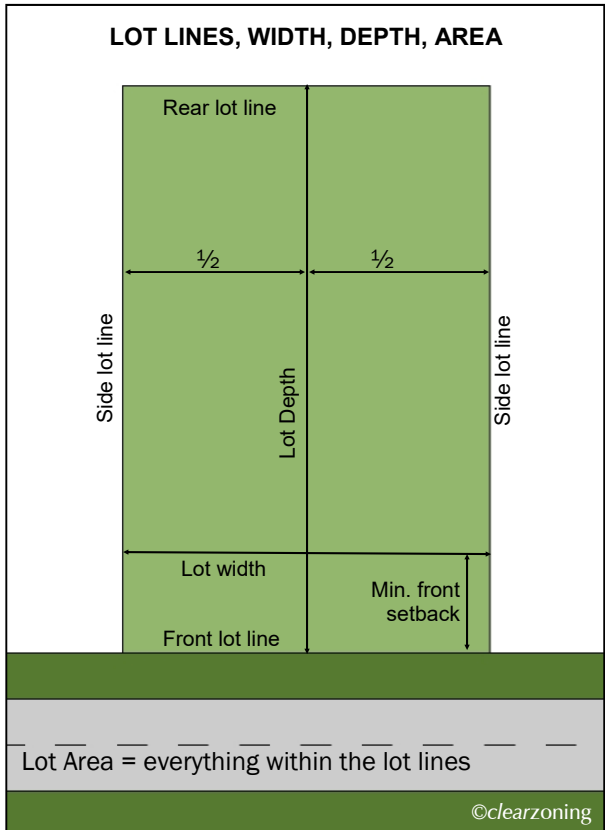
**Lot, corner.** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc if [is] of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see illustration). ☞

**Lot coverage.** The percent of the lot occupied by buildings or structures, including accessory buildings or structures. ☞

**Lot depth.** The mean horizontal distance measured from the front street right-of-way line to the rear lot line. ☞

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**Lot, double frontage (also through lot).** Any interior lot having frontage on two more-or-less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. ✍

**Lot lines.** The lines bounding a lot as defined herein: ✍

- A. **Front lot line.** In the case of an interior lot, is that line separating said lot from the street. In the case of a through-lot, is the line separating said lot from both streets.
- B. **Rear lot line.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- C. **Side lot line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of record.** A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or a system of registration used by Township or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot, substandard.** A lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

**Lot width.** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines. ✍

**Major thoroughfare.** An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major arterial, arterial, minor arterial, freeway or equivalent term on the thoroughfare plan to identify those streets as depicted in the master plan.

**Malfeasance.** Official misconduct; the commission of an unlawful act, done in an official capacity; an act for which there is no statutory authority. Malfeasance in office requires an affirmative act or omission, for example: failure of a member to disclose a conflict of interest when voting on a matter before the board or commission.

**Manufacture of light products.** The manufacturing of items such as industrial controls; electronic components and accessories; measuring, analyzing and controlling instruments; photographic (except chemicals and sensitized materials); medical, optical goods; and other similar forms of light products assembly, as determined by the Planning Commission.

**Manufacturing.** In the L-M and H-M districts, manufacturing may include any of the following:

- A. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the Planning Commission.
- B. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or natural gas.
- C. The manufacture of musical instruments, toys, novelties, and metal, plastic or rubber stamps, or other small molded products.
- D. The manufacture or assembly of electrical appliances, electronic instruments and devices, telecommunications equipment and products (excluding large stampings).
- E. The manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.



**Master deed.** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the site.

**Master plan.** The Township's basic land use plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality [township], and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the Planning Commission.

**Mean grade.** Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than 100 feet apart.

**Mechanical movement.** Any animation, revolution, vertical or horizontal movement.

**Mezzanine.** An intermediate floor in any story occupying an area not to exceed one-third of the floor area of such story. (See illustration for story)

**Misfeasance.** Negligence in the discharge of one's official duties or statutory obligations; carelessness in the discharge of public duties, for example: approval or disapproval of an application based on standards not evident in the community's ordinance.

**Mobile home.** Mobile home means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days. Mobile home shall also mean a structure, transportable in one or more sections, which is built on a chassis and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home may, but need not, include the real property to which the mobile home may be attached. Mobile home does not include a recreational vehicle.

**Mobile home park.** A parcel or tract of land under the control of a person upon which two or more mobile homes are located on a continual non-recreational 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 mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.).

**Motel.** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**Municipal and commercial composting operations.** A facility for the receipt and processing of organic materials, including only leaves, grass, twigs and wood chips. A composting facility shall not mean farms where composting is an ancillary part of operations and no product is removed for distribution, nor is the bulk of the composting material brought into the site from an off-site source or residence where composting is practice [d] on a small scale for the personal use of the owner to enrich gardens and lawns.

**Municipal civil infraction action.** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

**Municipal civil infraction citation.** A written complaint or notice to appear in court upon which an authorized Township official records the occurrence or existence of one or more municipal civil infractions by the person cited.

**Municipal civil infraction notice.** A written notice prepared by an authorized Township official, directing a person to appear at the Charter Township of Shelby Municipal Ordinance Violations Bureau to pay the fines and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township.

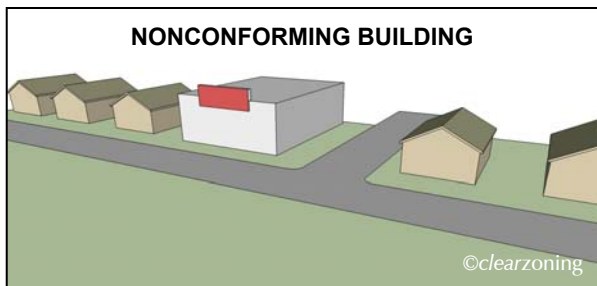
**Municipal ordinance violations bureau.** The bureau established by Section 1-16 [of the Code of Ordinances].



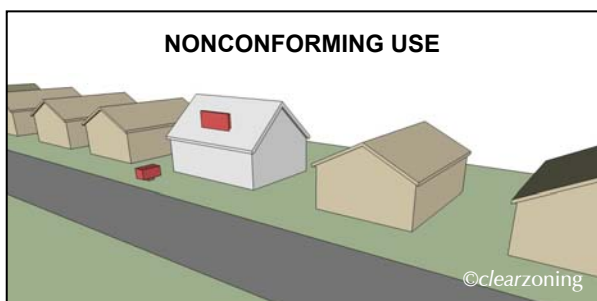
**Municipality [Township].** The Charter Township of Shelby.

**Neighborhood.** A sub-community [sub-township] area used in planning to describe a service area with a radius of approximately one-half mile defined to support a park or convenience commercial uses. Boundaries are often defined along major or secondary roads, railroads, freeways or natural features, such as rivers.

**Nonconforming building.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located. ✍



**Nonconforming use.** A use that lawfully existed before the enactment of the Zoning Ordinance and that is maintained at the effective date of the Ordinance even though it does not comply with the restrictions applicable to the district in which it is situated wrongfully. ✍



**Nonfeasance.** Failure to perform one's official duties or statutory obligations, for example: failure to attend the meetings of a board or commission to which one is appointed.

**Nuisance.** The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

**Nuisance factor.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

**Nursery, plant materials.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**Nursery school.** (See child care center).

**Nursing facility, skilled.** An institution providing primarily extended nursing care.

**Nursing home.** A group living facility providing basic domiciliary services and semi-skilled, rehabilitative nursing service for patients who have impaired mobility or health problems of a limited duration. Nursing homes may or may not cater exclusively to seniors, and may provide rehabilitatory services for patients of all ages.



**Obstruction, water.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Occupancy load.** The number of persons that a building can hold, as determined by the fire marshal or as determined by the Township building code.

**Occupied.** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**Off-street parking lot.** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

**Open air business uses.** Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- A. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats, or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sales of fruit, vegetables and perishable foods.
- D. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- E. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**Open front store.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter said structure.

**Open space.** Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

**Open space, common.** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**Outdoor storage.** The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than 24 hours.

**Outlot.** When included within the boundaries of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

**Parcel.** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**Park.** Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

**Parking space.** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

**Performance guarantee (also maintenance guarantee).** Any financial guarantee accepted by the Township in the form of cash, letter of credit or performance bond, provided that the Township shall not require that a financial guarantee more than ten percent of the total performance costs to ensure that all improvements, facilities or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.



**Person.** Any natural person, firm, partnership, association, corporation, or limited liability company; however, this definition does not include any governmental unit.

**Personal services, other.** This use category consists of dog grooming, dance/instructional studios, photo studios, weight loss clinics, income tax services, travel agencies, mailing supplies, instant printers, copier and fax services, driving schools, veterinary clinics (without boarding) and tuxedo rentals, and similar uses.

**Planned development.** A proposed use of the land which requires the submission of a site plan for more than one building or structure to be approved as to requirements of this Ordinance, including spatial relationships and vehicular and pedestrian circulation.

**Planned shopping center.** A business development of three or more outlets characterized by a unified grouping of such retail outlets served by a common circulation and parking system.

**Planned unit development (PUD).** 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.** The Charter Township of Shelby Planning Commission.

**Planning coordinator.** The planning coordinator of the Planning Commission.

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

**Porch, open.** A covered entrance to a building or structure which is un-enclosed, except for columns supporting the porch roof, and projects out from the exterior wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Principal building.** A building which contains the primary use of the lot.

**Principal use.** The main use of land or structures, as distinguished from a secondary or accessory use.

**Private drive.** A means of vehicle access serving one property or one dwelling.

**Private street or road.** A street or road which is not under public ownership or control serving two or more lots.

**Professional office building.** Office buildings with the majority of its occupancy made up of the following service professions: Attorneys-at-law, doctors of medicine, dentistry, optometry, osteopathy, physicians and surgeons, land surveyors, architects, landscape architects, professional engineers, community [township] planners, certified public accountants, and such other similar professional occupations as determined by the Planning Commission.

**Public launching ramp.** A space or structure at which a boat may be launched by the general public, the patrons of which do not berth their boats at the site of launching, but remove them by trailers or other means at the end of each trip.

**Public nuisance.** A public nuisance is any unauthorized use or violation of an applicable provision of this Zoning Ordinance, or violation of any permit or approval or condition contained in any permit issued or granted pursuant to this Ordinance.

**Public road.** All public property reserved or dedicated for street traffic.

**Public utility.** Any persons, firm, corporation, governmental unit or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to federal, state or municipal regulations, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles.

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**Quarry excavation (see also excavation).** Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter, except common household gardening and general farm care.

**Recreation vehicles.**

- A. A **"travel trailer"** is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- B. A **"pick-up camper"** is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- C. A **"motorized home"** is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. A **"folding tent trailer"** is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- E. **"Boats"** and **"boat trailers"** shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
- F. **"Snowmobiles"** and **"all terrain vehicles"**, plus the normal equipment to transport the same on the highway.

**Recreational vehicle (RV) park.** Any lot upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Recycling center.** A facility that is not a junk yard and in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or banded within a completely enclosed building.

**Recycling collection point.** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

**Recycling plant.** A facility that is not a junk yard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

**Regulatory flood protection elevation.** The elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

**Repairs.** The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

**Repeat offense.** A second (or subsequent) municipal civil infraction of the same requirement or provision of this Ordinance committed by a person within any six-month period for which the person admits responsibility or is determined responsible.

**Residential entrance way.** All entrance way structures including, but not limited to, walls, columns, grates, lamps, poles and signs, and associated landscaping or improvements.

**Restaurant.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**Restaurant, drive-in.** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.





**Restaurant, fast-food.** Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

**Retail, general.** This use may consist of the sale of wearing apparel/accessories, gift and specialty store items, stationary, sporting goods and bicycles, books, jewelry, hobbies, toys and games, cameras and photographic supplies, novelties and souvenirs, luggage and leather goods, sewing, needle work and piece goods, catalog/mail order sales, florists, tobacco, optical goods, used merchandise and other miscellaneous retail stores (except used lumber, tires, gravestones, ice dealers, direct selling establishments, and fuel dealers).

**Right-of-way.** The right-of-way line shall be the line established by the Macomb County Road Commission or Michigan Department of Transportation in their right-of-way requirements established for Shelby Township or the Township's adopted Master Plan.

**River Valley Floodplains.** River Valley Floodplains are defined and designated herein as such lands included in the channels of the Clinton River and its various branches, within boundaries of Shelby Township, and also including the land adjacent to such channels which lands are inundated in times of flood conditions, within and between the lines designated at "9500 C.F.S. (50 year) lines" on Plate 5 and sheets B3 and B4 (and data contained thereon showing the profile of the Clinton River) of the report known as Floodplain Information Report, Clinton River, Michigan, Main River and Main Branch, prepared by the United States Army Engineer District, Detroit, Corps of Engineers, August 1964. A copy of such report shall be maintained on file for public inspection in the office of the building inspector of the Township.

**Roadside stands.** A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

**Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

**Rubbish.** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

**Satellite dish antenna.** A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

**Scenic easement.** An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

**Screening.** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms or plantings.

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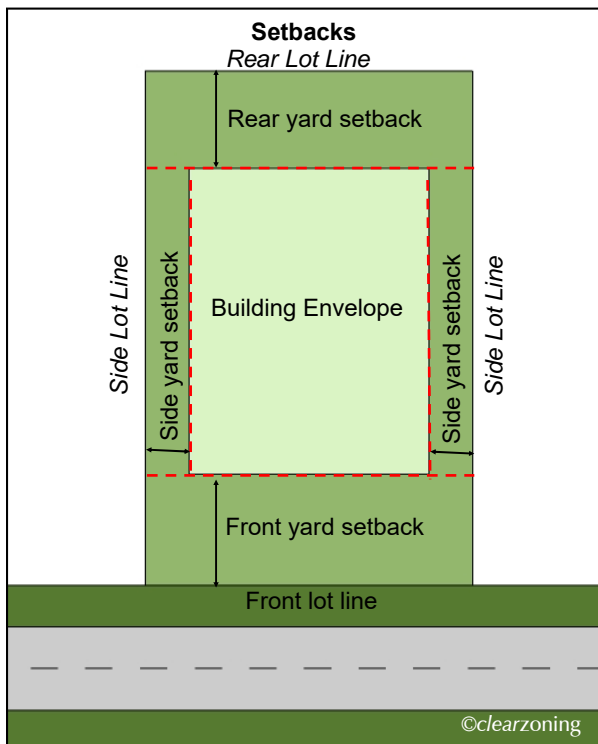


**Secondary road.** A road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers. This is the highest order of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

**Self-service storage facility.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**Separate ownership.** Ownership of a parcel of property wherein the owner does not own adjoining vacant property.

**Setback.** The minimum horizontal distance between any face of the building, excluding only steps, and the adjoining property lines. ✎

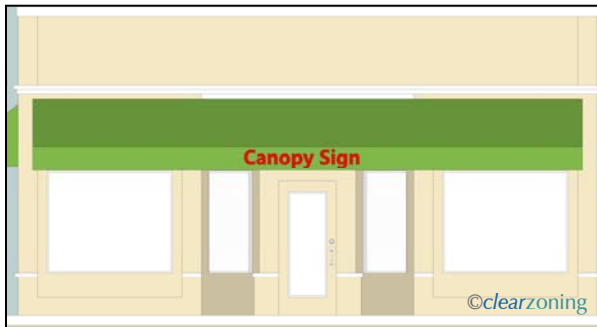


**Shopping center.** A group of three or more commercial establishments built primarily for retailing of goods or services on a site or sites readily accessible by motor vehicle with common access and parking.

**Sign.** The use of any word, numeral, figure, object, device, letter, symbol, insignia, illustration, design, trademark, or combination of these, by which anything is made known to the general public, or which is commonly understood to be used to attract the attention of the general public, irrespective of where it is visible from off the site or lot. Customary displays of merchandise or objects and material within a building without lettering shall [not] be considered as a sign nor shall the customary non-communicative architecture of a building be considered as a sign.

- A. **Accessory sign.** A sign which is accessory to the principal use of the site.
- B. **Agricultural sales sign.** An accessory sign which advertises the sale of agricultural, dairy, livestock or poultry products raised or produced at the location by the proprietors or residing family.
- C. **Area of sign.** The area within a continuous perimeter enclosing or making up a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed; provided, however, any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, shall be included in the computation of the area of the sign, whether such open space be enclosed or not by a frame or border. Where a sign consists solely of lettering or other sign elements mounted on a wall of a building without any distinguishing border, panel or background, only the area of a tightly drawn imaginary rectangle enclosing each such letter or other sign elements shall be treated as a single sign for the purposes of area computation. For double-face signs, only one display face shall be measured or counted in computing sign area or items of information where the sign faces are parallel or where the interior angle formed by the faces is 60 degrees or less. If the two faces of a double-faced sign are of unequal area, the area of the signs shall be taken as the area of the larger face.

- D. **Bulletin board or announcement sign.** A business sign of the following types:
  1. Announcing existing religious services or activities;
  2. A directory of offices or activities for a building or group of buildings.
  3. Announcing employment opportunities.
- E. **Business sign.** An accessory sign which relates to the business, activity or service conducted on the site upon which the sign is located.
- F. **Canopy signs.** Any sign that is a part or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. ✍



- G. **Changeable copy sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this Ordinance.
- H. **Directional sign.** An accessory sign directing vehicular traffic to parking or loading areas and pedestrians to specified locations. ✍



- I. **Face or surface.** That portion of a sign upon, against or through which a message is displayed or illuminated.
- J. **Flashing, animated or moving sign.** A sign which intermittently reflects lights from either an artificial source or the sun; a sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; or a sign which has any visible portion in motion, either constantly or intermittently.
- K. **Freestanding sign.** A sign located in or upon the ground or to something requiring location on the ground which is not attached to any principal or accessory structure. ✍



- L. **Garage sale sign.** A sign relating to a garage sale, rummage sale, craft sale or show, and similar activities.
- M. **Ground sign.** A sign supported by one or more upright braces of reasonable size necessary to support such sign, permanently mounted in or upon the ground and in no way attached to a building or structure.
- N. **Identification sign and nameplate.** A wall sign stating the name of a person or the name or description of a certain permitted use.
- O. **Inflatable sign.** A sign that is inflated by a gaseous substance before use.
- P. **Internal illumination.** Illumination from a light source concealed or contained within the sign and which is transmitted through a translucent surface.

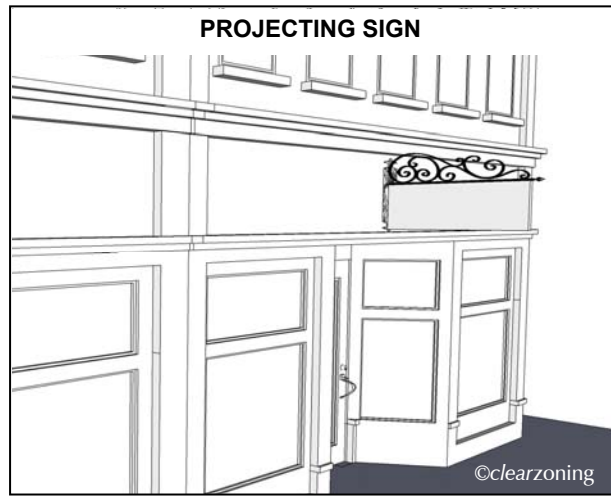
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- Q. **Maximum size of sign.** The total area of a sign included within the rectangle, triangle, circle, or other geometric shape caused by encompassing the outermost portions of the sign or the outermost edges of a sign formed of letters or symbols only.
- R. **Memorial sign.** A sign containing the name of the building and date of construction cut into its masonry surface or on a bronze or other non-combustible plate permanently fixed or attached to the building.
- S. **Non-accessory sign.** A sign which is not accessory to the principal use of the site.
- T. **Outdoor advertising sign.** A non-accessory sign exceeding 64 square feet, relating to a business, activity or service not conducted at the site, upon which such sign is constructed, erected or located.
- U. **Political sign.** A temporary sign relating to the election of a person to public office, a political party, or a matter to be voted upon at an election called by a public body.
- V. **Portable sign.** A sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, trailers, "A" frame, "T" shaped, inverted T" shaped, or message board signs. ✎

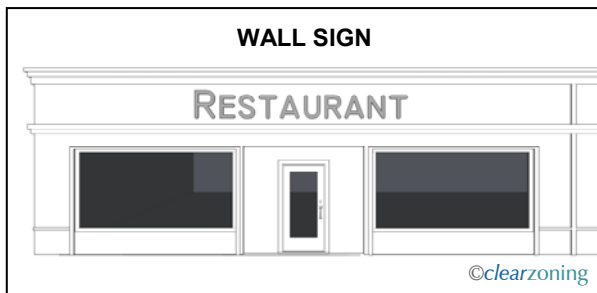


- W. **Projecting sign.** A sign affixed to a building or part thereof, which extends beyond the building wall or parts thereof, by more than 12 inches. ✎

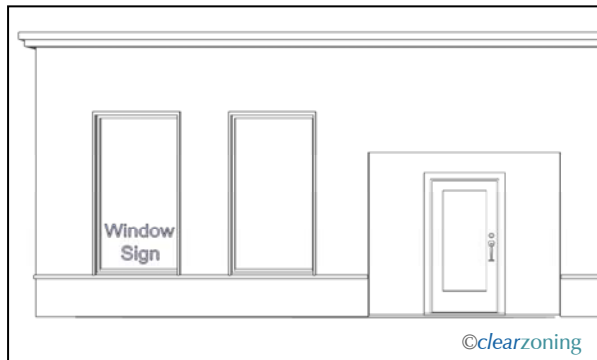


- X. **Real estate sign.** A business sign placed upon a site advertising that particular site is for sale, rent or lease.
- Y. **Real estate sign (non-accessory).** A sign placed upon a site advertising that another site or sites is for sale, rent or lease.
- Z. **Residential development identification sign.** A sign used to identify a specific residential subdivision, condominium or apartment complex.
- AA. **Roof sign.** A sign constructed, erected or maintained upon the roof or parapet of a building but does not project above or beyond the roof or parapet. (A sign projecting above or beyond the roof or parapet shall be deemed and defined as an "above-the-roof" sign.)
- BB. **Shopping center sign.** A sign which gives identification to a shopping center whether or not under single management.
- CC. **Sign walkers.** An individual who carries, holds, or displays a temporary sign or an individual dressed in a costume intended to identify a business, whether or not they also carry, hold or display a temporary sign.
- DD. **Snipe signs.** A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises which such sign is located.

- EE. **Temporary sign.** A business sign with or without letters and numerals, and made or constructed of lightweight cardboard, cloth, plastic, paper or other such materials, which are not permanently fastened to any structure, including posts with permanent footings.
- FF. **Vehicle business sign.** Any sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed upon a site primarily for advertising purposes, except signs on licensed commercial vehicles in daily off-site use are not included in this definition.
- GG. **Wall sign.** A sign attached to and placed flat against the exterior wall or surface of a building. 🖋️



- HH. **Window sign.** A temporary sign attached to or painted on a window by which anything is made known to the general public and is visible and discernible off the site or from a public right-of-way. 🖋️



**Site.** A parcel of land.

**Skilled nursing facility.** (See nursing facility, skilled).

**Soil removal.** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

**Special mobile equipment.** Special mobile equipment means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, and well-boring and well-servicing apparatus. The foregoing enumeration shall be considered partial and shall not operate to exclude other vehicles which are within the general terms of this definition.

**Special land use.** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise) is permitted in a district, subject to approval by the Township and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.

**Specialty food.** Includes fish markets, pastas, meat markets, specialty produce, prepared foods, ethnic foods, coffee houses and health foods

**Stable, commercial.** A stable other than a private stable, where horses are boarded or are for hire or sale.

**Stable, private.** A structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

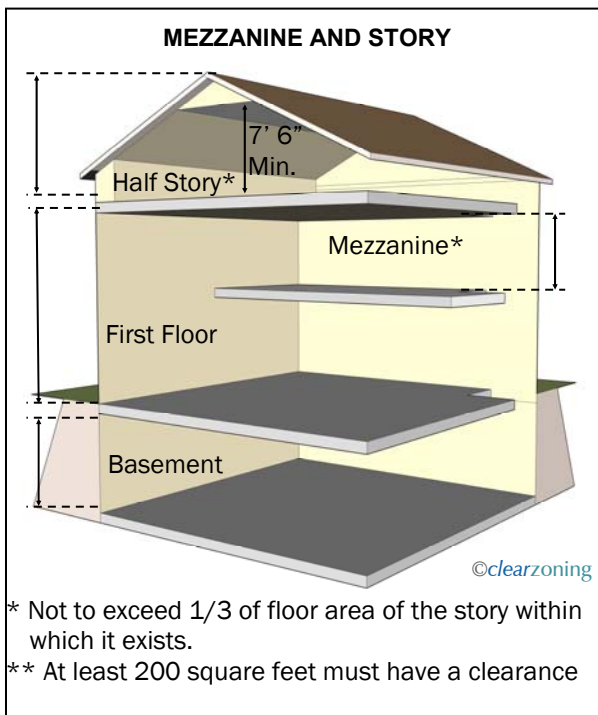
**State equalized valuation.** The value shown on the Township's assessment roll as equalized through the process of State and County equalization.

**State licensed residential facility.** A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or the Child Care Organizations Act (P.A. 116 of 1973, as amended) and provides residential services for six or fewer individuals under 24-hour supervision or care.



**Story.** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" shall be deemed a full story when it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. 📏

**Story, half.** An uppermost story lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet six inches. For the purposes of this Ordinance, the usable floor area is only that area having at least four feet clear height between floor and ceiling. 📏



**Street.** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

**Structural alteration.** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

**Structure.** Anything constructed or erected on the ground or attached to the ground, including, but without limitation to, buildings, factories, sheds, and all signage.

**Swimming pool.** The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of 24 inches or greater.

**Temporary use or building.** A use or building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events or purpose. Tents or similar enclosures used in residential zoning districts for short-term events, not exceeding three days, shall not be defined as a temporary use or building.

**Tents.** Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**Terratecture.** The design and creation of occupiable space by means of cut-and-cover construction in the near-surface or shallow soil environment. Such structure is designed for the principal purpose of energy conservation and, as such, shall be exempt from the definition of basement.

**Township.** The Charter Township of Shelby, Macomb County, Michigan.

**Township Board.** The words "Township Board" shall mean the Township Board of the Charter Township of Shelby.

**Transfer of development rights.** The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

**Transitional use.** A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more somewhat incompatible uses.

**Travel trailer park (overnight camping facility).** A place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for year-round occupancy, and where commercial activity is limited to service [servicing] the needs of the temporary occupants of the travel trailer park.

**Tree canopy.** The area of land where the outermost limits of the branches of a tree or group of trees projects perpendicularly to the existing grade of a site.

**Use.** It is the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

**Valley areas.** Valley areas are natural or man-created land areas consisting of depressions or excavated areas below the grade of adjoining land. Such valley areas include rivers and river channels and land adjacent to river channels which are overflowed in times of high water or flood conditions, and are commonly known as floodplains; and fresh water ponds and lakes are included in such valley areas.

**Variance.** A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in practical difficulty.

**Vertical projection.** Any architectural feature which projects into the yard space from the ground up through the first story.

**Veterinarian clinic.** A place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

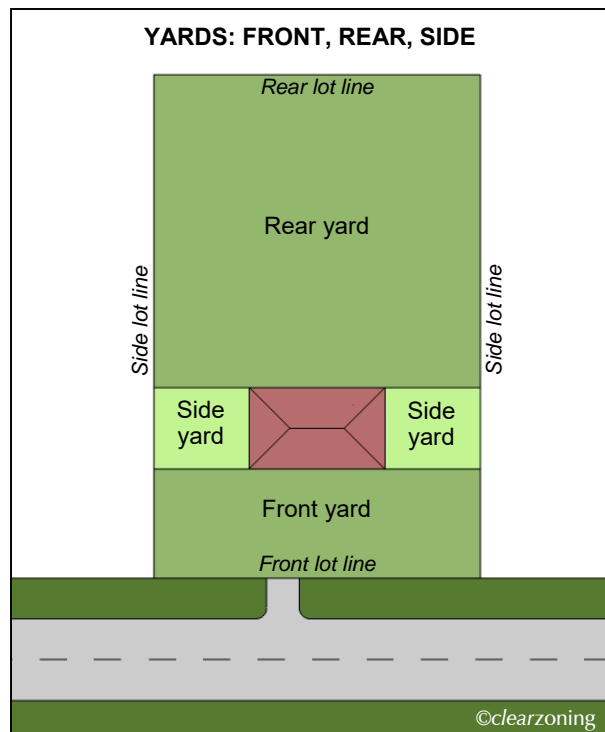
**Walls, obscuring.** An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

**Warehousing and distribution.** The storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Woodland or woodlot.** A tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

**Yard.** An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A "required yard" is that portion of any lot on which the erection of a main building is prohibited. ✎

- A. **Front yard** is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- B. **Rear yard** is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.



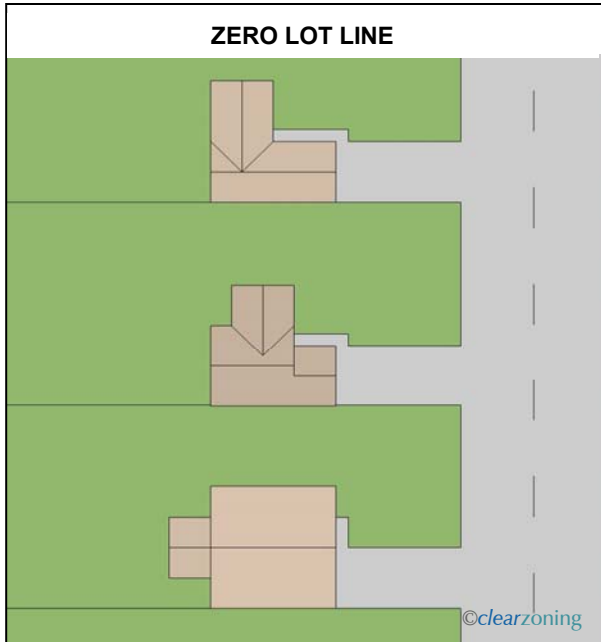
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C. **Side yard** is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Yard waste.** For the purpose of this Ordinance, yard wastes shall be limited to leaves, grass, clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge or garbage.

**Zero lot line.** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. 🏠



**Zone.** (see: district, zoning).

**Zoning Board of Appeals.** Shall mean the Zoning Board of Appeals of the Charter Plan of Shelby.

**Zoning Ordinance.** Zoning Ordinance No. 1 of the Charter Township of Shelby, as amended.





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# Article 3.0 Zoning Districts



## Article 3.0 Zoning Districts

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# 3.0 Zoning Districts

## 3.1 DISTRICTS ESTABLISHED

The Charter Township of Shelby shall be and is hereby divided into the following classifications of land use districts:

R-1	One-Family Residential
R-1-A	One-Family Residential
R-1-B	One-Family Residential
R-1-C	One-Family Residential
R-2	Two-Family Residential
R-3 to R-7	Multiple-Family Residential
R-8 to R-12	Multiple-Family Residential
MHP	Mobile Home Park
HMR	High and Mid-Rise
O-1	Professional Office
O-2	Service Office
C-1	Local Retail Business
C-2	Linear Retail Business
C-3	Shopping Center Business
C-4	General Business
C-5	Multi-Use
C-6	Shelby Center
L-M	Light Manufacturing
H-M	Heavy Manufacturing
REC	Recreation

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

**1**  
Purpose and Introduction

**2**  
Definitions

**3**  
Zoning Districts

**4**  
Use Standards

**5**  
Site Standards

**6**  
Development Procedures

**7**  
Admin and Enforcement



3.2

# R-1 One-Family Residential

A. INTENT

The One-Family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Farms** §4.1
2. One-family dwellings
3. Existing cemeteries
4. Township buildings and uses
5. **Accessory buildings** §5.2.
6. State licensed residential facilities
7. Family child care homes
8. **Home occupations** §4.2

C. SPECIAL LAND USES

1. **Cemeteries and crematoriums** §4.3
2. **Churches and private schools** §4.4
3. **Cluster housing** §3.36
4. **Golf courses** §4.5
5. **Group child care homes** §4.6
6. **Planned Unit Development** §3.37
7. **Private non-commercial recreation facilities** §4.7
8. **Public buildings and recreation** §4.8
9. **Public utility buildings without storage** §4.9
10. Other uses similar to those above



# R-1 One-Family Residential

3.2

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 30,000 sq. ft.  
 Minimum lot width<sup>☐</sup>: 120 ft.

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 30%

### Setbacks<sup>☐</sup>

Minimum front & street side yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 100 ft  
 Minimum side yard setback:  
     One side: 20 ft.  
     Total of two sides: 50 ft.

### Distance Between Units

Minimum distance: 40 ft.

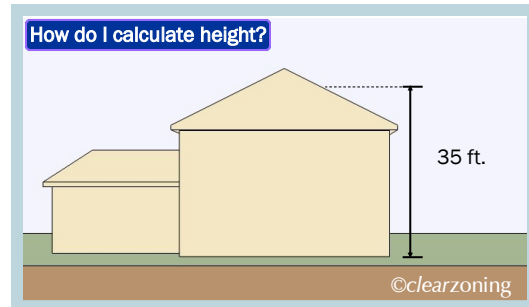
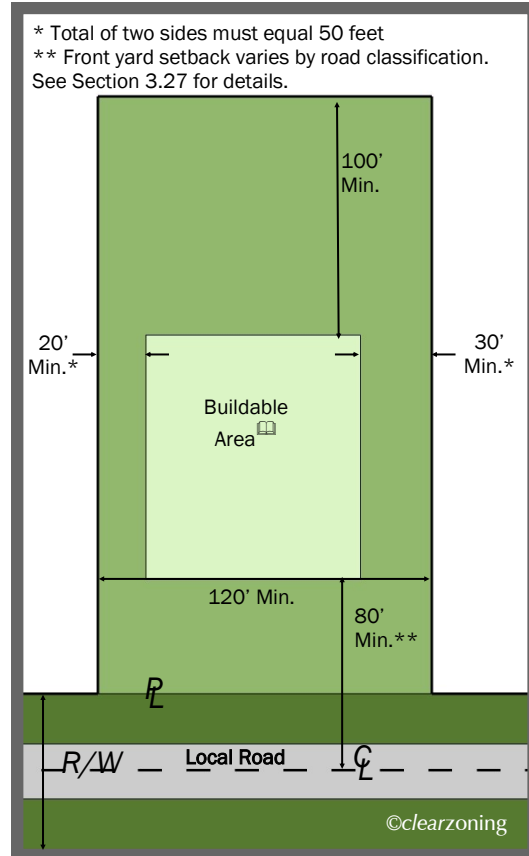
### Building Height<sup>☐</sup>

Maximum building height: 35 ft.

Floor Area <sup>☐</sup>		
	Minimum Area in Square Feet	
Principal Structure Type	1-2 bedrooms	3 bedrooms
1-story	1,380	1,500
1 ½ story first floor	960	1,100
Total of two	1,500	1,650
2 story first floor	850	1,100
Total of two	1,500	1,800

**Note to District Standards:**  
[Section 3.28.B.1, 2, 3, 4, 6, 7, 8, 10,](#)

Also see [Sec. 3.29—Residential District Regulations](#)



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Open Space Preservation Option](#) §3.22
- [Average Lot Size ....](#) §3.23
- [Residential District ...](#) §3.29
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2

### 5. Site Standards (Continued)

- [Corner Visibility](#) §5.3
- [Residential Yard Fences](#) §5.5
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location of Structures and...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Lot Limitations](#) §5.12
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19

### 5. Site Standards (Continued)

- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



## 3.3

## R-1-A One-Family Residential

## A. INTENT

The One-Family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. **Farms**<sup>ⓘ</sup> §4.1
2. One-family dwellings
3. Existing cemeteries<sup>ⓘ</sup>
4. Township buildings and uses
5. **Accessory buildings**<sup>ⓘ</sup> §5.2.
6. State licensed residential facilities<sup>ⓘ</sup>
7. Family child care homes<sup>ⓘ</sup>
8. **Home occupations**<sup>ⓘ</sup> §4.2

## C. SPECIAL LAND USES

1. **Cemeteries and crematoriums**<sup>ⓘ</sup> §4.3
2. **Churches and private schools**<sup>ⓘ</sup> §4.4
3. **Cluster housing** §3.36
4. **Golf courses** §4.5
5. **Group child care homes**<sup>ⓘ</sup> §4.6
6. **Planned Unit Development**<sup>ⓘ</sup> §3.37
7. **Private non-commercial recreation facilities** §4.7
8. **Public buildings and recreation** §4.8
9. **Public utility buildings without storage**<sup>ⓘ</sup> §4.9
10. **Wetlands planned development** §4.65
11. Other uses similar to those above



# R-1-A One-Family Residential

3.3

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 19,800 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: 110 ft.

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: 30%

### Setbacks<sup>Ⓜ</sup>

Minimum front & street side yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 50 ft.  
 Minimum side yard setback:  
     One side: 8 ft.  
     Total of two sides: 20 ft.

### Distance Between Units

Minimum distance: 40 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 35 ft.

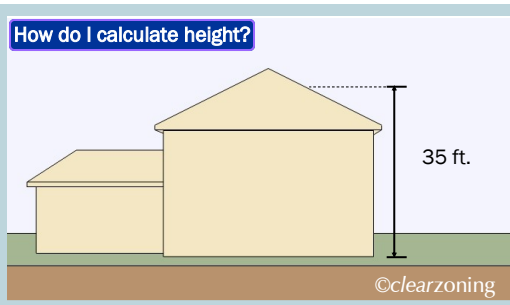
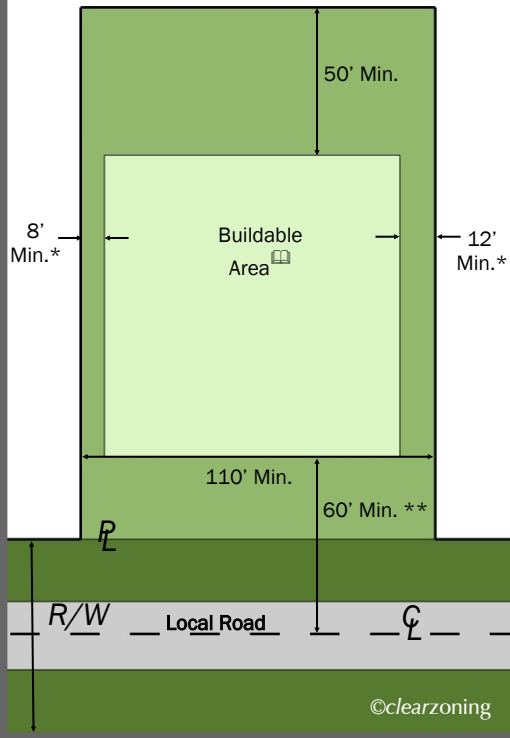
Floor Area <sup>Ⓜ</sup>		
	Minimum Area in Square Feet	
Principal Structure Type	1-2 bedrooms	3 bedrooms
1-story	1,380	1,500
1 ½ story first floor	960	1,100
Total of two	1,500	1,650
2 story first floor	850	1,100
Total of two	1,500	1,800

### Note to District Standards:

[Section 3.28.B.1, 2, 3, 4, 6, 7, 8, 9, 10](#)

Also see [Sec. 3.29—Residential District Regulations](#)

\* Total of two sides must equal 20 feet  
 \*\* Front yard setback varies by road classification.  
 See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Open Space Preservation Option](#) §3.22
- [Average Lot Size....](#) §3.23
- [Residential District...](#) §3.29
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63
- [Wetland Planned Development](#) §4.65

### 5. Site Standards

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3
- [Residential Yard Fences](#) §5.5
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Lot Limitations](#) §5.12
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18

### 5. Site Standards (Continued)

- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



3.4

R-1-B

One-Family Residential

A. INTENT

The One-Family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Farms** §4.1
2. One-family dwellings
3. Existing cemeteries
4. Township buildings and uses
5. **Accessory buildings** §5.2.
6. State licensed residential facilities
7. Family child care homes
8. **Home occupations** §4.2

C. SPECIAL LAND USES

1. **Age-restricted adult housing** § 4.10
2. **Cemeteries and crematoriums** §4.3
3. **Churches and private schools** §4.4
4. **Cluster housing** §3.36
5. **Golf courses** §4.5
6. **Group child care homes** §4.6
7. **Planned Unit Development** §3.37
8. **Private non-commercial recreation facilities** §4.7
9. **Public buildings and recreation** §4.8
10. **Public utility buildings without storage** §4.9
11. Other uses similar to those above





D. DEVELOPMENT STANDARDS

**Lot Size**

Minimum lot area<sup>Ⓜ</sup>: 14,400 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: 90 ft.

**Lot Coverage<sup>Ⓜ</sup>**

Maximum lot coverage: 30%

**Setbacks<sup>Ⓜ</sup>**

Minimum front & street side yard setback: **See Section 3.27**  
 Minimum rear yard setback: 50 ft.  
 Minimum side yard setback:  
     One side: 7 ft.  
     Total of two sides: 18 ft.

**Distance Between Units**

Minimum distance: 24 ft.

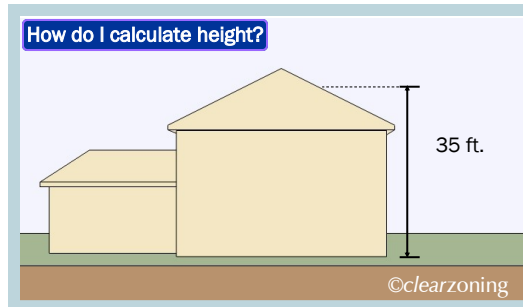
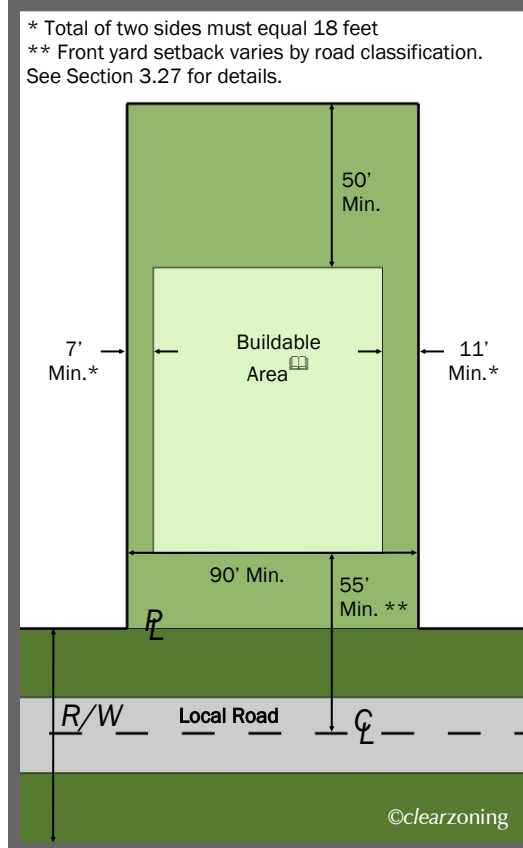
**Building Height<sup>Ⓜ</sup>**

Maximum building height: 35 ft.

Floor Area <sup>Ⓜ</sup>		
	Minimum Area in Square Feet	
Principal Structure Type	1-2 bedrooms	3 bedrooms
1-story	1,120	1,350
1 ½ story first floor	850	1,060
Total of two	1,275	1,560
2 story first floor	800	1,000
Total of two	1,400	1,600

**Note to District Standards:**  
 Section 3.28.B.1, 2, 3, 4, 6, 7, 8, 9, 10

Also see [Sec. 3.29—Residential District Regulations](#)



The above drawings are not to scale.

SELECTED REFERENCES

**3. Zoning Districts**

- [Open Space Preservation Option](#) §3.22
- [Average Lot Size....](#) §3.23
- [Residential Districts](#) §3.29
- [General Exceptions](#) §3.38

**4. Use Standards**

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

**5. Site Standards**

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2

**5. Site Standards (Continued)**

- [Corner Visibility](#) §5.3
- [Residential Yard Fences](#) §5.5
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Lot Limitations](#) §5.12
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20

**5. Site Standards (Continued)**

- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

**6. Development Procedures**

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5

- 1** Purpose and Introduction
- 2** Definitions
- 3** Zoning Districts
- 4** Use Standards
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- 7** Admin and Enforcement



A. INTENT

The One-Family districts are established to provide principally for one-family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of one-family dwellings and to prohibit the use of the land which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

**i** User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Farms<sup>ⓘ</sup> §4.1
- 2. One-family dwellings
- 3. Existing cemeteries<sup>ⓘ</sup>
- 4. Township buildings and uses
- 5. Accessory buildings<sup>ⓘ</sup> §5.2
- 6. State licensed residential facilities<sup>ⓘ</sup>
- 7. Family child care homes<sup>ⓘ</sup>
- 8. Home occupations<sup>ⓘ</sup> §4.2

C. SPECIAL LAND USES

- 1. Age-restricted adult housing<sup>ⓘ</sup> § 4.10
- 2. Cemeteries and crematoriums<sup>ⓘ</sup> §4.3
- 3. Churches and private schools<sup>ⓘ</sup> §4.4
- 4. Cluster housing §3.36
- 5. Golf courses §4.5
- 6. Group child care homes<sup>ⓘ</sup> §4.6
- 7. Planned Unit Development<sup>ⓘ</sup> §3.37
- 8. Private non-commercial recreation facilities §4.7
- 9. Public buildings and recreation §4.8
- 10. Public utility buildings without storage<sup>ⓘ</sup> §4.9
- 11. Other uses similar to those above



D. DEVELOPMENT STANDARDS

**Lot Size**

Minimum lot area<sup>☐</sup>: 12,000 sq. ft.  
 Minimum lot width<sup>☐</sup>: 80 ft.

**Lot Coverage<sup>☐</sup>**

Maximum lot coverage: 30%

**Setbacks<sup>☐</sup>**

Minimum front & street side yard setback: **See Section 3.27**  
 Minimum rear yard setback: 40 ft.  
 Minimum side yard setback:  
     Single-family<sup>☐</sup>  
         One side 7 ft.  
         Total of two sides 15 ft.

**Distance Between Units**

Minimum distance: 14 ft.

**Building Height<sup>☐</sup>**

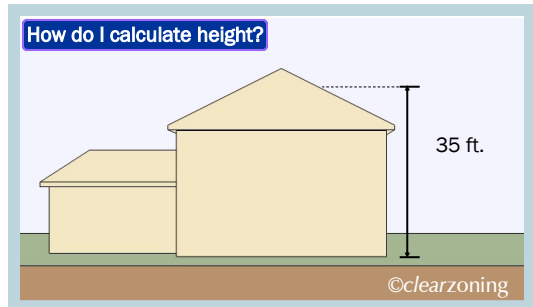
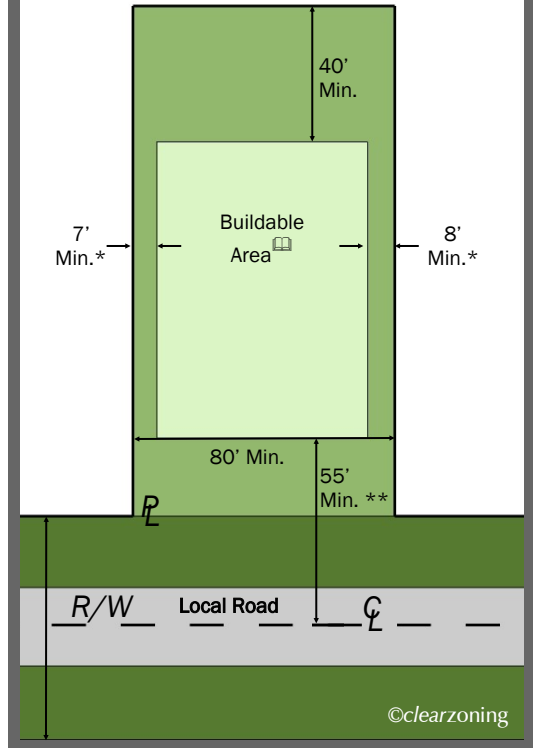
Maximum building height: 35 ft.

Floor Area <sup>☐</sup>		
	Minimum Area in Square Feet	
Principal Structure Type	1-2 bedrooms	3 bedrooms
1-story	960	1,200
1 ½ story first floor	800	960
Total of two	1,200	1,340
2 story first floor	750	950
Total of two	1,300	1,500

**Note to District Standard:**  
 Section 3.28.B.1, 2, 3, 4, 6, 7, 8, 9, 10

Also see [Sec. 3.29—Residential District Regulations](#)

\* Total of two sides must equal 15 feet  
 \*\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

SELECTED REFERENCES

**3. Zoning Districts**

- [Average Lot Size for Subdivisions...](#) §3.23
- [Residential Districts](#) §3.29
- [General Exceptions](#) §3.38

**4. Use Standards**

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

**5. Site Standards**

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

**5. Site Standards (Continued)**

- [Residential Yard Fences](#) §5.5
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Lot Limitations](#) §5.12
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21

**5. Site Standards (Continued)**

- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

**6. Development Procedures**

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5

- 1** Purpose and Introduction
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## A. INTENT

The Two-Family Residential district is established to provide an environment suitable for families who typically have children, but families of smaller size than those residing in the one-family residential districts. To achieve this goal, uses are primarily limited to moderately low density two-family dwelling units, plus certain residentially-related uses designated to provide an acceptable neighborhood environment. The district may also provide a transition between higher density residential districts or non-residential districts and low density One-Family Residential districts. The Two-Family district also permits the construction of residences at a slightly higher density than one-family.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. **Farms** <sup>§4.1</sup>
2. One-family dwellings
3. Existing cemeteries <sup>§</sup>
4. Township buildings and uses
5. State licensed residential facilities <sup>§</sup>
6. Family child care homes <sup>§</sup>
7. **Home occupations** <sup>§4.2</sup>
8. Two-family buildings <sup>§</sup>
9. **Accessory buildings and uses** <sup>§5.2</sup>

## C. SPECIAL LAND USES

1. **Age-restricted adult housing** <sup>§ 4.10</sup>
2. **Cemeteries and crematoriums** <sup>§4.3</sup>
3. **Churches and private schools** <sup>§4.4</sup>
4. **Golf courses** §4.5
5. **Group child care homes** <sup>§4.6</sup>
6. **Funeral homes and mortuaries, not including crematoriums** <sup>§4.11</sup>
7. **Child care centers and nursery schools** <sup>§4.12</sup>
8. **Planned Unit Development** <sup>§3.37</sup>
9. **Private non-commercial recreation facilities** §4.7
10. **Public buildings and recreation** §4.8
11. **Public utility buildings without storage** <sup>§4.9</sup>
12. Other uses similar to those above



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>:

Public Sewer & Water	14,000 sq. ft.
W/O Public Sewer & Water	17,500 sq. ft.

Minimum lot width<sup>Ⓜ</sup>: 100 ft.  
 Minimum lot depth<sup>Ⓜ</sup>:

Public Sewer & Water	140 ft.
W/O Public Sewer & Water	175 ft.

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: 40 %

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: **See Section 3.27**  
 Minimum rear yard setback: 35 ft.  
 Minimum side yard setback: 10 ft.

### Building Height<sup>Ⓜ</sup>

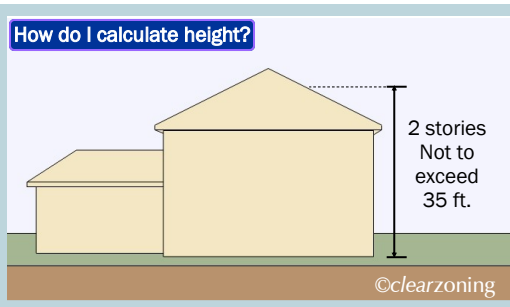
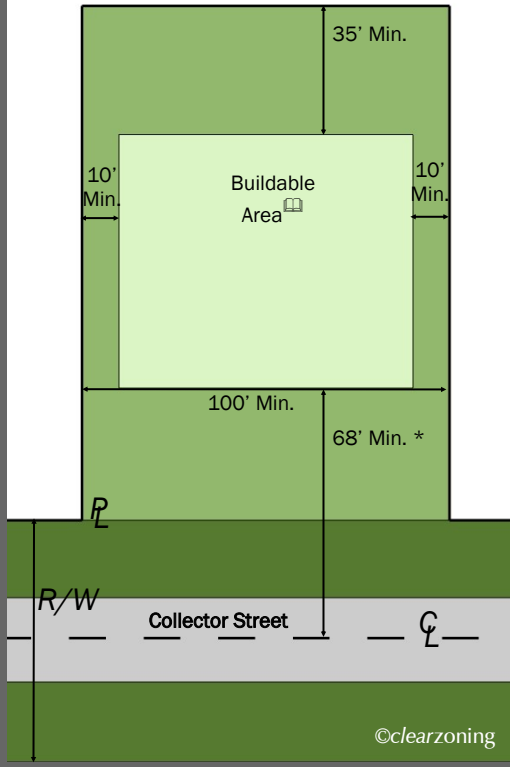
Maximum building height: 2 stories not to exceed 35 ft.

Floor Area <sup>Ⓜ</sup>		
	Minimum Area in Square Feet	
Principal Structure Type	1-2 bedrooms	3 bedrooms
1-story	960	1,200
1 ½ story first floor	800	960
Total of two	1,200	1,340
2 story first floor	750	950
Total of two	1,300	1,500

**Note to District Standards:**  
 Section 3.28.B.1, 2, 3, 4, 11

Also see [Sec. 3.29—Residential District Regulations](#)

\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Average Lot Size for Subdivisions...](#) §3.23
- [Residential Districts](#) §3.29
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2

### 5. Site Standards (Continued)

- [Corner Visibility](#) §5.3
- [Residential Yard Fences](#) §5.5
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Lot Limitations](#) §5.12
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20

### 5. Site Standards (Continued)

- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5

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## A. INTENT

Reserved for future use.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. All principal uses permitted and as regulated in the immediate abutting one-family district
2. Two-family use as regulated in Section 3.6
3. Apartments
4. Multiplexes
5. Townhouses
6. Accessory buildings<sup>§</sup> and uses<sup>§</sup>
7. State licensed residential facilities<sup>§</sup>
8. Family child care homes<sup>§</sup>

## C. SPECIAL LAND USES

1. All special land uses permitted and as regulated the immediate abutting one-family district
2. **Age-restricted adult housing**<sup>§</sup> §4.10
3. **Churches**<sup>§</sup> and **private schools** §4.4
4. **Nursing homes**<sup>§</sup> and **skilled nursing facilities**<sup>§</sup> §4.14
5. **Detached one-family, planned project** §4.15
6. **Group child care homes**<sup>§</sup> §4.6
7. **General hospitals**<sup>§</sup>, **emergency care treatment centers and similar outpatient treatment facilities** §4.16
8. **Golf courses** §4.5
9. **Child care centers**<sup>§</sup>, **nursery**<sup>§</sup> and **similar uses** §4.12
10. **Planned unit development**<sup>§</sup> §3.37
11. **Private clubs, fraternal organizations, lodge halls, cultural centers and union halls** §4.17
12. **Private non-commercial recreation facilities** §4.7
13. **Public buildings and recreation** §4.8
14. **Public utility buildings, without storage** §4.9
15. Other uses similar to those above



# R-3 to R-7 Multiple-Family Low Rise

3.7

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: 24,000 sq. ft.  
 Minimum frontage<sup>☒</sup>: 100 ft.

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: None specified

### Project Perimeter Setbacks<sup>☒</sup>

Minimum front yard setback: See Section 3.27  
 Minimum rear yard setback: 50 ft.  
 Minimum side yard setback: 50 ft.

### Building Height<sup>☒</sup>

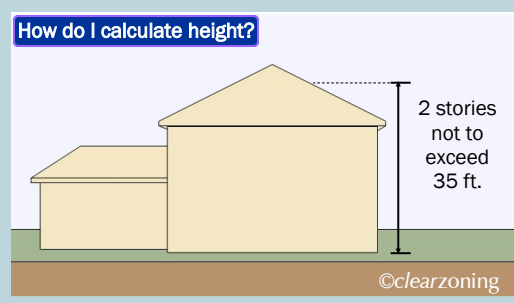
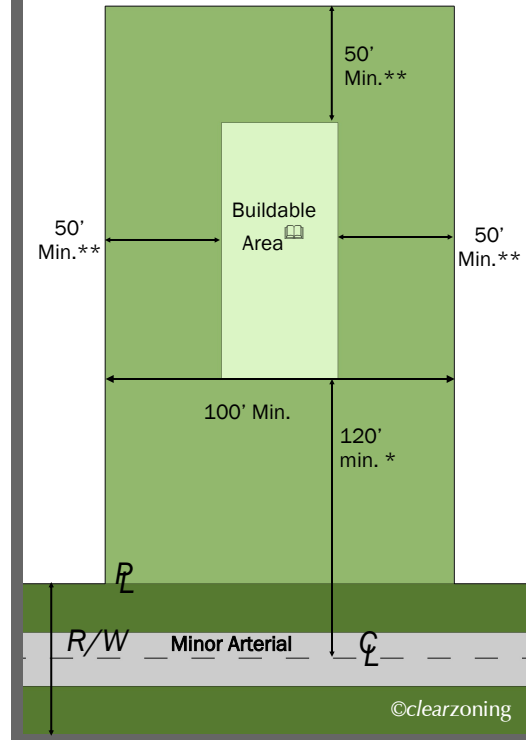
Maximum building height: 2 stories not to exceed 35 ft.

Maximum Density <sup>☒</sup>	
District	Maximum Density Per Acre
R-3 Multiple-Family	3 Dwelling Units
R-4 Multiple-Family	4 Dwelling Units
R-5 Multiple-Family	5 Dwelling Units
R-6 Multiple-Family	6 Dwelling Units
R-7 Multiple-Family	7 Dwelling Units

Note to District Standards:  
 Section 3.28.B.1, 2, 3, 4

Also see [Sec. 3.31—Multiple-Family District Regulations](#)

\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Residential Districts §3.29
- Multiple-Family District... §3.31
- General Exceptions §3.38

### 4. Use Standards

- Landfills §4.51
- Animals §4.60
- Excavation of Holes §4.61
- Garage Sales, Rummage... §4.62
- Outdoor Merchandising §4.63

### 5. Site Standards

- Access Across Residential... §5.1
- Accessory Buildings §5.2

### 5. Site Standards (Continued)

- Corner Visibility §5.3
- Fences ... §5.4
- Frontage §5.6
- Garbage, Rubbish and Waste §5.7
- Location and Screening ... §5.8
- Storage, Accumulations... §5.9
- Maintaining of Property... §5.10
- Location of Structures and... §5.11
- Waterfront Access... §5.13
- Sanitary Sewer Systems §5.15
- Water Supply... §5.16
- Screening and Buffers ... §5.17
- Preservation of Wooded... §5.18
- Landscaping §5.19
- Parking Lot Landscaping §5.20

### 5. Site Standards (Continued)

- Off-Street Parking ... §5.21
- Off-Street Loading ... §5.22
- Satellite Dish Antennas... §5.23
- Sign Regulations §5.24
- Lighting §5.25
- Performance Standards §5.26
- Brick Requirement and... §5.27
- Building (Structure) Grades §5.28
- Storage of Motor Vehicles §5.29

### 6. Development Procedures

- Site Plan Review... §6.1
- Traffic Impact Studies §6.2
- Site Condominium Sub. §6.3
- Special Land Use Approval §6.5

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# 3.8 R-8 to R-12 Multiple-Family Low Rise

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards


5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

Reserved for future use.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. All principal uses permitted and as regulated in the immediate abutting one-family district
2. Two-family use as regulated in Section 3.6
3. Apartments
4. Multiplexes
5. Townhouses
6. Accessory buildings<sup>ⓘ</sup> and uses<sup>ⓘ</sup>
7. State licensed residential facilities<sup>ⓘ</sup>
8. Family child care homes<sup>ⓘ</sup>

## C. SPECIAL LAND USES

1. All special land uses permitted and as regulated the immediate abutting one-family district
2. **Age-restricted adult housing**<sup>ⓘ</sup> §4.10
3. **Churches**<sup>ⓘ</sup> and **private schools** §4.4
4. **Nursing homes**<sup>ⓘ</sup> and **skilled nursing facilities**<sup>ⓘ</sup> §4.14
5. **Detached one-family, planned project** §4.15
6. **Group child care homes** <sup>ⓘ</sup> §4.6
7. **General hospitals**<sup>ⓘ</sup>, **emergency care treatment centers and similar outpatient treatment facilities** §4.16
8. **Golf courses** §4.5
9. **Child care centers**<sup>ⓘ</sup>, **nursery**<sup>ⓘ</sup> and **similar uses** §4.12
10. **Planned unit development**<sup>ⓘ</sup> §3.37
11. **Private clubs, fraternal organizations, lodge halls, cultural centers and union halls** §4.17
12. **Private non-commercial recreation facilities** §4.7
13. **Public buildings and recreation** §4.8
14. **Public utility buildings, without storage** §4.9
15. Other uses similar to those above





# R-8 to R-12 Multiple-Family Low Rise 3.8

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: 24,000 sq. ft.  
 Minimum frontage<sup>☒</sup>: 100 ft.

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: None specified

### Project Perimeter Setbacks<sup>☒</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 50 ft.  
 Minimum side yard setback: 50 ft.

### Building Height<sup>☒</sup>

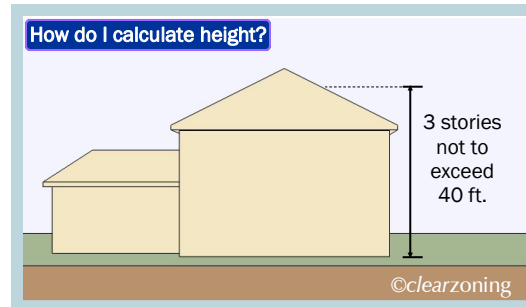
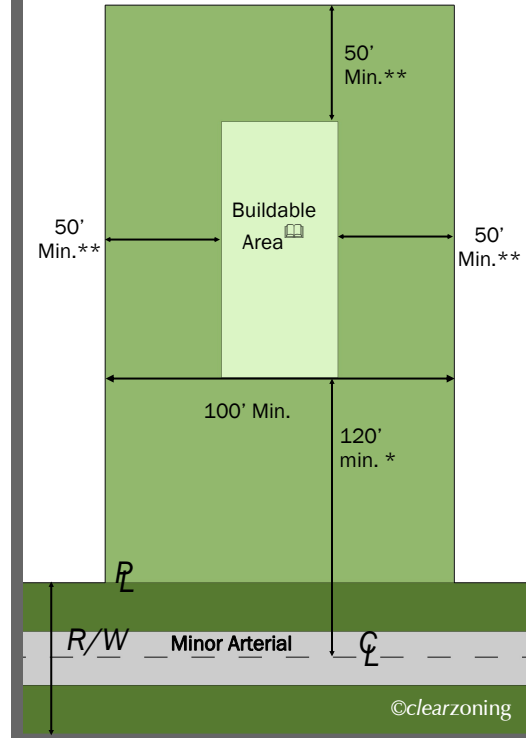
Maximum building height: 3 stories not to exceed 40 ft.

Maximum Density <sup>☒</sup>	
District	Maximum Density Per Acre
R-8 Multiple-Family	8 Dwelling Units
R-9 Multiple-Family	9 Dwelling Units
R-10 Multiple-Family	10 Dwelling Units
R-11 Multiple-Family	11 Dwelling Units
R-12 Multiple-Family	12 Dwelling Units

**Note to District Standards:**  
[Section 3.28.B.1, 2, 3, 4](#)

Also see [Sec. 3.31—Multiple-Family District Regulations](#)

\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Residential District... §3.29
- Multiple-Family District...§3.31
- General Exceptions §3.38

### 4. Use Standards

- Landfills §4.51
- Animals §4.60
- Excavation of Holes §4.61
- Garage Sales, Rummage... §4.62
- Outdoor Merchandising §4.63

### 5. Site Standards

- Access Across Residential... §5.1
- Accessory Buildings §5.2

### 5. Site Standards (Continued)

- Corner Visibility §5.3
- Fences ...§5.4
- Frontage §5.6
- Garbage, Rubbish and Waste §5.7
- Location and Screening ...§5.8
- Storage, Accumulations... §5.9
- Maintaining of Property... §5.10
- Location of Structures and... §5.11
- Waterfront Access... §5.13
- Sanitary Sewer Systems §5.15
- Water Supply... §5.16
- Screening and Buffers ...§5.17
- Preservation of Wooded... §5.18
- Landscaping §5.19
- Parking Lot Landscaping §5.20

### 5. Site Standards (Continued)

- Off-Street Parking ...§5.21
- Off-Street Loading ...§5.22
- Satellite Dish Antennas... §5.23
- Sign Regulations §5.24
- Lighting §5.25
- Performance Standards §5.26
- Brick Requirement and... §5.27
- Building (Structure) Grades §5.28
- Storage of Motor Vehicles §5.29

### 6. Development Procedures

- Site Plan Review... §6.1
- Traffic Impact Studies §6.2
- Site Condominium Sub. §6.3
- Special Land Use Approval §6.5

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## A. INTENT

The Mobile Home Park district is a residential district. The rules and regulations as promulgated by the mobile home commission shall be applicable, except as modified by the following provisions which are designed to provide adequate space and land use separation consistent with the Township's other zoning districts.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. All principal uses permitted and as regulated in the immediate abutting one-family district
2. **Mobile home parks** <sup>ⓘ</sup> §3.30
3. **Accessory commercial uses** §4.13
4. Signs <sup>ⓘ</sup>

The following uses are subject to the development standards of the R-3 to R-6 districts

5. Two-family use
6. Apartments
7. Multiplexes
8. Townhouses
9. Accessory buildings <sup>ⓘ</sup> and uses <sup>ⓘ</sup>
10. State licensed residential facilities <sup>ⓘ</sup>
11. Family child care homes <sup>ⓘ</sup>

## C. SPECIAL LAND USES

1. All principal uses permitted and as regulated in the immediate abutting one-family district

The following uses are subject to the development standards of the R-3 to R-6 districts

2. **Age-restricted adult housing** <sup>ⓘ</sup> §4.10
3. **Churches** <sup>ⓘ</sup> and **private schools** §4.4
4. **Nursing homes** <sup>ⓘ</sup> and **skilled nursing facilities** <sup>ⓘ</sup> §4.14
5. **Detached one-family, planned project** §4.15
6. **Group child care homes** <sup>ⓘ</sup> §4.6
7. **General hospitals** <sup>ⓘ</sup>, **emergency care treatment centers and similar outpatient treatment facilities** §4.16
8. **Golf courses** §4.5
9. **Child care centers** <sup>ⓘ</sup>, **nursery** <sup>ⓘ</sup> and **similar uses** §4.12
10. **Planned unit development** <sup>ⓘ</sup> §3.37
11. **Private clubs, fraternal organizations, lodge halls, cultural centers and union halls** §4.17
12. **Private non-commercial recreation facilities** §4.7
13. **Public buildings and recreation** §4.8
14. **Public utility buildings, without storage** §4.9



D. DEVELOPMENT STANDARDS

**Lot Size**

Minimum site size: 10 acres  
 Minimum lot area<sup>Ⓜ</sup>: 5,500 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: See Section 3.30

**Lot Coverage<sup>Ⓜ</sup>**

Maximum lot coverage: None specified

**Mobile Home Park Perimeter Setbacks<sup>Ⓜ</sup>**

Minimum front yard setback: 120 ft.  
 Minimum rear yard setback: 50 ft.\*  
 Minimum side yard setback: 50 ft.\*

**Building Height<sup>Ⓜ</sup>**

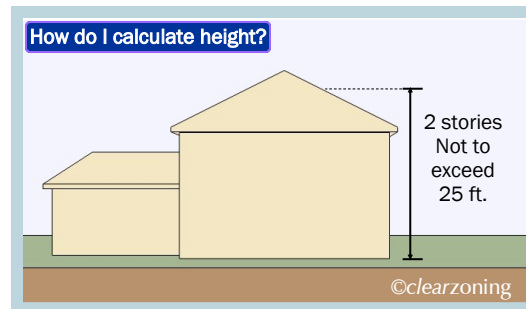
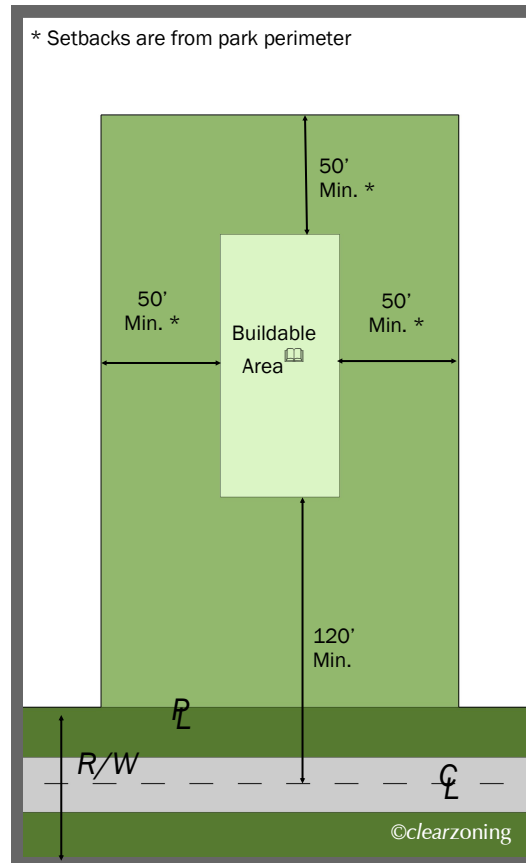
Maximum building height: 2 stories not to exceed 25 ft.\*\*

Note to District Standards:  
 Section 3.28.B. 1, 2, 3, 4

Also see [Sec. 3.30—Mobile Home Park Regulations](#)

\*\*For service buildings and permitted office structures.

\* Setbacks are from park perimeter



The above drawings are not to scale.

SELECTED REFERENCES

**3. Zoning Districts**

- Residential Districts §3.29
- Mobile Home Park... §3.30
- General Exceptions §3.38

**4. Use Standards**

- Landfills §4.51
- Animals §4.60
- Excavation of Holes §4.61
- Garage Sales, Rummage... §4.62
- Outdoor Merchandising §4.63

**5. Site Standards**

- Access Across Residential... §5.1
- Accessory Buildings §5.2

**5. Site Standards (Continued)**

- Corner Visibility §5.3
- Fences ... §5.4
- Frontage §5.6
- Garbage, Rubbish and Waste §5.7
- Location and Screening ... §5.8
- Storage, Accumulations... §5.9
- Maintaining of Property... §5.10
- Location of Structures and... §5.11
- Waterfront Access... §5.13
- Sanitary Sewer Systems §5.15
- Water Supply... §5.16
- Screening and Buffers ... §5.17
- Preservation of Wooded... §5.18
- Landscaping §5.19
- Parking Lot Landscaping §5.20

**5. Site Standards (Continued)**

- Off-Street Parking ... §5.21
- Off-Street Loading ... §5.22
- Satellite Dish Antennas... §5.23
- Sign Regulations §5.24
- Lighting §5.25
- Performance Standards §5.26
- Brick Requirement and... §5.27
- Building (Structure) Grades §5.28
- Storage of Motor Vehicles §5.29

**6. Development Procedures**

- Site Plan Review... §6.1
- Traffic Impact Studies §6.2
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## A. INTENT

The High and Mid-Rise district is designed to provide sites for apartments, offices and hotel structures adjacent to high traffic generators commonly found in the proximity of large acreage non-residential development and areas abutting major thoroughfares. This district is further designed to provide a zone of transition between traffic generators and residential districts through the requirements of lesser land coverage which, in turn, will result in more open space.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. High and mid-rise buildings shall permit the following uses:
  - i. Apartments.
  - ii. Business and professional offices.
  - iii. Hotels and motels.
  - iv. Uses customarily accessory to any of the above uses permitted, not to include outside storage.
2. Buildings of 3 stories or less shall permit the following uses, subject to the regulations of the **R-12 district**:
  - i. All principal uses permitted and as regulated in the immediate abutting one-family district
  - ii. Two-family use
  - iii. Apartments
  - iv. Multiplexes
  - v. Townhouses
  - vi. Accessory buildings<sup>§</sup> and uses<sup>§</sup>
  - vii. State licensed residential facilities<sup>§</sup>
  - viii. Family child care homes<sup>§</sup>

## C. SPECIAL LAND USES

1. High and mid-rise buildings shall permit the following uses:
  - i. **Age-restricted adult housing**<sup>§</sup> §4.10
  - ii. **Churches**<sup>§</sup> and **private schools** §4.4
  - iii. **Colleges and universities** §4.18
  - iv. **Nursing homes**<sup>§</sup> and **skilled nursing facilities**<sup>§</sup> §4.14
  - v. **General hospitals**<sup>§</sup>, **emergency care treatment centers and similar outpatient treatment facilities** §4.16
  - vi. **Golf courses** §4.5
  - vii. **Child care centers**<sup>§</sup>, **nursery**<sup>§</sup> and **similar uses** §4.12
  - viii. **Planned unit development**<sup>§</sup> §3.37
  - ix. **Private clubs, fraternal organizations, lodge halls, cultural centers and union halls** §4.17
  - x. **Private non-commercial recreation facilities** §4.7
  - xi. **Public buildings and recreation** §4.8
  - xii. **Public utility buildings, without storage** §4.9
2. Buildings of 3 stories or less shall permit the following uses, subject to the regulations of the **R-12 district**:
  - i. All special land uses permitted and as regulated the immediate abutting one-family district
  - ii. **Detached one-family, planned project** §4.15
  - iii. **Group child care homes**<sup>§</sup> §4.6



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: None Specified  
 Minimum lot width<sup>☒</sup>: None Specified

### Floor Area Ratio<sup>☒</sup>

Maximum floor area ratio: 0.5

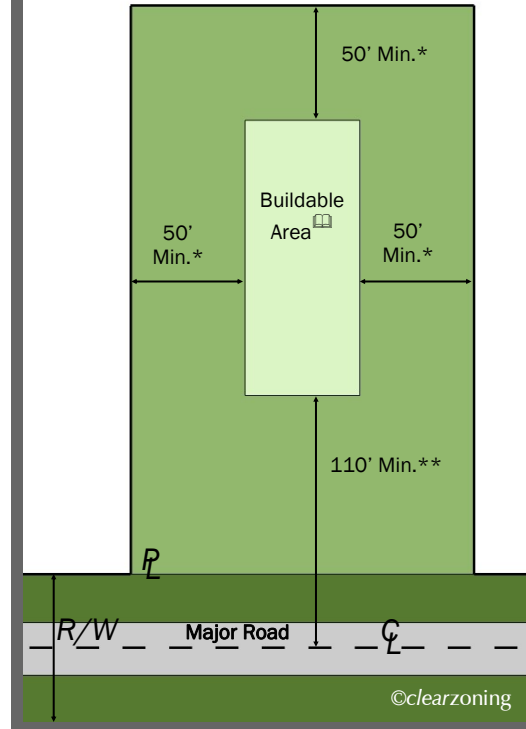
### Setbacks<sup>☒</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: Height of building\*  
 Minimum side yard setback: Height of building\*  
 Project perimeter setback:  
     Side yard: 50 ft.\*  
     Rear yard: 50 ft.\*

### Building Height<sup>☒</sup>

Maximum building height: 50 ft.

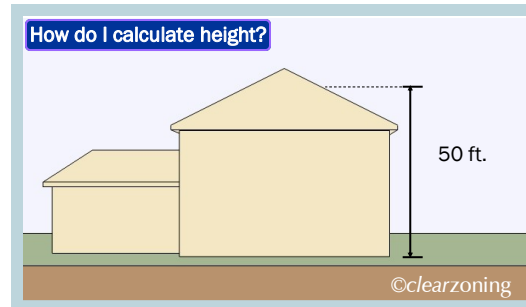
\*\* Front yard setback varies by road classification. See Section 3.27 for details.



Notes to District Standards:  
[Section 3.28.B.1, 2, 3, 4](#)

Also see [Sec. 3.32—High and Mid-Rise Regulations](#)

\* See [Section 3.32](#) for exceptions to required setbacks



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Provisions Applicable to Residential Districts](#) §3.29
- [High and Mid-Rise Regulations](#) §3.32
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Access Across Residential...](#) §5.1
- [Accessory Buildings](#) §5.2

### 5. Site Standards (Continued)

- [Corner Visibility](#) §5.3
- [Fences ...](#) §5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
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- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20

### 5. Site Standards (Continued)

- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22
- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29

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- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
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## A. INTENT

The O-1 Professional Office district is designed to provide a suitable environment for various types of office uses performing professional, administrative and related service occupations. This district is also intended to provide a transition or buffer between more intense uses and/or major thoroughfares and abutting single-family residential neighborhoods.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. **Professional office buildings** §4.19
2. **Accessory uses** customary and incidental to a principal use §4.13
3. All principal uses permitted as regulated under this Ordinance in the immediate abutting R-1-A, R-1-B, R-1-C, or R-2 residential districts

## C. SPECIAL LAND USES

1. **Communication towers** §4.20
2. **Funeral homes and mortuaries, not including crematoriums** §4.11
3. **Child care centers**, **nursery** and **similar uses** §4.12
4. **Planned unit development** §3.37
5. **Public utility buildings without storage** §4.9
6. All special land uses as regulated under this Ordinance in the immediate abutting R-1-A, R-1-B, R-1-C, or R-2 residential districts

## D. ACCESSORY LAND USES

1. **Propane sales** §4.21
2. **Massage therapy** §4.22



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 12,000 sq. ft. per building  
 Minimum lot width<sup>Ⓜ</sup>: 80 ft. per building

### Lot Coverage<sup>Ⓜ</sup>

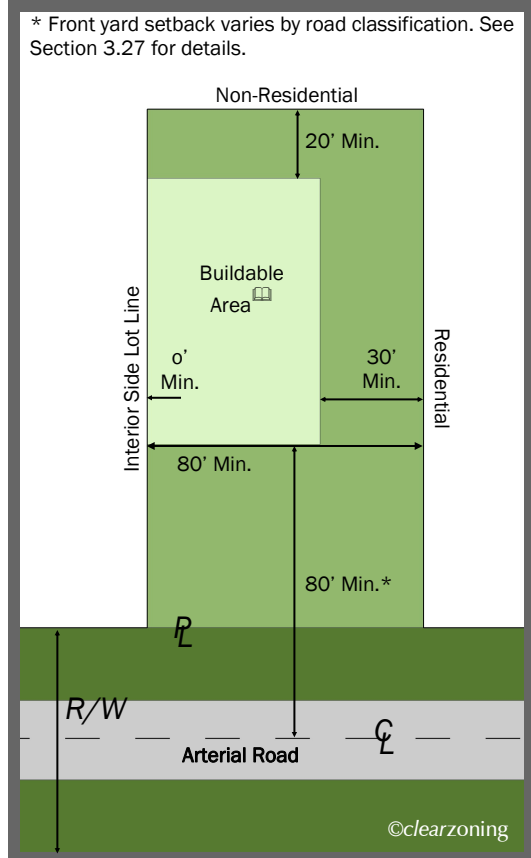
Maximum lot coverage: [Section 3.33.A.9](#)

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback:  
     Abutting residential 30 ft.  
     Abutting non-residential 20 ft.  
 Minimum side yard setback:  
     Abutting residential 30 ft.  
     Interior side 0 ft.

### Building Height<sup>Ⓜ</sup>

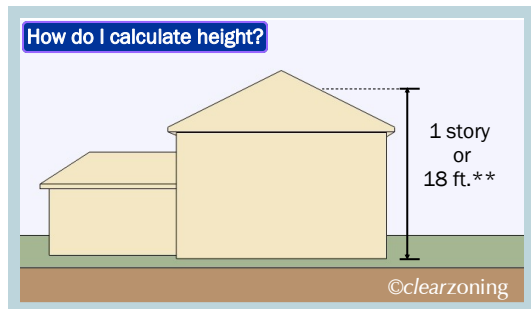
Maximum building height: 1 story not to exceed 18 ft.\*\*



Notes to District Standards:  
[Section 3.28.B.1, 2, 3, 4, 5, 12, 13, 14, 16](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

\*\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences](#) ...§5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening](#) ...§5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers](#) ...§5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20

### 5. Site Standards (Continued)

- [Off-Street Parking](#) ...§5.21
- [Off-Street Loading](#) ...§5.22
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures

- [Site Plan Review](#) ... §6.1
- [Traffic Impact Studies](#) §6.2
- [Special Land Use Approval](#) §6.5

1 Purpose and Introduction

2 Definitions

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### A. INTENT

The purpose of the O-2 Service Office district is to accommodate the development of larger scale office buildings or office building complexes or other institutional or public service uses of an intensity that is normally greater than what is permitted in the O-1 district. The O-2 district is intended to be applied to larger parcels that have direct access to major thoroughfares. Offices within this district are intended to be developed as a planned or integrated cluster of establishments served by consolidated driveways and parking areas, as well as unified architecture and landscaping features.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

1. **Professional office buildings** <sup>ⓘ</sup> §4.19
2. Real estate offices
3. Banks, credit unions, and similar uses, not principally of a drive-thru nature
4. **Public utility buildings, not including outside storage** §4.9
5. **Retail businesses** §4.23
6. Accessory uses <sup>ⓘ</sup> customary and incidental to a principal use

### C. SPECIAL LAND USES

1. **Colleges, universities and similar institutions** §4.18
2. **Nursing homes and skilled nursing facilities** §4.14
3. **Funeral homes and mortuaries, not including crematoriums** §4.11
4. **General hospitals, emergency care treatment centers, and similar outpatient treatment facilities** §4.16
5. **Child care centers** <sup>ⓘ</sup>, **nursery** <sup>ⓘ</sup> and similar uses §4.12
6. **Planned unit development** §3.37
7. **Private clubs, fraternal organizations, lodge halls, cultural centers and union halls** §4.17
8. **Private non-commercial recreation facilities** §4.7
9. **Communication towers** §4.20

### D. ACCESSORY LAND USES

1. **Propane sales** §4.21
2. **Massage therapy** §4.22





## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 15,000 sq. ft. per building  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft. per building

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: [Section 3.33.A.9](#)

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 20 ft.  
 Minimum side yard setback:  
     Abutting residential: 30 ft.  
     Interior side: 10 ft.

### Building Height

Maximum building height: 2 stories not to exceed 25 ft.\*\*

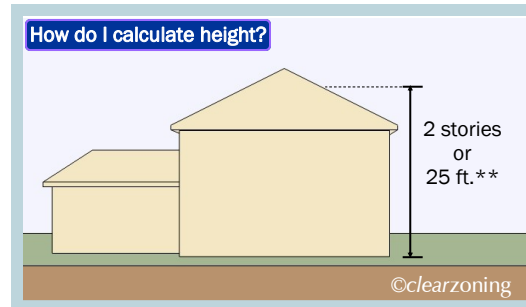
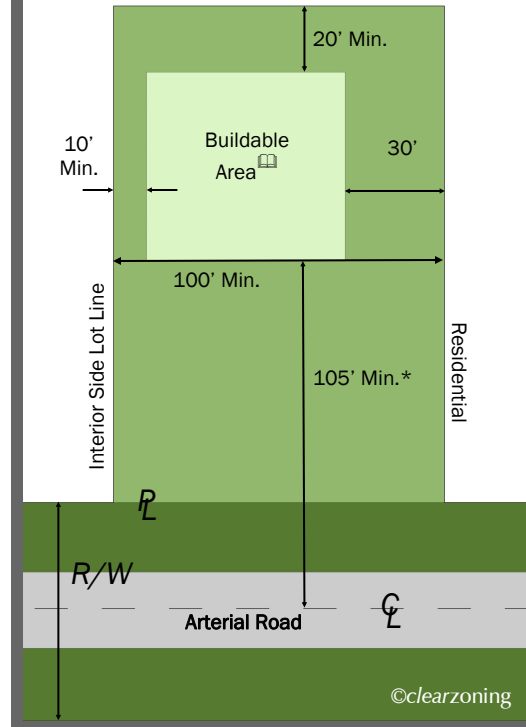
### Notes to District Standards:

[Section 3.28.B.1, 2, 3, 4, 5, 12, 13,14, 16](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

\*\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance

\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences](#) ...§5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening](#) ...§5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers](#) ...§5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20

### 5. Site Standards (Continued)

- [Off-Street Parking](#) ...§5.21
- [Off-Street Loading](#) ...§5.22
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Special Land Use Approval](#) §6.5




- 1 Purpose and Introduction
- 2 Definitions
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## A. INTENT

The C-1 Local Retail Business district is designated to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Protection of nearby residential districts is considered of importance; thus, businesses which tend to be a nuisance to immediately surrounding residential areas are excluded, even though the goods sold or services offered might fall within the convenience classification.

It is further the intent of this district to provide these goods and services in a physical setting that is compatible with surrounding residential neighborhoods and which are of a neighborhood size and character. Whenever possible, local retail business districts should be developed with consolidated site features to provide for a continuity of appearance and function and to minimize any negative impacts on nearby residential neighborhoods or the Township's thoroughfare system.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in **Section 4.24**.

1. Convenience stores<sup>☐</sup>, up to 3,000 sq. ft.
2. Outlet or on-site bakery for in-store sale and limited sales off-site, up to 2,400 sq. ft.
3. **Restaurants** (sit-down restaurants (without entertainment), restaurants with liquor service, and cocktail lounges), up to 5,000 sq. ft. §4.26
4. Specialty food<sup>☐</sup>, up to 1,200 sq. ft.
5. **Fast-food/carry-out**, up to 1,500 sq. ft. §4.27
6. Wearing apparel/accessories, up to 1,500 sq. ft.
7. Home furnishings, up to 2,400 sq. ft.
8. Specialty home improvement, up to 2,400 sq. ft.
9. Hardware stores, up to 10,000 sq. ft.
10. Drug stores and grocery stores, up to 12,000 sq. ft.
11. Gift and specialty stores<sup>☐</sup>, up to 1,600 sq. ft.
12. Stationary, up to 5,000 sq. ft.
13. Barber/beauty salons, up to 2,400 sq. ft.
14. Beauty schools, up to 5,000 sq. ft.
15. Dry cleaners/laundromats (pick-up stations with limited dry cleaning on site), 2,400 square feet
16. Tanning salons, up to 1,200 square feet
17. Video stores, up to 7,500 square feet
18. Repair, up to 1,000 square feet
19. Personal services, other<sup>☐</sup>; up to 1,600 sq. ft.
20. Banks, up to 3,500 sq. ft.
21. **Professional office buildings**<sup>☐</sup> §4.19
22. **Public utility buildings, telephone exchange buildings, transformer stations and substations. No such use shall have a service yard or storage yard.** §4.9
23. Accessory buildings<sup>☐</sup>
24. **Accessory uses**<sup>☐</sup> §4.13
25. **Temporary buildings**<sup>☐</sup> §4.25

## C. SPECIAL LAND USES

1. **Churches and private schools** §4.4
2. **Gasoline self-service stations** §4.28
3. **Child care centers<sup>☐</sup>, nursery<sup>☐</sup> and similar uses** §4.12
4. **Planned unit development** §3.37
5. **Communication towers** §4.20
6. Other uses similar to those listed in this Section

## D. ACCESSORY LAND USES

1. **Propane sales** §4.21
2. **Massage therapy** §4.22



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>§</sup>: 12,000 sq. ft. per building  
 Minimum lot width<sup>§</sup>: 80 ft. per building

### Lot Coverage<sup>§</sup>

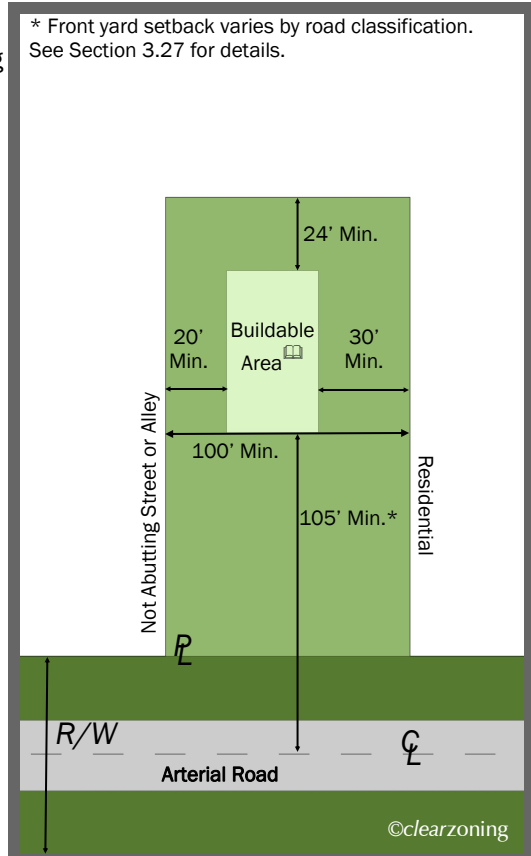
Maximum lot coverage: [Section 3.33.A.9](#)

### Setbacks<sup>§</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 24 ft.  
 Minimum side yard setback:  
     Not abutting street or alley: 20 ft.  
     Abutting residential: 30 ft.

### Building Height<sup>§</sup>

Maximum building height: 2 stories not to exceed 25 ft.\*\*

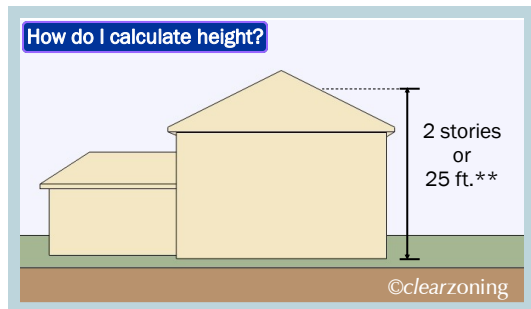


### Notes to District Standards:

[Section 3.28.B.1, 2, 3, 4, 5, 14, 15, 16](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

\*\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences ...](#) §5.4
- [Frontage](#) §5.6
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- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22

### 5. Site Standards (Continued)

- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5



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5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The C-2 Linear Retail Business district is designated to address the historic use of Van Dyke and Auburn Road for commercial business use. It is designed to accommodate both the neighborhood and local needs of persons residing in the community [township]. Since the existing districts are historically placed, the proximity of the frontage to residential varies from lot-to-lot. Where sufficient lot depth exists, isolation is possible that permits uses of greater intensity than those allowed in C-1. These uses, however, must be of scale and nature that they do not negatively impact the nearby residential uses, nor impede the traffic flow on the abutting thoroughfare.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in **Section 4.24**.

1. Convenience stores<sup>ⓘ</sup>
2. Outlet or on-site bakery for in-store sale and limited sales off-site
3. **Restaurants** (sit-down restaurants (without entertainment), restaurants with liquor service, and cocktail lounges) §4.26
4. **Fast-food/carry-out (may not include drive-through)** §4.27
5. Retail, general<sup>ⓘ</sup>
6. Home furnishings, furniture and equipment stores
7. Specialty home improvement
8. General merchandise stores, department stores and variety stores
9. Hardware stores
10. Drug stores, grocery stores and specialty food<sup>ⓘ</sup>
11. Barber/beauty salons
12. Beauty schools
13. Dry cleaners/laundromats (pick-up stations with limited dry cleaning on site)
14. Tanning salons
15. Video stores
16. Repair services
17. **Personal services, other**<sup>ⓘ</sup> (except escort services, massage parlors and lingerie sales with modeling) §4.29
18. Banks
19. **Professional office buildings**<sup>ⓘ</sup> §4.19
20. **Public utility buildings, telephone exchange buildings, transformer stations and substations. No such use shall have a service yard or storage yard.** §4.9
21. Accessory buildings<sup>ⓘ</sup> and accessory uses<sup>ⓘ</sup>
22. **Temporary buildings**<sup>ⓘ</sup> §4.25

## B. PRINCIPAL PERMITTED USES

23. Laundry, cleaning and garment services (except dry-cleaning plants, carpet and upholstery cleaners and industrial laundries).
24. Photographic studios
25. Funeral parlors
26. Pet shops
27. **Passenger car rental and leasing and used vehicle display lots** §4.44
28. Auto parking for a fee, except tow-in parking lots
29. **Auto and motorcycle services** §4.36
30. Dance and instructional studios, including martial arts and similar activities.
31. Art galleries
32. **Veterinary clinics, doctors, dog grooming, boarding and dog day care** §4.30
33. Health and athletic clubs

## C. SPECIAL LAND USES

1. **Amusement device centers** §4.31
2. **Automobile washing facilities** §4.33
3. **Churches and private schools** §4.4
4. **Fast-food and carry-out restaurants with accessory drive-through** §4.27
5. **Gasoline service stations (full and self-service)** §4.28
6. **Nurseries and greenhouses** §4.32
7. **Planned unit development** §3.37
8. **Child care centers**<sup>ⓘ</sup>, **nursery**<sup>ⓘ</sup> and similar uses §4.12
9. **Communication towers** §4.20
10. Other uses similar to those cited in this Section

## D. ACCESSORY LAND USES

1. **Propane sales** §4.21
2. **Massage therapy** §4.22



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 16,000 sq. ft. per building  
 Minimum lot width<sup>☐</sup>: 80 ft. per building

### Lot Coverage<sup>☐</sup>

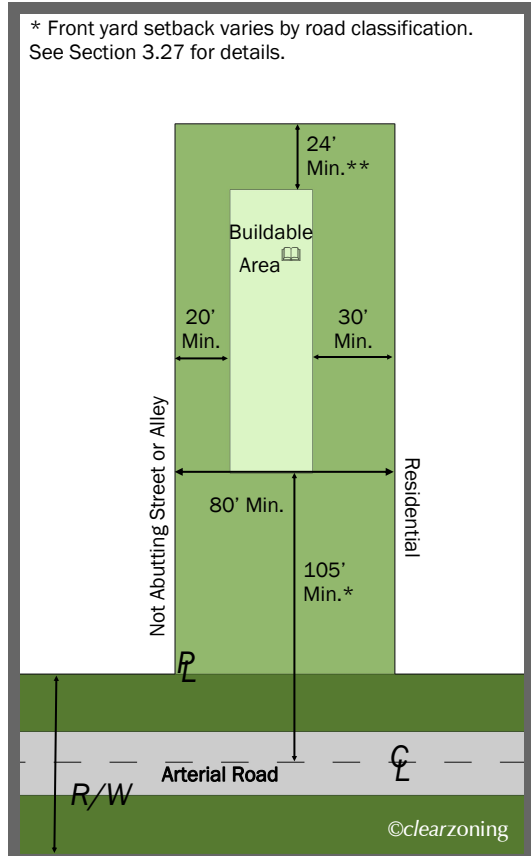
Maximum lot coverage: [Section 3.33.A.9](#)

### Setbacks<sup>☐</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback: 24 ft.\*\*  
 Minimum side yard setback:  
     Not abutting street or alley 20 ft.  
     Abutting residential 30 ft.

### Building Height<sup>☐</sup>

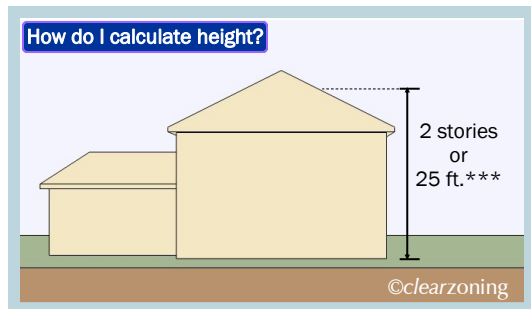
Maximum building height: 2 stories not to exceed 25 ft.\*\*\*



Notes to District Standards:  
[Section 3.28.B.1, 2, 3, 4, 5, 15, 16](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

\*\* Suitable access shall be provided to the rear yard  
 \*\*\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences ...](#) §5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22

### 5. Site Standards (Continued)

- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5



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# C-3 Shopping Center Business

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

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5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## A. INTENT

The C-3 Shopping Center Business district is intended to provide a combination of convenience and comparison retail goods and services serving the needs of a broader market area than neighborhood areas, as is the case with the C-1 district. These shopping centers may include an anchor tenant, such as a supermarket or an intermediate department store. Uses within this district are intended to be developed as a planned or integrated cluster of common wall establishments served by consolidated driveways and parking areas as well as unified architecture and landscaping features.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in [Section 4.24](#).

1. **Professional office buildings** <sup>§4.19</sup>
2. All principal uses permitted as regulated under this Ordinance in the immediate abutting R-1-A, R-1-B, R-1-C, or R-2 residential districts
3. General merchandise stores, department stores and variety stores
4. Home furniture, furnishings and equipment stores
5. Eating and drinking establishments, including fast-food restaurants and coffee shops with drive-thru windows
6. Grocery stores and supermarkets
7. Retail, general <sup>§4.19</sup>
8. Pet shops
9. Photographic studios
10. Motion picture theaters, except drive-ins
11. Art galleries
12. Health and athletic clubs
13. Accessory buildings <sup>§4.25</sup> and accessory uses <sup>§4.25</sup>
14. **Temporary buildings** <sup>§4.25</sup>

## C. SPECIAL LAND USES

1. **Amusement device centers located in a mall area of a shopping center** <sup>§4.31</sup>
2. **Gas stations and auto service** <sup>§4.28</sup>
3. **Churches and private schools** <sup>§4.4</sup>
4. **Nurseries and greenhouses** <sup>§4.32</sup>
5. **Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment and garden supplies** <sup>§4.34</sup>
6. **Planned unit development** <sup>§3.37</sup>
7. **Public utility buildings without storage** <sup>§4.9</sup>
8. **Recreational space providing children's amusement park and other similar recreation** <sup>§4.35</sup>
9. **Communication towers** <sup>§4.20</sup>

## D. ACCESSORY LAND USES

1. **Propane sales** <sup>§4.21</sup>
2. **Massage therapy** <sup>§4.22</sup>



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 5 Acres\* per building  
 Minimum lot width<sup>Ⓜ</sup>: 300 ft.

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: [Section 3.33.A.9](#)

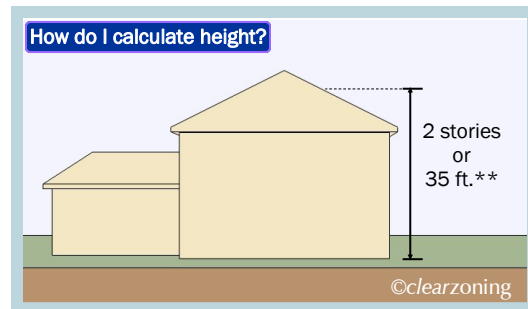
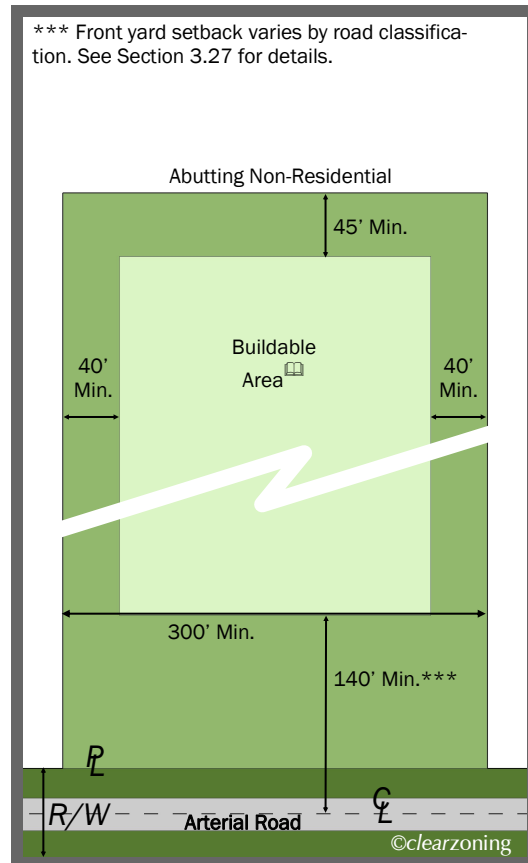
### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback:  
     Abutting residential 100 ft.  
     Abutting nonresidential 45 ft.  
 Minimum side yard setback: 40 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 2 stories not to exceed 35 ft.

\*\*\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

Notes to District Standards:  
[Section 3.28.B.1, 2, 3, 4, 5, 16](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

\*See [Section 3.33.G](#)

\*\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

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### 5. Site Standards (Continued)

- [Satellite Dish Antennas...](#) §5.23
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### 6. Development Procedures

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A. INTENT

The C-4 General Business district is designed to provide for a wide diversity of business activities which are predominantly, but not necessarily, totally retail in character. In addition to retail uses, a number of other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district normally must have good vehicular accessibility, but should not cause congestion on adjacent thoroughfares.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in [Section 4.24](#).

1. Convenience stores<sup>mi</sup>
2. Outlet or on-site bakery for in-store sale and limited sales off-site
3. Restaurants (sit-down restaurants (without entertainment), restaurants with liquor service, and cocktail lounges)
4. Fast-food/carry-out (may not include drive-through)
5. Retail, general<sup>mi</sup>
6. Home furnishings, furniture and equipment stores
7. Specialty home improvement
8. General merchandise stores, department stores and variety stores
9. Building materials, hardware, and garden supply stores (except mobile home dealers)
10. Drug stores, grocery stores and specialty food and food stores<sup>mi</sup>
11. Barber/beauty salons
12. Beauty schools
13. Dry cleaners/laundromats (pick-up stations with limited dry cleaning on site)
14. Tanning salons
15. Video stores
16. Repair
17. **Personal services, other**<sup>mi</sup> (except escort services, massage parlors and tattoo parlors) §4.29
18. Banks
19. **Professional office buildings**<sup>mi</sup> §4.19
20. **Public utility buildings, telephone exchange buildings, transformer stations and substations. No such use shall have a service yard or storage yard.** §4.9
21. Accessory buildings<sup>mi</sup> and **accessory uses**<sup>mi</sup> §4.13
22. **Temporary buildings**<sup>mi</sup> §4.25
23. Laundry, cleaning and garment services (except dry-cleaning plants, carpet and upholstery cleaners and industrial laundries).
24. Photographic studios
25. Funeral parlors

B. PRINCIPAL PERMITTED USES

26. Pet shops
27. Passenger car rental and leasing and used vehicle display lots
28. Automotive dealers and gasoline service stations
29. Auto parking for a fee, except tow-in parking lots
30. **Auto and motorcycle services** §4.36
31. Dance and instructional studios, including martial arts and similar activities.
32. Art galleries
33. Hotel, motel and tourist court
34. Motion pictures (except drive-in theater)
35. **Veterinary clinics, doctors, dog grooming, boarding and dog day care** §4.30
36. Health and athletic clubs
37. **Outdoor display of merchandise** §4.40
38. **Adult entertainment**<sup>mi</sup> §4.37

C. SPECIAL LAND USES

1. **Amusement and recreation services (except racing and all ride-type uses), including amusement device centers** §4.31
2. **Automobile washing facilities (automatic or self-service)** §4.33
3. **Businesses of a drive-in nature, but not including outdoor theaters** §4.38
4. **Churches and private schools** §4.4
5. **Open air business uses, including the retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, boats, and home, garden or building supplies.** §4.34
6. **Planned unit development** §3.37
7. **Self-service storage facilities** §4.39
8. **Nurseries and greenhouses** §4.32
9. **Communication towers** §4.20

D. ACCESSORY LAND USES

1. **Propane sales** §4.21
2. **Massage therapy** §4.22





## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 40,000 sq. ft. per building  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft. per building

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: **Section 3.33.A.9**

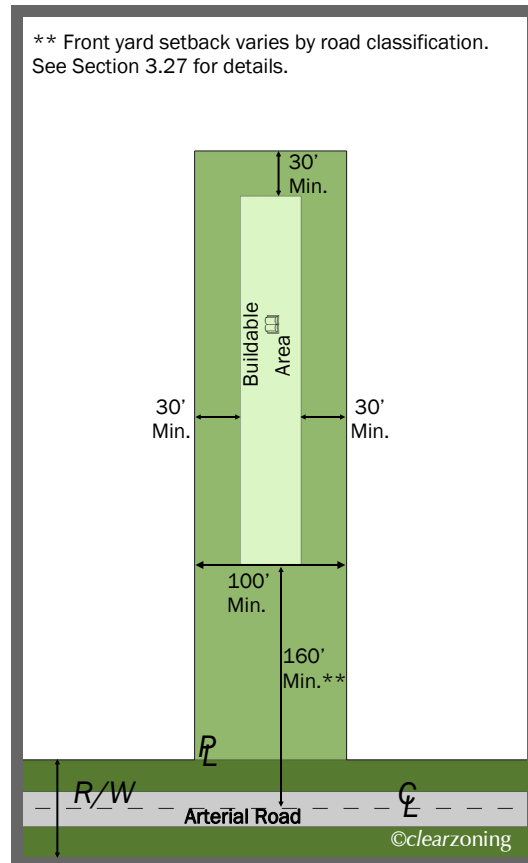
### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: **See Section 3.27**  
 Minimum rear yard setback: 30 ft.  
 Minimum side yard setback: 30 ft.

### Building Height<sup>Ⓜ</sup>

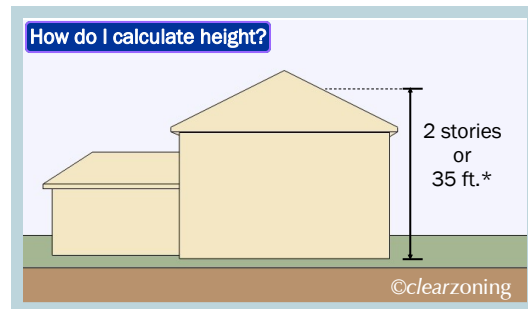
Maximum building height: 2 stories not to exceed 35 ft.\*

\*\* Front yard setback varies by road classification. See Section 3.27 for details.



Notes to District Standards:  
**Section 3.28.B.1, 2, 3, 4, 5, 14**

Also see **Sec. 3.33—Office and Commercial District Regulations**



\* Except as otherwise provided in **Section 3.38.C** of this Ordinance

The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Office and Commercial District Regulations §3.33
- General Exceptions §3.38

### 4. Use Standards

- Landfills §4.51
- Animals §4.60
- Excavation of Holes §4.61
- Garage Sales, Rummage... §4.62
- Outdoor Merchandising §4.63

### 5. Site Standards

- Accessory Buildings §5.2
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## A. INTENT

The C-5 Multi-Use district, established to encourage a diversity of compatible land uses, shall include a mixture of such uses, such as residential, office, retail, recreational, and other similar uses within an aesthetically attractive environment conducive to the development and protection against nuisance-type uses and combinations.

Development shall be guided by an approved project development plan that conforms with public plans and policies and is implemented through the use of the special land use and site plan review processes. The project development is intended to accomplish the following:

1. Help create major new multi-use developments in planned locations with appropriate densities, heights and mixtures of uses.
2. Encourage areas devoted primarily to pedestrians by separating pedestrian from vehicular circulation patterns and by requiring off-street parking spaces in accordance with this objective and with the objectives of an approved project development plan.
3. Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design, in a manner compatible and harmonious with adjoining development and within the district as a whole.
4. Make recreation and open space areas more accessible to the district's residents, visitors, and nearby residential and commercial areas.
5. Create environments conducive to a higher quality of life and surroundings for residents, businesses, employees and institutions, as specified in the Charter Township of Shelby's plans and policies.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in [Section 4.24](#).

1. **Professional office buildings** <sup>ⓘ</sup> §4.19
2. General merchandise stores, department stores and variety stores
3. Home furniture, furnishings and equipment stores
4. **Restaurant** <sup>ⓘ</sup> §4.26 **or fast-food restaurants with drive-thru windows** <sup>ⓘ</sup> §4.27
5. Grocery stores and supermarkets
6. Retail, general <sup>ⓘ</sup>
7. Pet shops
8. Photographic studios
9. Motion picture theaters, except drive-ins
10. Artists' studios and galleries
11. Health and athletic clubs
12. Two-family use
13. Apartments
14. Multiplexes
15. Townhouses
16. State licensed residential facilities <sup>ⓘ</sup>
17. Family child care homes <sup>ⓘ</sup>
18. Business and professional offices
19. Hotels <sup>ⓘ</sup> and motels <sup>ⓘ</sup>

## B. PRINCIPAL PERMITTED USES

20. Theaters, auditoriums, concert halls and similar places of assembly
21. Business and technical schools
22. Community [township] center <sup>ⓘ</sup>
23. Indoor recreation
24. Library or museum
25. Common open space <sup>ⓘ</sup>, including pedestrian plazas and courts

## C. SPECIAL LAND USES

1. **Communication towers** §4.20

## D. ACCESSORY LAND USES

1. Indoor and outdoor recreational facilities
2. **Amusement devices** §4.31
3. Child care centers and nursery schools
4. Parking and loading structures and areas
5. Radio, telephone and television towers, antennae, and similar structures or public utilities
6. **Propane sales** §4.21
7. **Massage therapy** §4.22



## E. DEVELOPMENT STANDARDS

### Lot Size

Project area: 80 Acres  
 Project width to depth ratio: 1 to 4 maximum

Minimum lot area<sup>Ⓜ</sup>: 1 Acre  
 Minimum lot width<sup>Ⓜ</sup>: 150 ft. road or service drive frontage  
 Minimum lot depth: 290 ft.

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: [Section 3.33.H.3](#)

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:  
 Principal structure [See Section 3.27](#)  
 Accessory structure  
     Abutting residential 100 ft.  
     Abutting non-residential 50 ft.  
 Minimum rear yard setback:  
 Principal structure [Section 3.33.H.3](#)  
 Accessory structure  
     Abutting residential 100 ft.  
     Abutting non-residential 50 ft.  
 Minimum side yard setback:  
 Principal structure [Section 3.33.H.3](#)  
     Abutting residential 100 ft.  
     Abutting non-residential 25 ft.

### Building Height<sup>Ⓜ</sup>

Minimum building height: 2 stories not to exceed 30 ft.  
 Maximum building height: 200 ft.

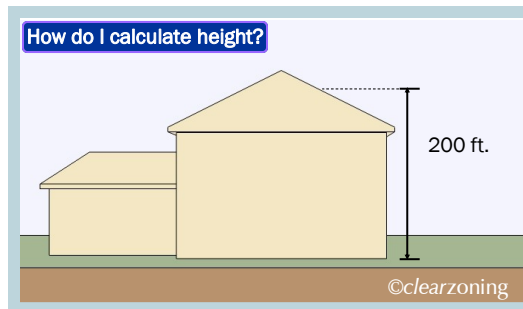
### Notes to District Standards:

[Section 3.28.B.1, 2, 3, 4, 5, 12, 17, 18](#)

Also see [Sec. 3.33—Office and Commercial District Regulations](#)

For front yard setbacks see [Section 3.27](#)

For side and rear yard setbacks see [Section 3.33.H.3](#)



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Office and Commercial District Regulations](#) §3.33
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
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### 5. Site Standards (Continued)

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A. INTENT

The C-6 Shelby Center district is designed to create an area within the Township that defines a sense of community and promotes a traditional architectural and visual environment that supports the vision of the Shelby Center Design Plan. A fully realized Shelby Center concept will incorporate the elements of institutional, commercial, residential, vehicular and pedestrian environments into an integrated commercial and civic design which reflects the development of this area of the Township as a central community focal point.

In order to implement the Shelby Center concept, the following objectives shall be followed:

1. The pedestrian environment in the Shelby Center is essential for developing a sense of community described in the Shelby Center Design Plan. Amenities shall be provided in the Shelby Center to promote pedestrian usage.
2. Vehicular circulation and parking should be accommodated without impacting the pedestrian experience. Adequate measures shall be provided to reduce vehicular/pedestrian circulation conflicts.
3. The architectural character of new and renovated buildings should be harmonious with the overall design plan for this area.
4. Signs shall be of a scale, height, material and illumination, which reflect the traditional concepts, being promoted in the Shelby Center.
5. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial and service commercial uses needed by residents of and visitors to the Township.
6. Minimize the impact of commercial development on adjacent residential districts. Buildings located near the perimeter of the Shelby Center district shall be designed to provide a harmonious transition between the mixed-use development and its residential neighbors.
7. Provide for public and semi-public uses needed to compliment commercial development or that are compatible with commercial development.
8. Ensure the provision of adequate infrastructure and services for the Shelby Center district including off-street parking and loading facilities.
9. Encourage a mixture of compatible uses including residential, commercial and office.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in **Section 4.24**.

1. One-family dwellings, detached
2. Two-family dwellings
3. Apartments 
4. Multiplexes
5. Townhomes
6. Public administrative services
7. Minor utility services
8. Cultural services
9. Public safety services
10. Recreational facilities
11. Professional business offices
12. Medical and dental offices
13. Banks, credit unions and similar uses without drive-through facilities

B. PRINCIPAL PERMITTED USES

14. Bakeries
15. Flower shop with seasonal sales (without outdoor storage)
16. Grocery stores
17. Hardware stores
18. Dance and instructional studios
19. Photography studios
20. Clothing apparel and accessory store
21. Gift and specialty shops
22. Art galleries
23. Dry-cleaning and garment services
24. Personal service (including barber/beauty salon, small appliance repair)
25. Drug stores without drive-through service
26. Movie and art theaters
27. Restaurants without drive-through service
28. **Outdoor display of merchandise** §4.40



## C. EXCEPTIONS TO USES

It is recognized that every conceivable use cannot be identified in this chapter, anticipating that new uses will arise over time, this section authorizes the Planning Commission, after recommendation from the planning director, to compare a proposed use and measure it against those listed for determining similarity. In determining similarity, the Planning Commission shall make the following findings:

1. The proposed use shall meet the intent of, and be consistent with the goals objectives and policies of the Shelby Center Design Plan (adopted April, 1999);
2. The proposed use shall meet the stated purpose of and general intent of the zone in which the use is proposed to be located;
3. The proposed use shall not adversely impact the public health, safety and general welfare of the community;
4. The proposed use shall share the characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed as Uses Permitted in C-6 Shelby Center District.

## D. SPECIAL LAND USES

The standards contained in Article 4 may be modified by the Planning Commission when it is determined that standards conflict with the intent of the C-6 district.

1. **Assisted living, housing for elderly (special senior housing)** §4.10
2. **Funeral homes<sup>mn</sup> and mortuaries, not including crematoriums** §4.11
3. **Child care centers<sup>mn</sup>, nursery<sup>mn</sup> and similar uses** §4.12
4. Banks, savings and loan offices, credit unions, and similar financial institutions with drive-through window service
5. Pharmacies with drive-through window service
6. "Suites Hotel" and bed and breakfast inns
7. **"Big Box" commercial developments** §4.41
8. Seasonal specialty markets with limited outdoor merchandising.
9. Any use similar to the uses permitted in subsection B, as permitted in Article 4
10. **Communication towers**, in non-residential areas §4.20

## E. USES NOT PERMITTED

The following uses are considered inconsistent with the intent of the C-6 district and would not be permitted:

1. Uses that are principally of a drive-through or drive-in nature not including those listed in subsection C above.
2. Gasoline and auto service stations.
3. Car washes, both enclosed and self-serve.
4. Automotive repair shops.
5. Outdoor storage.

Exceptions to this list may be made when renovation/redevelopment of a business existing at the time of adoption of this Ordinance is proposed and the existing use is considered not permitted in the C-6 district. The existing business may be permitted to renovate/redevelop their site when traditional downtown design principles are applied and the Planning Commission finds that the site, after redevelopment, will meet the objectives of this section, the Shelby Center Design Plan and the Shelby Center Design Guidelines Manual. This only applies to existing businesses wishing to redevelop under the same use. Exceptions do not apply to changes in uses.

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SELECTED REFERENCES

3. Zoning Districts

- **Open Space Preservation Option** §3.22
- **General Exceptions** §3.38

4. Use Standards

- **Landfills** §4.51
- **Animals** §4.60
- **Excavation of Holes** §4.61
- **Garage Sales, Rummage...** §4.62
- **Outdoor Merchandising** §4.63

5. Site Standards

- **Accessory Buildings** §5.2
- **Corner Visibility** §5.3

5. Site Standards (Continued)

- **Fences ...**§5.4
- **Frontage** §5.6
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- **Location and Screening ...**§5.8
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5. Site Standards (Continued)

- **Satellite Dish Antennas...** §5.23
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6. Development Procedures

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- **Site Condominium Sub.** §6.3
- **Planned Development Approval** §6.4
- **Special Land Use Approval** §6.5

F. RESIDENTIAL REQUIREMENTS

1. The overall residential density permitted will be in conformance with the following standards and shall be based on the net site acreage for the proposed development as a whole less areas proposed for non-residential buildings, structures, parking areas and required open space and setback (net acreage is equal to gross acreage less right-of-way and regulated wetlands).
2. The following lot area and setbacks are required. However, these requirements may be modified where the reduction in lot size and width is supplemented with an equal area of common open space or park area that provides a direct benefit to the residents of the development. In no event can minimum lot area or width be reduced by more than ten percent of that required. Open space areas used to compensate for reduced residential area is considered in addition to any other landscape or open space requirement within the development.
3. All two-family and multiple family residential structures shall be constructed as townhouses, with a single unit occupying a minimum of two floors; provided however, that apartment style construction must provide an exterior facade with the appearance of townhouse-style construction, as determined appropriate by the Planning Commission.
4. No multiple family building can exceed 180 feet in length. This length may be modified for senior housing/assisted living developments where common kitchen and community facilities are proposed within residential buildings. In no case will buildings exceed 360 feet in length.
5. Front and side entry garages are not considered consistent with the intent of the Shelby Center District. Garages shall be placed behind the main structure for one, two and multiple family developments. Garages may be attached or detached and accessed by driveways or by use of alleyways.
6. Two-story multiple family dwellings abutting a single-family zoning district shall observe a minimum setback of 50 feet to the property line. A minimum setback of 35 feet shall be provided for one-story multiple family units.



## G. ONE-FAMILY DWELLING RESIDENTIAL DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 6,000 sq. ft.  
 Minimum lot width<sup>☐</sup>: 60 ft.

### Setbacks<sup>☐</sup>

Minimum front yard setback: 10 ft.\*  
 Minimum rear yard setback: 35 ft.  
 Minimum side yard setback:  
     One side: 7 ft.  
     Total of two sides: 15 ft.

### Building Height<sup>☐</sup>

Maximum building height: 2 ½ stories not to exceed 35 ft.\*\*

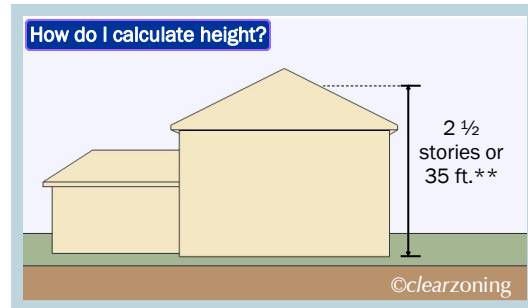
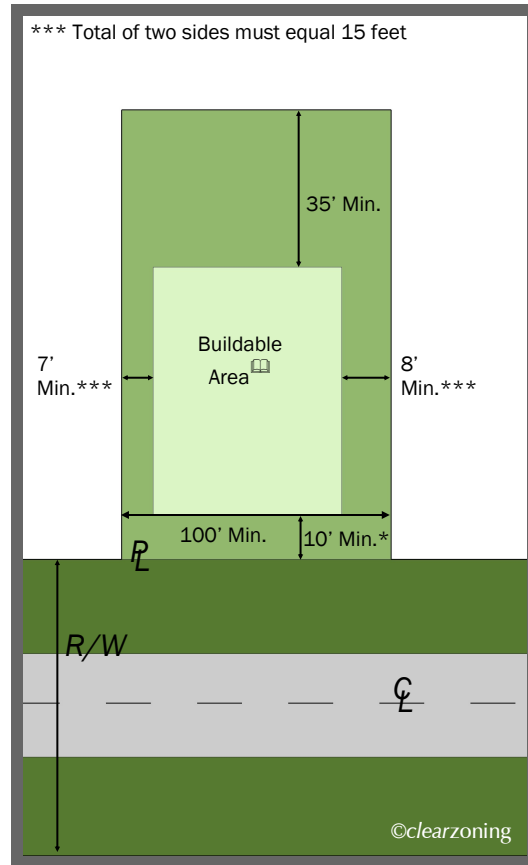
### Density<sup>☐</sup>

Maximum density: 6 dwelling units/acre

### Notes to District Standards: Section 3.28.B.1, 2, 3, 4, 5

\*Front yard porches may be permitted within the front yard setback area.

\*\*Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations are encouraged to contain two or more stories, or incorporate architectural features that exceed 35 feet in height. Additional requirements for fire department approval may be required for any structure over 35 feet in height.



The above drawings are not to scale.

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H. TWO-FAMILY DWELLING RESIDENTIAL DEVELOPMENT STANDARDS

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**Lot Size**

Minimum lot area<sup>Ⓜ</sup>: 11,000 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft.

**Setbacks<sup>Ⓜ</sup>**

Minimum front yard setback: 10 ft.\*  
 Maximum front yard setback: 15 ft.  
 Minimum rear yard setback: 35 ft.  
 Minimum side yard setback: 10 ft.

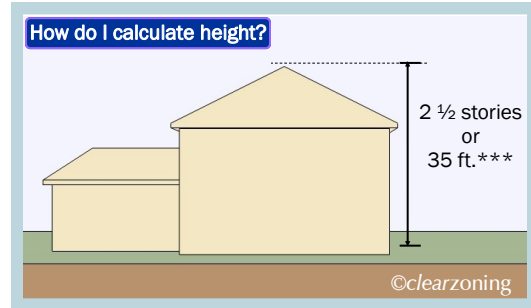
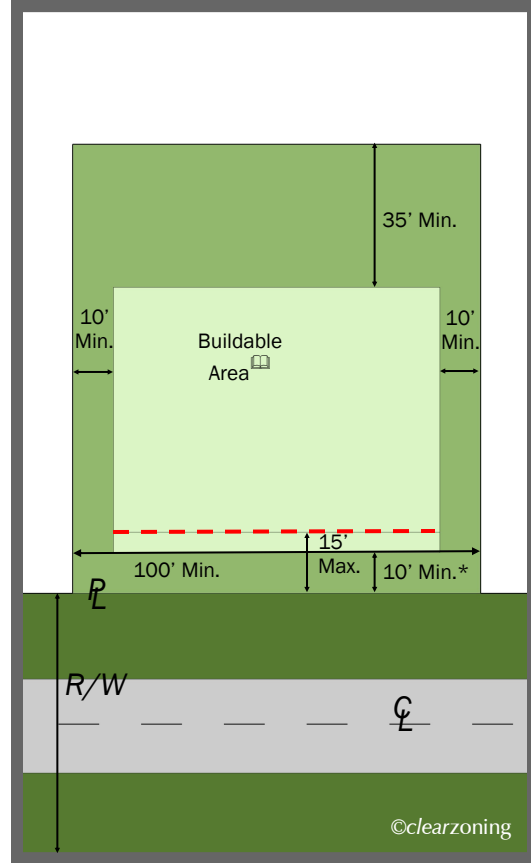
**Building Height<sup>Ⓜ</sup>**

Maximum building height: 2 ½ stories not to exceed 35 ft.\*\*

**Density<sup>Ⓜ</sup>**

Maximum density: 6 dwelling units/acre

**Notes to District Standards:**  
[Section 3.28.B.1, 2, 3, 4, 5](#)



The above drawings are not to scale.

\*Front yard porches may be permitted within the front yard setback area.

\*\*Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations are encouraged to contain two or more stories, or incorporate architectural features that exceed 35 feet in height. Additional requirements for fire department approval may be required for any structure over 35 feet in height.





## I. MULTIPLE-FAMILY DWELLING RESIDENTIAL DEVELOPMENT STANDARDS

### 3.18.I.1 Maximum Allowable Density<sup>Ⓜ</sup>

Number of Bedrooms	Density in Dwelling Units Per Acre	
	Single Use Development	Mixed-Use Development (as approved by the Planning Commission)
Efficiency and one bedroom	12	15
Two bedroom	10	12
Three bedroom	8.5	10
Four or more bedrooms	7	8.5

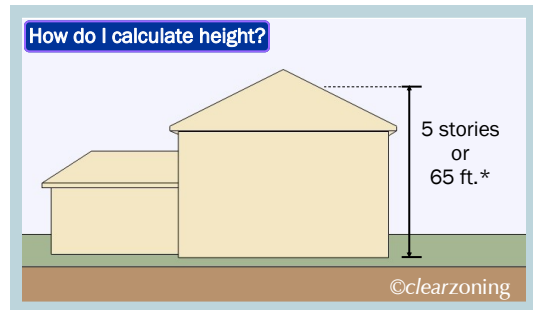
### 3.18.I.2 Schedule of Building Relationships

Building Relationship	Overall Distance Between Buildings in Feet
Front to front	40
Front to rear	50
Rear to rear	60
Rear to side (No windows/with windows)	20/40
Side to side (No windows/with windows)	15/30
Corner to corner	15

### Building Height<sup>Ⓜ</sup>

Maximum building height: 5 stories not to exceed 65 ft.\*

\*Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations are encouraged to contain two or more stories, or incorporate architectural features that exceed 35 feet in height. Additional requirements for fire department approval may be required for any structure over 35 feet in height. Any structure within 200 feet of a residential district shall have a maximum height of 35 feet.



The above drawings are not to scale.

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J. NON-RESIDENTIAL DEVELOPMENT STANDARDS

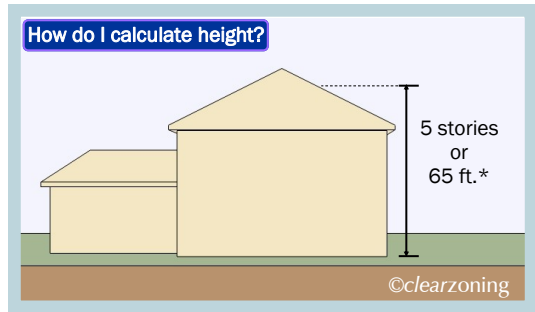
- Minimum non-residential yard setbacks:** The relationship of uses within the C-6 district shall be consistent with the arrangement shown on the approved Shelby Center Design Plan. Consistent with this plan, a transitional land use pattern shall be provided where the C-6 district abuts an existing single-family neighborhood. Acceptable transitional land uses include detached single-family units, duplexes or one story multiple family units. Two-story multiple family units shall be allowed subject to the setback standards referenced above. The placement of C-6 residential uses adjacent to other single or multi-family dwelling districts is encouraged. All nonresidential structures abutting a one family zoning district shall observe a minimum setback of not less than 100 feet.
- Front and street-side building and parking setbacks** shall be measured from the centerline of each road right-of-way (R.O.W) in accordance with the Township's Master Plan, as follows:

3.18J.2 Road setbacks for the C-6 Districts		
Road Classification	Setback in Feet.	
	Buildings	Parking
Major	75	115
Secondary	75	115
Collector	58	98
Local	30	50
Private roads	30	50

(Zero lot line) Non-residential buildings may be permitted with a setback equal to the right-of-way boundary line for the adjacent street when the Planning Commission determines a more efficient use of the site is achieved and that the modification will promote more of a traditional downtown character than can be achieved with conventional setbacks. This modification is not permitted for parking setbacks.

- Building Height**  
 Maximum building height: 5 stories not to exceed 65 ft.\*

\*Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations are encouraged to contain two or more stories, or incorporate architectural features that exceed 35 feet in height. Additional requirements for fire department approval may be required for any structure over 35 feet in height. Any structure within 200 feet of a residential district shall have a maximum height of 35 feet.



The above drawings are not to scale.

- The attaching of buildings is encouraged to promote a downtown character. Where non-residential buildings are not attached the distances between buildings on the same lot shall not be less than 15 feet.



5. Parking lots.

- i. Parking space requirements and design shall be based on the standards found in [Section 5.21](#).
- ii. The number of parking spaces required for a use may be modified when the Planning Commission determines that a more efficient use of the site can be achieved and the applicant can provide documentation and/or case history that justifies the reduction. In no case will parking be reduced by more than 20 percent from the minimum required in [Section 5.21](#). A landscaped area for landbanked parking shall be required that provides for at least half of the number of spaces that were eliminated from the minimum requirement. A parking deferral agreement specified in [Section 5.21.A.10](#) shall be provided if required by the Planning Commission.
- iii. Shared parking may be permitted between two or more uses when the minimum parking requirements of the use requiring the largest number of parking spaces has been met and the applicant has demonstrated that the peak parking demand for one use will not overlap with the peak parking demand for the other uses.
- iv. A reciprocal use easement may be required for all non-residential developments that permit shared parking between uses within the same block.
- v. All parking lots shall be located at the rear or side of buildings (limited front yard parking may be permitted by the Planning Commission). Parking areas shall be located in the center of proposed blocks and surrounded by buildings on at least two sides.
- vi. Parking lots shall be screened from all public rights-of-way by either a three and one-half foot ornamental brick wall or a three foot high landscaped berm. Refer to [Section 5.19](#) and [Section 5.20](#).

- vii. All pedestrian and auto entranceways into parking areas shall be defined by an archway or other similar entrance feature. These entrance features shall be uniform throughout the development and their design shall be approved by the Planning Commission. Entranceways shall be provided with a combination of brick, stone and/or wrought iron and conform to the guidelines in the Shelby Center Design Guidelines Manual.
- viii. Off-street parking shall not be placed within ten feet of any wall of a dwelling structure which contains openings involving living areas, and no closer than five feet to any wall that does not contain such openings.

**K. ARCHITECTURAL STANDARDS.**

- 1. Architectural features and details: This section applies to all new structures and to additions to existing structures.
  - i. During the site plan and planned development approval (PDA) review and approval process, the Planning Commission shall find affirmatively that all proposed buildings in the C-6 Shelby Center district are designed and constructed in a manner consistent with the standards of the Shelby Center Design Plan and the Shelby Center Design Guidelines Manual, the standards of which are incorporated herein.
  - ii. Building facades shall maintain a consistent street edge, with the exception of passages for pedestrian access and drives to parking areas. The street elevation of the principal structure shall have at least one street-oriented entrance and contain the principal windows of the structure.

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- iii. Buildings located at the corner of two streets should provide greater massing and height than in other locations throughout the district. Buildings in such locations are encouraged to contain two or more stories, or incorporate architectural features that exceed 35 feet in height.
  - iv. The wall face that abuts all public and private streets and interior pedestrian passageways must be provided with windows and/or entranceways to the principal structure. Continuous massing of solid walls along any of these corridors are prohibited.
  - v. Exterior facades, including eaves, columns, pilaster, cornices, windows, doors, balusters, canopies, fascias, and roofs, shall be proportionate with the building and consistent with Shelby Center design concepts. The scale of new construction, including the arrangement of windows, doors and other openings within the building facade shall be compatible with surroundings in the C-6 district.
  - vi. Compatible finishes and colors shall relate to the Shelby Center concept as identified above. Inappropriate contemporary materials which are deemed not to be consistent with or do not blend well with the traditional context of Shelby Center are prohibited on building facades. To the extent practical, accessory structures shall conform to the finishes and colors established for the principal building.
  - vii. All roof-top equipment shall be enclosed in or screened by building materials that match the structure or which are visually compatible with the structure.
  - viii. Dumpsters shall be located behind buildings within the rear yard. All trash receptacles and dumpsters shall be screened on three sides by a brick wall to match the main structure and a gate to screen the side, which provides access to the container(s).
  - ix. The size and scale of buildings in the C-6 district shall be complementary to a pedestrian environment.
  - x. Multiple family dwellings, townhouse or row house designs, which provide similar design features such as building materials, stoops, porches, windows and architectural treatments, are preferred.
2. Colors: Colors utilized for building exteriors shall be compatible and shall visually reflect the traditional concept of the Shelby Center. Examples of incompatible colors include metallic, neon and/or primary colors.
  3. Materials: Traditional materials (masonry, wood and stone) are generally required in the C-6 district, however, contemporary material (glass, steel, concrete, and plastic/vinyl siding) may be considered if they are treated in a manner complementary to the standards identified in the Shelby Center Design Plan. Examples of incompatible materials include exposed concrete masonry unit, block, E.I.F.S (dryvit) except for decorative facade features, metal siding and reflective glass.
  4. The Planning Commission may waive the requirements in subsection G above for existing businesses/buildings where an addition of less than 400 square feet is proposed.

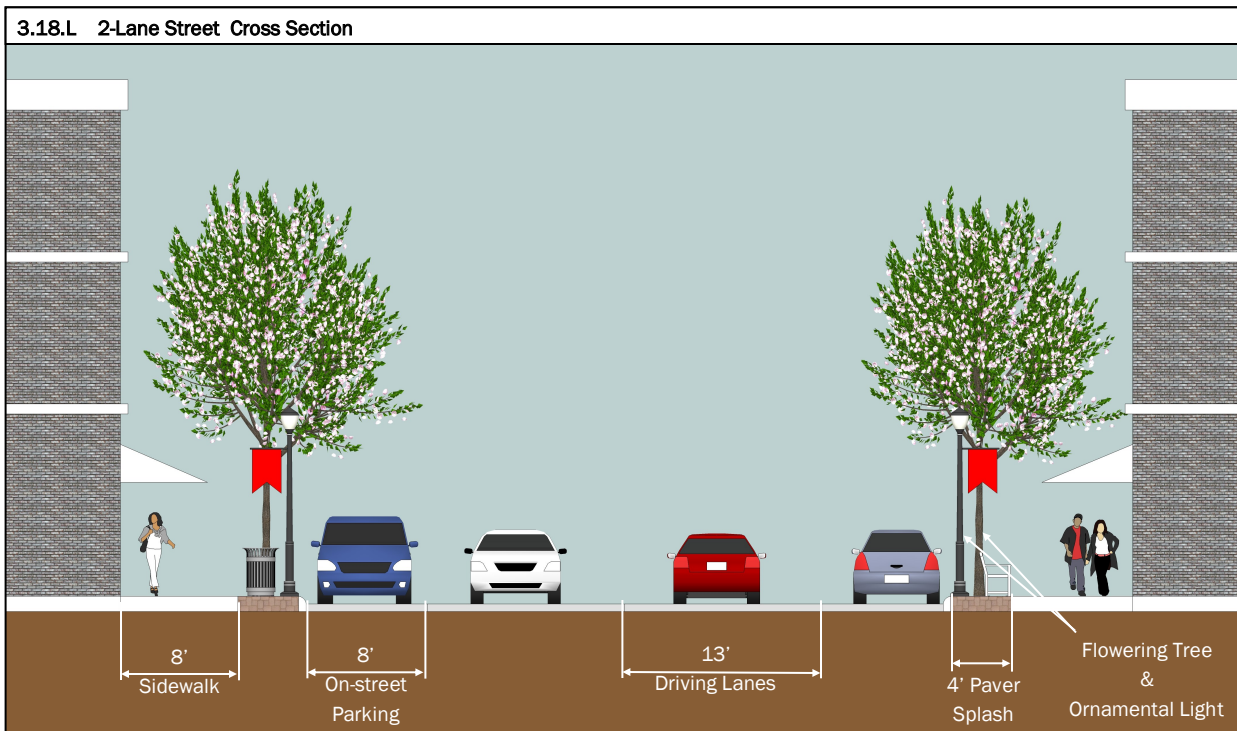


## L. GENERAL PERFORMANCE STANDARDS.

These General Performance Standards are required for all Shelby Center developments. More detailed design requirements are outlined in the Shelby Center Design Guidelines Manual, the standards of which are incorporated as part of the development approval process for all Shelby Center projects in addition to the following:

1. Sidewalks and bicycle paths: Sidewalks are required for all developments which abut any street or roadways. In addition, there shall be a system of internal pedestrian connections within all developments and between all buildings in the C-6 district. Sidewalks in residential areas shall be a minimum of five feet wide. Multi-user, non-motorized pathways shall be a minimum of eight feet wide. Sidewalks serving retail, personal service, entertainment and similar uses in the Shelby Center shall be a minimum of 12 feet wide with eight-foot walkways and four feet of pavers (or similar high quality material to match the appearance of brick) at back of curb. ✎
2. Street width and design: All public and private streets within the C-6 district shall be designed with a pedestrian orientation. On street parking is required along all collector and major local roads within the C-6 district. Reference should be made to the Shelby Center Design Plan for an approved street network.

Minimum road rights-of-way for all local, collector and major roadways must conform to Township standards, the Township Master Plan and road network detailed within the Shelby Center Design Plan. Drive lanes are 13 feet in width with eight foot wide on-street parking on both sides of the roadway. ✎



3. Crosswalks: All crosswalks within Shelby Center shall be designed by a unique textured material as defined in the Shelby Center Design Guidelines Manual and as approved by the Planning Commission. Crosswalks are required at every intersection within Shelby Center. Crosswalks shall be composed of pavers or textured pavement that resembles brick or cobblestone and provides a visual extension of the sidewalks to which it is connected.

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4. Streetscape amenities: The pedestrian environment in Shelby Center is essential for development of the sense of community desired by the Township. Amenities shall be provided that promote pedestrian usage. The use of decorative, pedestrian-scale parking lot lighting, public pathways, bicycle racks, and similar site features shall be an integral part of any site plan in the C-6 district. All Shelby Center developments shall meet the intent of the Shelby Center Design Plan to include the development of pocket parks, public nodes, plazas, and other modest-scale pedestrian areas and integration of unique public interest pieces such as fountains, kiosks, and sculptures.
  - i. For every 100 square feet of non-residential gross floor area (GFA) there shall be one square foot of a public plaza or activity node required with a minimum of 500 square feet. Public plazas or nodes shall be pedestrian oriented. They may contain play space areas for children, fountains and sculptures, benches and other pedestrian amenities. They are not permitted within the required setback, if any, and must be accessible from and connected to the pedestrian circulation system.
  - ii. Plazas and nodes shall also incorporate landscaped areas. One tree and three shrubs are required for each 500 square feet of plaza area up to 2000 square feet and one additional tree and three shrubs for each additional 1000 square feet.
  - iii. Designated areas for bicycle parking shall also be required for all developments.
5. All business establishments shall be retail, service, and entertainment establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises.
6. Landscaping requirements: All areas not used for parking, pedestrian pathways, buildings and pedestrian plazas will require landscaping, as required in [Section 5.19](#). Where the standards of this Article conflict with [Section 5.19](#), then the standards found herein shall apply.
  - i. Not less than ten percent of the total area of the site will be landscaped and preserved as open space. This does not include interior or exterior street right-of-way or private road easement and required yards or berms. Natural features that exist on the site such as woodlands, wetlands and floodplains shall be incorporated into screening and buffering requirements where appropriate.
  - ii. All landscaped areas except raised planters and sidewalk tree grates shall be irrigated and an irrigation plan shall be submitted for review with the landscape plan. Design guidelines shall establish street character or landscape themes.
  - iii. In addition to the required open space area and street trees, planters and planter boxes shall also be incorporated into all developments. The use of ornamental planters and window boxes is encouraged along all major roadways within Shelby Center. Street planters and window boxes may be used to meet minimum landscape requirements if the applicant can ensure their long-term maintenance.
  - iv. A maintenance plan will be required which details the frequency to which all on-site landscaping will be maintained and who will be responsible for its maintenance.
  - v. Parking lot landscaping shall be in conformance with the requirements of [Section 5.20](#).

- vi. Screening shall be required as recommended within the Shelby Center Design Guidelines and as indicated below.

Table 3.18.L.6.vi Minimum Screening Requirements			
Use Providing Screening	Protected Use Adjacent to C-6 Development		
C-6 Use	One-Family	Multiple	Office
One-family	Minor	–	–
Two-family	Minor	–	–
Multiple-Family	Major-1	Minor	
Office	Moderate	Minor	
Commercial	Major-2	Major-1	Minor
Special Land Use	Moderate or Major-1 (discretion of Planning Commission)	Moderate or Major-1 (discretion of Planning Commission)	Minor
Parking/Circulation*	Major-1 or Major-2 (discretion of Planning Commission)	Major-1 or Major-2 (discretion of Planning Commission)	Moderate
Loading	Major-2	Major-2	Moderate

\*All parking areas adjacent to a public or private road shall be screened by a three and one-half foot ornamental brick wall or a three foot high landscaped berm.

Table 3.18.L.6.vi Screening Requirements by Buffer Type	
Buffer Type	Screening Requirements
Minor	Ten foot greenbelt with eight foot to ten foot high evergreens or three inch caliper deciduous trees and four shrubs placed within each 20 linear feet of boundary.
Moderate	Ten foot greenbelt with eight feet to ten feet high evergreen or three inch caliper deciduous trees and four shrubs placed within each 20 linear feet of boundary. A five foot brick screen wall will be required and placed within greenbelt to permit majority of plantings to face adjacent property.
Major 1 & Major2:	25 foot (50 feet for Major 2) buffer greenbelt with eight feet to ten feet high evergreen or three inch caliper deciduous trees and six shrubs placed within each 20 linear feet of boundary. A five foot brick screen wall will be required and placed within greenbelt to permit majority of plantings to face adjacent property.

- 7. Street trees: Street trees shall be provided along all public and private road ways at a maximum spacing of 60 feet on center and placed within the four foot paver area, between the back of curb and the sidewalk. Small deciduous trees are encouraged and should be planted so as not to interfere with any proposed wall mounted signage. It is recommended that the type and species of trees be uniform along the same streets. Street grates shall be used for all street trees. Refer to design manual for list of appropriate street trees.
- 8. Lighting requirements:
  - i. Street lighting is required along all public and private roadways at a maximum spacing of 60 feet and shall be placed between proposed street trees. Street lighting shall be of a pedestrian scale and shall uniquely identify Shelby Center. The lighting fixtures defined within the Shelby Center Design Guidelines Manual shall be used along the interior street network within Shelby Center.

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## 3.18.J.7.viii(1) Examples of Pedestrian Street Lighting



- ii. Parking lot lighting must be shielded downward and cannot exceed 25 feet in height. Light poles must be similar in design to pedestrian streetlights.
  - iii. All building mounted lighting must also be shielded downwards so as not cross exterior property lines. They shall be of a similar design to that required for street lighting.
9. Signs: All signs shall be approved by the planning director based on a master sign plan submitted with the preliminary plan. No pole mounted signs will be permitted. Entryway, monument, directional, wall and awning signs may be permitted and must meet the general standards of [Section 5.24](#). Where ever the standards of [Section 5.24](#) conflict with the standards herein, these standards shall prevail.
- i. In addition, entryway monument signs, which identify Shelby Center, will be required for all developments located at the intersections of Van Dyke and 24 Mile Road and at the main intersections of the proposed internal streets with Van Dyke and 24 Mile Road. Only the Township name and logo and the name of development may be permitted on these signs. Entryway directional signs shall also be required to identify rear yard parking areas.
  - ii. All signs shall be designed in accordance with the Shelby Center Design Guidelines Manual.
  - iii. No flashing or moving signs will be permitted within Shelby Center. Pennants, pylon signs, backlit canopies, and any other sign not specifically permitted in this section shall be prohibited.
  - iv. Neon signs are considered not consistent with the objectives of the C-6 district, however, the Planning Commission may consider such signage where the applicant justifies that the intent and objectives of the C-6 district will be maintained.
  - v. Wall signs shall be made of wood or signboard, carved masonry, glass, metal, stone, and in some cases neon subject to Planning Commission approval as described under subsection (d) above. Uniform material shall be used for signs on buildings that are connected by common walls, located in a common plaza or otherwise associated as a single group. Etched window glass may also be permitted as a wall sign.
  - vi. Sign type, height, size, material and location shall be permitted as described below in the following charts:



**Table 3.18.L.9.vi Sign Standards in the Shelby Center District**

Sign Type	Number Permitted	Size and Height	Location	Materials and Illumination
Wall	One (1) for each tenant per front facing wall except for corner buildings and double frontage buildings	<ol style="list-style-type: none"> <li>For one tenant occupying a single building, total area may not exceed ten (10%) percent of wall surface area facing the front lot line or 100 sq. ft.</li> <li>Multiple signs may be placed on one building facade for multiple tenants based on ten (10%) percent of each tenant's front wall space. No one sign may exceed 100 sq. ft.</li> <li>Corner buildings with frontage on a secondary street may be permitted a second sign with an area up to 50 percent of the allowable area for the wall facing the primary frontage street.</li> <li>Double Frontage buildings that have both front and rear access to the building may be permitted a second sign on the rear frontage with an area up to 25 percent of the allowable area for the primary wall for purposes of identifying the business entrance only.</li> <li>Bonus sign area shall be used for additional identification at the street or rear customer entrance, not to enlarge the primary sign.)</li> <li>Max. height 14 ft.</li> </ol>	<ol style="list-style-type: none"> <li>Signs may be placed directly in or on building facades, on awnings (illuminated awnings are not permitted in Shelby Center) or protruding from building facades.</li> <li>Projecting wall signs may not project more than 1 foot into the public right-of-way.</li> </ol>	Materials appropriate would include carved or sandblasted wood, stone, metal, glass, signboard, etched window and in some cases neon. Approval is subject to the Planning Commission's determination of appropriate design based on Sign Plan presented with development.
Monument (in lieu of a wall sign)	A tenant that occupies the entire building is permitted to have one monument sign in lieu of a wall sign.	Cannot exceed 50 sq. ft. in area for each sign face height is limited to five ft.	Monument signs must be setback at least 10 ft. from any right-of-way or road easement and placed so as not to obstruct the clear vision area.	Materials must be consistent with those of the main structure.

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**Table 3.18.L.9.vi Sign Standards in the Shelby Center District (continued)**

Sign Type	Number Permitted	Size and Height	Location	Materials and Illumination
Directory/ Directional	Subject to approval by the Planning Commission based on sign plan presented with development.	2 sq. feet per sign	Used along roadways to direct traffic or pedestrian to specific use areas, such as parking lots. Not intended to be used as additional advertisements for businesses. Logos are not permitted on these signs.	Carved or sandblasted wood, stone, metal materials would be appropriate. Indirect illumination is preferred.
Window (Permanent Only)	One for each tenant	A maximum of four sq. ft. for the first 40 lineal feet of the front facing display window and 1 sq. ft. for each additional 10 linear feet over the first 40 lineal feet. Window signs shall be included in the total allowable sign area (ten percent of the front wall area with exceptions for corner or double frontage buildings). Borders around and background behind window sign lettering shall count toward the total sign area.	Maximum height is two feet above the windowsill or four feet above the sidewalk. Letter height cannot exceed eight inches.	Allowable colors are limited to black, white, gold or a combination. Window signs can include etched glass and or cut vinyl letters. Phone numbers are prohibited.
Entryway	One for each new road intersection with VanDyke and 24 Mile Roads	Cannot exceed 50 sq. ft in area and is limited to five feet in height	Monument signs must be setback at least ten feet from any right-of-way.	Materials must be composed of ornamental brick or stone. Only the Township name, logo and name of development are permitted on the sign. No other commercial logo is allowed.
Traffic and Street Signs		As required by jurisdiction	As required by jurisdiction	As required by jurisdiction, however, pole mounted signs should be posted with poles similar in design to streetlights.
Other Directional devices	Pedestrian oriented kiosks are encouraged throughout the Shelby Center. Kiosks that provide shopping guides and maps are recommended. Space may also be made available for posting of public literature and events.			



- vii. Illumination: Sign lighting should minimize glare and maintain the aesthetic character of the area.
- viii. Logo: In the event that a picture logo is displayed on a sign, it shall be incorporated into the permitted sign area to comprise not more than 25 percent of the sign area.
- ix. Colors: Colors shall match or complement the predominant building color. Bright, bold primary colors are not considered consistent with Shelby Center.
- x. Clear vision area: The clear vision area at all intersections shall be unobstructed by signs.
- xi. Temporary window signs are not permitted.
- xii. All utility lines, electric, telephone, cable television lines, etc. shall be placed underground.

### M. ENVIRONMENTAL.

Environmental features (including landscaping, lighting, screening and signs) shall be provided in accordance with this section and with Article 5 of Shelby Township Zoning Ordinance unless modified by specific standards contained herein. The Planning Commission and Township Board have the authority to approve variations or make interpretations regarding the applicability of conflicting standards as part of the review and approval process.

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## A. INTENT

The L-M Light Manufacturing district is designed to primarily accommodate industrial operations conducted wholly within a building and whose external, physical effects are restricted to the area of the district and in no manner impact in a detrimental way any of the surrounding districts.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the standard in **Section 4.46**.

1. Research, development and testing facilities for industrial, scientific and business establishments, where said activities are the principal uses on a site
2. Corporate headquarter offices
3. Administrative, professional and/or business offices of principal uses permitted
4. Production of prototype products in limited quantities
5. **Pilot plants** §4.45
6. **Educational and design facilities** §4.42
7. Manufacture of light products<sup>Ⓜ</sup>
8. Agricultural uses
9. Existing single-family dwellings
10. Public facilities and uses necessary to serve the district including fire, police, and ambulance stations, public utilities and other similar public facilities
11. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses
12. Compounding, processing, packaging, or treatment of products
13. Manufacturing<sup>Ⓜ</sup>
14. Utility service buildings, water supply and water and gas tanks and holders.
15. Building and landscaping contractor offices with garages for maintenance and storage of equipment.
16. Indoor recreation and instructional businesses.
17. **Automobile repair<sup>Ⓜ</sup>, service and sales, car washes<sup>Ⓜ</sup> and gas stations<sup>Ⓜ</sup>** §4.47

## B. PRINCIPAL PERMITTED USES

18. Professional and administrative offices.
19. **Restaurants<sup>Ⓜ</sup>** §4.26 and other retail uses as determined by the planning director.
20. **Self- service storage facility<sup>Ⓜ</sup>** §4.39
21. Showrooms for the display of merchandise or equipment offered by the principal business
22. **Accessory uses<sup>Ⓜ</sup> and accessory<sup>Ⓜ</sup> outside storage customarily incidental to any of the above uses** §4.13
23. **Sleeping quarters for security and maintenance personnel** §4.43
24. **Adult entertainment<sup>Ⓜ</sup>** §4.37

## C. SPECIAL LAND USES

1. **Mining and extraction** §4.52
2. **Nurseries and greenhouses** §4.32
3. **Prominently outdoor storage, such as truck parking** §4.53
4. **Planned unit development<sup>Ⓜ</sup>** §3.37
5. **Public utility buildings** §4.9
6. **Churches** §4.4
7. **(New) Drilling, completion, and operation of oil and gas wells, and ancillary uses, structures, or facilities** §4.48
8. **Communication towers** §4.20



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: 20,000 sq. ft.  
 Minimum lot width<sup>☒</sup>: 100 ft.

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: [See Section 3.34.B](#)

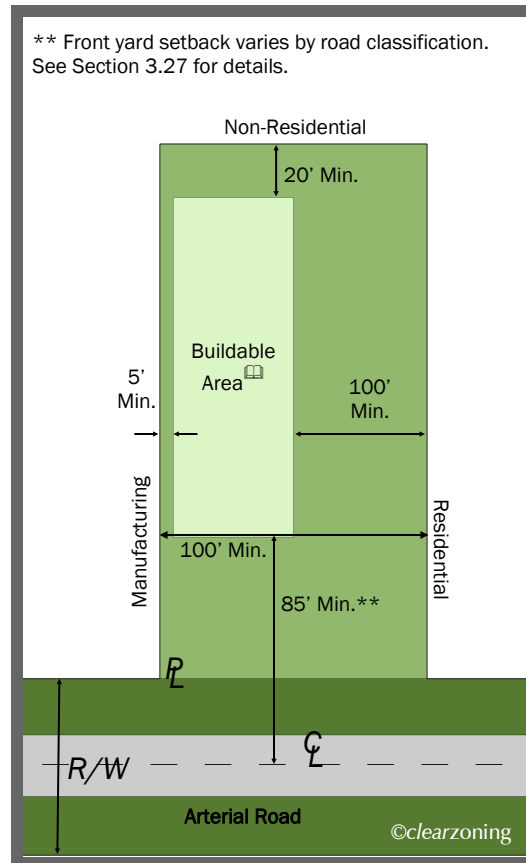
### Setbacks<sup>☒</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback:  
     Abutting residential 100 ft.  
     Abutting non-residential 20ft.  
 Minimum side yard setback:  
     Abutting manufacturing 5 ft.\*\*  
     Abutting non-manufacturing 50 ft.

### Building Height<sup>☒</sup>

Maximum building height: Not to exceed 35 ft.\*

\*\* Front yard setback varies by road classification. See Section 3.27 for details.



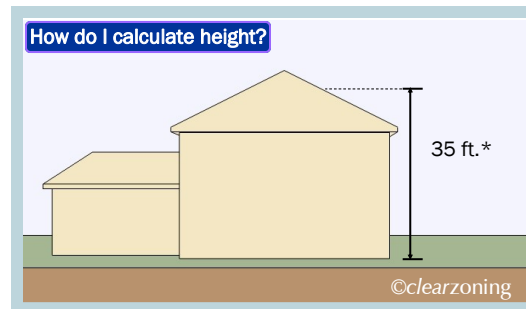
### Notes to District Standards:

[Section 3.28.B.1, 2, 3, 4, 5, 16, 19, 20](#)

Also see [Sec. 3.34—Industrial District Regulations](#)

\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance

\*\* A zero lot line setback may be permitted on one side of the lot, except as otherwise specified in the building code



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Open Space Preservation Option](#) §3.21
- [Industrial District...](#) §3.34
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences ...](#) §5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22

### 5. Site Standards (Continued)

- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures

- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
- [Site Condominium Sub.](#) §6.3
- [Special Land Use Approval](#) §6.5



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## A. INTENT

The H-M Heavy Manufacturing district is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is so structured as to permit, in addition to light manufacturing uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

1. Research, development and testing facilities for industrial, scientific and business establishments, where said activities are the principal uses on a site
2. Corporate headquarter offices
3. Business offices of principal uses permitted
4. Production of prototype products in limited quantities
5. **Pilot plants** §4.45
6. **Educational and design facilities** §4.42
7. Manufacture of light products<sup>Ⓜ</sup>
8. Agricultural uses
9. Existing single-family dwellings
10. Public facilities and uses necessary to serve the district including fire, police, and ambulance stations, public utilities and other similar public facilities
11. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses
12. Compounding, processing, packaging, or treatment of products
13. Manufacturing<sup>Ⓜ</sup>
14. Utility service buildings, water supply and water and gas tanks and holders.
15. Building and landscaping contractor offices with garages for maintenance and storage of equipment.
16. Indoor recreation and instructional businesses.
17. **Automobile repair<sup>Ⓜ</sup>, service and sales, car washes<sup>Ⓜ</sup> and gas stations<sup>Ⓜ</sup>** §4.47
18. Professional and administrative offices.
19. **Restaurants<sup>Ⓜ</sup>** §4.26 and other retail uses as determined by the planning director.
20. **Self-service storage facility<sup>Ⓜ</sup>** §4.39

## B. PRINCIPAL PERMITTED USES

21. Showrooms for the display of merchandise or equipment offered by the principal business
22. **Accessory uses<sup>Ⓜ</sup> and accessory<sup>Ⓜ</sup> outside storage customarily incidental to any of the above uses** §4.13
23. **Sleeping quarters for security and maintenance personnel** §4.43
24. Accessory buildings<sup>Ⓜ</sup>
25. **Temporary buildings<sup>Ⓜ</sup>** §4.25
26. **Drilling, completion, and operation of oil and gas wells, and ancillary uses, structures, or facilities** §4.48
27. **Adult entertainment<sup>Ⓜ</sup>** §4.37

## C. SPECIAL LAND USES

1. **Auditoriums, stadiums and outdoor theaters** §4.49
2. **Junk yards<sup>Ⓜ</sup>** §4.50
3. **Landfills** §4.51
4. **Mining and extraction** §4.52
5. **Nurseries and greenhouses** §4.32
6. **Planned unit development** §3.37
7. **Public utility buildings** §4.9
8. **Race tracks** §4.54
9. **Refuse disposal incinerators and transfer stations** §4.55
10. **Shooting ranges, outdoor** §4.56
11. **Slaughterhouses, meat packing and animal rendering** §4.57
12. **Churches<sup>Ⓜ</sup>** §4.4
13. **Kennels<sup>Ⓜ</sup>** §4.58
14. **Communication towers** §4.20
15. **Composting (municipal and commercial)<sup>Ⓜ</sup>** §4.64



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 20,000 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft.

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage: [See Section 3.34.B](#)

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: [See Section 3.27](#)  
 Minimum rear yard setback:  
     Abutting residential 100 ft.  
     Abutting non-residential 20ft.  
 Minimum side yard setback:  
     Abutting manufacturing 5 ft.\*\*  
     Abutting non-manufacturing 100 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 3 stories not to exceed 40 ft.\*

### Notes to District Standards:

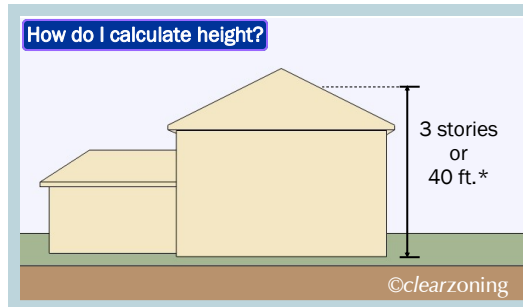
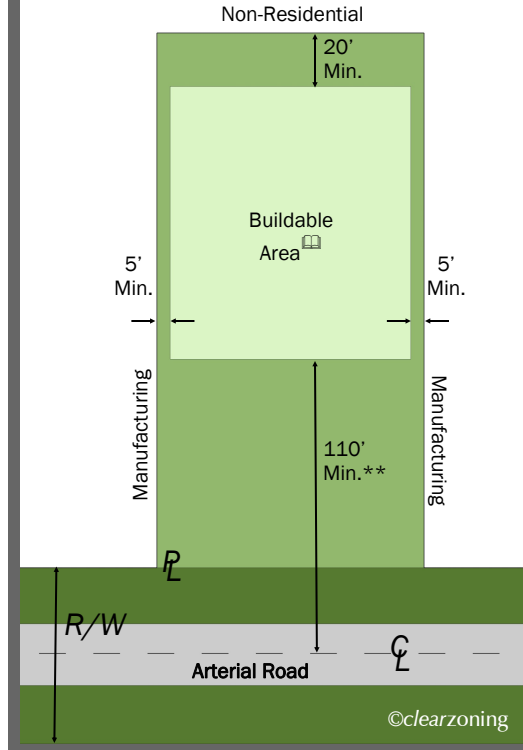
[Section 3.28.B.1, 2, 3, 4, 5, 16, 19, 20](#)

Also see [Sec. 3.34—Industrial District Regulations](#)

\* Except as otherwise provided in [Section 3.38.C](#) of this Ordinance

\*\* A zero lot line setback may be permitted on one side of the lot, except as otherwise specified in the building code

\*\* Front yard setback varies by road classification. See Section 3.27 for details.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Industrial District...](#) §3.34
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Animals](#) §4.60
- [Excavation of Holes](#) §4.61
- [Garage Sales, Rummage...](#) §4.62
- [Outdoor Merchandising](#) §4.63

### 5. Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3

### 5. Site Standards (Continued)

- [Fences ...](#) §5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7
- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
- [Maintaining of Property...](#) §5.10
- [Location of Structures and...](#) §5.11
- [Waterfront Access...](#) §5.13
- [Sanitary Sewer Systems](#) §5.15
- [Water Supply...](#) §5.16
- [Screening and Buffers ...](#) §5.17
- [Preservation of Wooded...](#) §5.18
- [Landscaping](#) §5.19
- [Parking Lot Landscaping](#) §5.20
- [Off-Street Parking ...](#) §5.21
- [Off-Street Loading ...](#) §5.22

### 5. Site Standards (Continued)

- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24
- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
- [Building \(Structure\) Grades](#) §5.28
- [Storage of Motor Vehicles](#) §5.29
- [Canopies](#) §5.30

### 6. Development Procedures


- [Site Plan Review...](#) §6.1
- [Traffic Impact Studies](#) §6.2
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### A. INTENT

The Recreational district is intended to provide an appropriate zoning classification for specified outdoor, public recreational activities, and other municipal or institutional uses where a separate zoning district is determined to be appropriate. The district is intended to provide neighborhood and community-level [township-level] recreation opportunities, to protect public recreation sites from encroachment or intrusion by other incompatible land uses, to insure compatibility with adjacent residential uses, and to provide, where appropriate, a buffer between residential and non-residential uses.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PRINCIPAL PERMITTED USES

1. Public parks, public playgrounds, public swimming area, and similar outdoor public recreation activity areas and public open space
2. Public or private golf courses
3. Township, county, state and federal buildings and uses for administrative functions and uses by the general public uses
4. **Accessory commercial uses** §4.59
5. Other similar uses, as determined by the Planning Commission

### C. SPECIAL LAND USES

1. **Communication towers** §4.20





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓐ</sup>: [See Section 3.35](#)  
 Minimum lot width<sup>Ⓐ</sup>: [See Section 3.35](#)

### Lot Coverage<sup>Ⓐ</sup>

Maximum lot coverage: [See Section 3.35](#)

### Setbacks<sup>Ⓐ</sup>

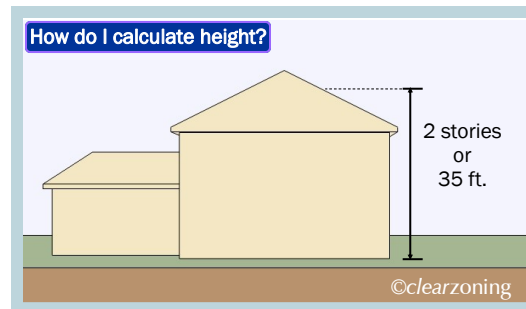
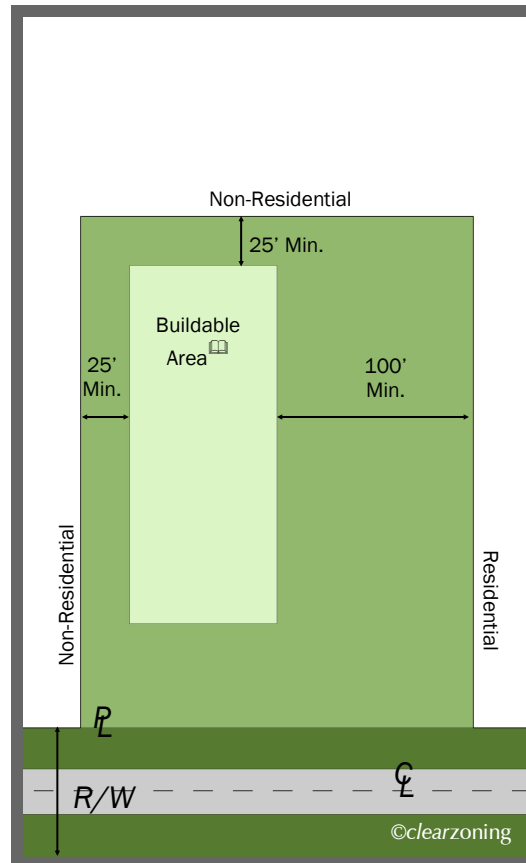
Minimum front yard setback: [See Section 3.35](#)  
 Minimum rear yard setback:  
     Abutting residential 100 ft.  
     Abutting non-residential 25 ft.  
 Minimum side yard setback:  
     Abutting residential 100 ft.  
     Abutting non-residential 25 ft.

### Building Height<sup>Ⓐ</sup>

Maximum building height: 2 stories not to exceed 35 ft.

Notes to District Standards:  
[Section 3.28.B.1, 2, 3, 4, 5](#)

Also see [Sec. 3.35—Recreation District Regulations](#)



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Recreation District Regulations](#) §3.35
- [General Exceptions](#) §3.38

### 4. Use Standards

- [Landfills](#) §4.51
- [Excavation of Holes](#) §4.61

### Site Standards

- [Accessory Buildings](#) §5.2
- [Corner Visibility](#) §5.3
- [Fences ...](#) §5.4
- [Frontage](#) §5.6
- [Garbage, Rubbish and Waste](#) §5.7

### 5. Site Standards (Continued)

- [Location and Screening ...](#) §5.8
- [Storage, Accumulations...](#) §5.9
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- [Satellite Dish Antennas...](#) §5.23
- [Sign Regulations](#) §5.24

### 5. Site Standards (Continued)

- [Lighting](#) §5.25
- [Performance Standards](#) §5.26
- [Brick Requirement and...](#) §5.27
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**3.22 OPEN SPACE PRESERVATION OPTION**

- A. Intent. The intent of the open space preservation option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with P.A. 110 of 2006 (M.C.L. 125.3101 et seq.).
- B. Eligibility Standards
  - 1. In areas that are served by municipal sewers, eligible properties shall be zoned for three or fewer dwelling units per acre (R-I, R-I-A, and R-I-B). In areas which are not served by municipal sewers, eligible properties shall be zoned for two or fewer dwelling units per acre (R-I).
  - 2. The cluster housing development option in [Section 3.36](#) of this Ordinance also permits alternatives in the design and layout of developments in one-family residential districts. Properties that do not meet the eligibility requirements of this Section or property owners that prefer an alternative to development not provided for in this Section should consider the cluster housing option.
- C. Density
  - 1. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50 percent, that, as determined by the approving body, could otherwise be developed under existing ordinances, laws, and rules on the entire land area.
  - 2. All calculations of density shall be based upon the maximum number of dwelling units that could be developed under conventional development standards. To establish the maximum number of units, the applicant shall be required to submit a parallel plan (preliminary design plan). A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all

applicable Township Ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the open space preservation option. A separate review fee for the parallel plan shall be submitted with the application.

- D. Design Requirements
  - 1. A minimum of 50 percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
  - 2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:
    - a. Steep slopes,
    - b. Wetlands, floodplains, natural watercourses,
    - c. Woodlands,
    - d. Scenic views,
    - e. Agricultural or equestrian components,
    - f. Historical structures, historical sites
    - g. Archeological sites
    - h. Recreational pathways and facilities,
    - i. Buffers from major thoroughfares and more intensive land uses,
    - j. Farmland, pastures and meadows,
    - k. Wildlife habitat, and
    - l. Similar features acceptable to the approving body.
  - 3. No lot shall be of an area, width or setbacks less than that required in the R-1-C zoning district. Additional modifications to lot width, area and setback standards from those specified above may be permitted if the approving body determines that a smaller minimum size is necessary to comply with the requirements of P.A 110 of 2006 (M.C.L. 125.3101 et seq.). In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space in order to comply with state law. In those instances where lot sizes are reduced in accordance with the open space preservation option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the particular lot.



4. Open space areas shall be accessible to all lots in the development either directly from a pathway system or from the internal sidewalk or street network.
  5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body. The intent of this provision is to provide for uninterrupted connections between open space, recreation areas, stream corridors, and wildlife corridors. Preserved open space on the site should utilize the most significant environmental portions of the land.
- E. Open Space Maintenance
1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
  2. All open space ownership and maintenance agreements are required shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body. The appropriateness of allowing for public use of the open space shall be considered during the review process.
  3. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.
- F. Review Process
1. All proposed open space preservation option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
  2. All open space preservation option plans shall include a resource inventory that contains the following:
    - a. All floodplains, wetlands, and water bodies;
    - b. A woodlands analysis identifying all regulated woodlands;
    - c. An analysis of on-site soils and topography to identify limitations to development;

- d. An analysis of wildlife resources; and
  - e. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological resources and the like.
3. The approving body shall determine that the open space preservation option plan satisfies the intent of [Section 3.22.D.2](#).

### 3.23 AVERAGE LOT SIZE FOR SUBDIVISIONS AND CONDOMINIUM SUBDIVISIONS

Subject to approval of the Township Board and upon recommendation of the Planning Commission, a subdivider or developer may vary lot sizes and lot widths so as to average the minimum size per dwelling unit as required in each respective district. For the purposes of lot averaging, the following conditions shall be met:

- A. In meeting the average minimum lot size, the subdivision shall be so designed as not to create individual lots having an area or width more than ten percent below that area or width required in each respective district and shall not create an attendant increase in the number of lots.
- B. The technique of averaging minimum lot size shall be allowed only in those instances wherein the entire preliminary plat, which has received Township Board approval, is carried through final plat approval and is then recorded in its totality. Recording of portions of a preliminary plat shall not be allowed under this provision.
- C. All computations showing lot area and the average of said lots resulting through this technique shall be indicated on all preliminary plat drawings.



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### 3.24 DISTRICT REGULATIONS

- A. No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.
- B. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. In each zoning district, a "permitted use" shall be a use of land or buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this Ordinance. A special land use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in [Section 6.5.B](#) of this Ordinance and any special conditions imposed for that use.

Whenever the words "uses permitted" and "principal uses permitted" are used, they shall refer specifically and be limited to the uses listed in the district referred to herein. Similarly, special land uses, when referred to, shall also be those specifically referred to as such in the referenced district or section of this Ordinance.

### 3.25 APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Planning Commission, except as otherwise provided by [Section 1.7](#), unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance (see [Section 3.23](#)), except as provided in the Township's subdivision regulations. Such plat shall fully conform with the statutes of the State of Michigan, as amended, and the Subdivision Regulations of the Charter Township of Shelby.

### 3.26 LOTS, YARDS AND OPEN SPACES

No portion of any lot or parcel used in compliance with the various provisions of this Ordinance may again be used in determining site compliance with the provisions of this Ordinance for any proposed additional concurrent use of such lot or parcel or portion thereof. For example, a side yard, rear yard, front yard or other open space, including required lot area per dwelling unit required by this Ordinance, may not, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.



**3.27 FRONT, STREET SIDE, AND ROAD SETBACKS**

Front and street-side setbacks shall be measured (in feet) from the centerline of each road right-of-way (R.O.W.) in accordance with the Township's Master Plan as follows:

A. Single- and Multiple Family Residential (excluding HMR)

<b>3.27.A Front and Side-Street Setbacks for Single- and Multiple-Family Residential Lots Created Before and After the Adoption of Zoning Ordinance 212</b>						
	R-1	R-1-A	R-1-B	R-1-C	R-2	R-3 to R-12 Building/Parking
Road Classifications	Setback in Feet					
Arterial and Minor Arterial	110	90	85	85	85	120/85
Collector	93	73	68	68	68	103/68
Local	80	60	55	55	55	90/55
Cul-de-sac radius	110	90	85	85	85	60/25
Freeway and major arterial (Freeways shall be measured from the established right-of-way line)	50	50	50	50	50	60/25
Private road (In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot)	50	30	25	25	25	60/25
Rear yards abutting rear yards adjacent to a street shall require a setback from the abutting streets as follows:	50	30	25	25	15	-

B. High and Mid-rise and C-5 Districts

<b>3.27.B Road setbacks for the High, Mid-rise, and C-5</b>									
	Regional (204 ft. ROW)	Regional (150 ft. R.O.W.)	Major	Secondary	Collector	Local	Cul-de-sac	Freeway	Private roads
District	Setback in Feet.								
HMR	152	125	110	110	93	80	80	50*	50**
C-5 Building/Parking	177/137	150/110	135/95	135/95	118/78	105/65	135/95	75*/35*	75**/35**
* Freeways shall be measured from the established right-of-way lines.									
** In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot.									



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C. Office, Commercial and Industrial Districts

3.27.C Front and Side-Street Setbacks for Office, Commercial (C-1 to C-4), and LM Districts								
	O-1 <sup>3</sup>	O-2 <sup>3</sup>	C-1 <sup>2,3</sup> Building/ Parking	C-2 <sup>2,3,4</sup> Building /Parking	C-3 <sup>2,3</sup> Building /Parking	C-4 <sup>2,3</sup> Building/ Parking	LM <sup>1</sup>	HM <sup>1</sup>
Road Classifications	Setback in Feet							
Arterial and Minor Arterial	85	105	105/70	105/70	140/70	160/70	85	110
Collector	68	88	88/53	88/53	123/53	143/53	68	93
Local	55	83	75/40	75/40	110/40	130/40	60 <sup>5</sup>	85 <sup>5</sup>
Cul-de-sac radius	85	105	105/70	105/70	140/70	160/70	95	120
Freeway and major arterial (Freeways shall be measured from the established right-of-way line)	50	50	45/10	45/10	80/10	100/10	50	50
Private road (In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot)	25	45	45/20	45/20	80/20	100/20	25	50

1 Where such use or district abuts or is across the road from any residential district, the distance between the front site line and setback line shall be increased by 25 feet and a five-foot high landscaped berm shall be required.

2 The parking lot setback requirements noted above only apply to new development. Modifications to existing commercial sites which require site plan review shall provide a three foot high brick wall along the frontage of the site to partially screen the parking lot from public view. In lieu of a wall, the Planning Commission may accept an alternative treatment that introduces additional landscaping improvements to the perimeter and interior of the parking lot. This may include lowering the grade of the parking lot to reduce its visibility if determined to be feasible.

3 The Planning Commission may vary the setback upon site plan review where it is found that the change in setback serves to promote more uniform access, interconnection of adjacent parking facilities or the aesthetic quality of the block front.

4 In the C-2 district, the Planning Commission may also permit canopies over gasoline service pumps to intrude into the front yard setback by no more than 25 feet.

5 Industrial 70 foot right-of-way.



### 3.28 NOTES TO DISTRICT STANDARDS

- A. Applicability. The notes contained in Section 3.28.B are additions, exceptions, and clarifications to the district standards contained in Section 3.1 to 3.21. The applicability of the individual notes to each district is provided in the tables below.
- B. Notes to district standards.
1. Setback exception.
    - a. Front yard setback exception. In any case where the majority of sites in any block have already been developed and structures are erected thereon prior to the effective date of this Ordinance [October 19, 1997], any new structures shall be set back from the front site line in accordance with the building line established by such development; provided, however, this provision shall not be construed to require a front setback in excess of 40 feet; and provided, further, this shall not be construed or interpreted to affect any requirements established by this Ordinance for minimum site size of any corner site facing an intersecting street.
    - b. Rear and side yard setback exception. On all sites which were developed with a structure and the legal descriptions recorded in the Macomb County Register of Deeds Office prior to the effective date of this Ordinance [October 19, 1997] which do not meet the minimum requirements of this Ordinance as to width shall be reduced respectively as follows:
      - (a) If the site is both less in width and less in site area than the required minimums, the side setback shall be reduced at the rate of four inches per each foot that the site is below the stated minimum width, but there shall be not less than a three foot side yard on one side, and not less than 11 feet for both side yards, and, no building shall be placed closer than ten feet to an existing building on an adjoining site. The rear yard shall be reduced at the same rate but not to less than 20 feet.
      - (b) If the site is less in width but not less in area than the stated minimums, the side yard shall be reduced at the rate provided in A. above, but there shall be no rear yard change.
      - (c) The above provisions do not apply to corner sites.
  2. Measuring setback requirements. The measurement for determining front, rear and side setback requirements shall be made from the exterior wall of the principal building to the nearest applicable site line.
  3. Front setback requirements abutting streets, roads and thoroughfares. Front setback requirements shall be in accordance with the street, road and thoroughfare classification as shown on the Township's adopted Master Plan and Macomb County Road Commission standards, and where the plan and standards are in conflict, the Planning Commission shall determine which shall prevail. Building and front awning or canopy and parking lot setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan or as determined by the Planning Commission and as specified in each applicable zoning district.
  4. Side yard setbacks (corner lots and double frontage lots). The placement of all buildings on corner lots and lots having frontage on two or more streets shall observe the required front yard setback from all streets as required by the zoning district within which the site is located, except as modified below. This provision applies to corner lots and double frontage lots. When a rear yard abuts a side yard, the minimum width of the side yard abutting a street shall not be less than 25 feet in all single-family zoning districts. When a rear yard abuts a rear yard, the minimum width of the side yard abutting the street shall not be less than 20 feet in the R-1-A district and 15 feet in the R-1-B and R-1-C districts. This provision only applies to lots in existence prior to the adoption of this Zoning Ordinance. All lots created after the effective date of the Zoning Ordinance [October 19, 1997] are required to observe front yard setbacks from both streets.
  5. Dwellings in non-residential districts. No dwelling shall be erected in any commercial, industrial or other non-residential districts. However, the sleeping quarters of a watchman or a caretaker, not constructed as a permanent dwelling or housekeeping facility, shall be in conformance with the specific requirements of the particular district in which it is a permitted use



6. The minimum size or lot area and width for one family districts may be reduced, as provided in the Township's subdivision regulations. No one-family lot shall have a depth greater than four times its width.
7. No lot shall have a depth-to-width ratio greater than four to one.
8. With the approval of the Planning Commission, where the size and shape of the parcel or the proposed curvilinear road pattern requires greater flexibility in subdivision design, a platted subdivision may be permitted to contain not more than 15 percent of all lots with less than the minimum lot depth. Where such permission is granted, the minimum lot width of such lot shall be increased by two feet in all residential districts for each one foot reduction in lot depth; however, in no case shall the lot depth of any one-family residential district be decreased by more than ten feet from the depth standard contained herein.

Applicability of Notes to District Standards																	
Notes to District Standards	Residential Districts																
	R-1	R-1-A	R-1-B	R-1-C	R-2	MHP	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	HMR
1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5																	
6	✓	✓	✓	✓													
7	✓	✓	✓	✓													
8	✓	✓	✓	✓													
9		✓	✓	✓													
10	✓	✓	✓	✓													
11					✓												
12 to 20																	
21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓





Applicability of Notes to District Standards											
Notes to District Standards	Commercial Districts										
	O-1	O-2	C-1	C-2	C-3	C-4	C-5	C-6	L-M	H-M	REC
1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6-11											
12	✓	✓					✓				
13	✓	✓									
14	✓	✓	✓			✓					
15			✓	✓							
16	✓	✓	✓	✓	✓				✓	✓	
17							✓				
18							✓				
19									✓	✓	
20									✓	✓	

9. Minimum yard requirements for lots created prior to the adoption of Zoning Ordinance No. 212.
- a. In the R-1-A, R-1-B and R-1-C districts, lots in existence at the date of adoption of this Ordinance shall, where public water and sewer are considered conforming lots and subject to the following requirements:

3.28.B.9.a Minimum Requirements for Lots Create Prior to Adoption of Zoning Ordinance 212			
	R-1-A	R-1-B	R-1-C
Road Classifications			
Minimum Lot Area	13,000 sq. ft.	10,400 sq. ft.	9,100 sq. ft.
Minimum Lot Width	100 ft.	80 ft.	70 ft.
Minimum Lot Depth	130 ft.	130 ft.	130 ft.
Rear yard	35 ft.	35 ft.	35 ft.
Side Yard (least side/total both)	8 ft. / 20 ft.	7 ft. / 18 ft.	7 ft. / 15 ft.
Lot Coverage	30%	30%	30%



- b. Front and street-side setbacks shall be measured (in feet) from the centerline of each road right-of-way (R.O.W.) in accordance with the Township's Master Plan as follows:

3.28.B.9.b Minimum Front and Side-Street Setbacks for Lots Created Prior to Adoption of Zoning Ordinance 212			
	R-1-A	R-1-B	R-1-C
Road Classifications			
Arterial	90	85	85
Minor Arterial	90	85	85
Collector	73	68	68
Local	60	55	55
Cul-de-sac radius	90	85	85
Freeway and major arterial (Freeways shall be measured from the established right-of-way line)	50	50	50
Private road (In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot)	30	25	25
Rear yards abutting rear yards adjacent to a street shall require a setback from the abutting streets as follows	30	25	25

- 10. Principal structures.
  - a. The ratio of the length of the principal structure to its width at the narrowest point shall not exceed four to one.
  - b. Tri-level structures shall meet the minimum floor area requirements for story and one-half buildings,
  - c. Quad-levels shall meet the minimum floor area requirements for the two-story buildings.
- 11. Where two or more two-family buildings are developed on a single parcel of land, the perimeter and spacing between buildings shall be the same as provided in R-12.
- 12. Parking shall not be permitted in the required front or street side setback.
- 13. Where the wall of a structure faces interior side lot lines and contains windows or other openings, a side yard of not less than 20 feet shall be provided.
- 14. A suitable 24-foot wide access drive shall be provided to the rear yard.
- 15. If all portions of one side of the building are enclosed with an unpierced wall of two hour construction, with a parapet wall extending not less than 18 inches above the adjoining roof construction (except along a lot line adjacent to a residential district), said building may be extended or constructed to the lot line; provided, further, that no side yard of less than five feet in width shall be left between the lot line and the building.
- 16. Sites having frontage on two streets shall observe front yard setbacks from both streets as provided in [Section 3.27](#).
- 17. Carports may be located as provided in [Section 5.21.D](#). The following improvements are expressly excluded from the accessory building setback restrictions:
  - a. Structures below and covered by the ground.
  - b. Planters, walls or fences not exceeding three feet in height.
- 18. Minimum building height does not include restaurants, retail, utility buildings or accessory buildings.
- 19. Rear yard space shall only be used for the parking of individual passenger vehicles and/or small trucks.



20. The placement of door and window openings in relation to the lot line shall be subject to the requirements of the building code.

**3.29 RESIDENTIAL DISTRICT REGULATIONS**

- A. Dwellings per lot or parcel. In all one or two-family residential zoning districts, only one principal building shall be placed on a lot of record, with the exception of parcels of record described and designated as "outlots," which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements of the district in which it is located; provided, further, that no building shall be erected on land subdivided in violation of Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).
- B. Dwellings without basements. Each one-family and two-family dwelling unit without a basement shall provide not less than an additional 100 square feet of floor area for utility rooms and/or storage space greater than the minimum floor area per dwelling unit or the average floor area of 50 percent or more of the dwellings located in the general vicinity, whichever is greater.
- C. Fences, walls, hedges and protective barriers. All fences of any nature, type or description located in the Township shall conform to the Shelby Township Fence Ordinance.
- D. Measuring minimum floor space requirements. The minimum floor space requirements, as established by the various provisions of the ordinance for residential dwellings, shall only include "finished" area(s). The term "finished" shall mean that all interior walls and ceilings shall be properly sealed with drywall or other approved surface materials, and that all floors shall be covered with a surface permitting safe and sanitary walking thereon, and that the said finished space(s) shall otherwise meet all of the requirements of the current Michigan building code(s).  
  
The measurement of such building area(s) shall be calculated from the exterior surface of enclosing walls and the centering of common partition walls for each dwelling unit. Minimum floor area(s) shall not include any portions of the dwelling(s) which has not been "finished" as herein above described, cellars or basements, attached garages or attics, unheated breezeways, or porches or decks.

- E. Mobile homes outside of mobile home parks. Mobile homes located outside of mobile home parks may be allowed as a special land use in all single-family zoning districts pursuant to the standards and procedures of **Section 6.5** and the following specific requirements:
  - 1. Special requirements and conditions.
    - a. A building permit issued by the Charter Township of Shelby must be obtained prior to locating a mobile home upon an individual site or lot within the Township other than in a mobile home park district.
    - b. A mobile home or any addition thereto shall be permanently attached to a masonry foundation of minimum eight-inch width. The foundation shall be continuous around the perimeters, with anchors placed at intervals of no greater than eight feet. In no instance shall a mobile home be permitted to be located upon concrete piers or cement blocks in lieu of the foundation prescribed herein.
    - c. A mobile home sought to be located in a one-family or two-family residential district shall meet the minimum structure size requirements of the district in which the unit is to be located.
    - d. Any wheels, towing apparatus or exposed chassis shall be removed before a certificate of occupancy is issued for any mobile home located in a one-family or two-family residential district.
    - e. A mobile home sought to be located in a one-family or two-family residential district shall be connected to a public sewer and water supply or to private facilities in accordance with the approved standards of the Township and any other agency governing such facilities.
    - f. A mobile home sought to be located in a one-family or two-family residential district shall contain storage areas, either within a basement, closet area, in an attic or separate, fully enclosed structure. Units without basements shall provide an additional 100 square feet of floor area for utility rooms or storage space. This storage requirement is in addition to any storage space designed to be used to store automobiles.

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- g. A mobile home sought to be located in a one-family or two-family residential district shall comply with all applicable sections of the Zoning Ordinance relative to the district in which the unit is to be located, including, but not limited to, lot size, yard spaces, setbacks, and area and bulk requirements. In addition thereto, the ratio of the length of the principal structure to its width at the narrowest point shall not exceed four to one.
  - h. All site improvement requirements pertaining to development of one-family and two-family districts, such as, but not limited to, installation of sidewalks, driveways, utilities, or lighting, lot grading and landscaping, shall be applicable to the development of sites upon which a mobile home is located.
  - i. A mobile home sought to be located in a one-family or two-family residential district shall comply with all applicable federal, state, and Township statutes, codes, ordinances, regulations, or standards applicable to such units, including, but not limited to, construction standards, Township construction code, and building, plumbing, electrical and mechanical codes.
  - j. A mobile home shall comply with all applicable plat conditions and deed restrictions of the property upon which the unit is to be located.
  - k. A mobile home shall be permitted to be located in a one-family or two-family residential district only upon a determination that the unit is similar to nearby housing with respect to the following features:
    - (a) Total size and square footage.
    - (b) Length-to-width proportion.
    - (c) Type of exterior materials used in construction.
    - (d) Style and design of architectural features, including its roofline and overhangs.
- Where there is no nearby housing of the type proposed to be developed, the applicant may choose a style and type from photos of established housing typical for each zoning district which

- are kept on record by the Township building department [planning and zoning coordinator] [planning director]. A mobile home located in a one-family or two-family residential district shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, surface coating and other protective measures. In considering this request, the Township Board and/or Planning Commission may consider, along with other available information, a report from the building inspector based upon an inspection of the proposed unit.
- l. All additions to any mobile home shall be aesthetically compatible with and constructed with materials similar to the principal structure.
- F. Residential entranceway. In all residential districts, entranceway structures, including, but not limited to, walls, columns and gates, marking entrances to one-family subdivisions may be permitted and may be located in a required yard, as provided in [Section 5.24](#), provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Planning Commission. No such structure shall be located in an easement or road right-of-way.
- G. Parking of commercial motor vehicles. Not more than one commercial motor vehicle owned and/or used by the occupant of the premises may be parked on the premises. Said vehicle shall not exceed 8,000 pounds gross vehicle weight (GVW) and, when not in daily use or currently licensed, shall be housed within a garage. In instances when said vehicle is not required to be housed, it shall be parked in a residential driveway behind the required building setback line only.
- H. Parking or storage of house trailers, small utility trailers, recreation vehicles, motor homes or watercraft. Any such trailer or watercraft which is of a type and size capable of being transported by a passenger motor vehicle or any recreation vehicle may be parked or stored on the premises; provided, however, such motor home, recreation vehicle, trailer or watercraft shall be parked or stored not less than five feet from any building or site boundary line. Whenever a parking space abuts a street, the parking space shall be located behind the front or side building elevation facing the street.



- I. Parking or storage of commercial trailers. No such trailer, regardless of its size, shall be parked or stored on the premises.
- J. Access. Single family lots with direct access to a major, secondary or collector road, as identified on the Shelby Township Master Plan, shall provide a front yard turnaround unless a side entry garage is provided.
- K. Parking in front yards. No person shall park a vehicle in the front yard setback area of that area between the front of a building and the public sidewalk any residential lot or parcel except on an improved hard surface driveway consisting of concrete, asphalt or paver blocks. Driveways constructed of grass, cinders, dirt, slag or gravel are prohibited.

**3.30 MOBILE HOME PARK REGULATIONS**

- A. Mobile home parks are subject to the requirements as established and regulated by Public Act 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), and all applicable codes and ordinances of the Charter Township of Shelby.
- B. Lot size. The mobile home park shall be developed with sites averaging a minimum of 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1946, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944, of the Michigan Administrative Code.
- C. Access to public roads. A mobile home park shall be accessible from a major public road by hard surfaced access roads as required under [Section 5.21.C](#).
- D. Paving. All roads, drives, and parking areas within a mobile home park shall be hard-surfaced in accordance with the requirements of this Ordinance.
- E. Sidewalks. Concrete walks not less than three feet in width and four inches in thickness shall be installed in the mobile home park from the public entrance to all mobile home lots, and to all service facilities provided, such as but not limited to, central laundry, central parking, and central recreation and park areas.

- F. Plumbing, electrical and TV. All electrical and telephone wiring shall be underground. Individual externally mounted antennas shall be prohibited. Where a master antenna is provided, service shall be constructed and maintained with underground leads servicing each mobile home site.
- G. Floor space. There shall be not less than 800 square feet of floor area within each mobile home. The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be used to meet the 800 square foot requirement.
- H. Screening and screening belt. When the mobile home park adjoins a site zoned for single-family or multiple-family purposes or a developed single-family parcel, a screening or greenbelt, as required under [Section 5.17](#) of the Zoning Ordinance, shall be installed on the park site along the boundary line of such residential site.
- I. Storage and skirting. There shall be no storage of any kind permitted under a mobile home. The skirting shall be installed upon a mobile home within 90 days after its placement upon a lot.
- J. Fences. All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in such a manner as to not interfere with free access by the fire department to all sides of a mobile home. Fences shall not exceed 36 inches in height. Barbed wire shall not be used in any fence.
- K. Fuel tanks. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted in a mobile home park.
- L. Utility cabinets. One utility cabinet may be permitted on each mobile home lot, provided it meets the accessory building requirements of this Ordinance. Such cabinets shall be maintained, kept neat and clean, and painted regularly, and shall not be used to accumulate garbage.

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- M. Site plan. In accordance with Sections 11, 12 and 13 of the Mobile Home Commission Act, Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.) as amended, a person desiring to develop a mobile home park shall submit a preliminary plan to the Planning Commission for review and approval. The preliminary plan shall include the location, layout, general design, and a general description of the project. All site plans shall be submitted in accordance with the provisions of [Section 6.1.C](#) of this Ordinance. The preliminary plan shall not include detailed construction plans.
- N. Parking. If boats, boat trailers, and utility trailers are permitted to be parked within the mobile home park, adequate parking spaces for such vehicles in a central or collective parking area shall be provided.
- O. Smoke alarms. Smoke alarms shall be required.
- P. Water supply and sanitary system. Each mobile home occupied as a dwelling unit upon a lot within a mobile home park shall be connected to a water supply and sewage disposal system approved by the Macomb County Health Department, as provided under [Section 5.16](#) and [Section 5.15](#) of this Ordinance.

**3.31 MULTIPLE-FAMILY DISTRICT REGULATIONS**

- A. Site plan, height, area and placement requirements. All development in these districts shall require a site plan, as required in [Section 6.1](#), approved by the Planning Commission prior to issuance of a building permit. Approval will be based upon the articles of this Ordinance, the following requirements, and such other conditions as may be imposed upon the use to carry out the intent of this Ordinance by the Planning Commission.
  - 1. All lots used for multiple-family dwellings or two-family dwellings in these districts must be provided with an approved water and sewage system, and the number of main buildings hereafter erected or structurally altered and so used shall not exceed the dwelling unit density per net acre indicated in [Section 3.7](#) and [Section 3.8](#).

Multiply the dwelling unit density per acre by the site's usable net acreage to obtain the maximum number of dwelling units. While the maximum densities shall not be exceeded, the actual maximum number of dwelling units for any given site will be determined by site planning and how appropriately all of the requirements of this Ordinance are applied to the site.

- 2. Recreation areas and facilities, such as parks, playgrounds, swimming pools and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the residents of the development. All such recreation areas shall be clearly identified on the site plan and all planned improvements shown. The minimum number of square feet of recreation area and/or facilities shall be provided in addition to all required setbacks and spacing between buildings and be provided on a per unit basis according to the following schedule:

3.31.A.2 Minimum Required Recreation Area	
Bedrooms Per Unit	Minimum Recreation Area Per Unit (square feet)
1	300
2	400
3	600
4	800

Natural open space may be included and credited for up to one-half the requirement. Provisions of separate adult and youth recreation areas are encouraged. Recreation facilities generally shall be provided in a central location and should be convenient to the community center. A location adjacent to the community center is preferable for efficient construction, use and maintenance of all facilities. In larger developments, however, recreation facilities may be decentralized or part of an approved open space area plan.

- 3. Minimum interior setbacks and building separation:
  - a. A minimum 25 feet of landscaped yard space shall be provided adjacent to each multiple-family building.



- b. The minimum distance between buildings shall be in accordance with the following schedule:

3.31.A.3.b Minimum Distance Between Buildings	
Relationship Between Buildings	Minimum Distance Between Buildings
Front to front	Height of the taller building × 2
Front to rear	Height of the taller building × 2
Rear to rear	Height of the taller building × 2
Rear to side	Height of the taller building
Side to side	Height of the taller building
Corner to side	Height of the taller building

- c. The Planning Commission may modify the above interior setbacks and building separation requirements when necessary to maintain privacy or achieve creative building and site design.
- 4. No multiple-family building shall exceed 180 feet in length along any one face of the building exclusive of any building offset or changes in the front building elevation. Any court shall have a width equal to not less than 50 feet for the front yard and 60 feet for the rear yard. The depth of any court shall not be greater than three times the court's width.
- 5. The front and rear of each building shall be considered to be the faces along the longest dimensions of said building or to be the direction indicated on the drawing by the designer, provided it is not inconsistent with the floor plan of the individual unit; and the side of the building shall be considered to be the face along the narrowest dimensions of said building.
- 6. Service drives for ingress to and egress from a site shall have minimum widths with no on-street parking as follows: 16 feet for a one-way street and 24 feet for a two-way street, and shall not be counted in any required yard space calculations. All streets and drives shall be hard surfaced as required under [Section 5.21.C.6](#). in this Ordinance.

- 7. Minimum floor areas for multiple-family shall be as follows:
  - a. Efficiency unit. The term "efficiency unit" shall mean a dwelling unit containing a minimum of 450 square feet of floor area, and consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.
  - b. One bedroom unit. The term "one bedroom unit" shall mean a dwelling unit containing a minimum floor area of at least 600 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities.
  - c. Two bedroom unit. The term "two bedroom unit" shall mean a dwelling unit containing a minimum floor area of at least 800 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities.
  - d. Three or more bedroom unit. The term "three or more bedroom unit" shall mean a dwelling unit wherein for each room in addition to the three rooms permitted in a two bedroom unit there shall be provided an additional area of 200 square feet to the minimum floor area of 800 square feet.
- 8. Perimeter rear and side yard setbacks. The perimeter side or rear setbacks may be reduced up to 50 percent by the Planning Commission in instances where the design of the building(s) orients the visual accessibility and living areas to a courtyard or other open space away from the side or rear lot line.
- B. Minimum site requirements.
  - 1. Screening. Whenever a multiple family development abuts property in a one-family or two-family residential district, or a site developed and improved for such use, perimeter screening shall be required as specified in [Section 5.17](#).
  - 2. Landscaping. Areas of the site not required to be hard-surfaced shall be landscaped and irrigated according to the requirements of [Section 5.19](#).
  - 3. Lighting. Adequate lighting facilities shall be provided for service drives and parking areas as required by [Section 5.25](#).



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- C. Off-street parking requirements. Storage of commercial vehicles, trailers or recreational vehicles (boats, trailers, campers and similar vehicles) on the premises is prohibited.

**3.32 HIGH AND MID-RISE DISTRICT REGULATIONS**

- A. All lots used for mid-rise or high-rise structures shall be provided with an approved public water and sewage system.
- B. Floor area ratio. The floor area shall be determined by taking the cross-sectional area in the horizontal plan at the level of each floor which is more than 20 feet from the mean grade.
- C. Nothing contained in this Section shall be construed to prevent the owner of land from dividing any lot into two or more parcels; but, in any such case, the regulations of this Section shall be applied to each resulting parcel without regard to the fact that adjoining property is held in the same ownership, except in proceedings to obtain a variance.
- D. The minimum standards for the High and Mid-Rise district may be further limited by considerations from the following subsection.
- E. Setbacks. In reviewing a proposed building and site development in the HMR district, the Planning Commission may further limit the minimum setback requirements taking into consideration the following factors:
  - 1. Vicinity impact:
    - a. Obstruction of off-site sunlight
    - b. Continuous wall length
    - c. Degree of ground floor activities
    - d. Proportional building height
    - e. Need for boundary trees
  - 2. Recreation space sufficiency by:
    - a. Type and size
    - b. Sunlight on site
    - c. Parking
    - d. Landscaping
    - e. Trees
  - 3. Security and safety:
    - a. Density
    - b. Visibility
    - c. Surveillance methods
    - d. Location of parking

- e. Accessibility of emergency equipment
  - f. Traffic impact
- 4. Building interior.
  - a. Size of units
  - b. Visual privacy and/or view
  - c. Storage adequacy
  - d. Refuse disposal methods and location
- F. Where the HMR district is to be used for residential purposes other than transients (hotels and motels), the recreation requirements of [Section 3.31.A.2](#) shall be incorporated in the site plan and subsequent development.
- G. Minimum site requirements.
  - 1. Landscaping. Areas of the site not required to be hard-surfaced shall be landscaped and irrigated according to the requirements of [Section 5.19](#).
  - 2. Lighting. Adequate lighting facilities shall be provided for service drives and parking areas as required by [Section 5.25](#). Sign and lighting shall be approved by the Planning Commission based on a finding that such features are consistent with the use and character of the site vicinity.
- H. Off-street parking.
  - 1. Storage of commercial vehicles, trailers or recreational vehicles (boats, trailers, campers and similar vehicles) on the premises is prohibited.
  - 2. In the HMR district, areas devoted to off-street parking, drives or maneuvering lanes may not cover more than 30 percent of the area of any required minimum yards.

**3.33 OFFICE AND COMMERCIAL DISTRICT REGULATIONS**

- A. **All Office and Commercial districts (excluding C-6)**
  - 1. Building design standards. The Planning Commission shall evaluate the architectural character, attractiveness, and compatibility of the exterior of all office and commercial buildings in relation to the following standards. These standards are offered for the purpose of achieving the following objectives:
    - Maintain and enhance the visual quality of the Township.





- Improve the compatibility between residential and non-residential development.
- Encourage the establishment of an attractive and visually distinctive character for the Township.
  - a. Scale and proportion.
    - (1) The height, width and general proportions of a building shall be compatible with good design principles and practices. The ratio of wall surface to openings and the ratio of the width and height of windows and doors shall also be of compatible style.
    - (2) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections, recesses and changes in floor level, shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
    - (3) The evaluation of the appearance of a project shall be based on the quality of its design and relationship to Township objectives expressed above.
  - b. Windows and doors.
    - (1) The pattern, placement, proportion, materials, design and style of windows and doors shall be architecturally compatible with the building.
    - (2) Windows shall be vertically proportioned whenever possible.
    - (3) Metal or plastic window or door frames are generally unacceptable, unless they are anodized or painted.
    - (4) Whenever shutters are used, they should be sized to match the building.
    - (5) Windows shall not be permanently covered, unless approved as part of the building elevations.
    - (6) Window placement and size shall be evaluated in relation to the proposed use.

- (7) Fixtures and shelves shall not be permanently placed in front of any windows. Floor-to-ceiling windows will only be permitted when it can be demonstrated that this condition will be observed.
  - (8) Window placement and design shall be evaluated in relation to interior building lighting. Interior illumination shall not extend beyond the pedestrian access in front of the building.
  - (9) Awnings and canopies shall be limited to freestanding buildings. Awnings and canopies may be allowed in planned centers, provided their design, color and placement on the building are uniform. Awnings and canopies shall not be illuminated. Awnings and canopies shall be maintained in good condition. Torn or damaged awnings or canopies shall be removed or repaired by the owner(s) of the site. The face of the building behind the canopy shall be uniform in appearance with the remainder of the building.
- c. Roof form and materials.
    - (a) Roof types should be appropriate to the building's architecture. Architectural embellishments that add visual interest to the roof line, such as dormers, masonry chimneys, cupolas, clock towers and other similar elements, are encouraged.
    - (b) Roof line offsets or other architectural features shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single long roof.
    - (c) Asphalt shingles, standing metal seamed material, or other compatible materials shall be required on pitched roofs. On flat roofs that are not visible to the public, other roof materials may be appropriate.



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- d. Architectural details.
  - (1) Building elevations shall include sufficient architectural details to create a distinctive appearance or character. All details and fixtures shall be in proportion to the building.
  - (2) Exterior lighting fixtures, standards, and all exposed accessories shall be harmonious with the design of the building.
  - (a) Buildings facing a public street or internal open space shall be architecturally emphasized through fenestration, entrance treatment and details. Buildings with more than one facade facing a public street shall be required to provide similar front facade treatments on each street. Deviations in facade design may be permitted when it provides visual interest or improves the appearance of the building.
  - (b) Cornerstone date markers shall be included at the front corner of all buildings. The cornerstone shall include the date of the building construction. It may also include the name of the architect and builder and/or other relevant information.
- e. Wall materials.
  - (1) The entire exterior surface of all building's walls hereafter erected shall be constructed of brick and/or stone building material. Other durable, decorative building materials may be approved by the Planning Commission in instances where the character and style or use of the proposed structure warrants special consideration. The use of other material may be allowed for accent purposes only. The use of decorative block or exposed surfaces to public view shall not be permitted. When dryvit is permitted, it shall be limited to upper portions of the building.
  - (2) The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank walls or service area treatment of side and/or rear elevations visible from public view is discouraged.
  - (3) In any design in which the structural frame of the building is exposed to view, the structural materials shall be compatible with the rest of the building and its surroundings.
  - (4) Interior courtyards used for trash storage or loading that are not exposed to public view are not required to observe the brick surfacing requirement referenced above.
- f. General standards. Variation of detail, form and siting shall be used to provide visual interest. Monotony of design in single or multiple building projects shall be avoided. Variations of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- g. Maintenance standards.
  - (1) The choice of materials and their use, together with the types of finishes and other protective measures, shall be conducive to easy maintenance and upkeep. A maintenance schedule shall be provided for those materials requiring periodic maintenance.
  - (2) Materials and finishes shall be selected for their durability and wear, as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.



- (3) Designs that tend to accumulate debris, leaves, trash, dirt and rubbish shall be avoided.
2. Rear yard access and parking. Required yards may be used for off-street parking, as regulated in this Article, provided adequate access to the rear of the building for fire fighting and emergency equipment is available. Where rear yard parking is permitted, its quantity, size and layout shall be designed mainly to encourage "employee parking."
3. Landscaping. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping, lawn and irrigation (see [Section 5.19](#)), approved by the Planning Commission, and so maintained in attractive condition.
4. Roof-mounted fixture screening. Roof-mounted equipment, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, noise control devices and any other such appliance or apparatus, shall be concealed from view by obscuring screening so as not to be visible from the ground. The design of the screening shall be approved by the Planning Commission and shall be compatible with the architectural design of the building upon which it is located, and shall be designed to mitigate noise generated by any roof mounted appliances.
5. Front building line. Once a building line has been established by the construction of a principal building upon an approved site, no other principal building or use shall be located between the established building line and the front lot line (or side lot line abutting a side street) without first obtaining approval of the Planning Commission. The Planning Commission shall review the building and/or use proposed to be located in front of the established building to determine whether the building or use is of such location, size and character to be in harmony with the appropriate and orderly development of the balance of the site, is not detrimental to the development of adjacent uses, does not create any vehicular or pedestrian hazards, and is aesthetically compatible with the buildings and uses located (or to be located) upon the site. Landscaping

- plans, site plans (including signs and the location of dumpsters), and elevations of all sides of any building to be constructed shall be submitted to enable the Planning Commission to determine whether the proposed additional front building and/or use conforms with the requirements of this Section. All dumpsters shall be visibly screened from any area visible to the public by use of a wall of the same material as the building walls to ensure aesthetic compatibility and constructed to the standards of [Section 5.8](#). In reviewing this request, the Planning Commission shall apply the standards contained herein and in [Section 6.5.B.1](#). (special land use approval), and may impose reasonable conditions as authorized by [Section 6.5.C.5](#) to ensure that the standards are satisfied.
6. Lighting limitations. Lighting of parking areas shall be as approved by the Planning Commission in accordance with [Section 5.25](#), and as specified for each district.
7. Signs. Signs shall be governed by [Section 5.24](#) of this Ordinance, unless as otherwise approved as part of the project development plan for a planned unit development (PUD) or C-5 multi-use project.
8. Screening. Screening between abutting properties shall be provided as specified in [Section 5.17](#), in addition to the requirements specified in [Section 6.1.C](#), site plan submission requirements.
9. Site coverage.
  - a. In the O-1, O-2, C-1, C-2, C-3 and C-4 districts, maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening, off-street parking, loading and road rights-of-way.
  - b. In the C-5 district, maximum lot coverage, including all buildings and paved areas (parking, access drives and loading/unloading areas), shall not exceed 75 percent of the gross lot area. Building coverage is limited to 30 percent of the gross lot area.

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**B. In the O-1 and O-2 office districts**

1. During office hours of the O-1 and O-2 districts use after sunset, the parking areas shall be adequately lighted for safety of users and not create nuisances for adjacent property owners.
2. Parking lot and building lighting shall be of a pedestrian scale and character. No lighting shall exceed ten feet in height. All outdoor lighting shall observe the requirements of [Section 5.25](#).
3. The outside storage of vehicles, materials or equipment on the premises is prohibited.

**C. In the O-1 district.**

1. The style and design of architectural features of the structure shall be compatible in appearance and scale with neighboring residential units. In making this assessment, the Planning Commission shall consider the following factors: building roofline and eaves, door and window openings, building proportions and type, and color of facing materials.
2. No uses with a drive-thru shall be permitted in this district.

**D. In the C-1, C-2, C-3, and C-4 districts.** Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences and to prevent glare therefrom into other nearby buildings or streets. All outdoor lighting shall meet the requirements of [Section 5.25](#).

**E. In the C-1, C-2 and C-5.** Outdoor storage and display of merchandise is prohibited. Minor day-to-day, in-and-out display may be permitted in the C-1 and C-2 districts when kept behind established building setback line.

**F. In the C-1 Local Retail Business district**

1. Drive-thru service shall not be allowed, except accessory to a bank subject to special land use approval and with a maximum of three service bays.
2. Heavy loading or unloading of primarily large items or the installation or deliveries of large merchandise other than those incidental to a permitted use shall be prohibited.
3. Twenty-four hour service shall be prohibited, except for an automatic teller accessory to a bank or drop-boxes.

4. No service shall be provided after midnight or before 7:00 a.m.
5. No signage shall be allowed that is distracting or out of character with nearby residential uses.
6. Noise, odor or lighting that exceeds the performance standards of [Section 5.26](#) shall be prohibited.

**G. In the C-3 district**

1. A site may consist of one or more contiguous parcels of C-3 zoned property, the total of which shall equal five acres or more. In order to assure compliance with the intent of the C-3 district, a development on a parcel of less than five acres contained within a contiguous five-acre site may occur only if reviewed and approved in conjunction with an overall development plan. In making such determination, the Planning Commission shall consider placement of buildings, parking areas, landscaping, and points of ingress and egress to ensure that the proposed development is harmonious with existing or future adjacent developments on or off said site.

Modifications to the minimum area and width standards for developed sites may be approved administratively by the planning director provided that reciprocal access and parking agreements are provided.

2. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of 20,000 square feet of floor area, and not less than three of the permitted or special approval uses listed in this Section, or be of such diversity that the Planning Commission determines that this requirement is intrinsically met.
3. All buildings shall be arranged in a group or groups.
4. The distance, at the closest point, between any two buildings or groups of units of attached buildings shall not be less than 30 feet.
5. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any public street lines with each other.



6. No part of any parking access and/or service area may be located closer than 100 feet from any property line adjacent to a residential district.
7. Outdoor display of merchandise and storage is prohibited, except as may be permitted by the Township Board as part of an approved special land use. Sidewalk sales may be allowed as provided for in [Section 4.63](#).

**H. In the C-5 district**

1. The multi-use area and any other affected area shall be provided with adequate public facilities, services and transportation networks to support the proposed uses; or such facilities, services and transportation networks should be planned to be provided concurrently with the development of the project.
2. Project development area.
  - a. Substandard outlots that are included in this district, which are not in the ownership of the principal property owner, shall be regulated by the C-3 shopping center district requirements and the planning standards of this Section and planned in coordination with the principal PUD project development plan.
  - b. Nothing contained in this Section shall be construed to prevent the owner of land from dividing any project development plan into two or more lots, parcels, or sale or land-lease units. In such instance, the project development plan shall include a parcelization plan of intended land divisions, splits, lease parcels or condominium units and provisions for the development of any adjoining out-parcels (whether owned by the applicant or not) as an integral part of the overall development concept. An out-parcel shall include any parcel in which the applicant does not have full ownership in fee or as land contract purchaser, or which is proposed to be continued as a nonconforming use and where such parcel is contiguous on a line with three changes of direction. The development of any out-parcels shall conform to the development concept as reflected in the project development plan.

3. Minimum yard setback per lot
  - a. Side: Twenty feet, plus the height of each level of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line. Side yards abutting any residential district shall provide a setback of 50 feet, plus the height in height measured from the nearest point of each level to the property line.
  - b. Rear: Thirty feet, plus the height of each level of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line. Rear yards abutting any residential district shall provide a setback of 50 feet, plus the height of the building which exceeds 35 feet in height measured from the nearest point of each level to the property line.
4. Distance between buildings: The minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet, except for pedestrian passages and approved service access. The formula regulating the required minimum distance between two buildings is as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

Where S equals required minimum horizontal distance between any wall of building "A" and any wall of building "B" or the vertical prolongation of either.

L<sub>A</sub> equals total length of building "A." The total length of building "A" is the length of that portion or portions of a wall or walls of building "A" from which, when viewed directly from above, lines drawn perpendicular to building "A" will intersect any wall of building "B."



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$L_B$  equals total length of building "B." The total length of building "B" is the length of that portion or portions of a wall or walls of building "B" from which, when viewed directly from the above, lines drawn perpendicular to building "B" will intersect any wall of building "A."

$H_A$  equals height of building "A." The height of building "A" at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building "A." Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

$H_B$  equals height of building "B." The height of building "B" at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building "B." Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

5. Access to each parcel or lot must be from an internal street and not from abutting major thoroughfares or arterials.
6. The internal circulation system shall include pedestrian walkways which provide continuous circulation from the boundary streets to each lot or parcel within the development, common open space area, and all other important interior site destinations.
7. There shall be set aside for common open space not less than one acre of land for every ten acres of land, or fraction thereof, in the project development area. Such computation shall exclude the right-of-way area devoted to the internal street system.

The location of common open space shall be consistent with the declared purpose of the common useable open space and, where possible, the common open space shall be planned as a contiguous area, located on the site in accordance with the approved project development plan for the maximum benefit of the area. Protected environmentally sensitive areas, such as woodlands, wetlands, ponds and drainage areas, may be included in the calculation

of required common open space upon Planning Commission approval.

8. Open spaces for public congregation (plazas) are required and must be equipped or designed to allow pedestrian seating and to be easily observed and accessible from the pedestrian circulation system.

As a minimum, there shall be one square foot of plaza open space for every 100 square feet of gross building floor area. Step space shall not be counted as meeting this requirement. Such plaza area must be located behind the required setback and easily accessible to, and visible from, the street, but in no instance more than three feet above or below the level of the adjoining grade.

8. Within the plaza area, one tree must be planted for each 500 square feet of plaza area, or portion thereof, up to 2,000 square feet of plaza area. One additional tree is required for each additional 1,000 square feet of plaza space. At least 20 percent of this requirement shall be of the ornamental variety. Urban design features are encouraged as part of pedestrian plazas. The following amenities, such as, but not limited to, ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, unlit canopies, and similar structures, are permitted.
9. No outdoor storage of materials or equipment shall be allowed. All trash storage shall be provided within a central service court.
10. If the site is to be served by public transportation facilities, shelter structures for passengers shall be provided. The location, number and design of these structures and approaches shall be approved by the Planning Commission as part of site plan review.
11. Processing requirements. The process for obtaining review and approval of a multi-use development project is as follows:
  - a. At the review conference. The Planning Commission will review the information (preliminary plan) and consider the following:



- (1) Whether the proposal has the following characteristics and furthers the objectives of the multi-use district:
    - (a) Has three or more significant revenue-producing uses (such as, but not limited to, retail, office, residential, hotel/motel, restaurant, entertainment/cultural/recreation) that are well-planned and mutually supporting.
    - (b) Contains significant physical and functional integration of project components (and thus a relatively intensive use of land) including uninterrupted pedestrian connections.
    - (c) Will be developed to produce a coherent project development plan which identifies the type and scale of uses, permitted densities, and related items.
    - (d) (4) Possesses a catalytic use or arrangement that will drive the interrelationship of the multi-use mix.
  - (2) The relationship of the proposal to the purposes listed in the intent of the district and other planning considerations for the area and Shelby Township as a whole, including specific plans, programs and policies of the Township.
  - (3) Adequacy of public and private services/infrastructure.
  - (4) The impact of the proposal on neighboring properties.
  - (5) The proposal's relationship of different uses on the site.
- b. Formal review and approval shall follow the two-step process, including a public hearing as outlined in the requirements for planned unit development (PUD) in [Section 3.37](#)

### 3.34 INDUSTRIAL DISTRICT REGULATIONS

#### A. All Industrial Districts

1. Exterior facing materials. The exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing brick and/or stone building materials. Other durable, decorative building materials, including metal siding and dryvit and split-faced block, may be approved by the Planning Commission in instances where the character and style of the proposed structure warrants special consideration, or where it can be determined that the additional material would not be out-of-character or harmony with other buildings in the vicinity of the site. Metal siding shall be confined to the side and rear building elevations only. Metal siding shall be further limited to the upper portions of the structure above the top of the door. Dryvit may only be used for accent purposes. The architecture and approved exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to any non-industrial district. Within the industrial districts, the architecture and approved exterior finish shall be returned on the building side(s) a sufficient distance, as determined by the Planning Commission, to provide a continuous appearance from the adjacent right-of-way or structures or visible to the public. The rear and side elevations of the building constructed of block may be painted, provided that the colors match the rest of the building. Painted brick shall not be allowed for new construction. Samples shall be provided at site plan review.
2. Rear and side yard access and parking. Required rear and side yards may be used for off-street parking, as regulated in this Article, provided adequate access to the rear of the building for fire fighting and emergency equipment is available.
3. Landscaping. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping and lawn (see [Section 5.19](#)), approved by the Planning Commission, and so maintained in attractive condition.
4. Roof-mounted fixture screening. Roof-mounted equipment including, but not limited to, air conditioners, heating apparatus, dust collectors, filters,

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transformers, noise control devices, and any other such appliance or apparatus, shall be concealed from view by obscuring screening so no part is visible from the ground. The design of the screening shall be approved by the Planning Commission and shall be compatible with the architectural design of the building upon which it is located and designed to mitigate noise generated by any roof-mounted appliances.

5. Off-street loading space. Every use involving the receipt or delivery of materials, supplies or merchandise by trucks or trailers shall provide space for standing, so that loading and unloading services will not take place on the public streets, alleys and rights-of-way. Loading and unloading spaces shall be provided and shall not be from a public right-of-way and, further, no such space shall be provided within the required front yard setback. Such loading space shall consist of an area as required in [Section 5.22](#) with the loading space and any roadway thereto paved with an asphalt or concrete surface.
  6. Lighting limitations. Lighting of parking areas shall be as approved by the Planning Commission in accordance with [Section 5.25](#), and as specified for each district.
  7. Signs. Signs shall be governed by [Section 5.25](#) of this Ordinance, unless as otherwise approved as part of the project development plan for a planned unit development (PUD) project.
  8. Screening. Screening between abutting properties shall be provided as specified in [Section 5.17](#), in addition to the requirements specified in [Section 6.1.C](#), site plan submission requirements.
  9. Lot coverage. Maximum lot coverage shall be governed by meeting all requirements for yard space, landscaping, screening, off-street parking, loading and road rights-of-way.
- B. In the L-M and H-M districts.**
1. Maximum coverage is equal to the remainder of the site after all right-of-way parking and yard space requirements are deducted from the gross site area.

2. Dust collectors and similar equipment shall be screened from view from any abutting residential zoning district.
  3. The distance, at the closest point, between any two buildings on the same site shall not be less than 40 feet.
- C. In the L-M district**
1. No outdoor storage shall be permitted unless it is part of an approved site plan and conforms to [Section 4.47](#). If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.
- D. In the H-M district**
1. No outdoor storage shall be permitted unless it is part of an approved site plan and conforms to [Section 4.49](#). If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.
  2. Outdoor storage may be allowed in the front yard subject to compliance with the front yard setback standards of this district. The front yard shall be developed with a 50-foot wide greenbelt conforming to the requirements of [Section 5.17](#).
  3. Areas proposed for outdoor storage shall be shown on a site plan illustrating the location of the outdoor storage in relation to existing buildings, parking lots, driveways and property lines. Accessory outdoor storage may be approved administratively by the planning director.

**3.35 RECREATION DISTRICT REGULATIONS**

- A. Area. Unless otherwise regulated by state or federal statutes, the area of the parcel of land for a permitted public facility shall not be less than that required to provide adequate space for the principal and accessory buildings and uses, off-street parking, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The minimum area provided shall also be sufficient to accommodate a desirable and functional park or open space area.
- B. Front yard. The minimum front yard setback shall be equal to that of the minimum front yard setback for the most restrictive adjacent zoning district. No parking may be permitted in the required front yard setback.





- C. Other perimeter yards. The need for screening along any abutting perimeter setback and the depth of the required setback shall be determined by the Planning Commission based on the type of activity areas located adjacent to residential zoning districts.

**3.36 CLUSTER HOUSING**

- A. Intent. The intent of this Section is to provide an alternative means of development within all one-family residential districts with properties which possess certain physical and functional characteristics. These alternatives may permit modification(s) to the development standards as set forth in section 11.02. Utilization of this concept shall involve properties which front a major or secondary thoroughfare and shall not serve to preclude a normal continuity of interior local residential streets and/or utility arrangements.
- B. Qualification requirements. In order to qualify a parcel for development under this Section, the Planning Commission shall determine that the parcel has at least one of the following characteristics, supported by documented evidence as required below, prepared by a registered architect, professional community Township planner, landscape architect, engineer or similar professional in environmental design:
  1. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water (i.e., streams, rivers or other natural assets) which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
  2. The parcel contains substantial portions of floodplain and wetlands worthy of preserving. A floodplain and wetlands map, certifiable by the appropriate federal, state or county agency, indicating the extent of the wetlands and floodplain area, shall be submitted to the Planning Commission in order to support the proposal for the parcel's qualification for cluster development.
  3. The parcel has an unusual shape and configuration which limits a conventional subdivision development.

- 4. A substantial part of the parcel's perimeter is bordered by a major or secondary thoroughfare which would result in a substantial proportion of the lots in a conventional subdivision development abutting the thoroughfare, and subject to disturbance by vehicular traffic, noise and lights.
- 5. The adjoining or adjacent land uses warrant a creative development alternative to facilitate a smooth transition between uses.
- 6. A substantial portion of the parcel is characterized by poor soil conditions resulting from landfill activities. A detailed map of the parcel, identifying that area where poor soil conditions exist, shall be presented along with soil borings documenting the same.

All requests for the cluster housing option shall be evaluated in relation to existing and potential development in the area and the reasonableness of the request from the standpoint of established and accepted principles of land use planning. Developers who plat or divide secondary thoroughfares with the intent of seeking the cluster housing option shall submit such plats and/or divisions to the Planning Commission for review and discussion prior to completing such land divisions.

- C. Density calculations. All calculations of density shall be based upon the maximum number of dwelling units per net acre (minus roads) as normally allowed for each district. Total density shall be no greater than if the site were subdivided applying conventional development standards. To establish the maximum number of units, the applicant shall be required to submit a preliminary design plan identifying the number of units that the site could yield if plated in the conventional manner.
- D. Development standards - cluster lot subdivisions:
  1. The lot area requirements of the applicable zoning district may be reduced by not more than 20 percent. Lot width may be reduced by no more than ten percent.
  2. Front, side and rear yard setbacks shall be maintained as per the requirements of the applicable zoning district. Modifications of the required yard setbacks may be permitted, subject to the following standards:

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- a. Rear yards may be reduced to one-half the required yard setbacks when the border land is dedicated as common open space.
- b. Required side yard setbacks may be reduced, subject to the submission of building floor plans and elevations illustrating the relationship between buildings, and provided that each unit has sufficient outdoor living space and that adequate privacy is provided for each unit.
- 3. All units shall be arranged in clusters with common open space arranged to be accessible to as many units as possible.
- 4. For each square foot of land gained under the above standard, an equal amount of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the Township.
- 5. Lands used for enclosed or unenclosed drains owned as part of lands proposed to be subdivided may be credited as open space under this Section, provided such dedication does not exceed 50 percent of open space credit and the requirements of this Section are met.
- 6. The area to be dedicated for either public park or subdivision recreation purposes only shall be in a location and shape approved by the Planning Commission in reviewing the proposed subdivision plat. Said land shall be so graded and developed as to have proper natural drainage.
- 7. Under this cluster approach, the developer or subdivider shall dedicate the total park area at the time of filing the final plat on all or any portion of the plat, unless otherwise agreed to by the Township. Open space may be reserved for the private use of the subdivision, provided that the development and maintenance of the park is provided for to the satisfaction of the Township.
- 8. Where the open space is dedicated to the land owners or their representatives, such park areas shall be maintained by the same. In the event of a default in maintenance, the lots in the subdivision shall be assessed equally as a tax lien to provide necessary maintenance.
- E. Modification of lot or building placement standards. In reviewing plans for the cluster development option, the Planning Commission may permit slight deviations from the lot or building placement standards referenced above, provided that the proposed plan complies with the spirit and intent of providing individuality, privacy and functional open space for each unit and the project as a whole. In no case shall these deviations result in an increase in density as calculated in [Section 3.36.C](#).
- F. Review and approval procedures.
  - 1. In order to achieve greater understanding between the Township and the developer, it is suggested that a preliminary discussion of a potential project be requested prior to the preparation of a detailed site plan. Such a review should include a statement of how the developer feels the project qualifies under the preceding requirements and an explanation of the development concepts being proposed.
  - 2. Based upon the review and discussion of these items, the Planning Commission will be able to provide a preliminary indication as to whether they feel the project will qualify. A preliminary indication by the Planning Commission that the project may qualify does not assure final approval of the site plan. It does, however, provide the applicant with an indication of the Planning Commission's position on the matter.
  - 3. All applications shall be accompanied by a written statement and explanation by the applicant as to how the proposed project complies with the qualification requirements for a cluster project.
  - 4. Cluster lot subdivisions shall conform to the submission requirements for tentative preliminary plat approval as specified in the Charter Township of Shelby Subdivision Ordinance.
  - 5. Cluster developments with attached units shall be accompanied by a site plan meeting all applicable requirements of [Section 6.1.C](#).



### 3.37 PLANNED UNIT DEVELOPMENT (PUD)

A. Intent and purpose. The intent is to establish planned unit development provisions which permit flexibility in the regulation of land development to allow planned unit developments (PUDs) in all zoning districts which may be affected, subject to the requirements and standards for special land use now existing in each affected district, as well as the uses not otherwise included within a particular zoning district, provided the proposed PUD meets the requirements of this Ordinance.

The following planned unit development requirements are designed to accomplish the objectives of the Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of a project area. Planned unit developments are further intended to achieve the following objectives:

1. To encourage innovation in land use and variety in design, layout and type of structure constructed.
  2. To achieve economic and efficient uses of land, natural resources, energy and the provision of public services and utilities.
  3. To encourage the provision of useful open space, where appropriate.
  4. To provide better housing, employment and commercial opportunities particularly suited to the needs of the Township.
- B. Districts. Planned unit developments may be permitted in all zoning districts except the Recreation district.
- C. Discretionary authority. The Township Board, with recommendation from the Planning Commission, shall have discretionary authority to consider and may modify the applicable minimum requirements of [Section 3.37.E](#), as well as the zoning district regulations. Such modifications may include, but not necessarily be limited to, use, arrangement, height setback, lot and building area.
- D. Qualification requirements and application(s) for approval.

1. Planned unit developments (PUDs) shall be submitted in a two-step process. The initial step shall include a preliminary application and plan in accordance with the following outline. The plan for final approval shall include a public hearing and follow the standards and requirements listed in subsequent subsections. The filing of a preliminary plan will provide an opportunity for the applicant and the Planning Commission and Township Board to become generally acquainted with the proposed project and conduct discussions about the features of the proposed PUD. An application for preliminary plan consideration shall comply with and include the following requirements and standards:
  - a. The applicant shall submit an understandable plan showing the entire PUD area in a preliminary form and at a clearly understandable scale, indicating proposed land use area(s), their relationship to each other, circulation patterns, and existing site characteristics.
  - b. The existing topography shall be depicted at two-foot contour intervals for the PUD area and all nearby areas; if the land is generally flat, grade shots shall be provided at intervals necessary to any grade differential.
  - c. A map of the Township indicating the PUD area and its relationship to existing roads, streets and use districts with, and immediately adjacent to, the Township.
  - d. Existing utilities, including storm drain facilities, shall be located and noted.
  - e. Preliminary architectural plans for all buildings, including basic building planning and number of units per building, shall be clearly set forth.
  - f. Intensity of commercial or industrial uses and number of units by type shall be clearly set forth.
  - g. Adequacy of public and private services/infrastructure shall be described.
  - h. Existing and proposed land use and development features as they impact neighboring properties.

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If the Township Board agrees that the proposal has merit and has potential to meet the requirements of this Ordinance and the applicable PUD requirements contained in this Section, an application may be filed for final PUD review in conformance with the requirements of the following subsections. If the Township Board does not agree with the proposed plan or approach, it shall deny the request at this point and provide the reasons therefore in the board minutes.

2. An application for final PUD review may be made after the Township Board has agreed by motion that the preliminary plan has potential to meet the requirements of this Ordinance. Upon receipt of an application for final approval, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given in accordance with state law. The applicant's presentation at said hearing shall include drawings, exhibits, narratives and draft covenants and agreements identified for reference by letter or number. If the application for final approved complies with the applicable special land use section(s) as set forward in the zoning district(s) being affected, as well as the special land use approval requirements and uses not otherwise included within a particular zoning district are found acceptable, and the Township Board further finds the following standards to have been met, the application shall be approved.
  - a. All applicable provisions of this Section shall have been met. If any provision of this Section is in direct conflict with the provisions or authority of any other section of this Ordinance, the provisions included within this Section shall apply to land included within the PUD area.
  - b. All minimum requirements pertaining to residential, commercial, institutional, industrial or other uses shall be subject to the requirements of each individual classification hereinafter referenced, except as may be specifically varied by the Planning Commission and Township Board, where applicable, in granting and establishing a PUD.
    - c. Adequate, well-designed and properly planned areas shall be provided for all walkways, recreation, parking, access, screening and isolation, and other open areas to be used by the public and/or residents of the Township.
    - d. Adequate sanitary sewer disposal, water supply, and road and other storm water drain systems. Water, sewer and storm drains shall be subject to applicable Township standards and ordinances.
    - e. Efficient and desirable use of open areas in keeping with the physical character of the Township and surrounding areas.
    - f. Assurances that areas shown on the plan for use by the public and occupants shall be, or have been, irrevocably committed for that purpose. The Township reserves the right to require conveyances or other documents to be placed in escrow.
    - g. Assurance of financial support for and maintenance of all improvements indicated on the plan for open space areas and common use areas. Assurances may require posting of bonds as determined by the Township Planning Commission and approved by the Township Board.
    - h. The Planning Commission, upon recommendation of the Township engineer, may waive or modify requirements for underground installation of all utilities with respect to all or part of a particular PUD plan when strict application would result in practical difficulties.
3. Final review application shall include, in addition to compliance with the applicable requirements for site plan review contained in [Section 6.1.C](#), the following:
  - a. A boundary survey of exact acreage requested and performed by a registered land surveyor or civil engineer (scale: 1 inch equals 100 feet).



- b. A physical features map of the area and its vicinity, including topography drawn as contours with an interval of at least two feet (or grade shots, where applicable). Map shall indicate all trees, bodies of water and unbuildable areas due to soil conditions, wetlands, topography or similar conditions (scale equals 1 inch equals 200 feet).
- c. A legal description of the property.
- d. An aerial photograph of the area not more than five years old (minimum scale: 1 inch equals 100 feet).
- e. Existing and proposed streets and other developments within and surrounding the proposed PUD area shall be shown.
- f. A plan for the entire PUD area indicating the functional use areas and dwelling unit types being requested; densities proposed; thoroughfare, road, traffic and pedestrian circulation plan; public utilities plan; building locations, driveways, walkways, parking areas, natural areas (streams, drains, woodlands); sites reserved for public facilities and service activities; playgrounds, recreation areas and other open spaces; areas used for public and/or residents of the PUD. Such plan shall designate each land use category in contrasting colors or [by] other means.
- g. A preliminary estimate of contemplated total storm water flow and sanitary sewage volume. Each utility shall be shown as a one-line diagram with flow direction indicated on the proposed street layout and shown on the topographical map.
- h. A schedule indicating the proposed timing of the development, including phasing and parcelization, if appropriate.
- i. A written impact statement ([Section 6.1.E](#)).
- j. Statement of covenants, grants of easements and other restrictions to be imposed upon the uses of land and structures.

- k. Any other data, plans or drawings considered by the Planning Commission to be necessary for the consideration of the proposal.

All materials required to be submitted as part of the application shall be submitted in the required number of copies for distribution to the Planning Commission and appropriate reviewing agencies.

- 4. The Planning Commission shall review the application materials and reviewing agencies' comments. In the process of review, the Planning Commission shall consider:
  - a. Specific development requirements set forth in this Ordinance.
  - b. The location and design of service roads or drives and driveways providing vehicular ingress to and egress from each building site, in relation to streets giving access to the site and in relation to pedestrian traffic.
  - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - (1) Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
    - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent parcels and districts.
    - (3) Accessibility afforded to emergency vehicles.
  - d. The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
    - (1) The treatment of public space.
    - (2) The availability of sewer and water capacity and the capacity of other utilities.
    - (3) The impact on air quality.
    - (4) The potential noise from development and traffic sources.

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- e. The proposal's conformity with, and compatibility to, the character of the surrounding property and that it will not substantially interfere with the safety, light, air and convenience of the surroundings private and public property.
- f. Any other matters that are within the Township departments' or the commission's jurisdiction.

Only applications properly prepared and submitted with all required fees paid in full will be processed. Review and processing of the application shall be subject to the requirements and procedures contained within this Ordinance and as administered and finally approved by the Township Board. Initial approval shall be valid for a period of two years, with one-year extensions possible with the approval of the Township Board upon proper application. After the start of construction, if development of the site has lapsed or discontinued for a period exceeding one year, the owner/applicant or his successors shall be required to return to the Township for reconsideration of the plan, following the procedure outlined for original approval in this Section.

- 5. In the course of instituting the plan, minor plan adjustments, including the minor shifting of buildings, service areas and other features requested by the developers, may be authorized by the Planning Commission and processed as site plan applications. The Planning Commission shall make the determination as to whether a change is minor or if an amendment is required based upon the standards contained in this paragraph. Amendments that significantly impact factors considered by the Township Board in approving the PUD plan, such as changes to circulation systems, densities and major building rearrangements, shall require the applicant, or the applicants' successors, to return to the Planning Commission and Township Board for approval of an amended plan. The procedure outlined for original approval shall be followed when submitting an amended plan.

- 6. The planned unit development overlay district shall, in each instance, be limited to uses, arrangements and improvements contained in the companion PUD plan. In the course of instituting the plan, minor plan adjustments and/or amendments may be authorized by the Planning Commission as outlined in [Section 3.37.C](#).
- 7. Once a PUD is approved by the Township Board, no Zoning Board of Appeals requests shall be permitted. Any requested changes in the development plans shall conform to the revision procedures contained within this Section.
- 8. It is expressly understood that a PUD project will not be allowed to apply for building permits or begin construction of any site improvements until approval of the final PUD plan or any subsequent amended plan shall have received official approval of the Township Planning Commission and Township Board, where applicable.
- E. Site plan/specific PUD requirements. The site plan, subdivision and use of land in a PUD must contain a minimum acreage that, in the opinion of the Township Board, meets the purposes of a PUD listed in [Section 3.37.A](#) and the standards of this Ordinance, and must be planned as an integral unit combining one or more primary land uses listed below, with ancillary open space, recreation, park and common use areas. Each major use classification shall be governed by the following standards:
  - 1. General requirements for all PUDs.
    - a. All uses, structures, and properties shall comply with all regulations within the applicable zoning district, except as provided in this Section.
    - b. Portions of the PUD area not used for parking, driveways, buildings or plazas shall have landscaping and lawn approved by the Township Board, as required in [Section 5.19](#), landscaping requirements.



- c. Minimum yard requirements shall apply to all buildings and structures, drives and loading areas. Drives may cross required yards. Larger minimum yards may be required by the Planning Commission at time of PUD plan approval. Requirements shall be based on consideration of natural light, air circulation, solar access and other effects on adjacent buildings or properties.
- d. All sides of buildings shall be constructed of aesthetically pleasing brick and/or stone building materials or other similar durable decorative building materials as may be approved by the Planning Commission. Evaluation of project appearance shall be based on quality of design, relationship to surroundings, sensitive integration of form, texture and colors with the landscape and setting.
- e. All PUD properties shall abut a major or secondary thoroughfare as shown on the Township's Master Plan or have direct access to such thoroughfares by means of a street that serves the PUD adequately.
- f. Parking area lighting shall not allow rays and illumination to be cast upon neighboring residents and shall not glare into nearby buildings or streets. Lighting shall be appropriate to buildings and surroundings in terms of style, scale and illumination intensity. Site floodlights, building mounted or otherwise, and "freeway type" fixtures are prohibited. Low wattage systems are recommended and all lighting shall be shielded. Lighting of pedestrian walkways and plazas may include either shielded or exposed sources, but heights shall be restricted and intensity of light shall be subdued. All site lighting shall meet the requirements of [Section 5.25](#).
- g. Signs shall be governed by a storage scheme approved as part of the PUD plan. A maintenance, construction, and easement agreement approved by the Township attorney for all entrance signs shall be provided.
- h. Trash and other waste materials shall be stored within a principal or accessory building or shall be screened from view from the street and adjacent properties. They shall not be located in front, street facing or on a side yard. Utility meters and control devices shall also be so located and screened.
- i. Not less than ten percent of the PUD project land area shall be used for common open space. Computation shall exclude right-of-way area devoted to streets. Open space shall be planned as a contiguous area, located in accordance with the approved PUD plan for maximum benefit of the area. Up to 50 percent of environmentally sensitive areas such as woodlands, wetlands, drainage areas and landscaped boulevards may be included in the calculation of common open space areas.
- j. All site loading shall be confined to the interior of the building or within a courtyard area completely obscured from view.
- k. Outdoor storage of materials and/or equipment shall not be permitted.

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2. Mixture of uses. The mixture of uses permitted within a PUD shall be based on the underlying zoning district(s) as follows:

3.37.E.2 Mixture of Permitted Uses within a PUD			
Underlying Zoning District**	District Uses Permitted	Maximum Percentage of Net Site Area for Non-residential Uses*	Maximum Percentage of Net Site Area for Non-industrial Uses*
R-1 through R-2	R-1, R-2, O-1, C-1	10	—
R-3 through R-12	R-3 through R-12, O-1, C-1	20	—
HMR	HMR, O-1, C-1, C-4	25	—
O-1	R-1 through R-12, HMR, C-1, O-1	50	—
O-2	R-1 through R-12, HMR, C-1, O-2	50	—
C-1	C-1, O-1, R-2, R-3 through R-12, HMR	50	—
C-2	C-2, O-1, O-2, HMR	—	—
C-3	C-3, O-1, O-2, HMR	—	—
C-4	C-4, HMR, O-1, O-2	—	—
C-5, C-6	See district standards	See district standards	See district standards
IR	IR, O-2, C-1	—	25
LM	LM, O-2, C-1	—	25
HM	HM, O-2, C-1	—	25

\*Net site area is the total parcel less regulated wetlands, public rights-of-way and unbuildable areas.  
 \*\*If more than one zoning district is located on the subject site then uses permitted will be based on the percentage of the site that is under the specific zoning classification. Example: a ten-acre parcel has five acres zoned C-1 and five acres zoned C-2 then 50 percent of the PUD must be developed following the C-1 requirements and 50 percent of the site must be developed following the C-2 requirements. All effort will be made to keep the PUD requirements specific to the individual zoning classifications.

3. Residential.
  - a. Condominium subdivisions and open space plans regulated by this Ordinance may be used in conjunction with a PUD project. Approved nonresidential uses may not be constructed prior to initiation of residential development.
  - b. The overall dwelling unit density for R-1 districts cannot exceed the maximum dwelling unit density computed for the entire net site area and the allowable density of the underlying zoning district as follows:

Underlying District	Dwelling Units per Net Acre
R-1	1.45
R-1-A	2.2
R-1-B	3.0
R-1-C	3.63





- c. At the discretion of the Township Board, the maximum density permitted for detached single-family portions of the PUD may be increased provided that the development meets the intent and all other standards of the PUD provisions and all other Township ordinances. Additional density shall be permitted where open space over and above that required by the Township is provided. A maximum of 1.45 dwelling units per acre of additional open space may be permitted.
  - d. The permitted density for all two-family and multiple-family districts shall be based on the area proposed for multiple-family including open space and the density of the underlying district.
  - e. A majority of the proposed residential units within all residential districts must be developed as either single-family, two-family or multiple-family as determined by the underlying zoning.
  - f. One-family residential units shall be subject to the minimum lot area and lot width requirements of the underlying zoning district. The Township Board, after recommendation from the Planning Commission may modify such lot area and lot width requirements where such modification will result in the preservation of open space. No lot shall be of an area or width less than that required in the R-1-C zoning district.
4. Office.
- a. Office uses shall be as determined by the Township Board, consistent with [Section 3.37.E.2](#). Any use not compatible with the overall intent of this district and which detracts from the design or function of this district as prohibited.
  - b. All front or street-side yards shall be landscaped and permanently maintained. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas and island portions of landscaped boulevards, may be included in the calculation for yards and buffers. All landscaped areas shall be continuously maintained in a livable condition.

5. Commercial.
- a. Business uses shall be as determined by the Township Board, consistent with [Section 3.37.E.2](#). Any use not compatible with the overall intent of this district, which may include activities that would detract from design or function, are prohibited. Outdoor storage and display of merchandise or equipment is prohibited.
  - b. All front or street-side yards shall be landscaped and permanently maintained. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas and island portions of landscaped boulevards, may be included in the calculation for yards and buffers. All landscaped areas shall be continuously maintained in a livable condition.
6. Industrial. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas and island portions of landscaped boulevards, may be included in the calculation for yards and buffers. All landscaped areas shall be continuously maintained in a livable condition and have installed irrigation systems to assist in maintaining plant materials.

### 3.38 GENERAL EXCEPTIONS

Except as hereinafter otherwise provided, the following general exceptions shall apply:

- A. Access through yards. For the purpose of this Ordinance, driveways may cross a required front [yard] or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. Driveways, sidewalks or other paved surfaces performing a similar access function shall not be considered a structure and shall be permitted in any required yard.



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- B. Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services which primarily serve the Charter Township of Shelby from the application of this Ordinance; provided, however, services or essential services that do not primarily serve the Township are not authorized except as provided and in conformity with the provisions of this Ordinance.
- C. Height limit. No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. Height limits for commercial/radio and television transmitting towers, cellular telephone towers, and other similar towers are regulated as per the requirements of [Section 4.20](#). Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be determined by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency. The maximum allowable height for church steeples is specified in [Section 4.4](#).
- D. Lot area. Any lot which was of record at the time of the adoption of this Ordinance [September 19, 1997], that does not meet the requirements of this Ordinance for lot width and depth and available space for yards, shall meet the provisions of [Section 7.15.L](#), nonconforming lots.
- E. Porches/terraces, at-grade patios, steps/stairs and decks.
  1. At-grade patios may be constructed within required side and rear yard setbacks, but not in a required yard facing upon a street. An at-grade patio shall mean any patio, deck or concrete slab which is constructed at the approved grade level or which is elevated to a height of not more than 18 inches above the approved grade level.
  2. Unenclosed and/or uncovered access porches (i.e., one which is not roofed over) may project into a required front yard for a distance not exceeding eight feet. Patio and porches covered or partially covered by permanent construction shall not project into any required yard space. Covered access porches, steps or stairs may project into a required front yard for a distance not exceeding six feet. Handicapped access ramps may encroach into the required front yard setback.
  3. Decks and raised patios may be allowed to project not more than 15 feet into the required rear yard setbacks or open space, provided that the following conditions are met:
    - a. The deck or raised patio does not encroach into any easement.
    - b. The deck or raised patio is not located facing any street, except when located in the rear yard of a double frontage lot.
    - c. The deck or raised patio conforms with applicable side yard setback requirements.
    - d. The deck or raised patio is located not less than ten feet from any detached accessory building.
    - e. Any additional structure attached to the deck or raised patio, such as a gazebo, shall be located at least ten feet from the principal residential structure.
    - f. The deck or raised patio and all other appurtenant facilities shall conform with any applicable codes and Ordinances.
    - g. Decks or raised patios may be allowed for attached multiple-family structures, subject to compliance with the following standards:



- (a) The deck or raised patio may be allowed to encroach not more than 15 feet into the required perimeter yard setbacks.
  - (b) The deck or raised patio shall maintain a setback of at least 25 feet from another multiple-family structure or interior parking space or access drive.
- F. Projections into yards. Architectural features, such as but not limited to, window sills, cornices, eaves, bay windows (without floor space), roof overhangs, chimneys and other architectural features may encroach into any required yard setback by not more than two feet. This exception does not apply to projection of architectural features with a foundation underneath. Air conditioner units, on-site generators, swimming pool equipment and emergency access windows, may be located in a side yard setback provided that they observe a minimum setback of five feet to the side property line. Projections with floor space not exceeding 30 square feet may project into a required yard not to exceed three feet.



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## 4.1 FARMS

In the R-1, R-1-A, R-1-B, and R-1-C districts, farms are a permitted land use provided each lot shall have a minimum size of three acres.

## 4.2 HOME OCCUPATIONS

Home occupations may be allowed in the One-Family Residential districts subject to the following:

- A. No persons other than residents of the home shall be engaged in such occupation.
- B. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 20 percent of the floor area of the dwelling unit (excluding the basement) shall be used for the purpose of the home occupation.
- C. There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupation.
- D. Such home occupation shall not require internal alterations or construction, outdoor storage or the use of equipment or machinery (except for office equipment and equipment used for fine arts and crafts as defined by statute) not customary in residential areas.
- E. The activities of the home occupation shall be carried out completely within such dwelling. No home occupation shall be conducted, in whole or in part, in any accessory structure, attached or detached, including garages, breezeways, porches, patios and the like.
- F. There shall be no sales of any goods, articles or services on the premises, except such as is produced by such approved home occupation.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

- I. Such home occupation shall not be carried on to an extent so as to require parking in excess of that required for the residence in which it is located.
- J. Hours of operation of a home occupation shall be limited to between 9:00 a.m. and 8:00 p.m.
- K. The home occupation shall comply with the performance standards of [Section 5.26](#) and shall not impair the residential character of the premises nor impair the reasonable use, enjoyment, and value of other residential property in the neighborhood.
- L. The sale of firearms may be allowed as a home occupation provided that the business obtains appropriate approvals and permits from the U.S. Bureau of Alcohol, Tobacco and Firearms and the Shelby Township Police Department.

## 4.3 CEMETERIES AND CREMATORIUMS

- A. Cemeteries and crematoriums may be allowed in all one-family residential zoning districts. Existing cemeteries may also be allowed in any zoning district subject to the standards contained herein.
- B. Specific requirements and conditions.
  - 1. That portion of the site abutting a public road shall observe a front yard setback applicable to the zoning district within which the site is located. The entire width of the front yard setback shall be landscaped. No other site improvements shall be located within the front yard setback. Decorative fencing or a decorative masonry wall may be allowed within the front yard setback, provided that it is an integral part of the landscaping plan and entrance design for the site. Such fence or wall shall be substantially compatible and harmonious with existing adjacent types of installations.
  - 2. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than 200 feet to an adjoining residential site.





3. The need for additional perimeter fencing or screening shall be evaluated by the Planning Commission, taking into consideration the internal arrangement of site development features and activity areas and the development characteristics of surrounding parcels. Any other perimeter fencing or screening shall meet the applicable requirements of this Ordinance and any other Township ordinances.
4. No building shall be erected closer than 200 feet to an adjacent property line, nor [shall] such building cover more than ten percent of the site on which it is to be constructed.
5. Any such use shall not be permitted in a floodplain as defined under [Section 2.2](#) River Valley Floodplains.
6. The applicant shall show with reasonable certainty that the elevations of the site when finished will provide adequate drainage.
7. The applicant shall show with reasonable certainty that the use will not result in a nuisance for any reason, including noise, vibration, odor, etc.
8. The proposed roads and parking areas shall be adequate for the use, and shall be paved with asphalt or concrete and drained. The number of parking spaces shall be determined by the Township Board based on the number of employees and capacity of any proposed assembly areas located on site. Service drives may be used for temporary parking.
9. The greenbelt and wall (fence included) shall be maintained as required under [Section 5.17](#) of this Ordinance, and the Township may require a bond for the installation as set forth under [Section 7.8](#) and [Section 6.1.E.4](#).
10. Minimum cemetery site shall be ten acres. Where a state law specifically permits a smaller size, or sets a maximum size less than ten acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of this resolution.
11. Cemeteries may be allowed to include an area for the burial of pets, subject to the review and approval of the Macomb County Health Department or any other applicable review agency.

#### 4.4 CHURCHES AND PRIVATE SCHOOLS

- A. Churches and private schools may be allowed in all residential, office and commercial districts.
- B. Site requirements.
  1. Minimum site shall be two acres on a continuous parcel.
  2. The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's Thoroughfare Plan.
- C. Yard and placement requirements.
  1. Front and rear yard: Fifty feet minimum.
  2. Side yard: Twenty feet minimum.
  3. Maximum lot coverage: Same as for the district in which the use is requested.
  4. Building may exceed the required building height for the applicable zoning district in which the site is located, provided that the required front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum allowable height. The maximum height of the steeple shall not exceed 60 feet. The additional setback requirements referenced above shall not apply to the steeple, provided that it is a single architectural element and not incorporated into the mass of the building.

#### 4.5 GOLF COURSES

Golf courses may be allowed in all residential zoning districts, subject to the following.

- A. Minimum site requirements.
  1. Nine-hole courses – not less than 60 acres.
  2. Eighteen-hole courses – not less than 130 acres.

These standards may be reduced for golf courses developed as part of a residential community [township]. Additional space may be required to accommodate other ancillary site features, including clubhouse, parking, practice range and maintenance facilities.



- B. Location of structures.
  1. Any structures to be erected on the site shall be set back a minimum of 100 feet from any adjoining property site line. Swimming pools shall observe a minimum setback of 200 feet.
  2. Tees, greens and cart paths shall be set back a minimum of 50 feet from all abutting property lines of residentially zoned sites.
  3. Maintenance yards and buildings shall be set back at least 100 feet from any abutting single-family zoned site and screened from adjoining property as specified in [Section 5.17](#).
  4. All parking shall be set back at least 100 feet from any abutting residentially zoned property.
- C. Accessory uses. Any accessory use and all of the facilities therefor which are customary and incidental to the normal golf course operation shall be permitted. Such accessory uses shall include, but not necessarily be limited to:
  1. Swimming, tennis and lounging.
  2. Sale and consumption of food and alcoholic beverages on the premises.
  3. Sale and rental of golfing supplies and equipment.
  4. Golf domes, provided that the dome is set back from any adjoining residential property lines a distance of 2½ times the height of the dome.

- 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections.
- B. Environmental provisions and parking requirements shall be as required in Articles 5 .
  1. On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
  2. Fencing shall be required next to residential uses or districts in accordance with [Section 3.29.C](#) and enclose all outdoor play areas. Screening may also be required as specified in [Section 5.17](#).
- C. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
- D. Operating hours shall not exceed 16 hours during any 24-hour period. The Township may limit but not prohibit activity between the hours of 10:00 p.m. and 6:00 a.m.
- E. Inspection. The proposed use, if approved, shall be inspected by the building department [planning director] [planning and zoning coordinator] for compliance with these standards prior to occupancy and at least once each year thereafter within ten days of the anniversary of the certificate of occupancy. Fees for such inspection shall be established by the Township Board.

4.6 GROUP CHILD CARE HOMES

Group child care homes shall be issued a special land use permit if the group child care home meets all of the following standards:

- A. The proposed use shall not be located closer than 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
  1. Another licensed group child care home.
  2. An adult foster care small group home or large group home, licensed by the State of Michigan.
  3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed by the State of Michigan.



#### 4.7 PRIVATE OUTDOOR NON-COMMERCIAL RECREATION, PRIVATE SWIMMING POOL CLUBS, INSTITUTIONAL OR COMMUNITY [TOWNSHIP] RECREATION CENTERS

Private outdoor non-commercial recreation, private swimming pool clubs, institutional or community [township] recreation centers may be permitted as a special land use in all residential districts and the O-2 Service Office district, subject to the following requirements.

- A. Front, side and rear yards shall be at least 50 feet in width and shall be landscaped with trees, shrubs and grass.
- B. Maximum lot coverage shall not exceed 30 percent.
- C. Whenever a swimming pool is constructed, said pool area shall be surrounded with a protective fence six feet in height, and entry shall be provided by means of a controlled gate.

#### 4.8 PUBLIC BUILDINGS AND RECREATION

Public buildings and recreation facilities may be permitted as a special land use in all single-family, two-family and multiple-family zoning districts, provided all buildings and parking lots shall be set back a minimum of 100 feet from the boundaries of any abutting residential zoning district.

#### 4.9 PUBLIC UTILITY BUILDINGS WITHOUT STORAGE

Public utility buildings, including telephone exchange buildings and repeater stations, electric transformer sub-stations and stations, gas regulator stations (all without storage yards) and cable television, may be permitted in any district when operating requirements necessitate their locating within the district in order to serve the immediate area, subject to the following:

- A. Site requirements.
  - 1. Minimum site size: Two acres. The Planning Commission may reduce this requirement for uses that require less area, provided that all other site requirements are met.
  - 2. The site shall abut a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or a proposed right-of-way of major thoroughfare.

- 3. All buildings shall be constructed of brick and/or stone materials, or other similar durable decorative building material approved by the Planning Commission.
  - 4. The site shall be properly maintained as required by [Section 5.19](#).
- B. Yard and placement requirements.
- 1. All development features shall be enclosed within a building.
  - 2. Maximum height of any structure: Twenty-five feet, unless otherwise specified in the district.
  - 3. Minimum yard requirements:
    - a. Front: Fifty feet.
    - b. Thirty feet each side with one additional foot for each five feet the non-residential structure exceeds 40 feet in length along the adjoining property line.
    - c. Rear: Fifty feet.
  - 4. Maximum lot coverage of all buildings: Ten percent.
  - 5. Noise or electrical disturbances produced by the activity shall be confined to the site.
- C. Parking requirements. No off-street parking shall be permitted in the required front yard space.

#### 4.10 AGE-RESTRICTED ADULT HOUSING

Age-restricted adult housing may be permitted as special land uses in the R-1-B and R-1-C One-Family Residential districts, R-2 Two-Family Residential districts, R-3 through R-12 Multiple-Family Low-Rise districts, and HMR High and Mid-Rise districts according to the following table (x designates district in which use may be permitted). (These regulations shall not be applied to state licensed residential facilities, child care facilities or nursing homes as regulated elsewhere in this Ordinance.)

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4.10 Age –Restricted Permitted Housing							
Use	R-1	R-1-A	R-1-B	R-1-C	R-2	R-3–R-12	HMR
Active adult community	X	X	X	X	X	X	X
Independent living facility	X	X	X	X	X	X	X
Continuing care retirement community					X	X	X
Assisted living and congregate care facilities	X	X	X	X	X	X	X

- A. Yard and placement requirements.
  - 1. Front yard. The same as the district in which the site is located.
  - 2. Rear yard: Fifty feet.
  - 3. Side yard: Thirty-five feet.
- B. Specific requirements and conditions:
  - 1. The density of development shall not exceed twice the number of units allowed in the applicable single-family and multiple family zoning district.
  - 2. The proposed site shall have at least one property line abutting a major thoroughfare as identified on the Township's adopted Master Plan with an existing or planned right-of-way of at least 120 feet.
  - 3. The proposed site shall have at least one property line, apart from its thoroughfare frontage, in common with land which is developed, zoned or otherwise committed for use other than for the construction of one-family residential dwellings, or shall be at a major thoroughfare intersection location where land directly across the thoroughfare(s) is zoned for non-residential purposes.
- 4. Design and architectural character.
  - a. Building massing and style shall be distinctively residential in character, and such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas.
  - b. Design of the facade shall be highly detailed and articulated to be compatible in scale and sensitivity to the residential uses of the development.
- C. Evaluation criteria. In considering plans submitted under this Section, the Planning Commission and Township Board shall take into consideration the public health, safety and general welfare, and the comfort and convenience of the public in general and the residents of the adjacent neighborhood in particular, and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this Ordinance and particularly in regard to achieving:
  - 1. Maximum safety of traffic access and egress and sufficient parking areas to provide for adequate off-street parking.
  - 2. Reasonable screening of all parking areas, service areas, and multiple-family housing developments from the view of adjacent one-family residential properties.
  - 3. Compatibility of the buildings and all related signs and structures to the aesthetic character of the area, as determined by consideration of architecture and building style, scale, and placement.

**4.11 FUNERAL HOMES AND MORTUARIES, NOT INCLUDING CREMATORIALS**

Funeral homes and mortuaries, not including crematoriums, may be permitted as a special land use in the R-2 Two-Family Residential district, the C-6 Shelby Center district, and the O-1 and O-2 office districts, subject to the following.

- A. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.



- B. The site shall be located so as to have one property line abutting a major thoroughfare of at least 120 feet of right-of-way, existing or proposed.
- C. Adequate ingress and egress shall be provided to said major thoroughfare.
- D. No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when said property line abuts any One-Family Residential district.
- E. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view. No outside loading shall be permitted.

**4.12 CHILD CARE CENTERS, NURSERY SCHOOLS, AND SIMILAR USES**

Child care centers, nursery schools, and similar uses may be permitted as a special land use in the R-2 Two-Family district, Multiple-Family districts, O-1 Professional Office district, O-2 Service Office district, and C-1 Local Retail Business district, subject to the following:

- A. Site requirements. The site shall contain a minimum of 100 square feet of outdoor play area for each child and shall not be less than 5,000 square feet in total. The Planning Commission may allow for a reduction in the size of the outdoor play area when it is determined that based on the proposed users, the required space will not be necessary, however, in no case shall the outdoor play space be less than 1,200 square feet.
- B. Yard and placement requirements. Front, side and rear yards shall comply with yard restrictions for the particular district where they are located.

**4.13 ACCESSORY BUILDINGS AND USES**

- A. **In the Mobile Home Park districts**, accessory commercial uses, such as manager's offices, laundry and dry-cleaning facilities, and other services for the residents of the park, shall be permitted in separate, permanent structures. Adequate parking for such services shall be provided. The park proprietor or management may display for sale mobile homes and accessories (provided the accessories are contained within a mobile home or an approved permanent structure for such purpose).
- B. **In the O-1 district**, accessory uses customary and incidental to a principal use shall be permitted provided such accessory uses are within the building. Accessory buildings shall not be permitted. The accessory use within the building shall not have an outside entrance for customers (users) separate from the entrances that serve the principal use.
- C. **In the C-4 district**, accessory uses including five or fewer amusement devices shall be considered an accessory use only to eating and drinking places, billiard and pool establishments, bowling alleys, roller/ice rinks, membership sports and recreation clubs.
- D. **In the L-M and H-M districts**, Areas proposed for outdoor storage shall be shown on a site plan illustrating the location of the outdoor storage in relation to the existing buildings, parking lots, driveways and property lines. Accessory outdoor storage may be approved administratively by the planning director.  
  
Outside storage shall be limited to currently licensed cars, trucks, and recreation vehicles, finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use, provided the following conditions are complied with:
  - 1. No storage shall be allowed in front of the building or in any required or nonrequired front yard.
  - 2. A chain link or pressure treated obscuring wood fence or masonry wall, not less than four feet high nor more than eight feet high, shall enclose the storage area. The height and choice of type of fence or wall and the requirement of obscuring slats to be used with a chain link fence to most appropriately screen the stored materials from view shall be determined by the Planning Commission.

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E. In the REC district, accessory commercial uses may be permitted in conjunction with the principal recreation use when it is clearly incidental to the main recreation character of the use and located on site.

4.14 NURSING HOMES AND SKILLED NURSING FACILITIES

Convalescent and nursing homes and skilled nursing facilities may be permitted as a special land use in the MHP Mobile Home Park district, in the R-3 through R-12 Multiple-Family Residential districts, the HMR High and Mid-Rise district, and the O-2 Service Office district, subject to the following requirements.

- A. All such facilities shall have ingress and egress from a site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least 86 feet, as indicated in the Master Plan.
B. All such facilities shall be developed only on sites consisting of at least five acres in area.
C. There shall be provided at least 1,000 square feet of lot area per bed.
D. No building on the site shall exceed 35 feet in height, or two stories.
E. Licensing shall be in accordance with the State of Michigan and/or appropriate authority or jurisdiction.

4.15 DETACHED ONE-FAMILY PLANNED PROJECT

Detached one-family planned projects may be permitted as a special land use in the R-3 thru R-12 Multiple-Family Residential districts., subject to the following

- A. In order to gain approval under this Section, the site plan must demonstrate innovative placement of units in an other than customary subdivision-type arrangement.
B. All dwelling units shall observe the following minimum internal yard setbacks:
1. Front: Twenty-five feet to the edge of any internal road.
2. Side: Twelve feet between units.

- 3. Rear: Sixty-five feet (measured from the rear building to the rear of the opposite building). No deck or attached structure shall encroach into this setback. When decks are provided, this setback shall be increased by an additional 25 feet.
C. All dwelling units shall observe the following minimum perimeter yard setbacks:
1. Front: As required in the applicable R-3 thru R-12 districts (Section 3.27.A).
2. All other perimeter yards: As required in the applicable R-3 thru R-12 districts (Section 3.7 and Section 3.8).
D. Building height (maximum):
1. In stories: Two.
2. In feet: Thirty-five.
E. Building floor plans (including attached decks or patios) and elevations for typical units shall be provided. A block-front streetscape plan shall also be provided, illustrating the front building elevations for a typical block.
F. A landscaping plan shall be provided, illustrating proposed landscaping improvements for all common areas and typicals for each individual building site.
G. Each unit shall include an attached two-car garage.
H. Well-defined and improved common recreation areas shall be provided to meet the anticipated needs of the residents of the development. At a minimum, 400 square feet of open space shall be provided for each dwelling unit.
I. Sidewalks shall be provided along the frontage of any abutting public road. An internal pedestrian circulation plan, acceptable to the Township, shall also be provided.
J. Detached accessory buildings and perimeter yard fencing are prohibited.
K. All applications for special land use approval under this Section shall be accompanied by a site plan meeting all Ordinance requirements and either a preliminary condominium subdivision plan meeting the requirements of Section 6.3.



#### 4.16 GENERAL HOSPITALS, EMERGENCY CARE TREATMENT CENTERS AND SIMILAR OUTPATIENT TREATMENT FACILITIES

General hospitals, emergency care treatment centers and similar outpatient treatment facilities may be permitted as a special land use in the MHP Mobile Home Park district, in all Multiple-Family Residential districts, including the HMR High and Mid-Rise districts, the O-2 Service Office district, subject to the following:

- A. All such hospitals shall be developed only on sites consisting of at least ten acres in area and providing a minimum of 1,500 square feet of lot area per bed.
- B. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the Master Plan.
- C. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six feet in height or other appropriate screening option specified in [Section 5.17](#).
- D. The minimum distance between any structure and a property line shall be 75 feet.
- E. Maximum lot coverage shall not exceed 30 percent.
- F. Site requirements. If a use is proposed under this Section in any residential district, the structure must be located either on a major thoroughfare or on the boundary line of the residential district and some other zoning district.
  1. Size. No hospital shall be permitted unless its size is at least 50 in-patient beds.
  2. Licensing. All applicants for a use under this Section shall show evidence of procurement of a license to operate a hospital under the Statutes of the State of Michigan and the regulations of any administrative agency required thereby.

#### 4.17 PRIVATE CLUBS, FRATERNAL ORGANIZATIONS, LODGE HALLS, CULTURAL CENTERS AND UNION HALLS

Private clubs, fraternal organizations, lodge halls, cultural centers and union halls may be permitted as a special land use in the MHP Mobile Home Park district, all R-2 Two-Family, Multiple-Family and the O-2 Service Office district. Union halls may be permitted as a special land use in the LM district. All uses are subject to the following requirements:

- A. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the Master Plan.
- B. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.
- C. No building shall be closer than 50 feet to any property line. The building setback shall be increased to 100 feet when abutting a residential zoning district.
- D. Maximum lot coverage shall not exceed 30 percent.
- E. No such uses shall abut an existing One-Family Residential district on more than one side.

#### 4.18 COLLEGES, UNIVERSITIES AND SIMILAR INSTITUTIONS

Colleges, universities and similar institutions may be permitted as a special land use in the R-12, HMR and O-2 districts, subject to the following:

- A. Any use permitted herein shall be developed on sites of at least 15 acres in area.
- B. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the Master Plan.
- C. No building shall be closer than 50 feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- D. The site shall consist of a minimum area of 400 square feet per pupil.

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#### 4.19 PROFESSIONAL OFFICE BUILDINGS<sup>69</sup>

Occupations and uses permitted to make up the balance of the office buildings whose occupancy is primarily professional may include the following: Clerical, drafting, executive, accounting, administrative, stenographic, insurance and similar occupations as determined by the Planning Commission, subject to the standard that such businesses do not normally operate seven days per week.

#### 4.20 COMMUNICATION TOWERS

- A. Purpose. In order to accommodate the communication needs of residents and businesses, while protecting the public health, safety and general welfare of the community [township], these regulations are necessary in order to accomplish the following objectives:
  - 1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township.
  - 2. Minimize adverse visual effects of towers through careful design and siting standards.
  - 3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
  - 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community [township].
- B. Tower setbacks. Towers shall observe a setback equal to the height of the tower up to a maximum of 250 feet to all perimeter property lines and to any abutting public road rights-of-way. Tower collapse characteristics shall demonstrate that failure or collapse of a tower will be confined to an area surrounding the tower, the radius of which is equal to not more than one half the height of the tower.
- C. Tower height. The maximum height of the tower shall not exceed 100 feet, including the tower and all attached structures and appurtenances.
- D. Equipment building standards.
  - 1. The exterior of any equipment maintenance buildings shall be constructed of brick or other approved decorative building materials, as determined by the Planning Commission.

- 2. Buildings shall not be used for offices, long-term vehicle storage, broadcast studios, or other uses that are not needed to send or receive transmissions.
- 3. Equipment at transmission facilities shall be automated and unmanned to the greatest extent possible to reduce traffic and congestion. As part of the application process, the applicant shall describe anticipated site and building maintenance needs, including the frequency of service, personnel needs, equipment needs, and the traffic, noise or safety impacts of such maintenance.
- E. Lighting.
  - 1. All building and tower lighting shall conform to the standards contained in [Section 5.25](#).
  - 2. When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, it shall be oriented inward so as not to project onto surrounding residential property.
- F. Structural integrity and inspection. All towers shall be certified by an engineer, licensed by the State of Michigan, according to structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association.
- G. Parking and access.
  - 1. Vehicular access to tower sites shall consist of a paved, 12-foot wide driveway.
  - 2. At least one off-street parking space, meeting the requirements of [Section 5.21.C](#), shall be provided for each tower site. The need for additional parking spaces shall be considered by the Planning Commission on the basis of need.





F. Abandonment. All towers and/or monopoles which cease to be used for a period of six continuous months shall be removed at the owner's expense, including all equipment and equipment buildings and shelters or structures, and the site shall be restored to its original condition within three months of written request of the Township. If a facility, tower or monopole is scheduled to be placed back in use within six months of the date of notice given by the Township, as provided herein, the owner may apply to the Zoning Board of Appeals for an extension. Upon proof that use of the facility, tower or monopole will commence use within six months of the original notice of request to remove, the Zoning Board of Appeals may grant an additional period of time, not to exceed six months.

#### 4.21 PROPANE SALES

Accessory propane tanks may be permitted for domestic sales and refilling purposes subject to site plan review and provided that the proposed use is incidental to the principal use and is appropriately located relative to existing site features. The proposed storage shall also be consistent with all other applicable requirements of this Ordinance.

#### 4.22 MASSAGE THERAPY

Massage therapy as an accessory use. Massage therapy may be allowed as an accessory use to other permitted uses in all office and commercial zoning districts subject to compliance with the requirements for massage establishments as contained in the Charter Township of Shelby Code of Ordinances. Massage therapy establishments as the principal use may be permitted as a special land use subject to the requirements of [Section 6.5.C](#) of the Zoning Ordinance.

#### 4.23 RETAIL BUSINESSES

Retail businesses normally associated with and complementary to office districts are permitted in the O-2 district. Examples of compatible uses include pharmacies limited to the dispensing and sale of medicine and medical supplies, optical stores, stores for orthopedic appliances and corrective garments, coffee or sandwich shops, stationery shops, office supplies, and office machine repair.

#### 4.24 COMMERCIAL DISTRICTS PERMITTED USES

- A. **In the C-1, C-2, C-3, and C-4 districts**, the uses of building or land shall be permitted provided that all uses (except for off-street parking or loading and in the C-4 district outdoor storage or sales) shall be conducted within a completely enclosed building; that all uses shall be of a retail or service nature dealing directly with consumers; and that all goods produced on the premises shall be sold at retail on the same premises.
- B. **In the C-1 district**, uses exceeding the floor area standards noted in [Section 3.13](#) may be approved administratively by the planning director. In considering the appropriateness of an increase, the planning director shall consider the arrangement of the floor space, the amount of traffic generated by the use, the potential for nuisances and the scale of the use in relation to any surrounding residential neighborhoods. Uses that exceed these floor area standards that are not approved by the planning director and Planning Commission chairperson shall require special land use approval.
- C. **In the C-2, C-3, and C-4 districts**, where it is determined by the Planning Commission that effects of a listed use may tend to extend beyond the site, then special land use approval shall be required.
- D. **In the C-5 and C-6 district**, the uses shall be permitted, provided that all business, servicing or processing (except for off-street parking or loading) shall be conducted entirely within a completely enclosed building and development shall be in complete conformity with the requirements of [Section 3.37](#) Planned Unit Development in the C-5 and C-6 districts and [Section 3.18](#), except as may be modified by the Planning Commission in accordance with PUD procedures.

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#### 4.25 TEMPORARY BUILDINGS<sup>11</sup>

Temporary buildings are a permitted use in the C-1, C-2, C-3, C-4, L-M, and H-M districts, subject to the following

- A. **In the C-1, C-2, C-3 and C-4 districts**, temporary buildings are permitted pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of the time limit established as a condition of their construction.
- B. **In the C-1 district**, approval of temporary buildings may be allowed as per the requirements of [Section 7.16.F](#).
- C. **In the L-M and H-M districts**, all such temporary buildings shall be immediately removed upon completion of the work or fulfillment of the purpose for which they were erected and/or used.

#### 4.26 RESTAURANTS WITH OUTDOOR SEATING

Restaurants with outdoor seating may be permitted in any zoning district permitting restaurants, subject to compliance with the following standards:

- A. Outdoor seating shall not be located adjacent to any residential zoning district.
- B. The location of the outdoor dining area shall not disrupt the vehicular or pedestrian circulation pattern of the site, nor result in a situation where the placement of vehicles may negatively influence diners. Outdoor dining shall not obstruct the entrance to any building or sidewalk. If the outdoor dining areas are located on a sidewalk in front of a building, a minimum five-foot wide pedestrian path shall be maintained on the sidewalk.
- C. Hours of operation shall be specified.
- D. All outdoor lighting shall be shielded from adjoining parcels and shall meet the requirements of [Section 5.25](#).
- E. No outdoor entertainment, music or speakers shall be permitted where the site abuts an existing residential zoning district or use.
- F. All proposed outdoor seating areas shall be shown on a site plan meeting the submission requirements of [Section 6.1.C](#). As provided in [Section 6.1.C.2.f.](#), the Planning Commission may waive certain submission requirements that are determined to not be necessary to the review and understanding of the site.

- G. No outdoor storage may be allowed in an approved outdoor dining area.

#### 4.27 FAST-FOOD RESTAURANTS

Fast-food restaurants may be allowed in the C-1, C-2 and C-5 business districts, subject to the following:

- A. The site and use shall be located on a major thoroughfare having a right-of-way equal to, or greater than, 120 feet, as specified by the Master Plan.
- B. Freestanding fast-food restaurants, if located on or adjacent to a shopping center site, shall be limited to shopping centers which contain floor area in excess of 100,000.
- C. Adequate ingress and egress to handle the traffic anticipated to be generated by the use shall be provided.
- D. Any freestanding fast-food restaurant located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Township Board shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed fast-food restaurant site is compatible with the design and appearance of the remainder of the shopping center.
- E. Drive-thru service shall be permitted only if the fast-food restaurant is located in a freestanding building and a satisfactory traffic pattern for the drive-thru lane can be established to prevent traffic congestion and the impairment of vehicular circulation for the remainder of the development. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.
- F. Devices and controls adequate to ensure that no smoke, odor or gases are emitted so as to constitute a nuisance to adjoining tenants or to the public shall be provided.
- G. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.
- H. The use shall comply with all other applicable code provisions and ordinances of the Charter Township of Shelby.
- I. Outdoor dining areas may be permitted in accordance with [Section 4.26](#).



#### 4.28 GASOLINE SELF-SERVICE STATIONS

Gasoline self-service stations, with or without repair, may be allowed in the C-1 and C-2 districts. Gasoline self-service stations may also be allowed on sites where they have existed as a lawful nonconforming use subject to the conditions contained in this Section.

- A. In the C-1 district, gasoline self-service stations are permitted as a special land use provided they are located only on sites where a gasoline service station has existed as a lawful nonconforming use.
- B. The site for the gasoline self-service station shall have 150 feet of frontage on the principal street serving the station.
- C. The site shall contain an area of not less than 21,000 square feet.
- D. All buildings shall observe front or street-side setbacks, as specified in the zoning district in which they are located. Canopies and pump islands may encroach into the front yard setbacks provided adequate maneuvering aisle are provided to accommodate vehicle access. A clear and unobstructed access area shall be provided to pump islands and gasoline unloading areas which do not conflict with other vehicular circulation patterns on the site.
- E. Curbs, curb-cuts, driveway widths [and] acceleration or deceleration lanes shall meet the requirements of the Charter Township of Shelby or other agencies having jurisdiction thereof and the following standards:
  - 1. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
  - 2. There must be sufficient on-site storage to accommodate at least two queued vehicles waiting to enter or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
  - 3. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery and refueling vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.

4. Loading and unloading and refueling activities shall not hinder vehicle ingress or egress.

- E. No outdoor storage or merchandising shall be allowed on site except accessory propane tanks permitted in [Section 4.21](#) and ice chests.
- F. Canopies shall have a minimum height of 14 feet and shall be located to ensure clearance for and access to the site by fire-fighting equipment. Canopy structures shall be designed and constructed in a manner that is architecturally compatible with the principal building. The canopy structure shall be attached and made an integral part of the principal building. The Planning Commission may approve an alternate design where it can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

Support columns of any proposed canopy structure shall be covered with brick or similar durable material that is compatible with the principal building.

Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.

#### 4.29 PERSONAL SERVICES, OTHER<sup>1</sup>

In the C-2 and C-4 districts, other personal services may include tattoo parlors subject to the following requirements:

- A. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m. daily.
- B. The business shall not have opaque front windows and shall not have private workstations in order to maintain adequate interior visibility.
- C. The facility shall comply with the requirements of Public Act 149 of 2007, Requirements for Body Art Facilities and obtain approval from the Macomb County Health Department

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4.30 VETERINARY CLINICS, DOCTORS, DOG GROOMING, BOARDING AND DOG DAY CARE

Veterinary clinics, doctors, dog grooming, boarding and dog day care are permitted in the C-2 district, subject to the following requirements:

- A. All operations shall be conducted completely within an enclosed building. Outdoor pens and runs may be allowed only when the site is located adjacent to parcels zoned C-2, LM or HM. Outdoor pens or runs shall not be located adjacent to any residential zoning district or use.
- B. Outdoor pens or runs shall be completely enclosed by a six-foot fence and shall not be visible from a public road.
- C. The areas within a building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties as determined by the building department.
- D. The areas of the building where animals are boarded shall have a minimum of ten air changes per hour.
- E. Animal isolation areas shall have 100 percent fresh air with all air exhausted and none returned to the ventilation system.
- F. Public access areas shall be provided with a separate ventilation system from animal treatment and boarding areas.
- G. Areas used for animal boarding, isolation and treatment shall be constructed of easily cleanable materials.
- H. All areas where animals are present shall be cleaned a minimum of twice daily to provide appropriate odor control and sanitation.
- I. Any pets boarded overnight shall be confined to the building from the hours of 9:00 p.m. to 7:00 a.m.

4.31 AMUSEMENT DEVICE CENTERS

Amusement device centers may be permitted as a special land use in the C-2, C-3, C-4 and C-5 business districts., subject to the following

- A. **In the C-2 and C-4 districts**
  - 1. The site shall not be contiguous to a One-Family Residential district and shall not be located within 500 feet of the property line or any church, public or parochial school, or playground.
  - 2. The site shall be so located as to abut a major thoroughfare right-of-way and all ingress and egress to the site shall be directly from said major thoroughfare.
  - 3. The building, or part thereof, devoted to such use shall be designed and constructed in such a manner that no audible sound may be heard by adjoining tenants or at the lot line.
  - 4. Such uses shall be conducted in accordance with all applicable regulatory ordinances of the Charter Township of Shelby.
- B. **In the C-3 and C-5 districts,** amusement device centers may be allowed in the C-3 Shopping Center Business district, in the mall area of a shopping center, or in the C-5 district as an accessory to retail business, personal service shops, restaurants, or in various permitted indoor commercial recreation facilities. All locations are subject to the following
  - 1. All such uses shall have public access only from the mall pedestrian areas.
  - 2. Adequate on-site security for the shopping center mall shall be provided. The adequacy of security shall be considered by the Shelby Township Police Department.
  - 3. Noise associated with the use shall be confined within the tenant space so as to not constitute a nuisance to adjoining or nearby tenants.
  - 4. There shall be no more than one device for every 50 square feet of area specifically designed for such use (excluding areas used for other principal and accessory uses) with the total number of devices in the designated area not to exceed 125. The number of devices allowed shall not exceed the occupancy requirements of the Shelby Township Fire Marshal.
  - 5. Such use shall be conducted in accordance with all applicable regulatory ordinances of the Charter Township of Shelby.



#### 4.32 NURSERIES AND GREENHOUSES

Nurseries and greenhouses may be permitted as a special land use in the C-2, C-3, and C-4 business districts, and the LM and HM manufacturing districts, subject to the following:

- A. All such uses shall be located on a paved major road as designated on the Shelby Township Master Plan.
- B. Site and yard requirements shall be as provided for the districts in which the use is located. The Township Board may establish such conditions as it deems necessary to insure the compatibility of the development with surrounding uses or districts.

#### 4.33 AUTOMOBILE WASHING FACILITIES (AUTOMATIC OR SELF-SERVICE)

Automobile washing facilities, either automatic or self-service, may be permitted as a special land use in the C-2 Linear Retail and C-4 General Business district.

- A. Vehicular ingress and egress from the site shall be directly onto a major or secondary thoroughfare as designated on the Charter Township of Shelby Master Plan.
- B. All vehicles waiting or standing to enter the facility shall be provided adequate off-street waiting spaces, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach. Stacking spaces and a drying lane shall be provided as specified in [Section 5.21.B](#) auto related uses.
- C. Car wash sites shall have a minimum lot area of 1½ acres

#### 4.34 OUTDOOR RETAIL SALES OF PLANT MATERIAL NOT GROWN ON THE SITE, LAWN FURNITURE, PLAYGROUND EQUIPMENT AND GARDEN SUPPLIES

Outdoor retail sales of plant material not grown on the site, lawn furniture, playground equipment and garden supplies is a permitted use in the C-3 district when the outdoor sales operation is clearly secondary to retail sales taking place within a building.

#### 4.35 RECREATIONAL SPACE PROVIDING CHILDREN'S AMUSEMENT PARK AND OTHER SIMILAR RECREATION

Recreational space providing children's amusement park and other similar recreation may be permitted as a special land use in the C-3 district when part of and clearly secondary to a planned shopping center. Such recreation space shall be fenced on all sides with not less than a four foot chain-link type fence. Other indoor recreation activities for children may be allowed as a special land use.

#### 4.36 AUTO AND MOTORCYCLE SERVICES

In the C-2 district, auto and motorcycle services including minor or light repair are permitted. Heavy repair including collision shops and transmission repair are not allowed in the C-2 district. In the C-4 district, auto services including collision shops, transmission repair and similar heavy repair services are permitted. Each district is subject to the following requirements.

- A. All repair activities shall be confined to the interior of the building.
- B. No outdoor storage of parts or equipment is permitted. This shall not prohibit temporary storage of vehicles waiting for repair, provided that no such vehicle shall be stored on site for a period exceeding two weeks.
- C. An adequate means of waste disposal shall be provided, as required by applicable state or federal law.
- D. Adequate measures shall be taken to ensure that any noise, dust, smoke, odor, fumes or other negative environmental impacts are confined to the site.

#### 4.37 ADULT ENTERTAINMENT

Purpose. In the development of a community, there are some uses which, because of their nature, are recognized as having, or as having a potential for, serious, damaging, and deleterious effects on the community, its business activity and commerce, and its citizens, including children, particularly when such uses are close to residential neighborhoods or when several of such uses are concentrated in areas within the community [township]. Special regulations of these uses are necessary to promote and protect the public health, safety, and general welfare of the community and its citizens, and to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods, and to protect and conserve property values therein.

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It is the purpose of this Section to prevent the concentration of these uses in any one area and prevent the location of these uses near residential zones, churches, schools and public or private parks. Adult entertainment uses may be permitted in the C-4, L-M, and H-M districts subject to the following:

- A. They shall be in compliance with any applicable obscenity law, ordinance or statute, or any other applicable rule, law, ordinance or statute.
- B. No regulated adult use shall be established or maintained on a parcel of land which parcel has a boundary within 750 feet from a boundary of any of the following:
  - 1. Any parcel of land zoned or used for single family, two family or multiple family dwellings;
  - 2. Any parcel of land zoned for a mobile home park;
  - 3. Any other parcel zoned or used for residential use;
  - 4. Any parcel of land having a school or church thereon;
  - 5. Any parcel of land used as a public or private park;
  - 6. Any other parcel of land on which there is a regulated adult use.
- C. Application procedure. In order to establish any of the regulated adult uses, an application for such use shall first be made to the Building Director for Shelby Township on a form provided by such director. Such director shall approve or disapprove the application within 30 days from the receipt of the completed application. Only those applications for adult regulated uses in applicable zoning district, and which meet the requirements of other applicable laws of the Township shall be approved.
- D. Granting of variance of locational standards. The Zoning Board of Appeals for Shelby Township may grant a variance to the locational standards of this Section., if the following occurs:
  - 1. A validated petition requesting such a waiver is signed by the owners or purchaser[s] of at least 51 percent of the parcels of land which have a boundary within 750 feet from a boundary of a parcel of land proposed to be used for a regulated adult use and is presented to the Zoning Board of Appeals. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the

circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon. The petition will be worded so that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature; and

- 2. That the Zoning Board of Appeals makes the following findings:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a "skid row" area or to the blighting or downgrading of the surrounding neighborhood.
  - c. That the establishment of an additional regulated adult use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - d. That all applicable regulations of the Ordinance will be observed.

**4.38 BUSINESSES OF A DRIVE-IN NATURE, BUT NOT INCLUDING OUTDOOR THEATERS**

Businesses of a drive-in nature, but not including outdoor theaters, may be permitted as a special land use in the C-4 General Business district, subject to the following:

- A. All buildings shall observe the front or street-side setbacks, as specified in in the C-4 district., area, height and placement requirements, plus 25 feet.
- B. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- C. All vehicular circulation areas shall be provided with a permanent, durable and dustless surface constructed of either asphalt or concrete, as required by [Section 5.21.C.6](#). The site shall be landscaped and maintained, as specified by [Section 5.19](#).



- D. Devices for the transmission or broadcasting of voices shall be so directed or muffled as to prevent said sounds or music from being audible beyond the boundaries of the site.
- E. All driveway approaches, road drainage, curbs and curb-cuts shall meet the requirements of the Charter Township of Shelby or of other agencies having jurisdiction thereof.
- F. All adjacent side yards shall be zoned for business use

**4.39 SELF-SERVICE STORAGE FACILITIES**

Self-service storage facilities used to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-serve basis may be permitted as a special land use in the C-4 General Business district and as a permitted use in the L-M and H-M manufacturing districts, all subject to the following:

- A. No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials shall be permitted within the self-storage buildings or upon the premises.
- B. No storage outside of the self-storage buildings shall be permitted.
- C. Except as provided herein, the use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as hereinbefore set forth.
- D. Screening shall be provided, as specified in [Section 5.17](#).
- E. A security manager shall be permitted to reside on the premises to the extent required by such use.
- F. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers and locks and chains, shall be permitted on the site devoted to this use.
- G. Access to the self-service storage facility premises shall be restricted to tenants only, by means of entrance-controlled devices.

**4.40 OUTDOOR DISPLAY OF MERCHANDISE**

- A. **In the C-4 district**, outdoor display of merchandise is a permitted use, provided that it shall be kept back at least 80 feet from the centerline of all roads, except Mound and 26 Mile Road, where a 125-foot setback shall be required; and outdoor storage shall be limited to the side or rear yard and totally enclosed with view obscuring screening, as specified by the Planning Commission based on [Section 5.17](#) when adjacent to any residential district or open to public view. These regulations limiting outdoor display shall not apply to any approved auto dealerships.
- B. **In the C-6 district**, outdoor display and merchandising of goods or material shall be permitted, subject to the following regulations:
  - C. The display of retail merchandise is not of a permanent nature and is removed at the close of business each day; and
  - D. The display is located against the building wall and does not extend more than three feet into the sidewalk; and
  - E. The display area does not exceed 30 percent of the length of the storefront.
  - F. Restaurants may have outdoor seating areas provided that a six foot wide pedestrian path remains clear between the building and the street, as illustrated on an approved site plan.

**4.41 "BIG BOX" COMMERCIAL DEVELOPMENTS**

"Big Box" commercial developments (single commercial user within a structure exceeding 40,000 square feet in gross area) that are designed, by virtue of their size, to serve a regional market are not considered consistent with the intent of the C-6 district. However, these large scale businesses may be considered as a special land use if unique design elements are incorporated into the facade and design of their building that represent a traditional downtown development, buildings are located close to the street, and the Planning Commission determines that the development will meet the intent of the Shelby Center Design Plan and the guidelines set forth in the Shelby Center Design Guidelines Manual.

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**4.42 EDUCATIONAL AND DESIGN FACILITIES**

Educational and design facilities are a permitted use in the L-M and H-M districts when their principal function is the research and development of new products, processes and technical training.

**4.43 SLEEPING QUARTERS FOR SECURITY AND MAINTENANCE PERSONNEL**

Sleeping quarters for security and maintenance personnel shall be a permitted use in the L-M and H-M districts, provided quarters are not to be constructed as permanent housekeeping facilities or units for family living

**4.44 PASSENGER CAR RENTAL AND LEASING AND USED VEHICLE DISPLAY LOTS**

Passenger car rental and leasing and used vehicle display lots are permitted uses in the C-2 district, subject to the following conditions:

- A. The surface of the parking lot and arrangement of vehicles shall conform to the standards of [Section 5.21.C](#) of the Zoning Ordinance.
- B. No repair or refinishing of vehicles shall occur on the site unless the work is performed within a building conforming to all applicable building code requirements.
- C. Devices for transmitting or broadcasting of voices shall be prohibited outside of the building.
- D. No outdoor storage of used tires, auto parts or inoperable or dismantled vehicles shall be permitted on the site.
- E. Any lot with a capacity of more than ten cars shall provide a front yard landscaped greenbelt conforming to the requirements of [Section 5.19](#) and [Section 5.20](#) of the Zoning Ordinance. A site plan illustrating compliance with this requirement shall be submitted to the planning and zoning department for approval.
- F. All signage must conform to [Section 5.24](#) of the Zoning Ordinance. The use of banners, streamers, string lights or inflatable signs is prohibited.
- G. Used car lots may be permitted for multiple tenant buildings provided that the applicant can demonstrate that adequate parking is available for the display of vehicles and other businesses as required by [Section 5.21.B](#) of the Zoning Ordinance.

**4.45 PILOT PLANTS**

Pilot plants are a permitted use in the L-M, and H-M districts when set up to demonstrate creative technologies that can serve as the basis for enlarged facilities elsewhere.

**4.46 PERMITTED USES IN THE L-M DISTRICT**

All uses in this district shall be conducted wholly within a building with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking.

**4.47 AUTO REPAIR, SERVICE AND SALES, CAR WASHES AND GAS STATIONS**

Auto repair, service and sales, car washes and gas stations are permitted uses in the L-M district, subject to the following:

- A. All repair activities shall be confined to the interior of the building.
- B. Outdoor storage of parts or equipment may be allowed subject to the requirements of this Section.
- C. An adequate means of waste disposal shall be provided, as required by applicable state or federal law.
- D. Adequate measures shall be taken to ensure that any noise, dust, smoke, odor, fumes or other negative environmental impacts are confined to the site.





**4.48 DRILLING, COMPLETION, AND OPERATION OF OIL AND GAS WELLS, AND ANCILLARY USES, STRUCTURES, OR FACILITIES**

Drilling, completion, and operation of oil and gas wells, and ancillary uses, structures, or facilities, including but not limited to water wells, storage, handling, mixing, hauling, transport, transfer structures, production or sweetening facilities, or other ancillary buildings, structures, facilities or equipment, are permitted uses in the L-M and H-M districts subject to site plan approval under [Section 6.1](#) of this Ordinance, and compliance with Article 5, and other provisions of this Ordinance, except that such approval shall not regulate, control or apply to the drilling, completion, production, or operation of any oil and gas well or oil and gas well converted to a brine disposal that are permitted under Part 615, Natural Resources and Environmental Protection Act, MCL 325.61501, et seq., or its duly promulgated rules and regulations; and subject to filing of any permits, certificates, or approvals required by federal, state, or other Township laws, regulations, or ordinances.

**4.49 AUDITORIUMS, STADIUMS AND OUTDOOR THEATERS**

Auditoriums, stadiums and outdoor theaters may be permitted as a special land use in the HM Heavy Manufacturing district and as a permitted use in the C-5 district subject to the following.

- A. Viewing screens and/or stages must be so located as to avoid distracting passing motorists on the streets and highways adjoining the site.
- B. Each site shall have at least one separate entrance and one separate exit, which shall be separated from one another.
- C. The width and design of all site entrances and exits shall meet the requirements of the Township engineer, the Macomb County Road Commission and Michigan Department of Transportation. The Township Board may require the submission of a traffic study for the site.
- D. Vehicle ticket windows. If vehicle ticket windows are provided, they shall be made available in the ratio of one such window for each 250 cars of parking space capacity.

**4.50 JUNK YARDS, AUTO WRECKING YARDS, AND STORAGE OF INDUSTRIAL WASTES**

Junk yards, auto wrecking yards and storage of industrial wastes may be permitted as a special land use only in the HM Heavy Manufacturing districts, subject to the following.

- A. Such use shall be completely enclosed by a masonry or pre-cast concrete wall not less than eight feet in height.
- B. Minimum setback requirements. The wall required in subparagraph A above shall be set back not less than 75 feet from the front site line, as specified in [Section 3.27.C](#).
- C. The area line between the front wall and the front site line shall be completely landscaped and maintained with grass or coniferous trees or shrubs or a combination thereof.
- D. No retail sales or storage shall be in the required front yard setback.
- E. Portions of the site used for the delivery of vehicles shall be screened from view of the road or surrounding parcels.
- F. Parking shall be permitted only within the fenced enclosure.

**4.51 LANDFILLS**

- A. Earth landfills may be permitted in any zoning district but subject to all other laws and ordinances pertaining thereto, provided such shall not be permitted in any floodplain zone, except under terms and conditions of all other laws and ordinances pertaining thereto.
- B. A landfill operation may be allowed only in the HM Heavy Manufacturing zoning district. All fill operations shall be only allowed subject to the provisions of this Ordinance, and subject further to the satisfactory preparation of a reclamation plan indicating the use of the land for an approved specific use permitted within the applicable zoning district.
- C. In passing upon an application for the location of a landfill, the Township Board must be satisfied that the proposed use would not be detrimental to other proposed land uses in the area, adversely affect property values, and can be conducted with a minimum impact upon traffic patterns and adjacent uses all in accordance with the standards of this Article.

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**4.52 MINING AND EXTRACTION**

A mining or extraction operation may be allowed in the LM and HM manufacturing zoning districts. All extraction operations shall be only allowed subject to the provisions of this Ordinance and subject, further, to the satisfactory preparation of the land for an approved specific land use permitted within the applicable zoning district.

- A. A quarry conducted as a pit operation shall not be permitted in a residential district, except as part of a program for the development and improvement of the site for residential use. Such use shall be subject to preparation of a preliminary plat of the site in its proposed finished condition after the termination of the pit operation has been approved by all the various state, county, and local agencies having jurisdiction over plats. All approvals shall be dated not longer than six months prior to the date of submission of the application for a pit-operated quarry. Performance bonds required under this Ordinance, plat laws and local ordinances shall be provided.
- B. Nothing in this Ordinance shall be construed or interpreted to prohibit the necessary on-site preparation of land by the balancing or excavation thereof in connection with any immediate lawful use including, but not necessarily limited to, the development of land for which a building permit has been issued; provided, however, that such balancing, earth removal, or excavation shall comply with all other laws and ordinances pertaining thereto.
- C. When passing upon the application for the location of a mining and/or extractive operation, the Township Board must be satisfied that sufficient material to be mined or extracted exists on the site in question to justify such operation, and that such use would not be detrimental provided by the standards set forth in this Article. The application shall also provide information specifying the impact that the operation would have on the water table. This Ordinance concerns only the location of mining and extractive industry operations, licensing and operational regulations being controlled by the Charter Township of Shelby Code of Ordinances.

Whenever a mining or excavation operation results in the stockpiling of soil for more than 30 days, the stockpiled material shall be seeded to prevent nuisances for adjoining sites caused by erosion or dust.

**4.53 OUTDOOR STORAGE**

Outdoor storage may be permitted as a special land use in the LM districts, subject to the following:

- A. Screening requirements. Any such use must be completely enclosed with screening in accordance with the requirements of [Section 5.17](#) and subsection B below.
- B. Minimum setback requirements. No improvements for such use shall be erected closer to the site boundary lines than permitted in [Section 3.27.C](#) of the HM, Heavy Manufacturing district. No storage use shall be closer than 100 feet to the outer perimeter (property lines) of this district where said property lines abut any residential district or border other than a manufacturing district, and such space shall be fully landscaped and fenced at the setback line. Whenever a different material is to be stored than agreed upon in the original request, a new approval shall be required from the Township Board.
- C. Uses expressly prohibited under this Section include the following:
  - 1. Junkyards, including used auto parts.
  - 2. Used building materials.
  - 3. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.
  - 4. Storage of combustible or odiferous materials.
  - 5. Composting or storage of organic material.
- E. Off-street parking space shall be provided entirely within the screening required herein.

**4.54 RACE TRACKS FOR MOTOR VEHICLES**

Facilities for motorized vehicles designed for racing purposes may be permitted as a special land use in the HM Heavy Manufacturing district , subject to the following.

- A. Such uses shall be conducted only during daylight hours.
- B. Permanent seating shall be provided in a number adequate to accommodate not less than 50 percent of the maximum attendance capacity.
- C. Screening requirement. Any such use must be completely enclosed with screening in accordance with the requirements [Section 5.17.A.2 through 4](#).



- D. Maintenance, storage, accessory buildings and spectator seating shall be set back at least 500 feet from the boundary of any abutting residential zoning district.
- E. Off-street parking space shall be provided entirely within the area enclosed by the screening required herein.

**4.55 REFUSE DISPOSAL INCINERATORS AND TRANSFER STATIONS**

Refuse disposal incinerators and transfer stations may be permitted as a special land use in the HM Heavy Manufacturing districts, subject to the following:

- A. The proposed plan of operation shall be approved by the State of Michigan, Macomb County Health Department and Township engineer.
- B. All refuse storage, dumping, feeding and transfer operations shall be done within an enclosed structure.
- C. All ash and other incineration by-products shall be stored in an enclosed structure.
- D. Smokestacks shall be of a design and operated in a manner so as to preclude the emission of noxious odors and smoke which would interfere with the use of adjoining properties.
- E. All ingress and egress to incinerators shall be paved roads and driveways maintained in a dust free state.
- F. Permit required. If approval for such use is granted by the Township Board, a permit shall be required in accordance with the provisions of the Shelby Township Code of Ordinances. The applicant shall also be required to submit evidence of approval of all applicable state and federal review agencies.

**4.56 SHOOTING RANGES, OUTDOOR**

Shooting ranges (outdoor) may be permitted as a special land use in the HM Heavy Manufacturing district, subject to the following.

- A. Shooting ranges shall refer to either public shooting ranges or private shooting ranges, as defined pursuant to the Charter Township of Shelby Code of Ordinances. Only shooting ranges licensed pursuant to the Code of Ordinances shall be permitted.
- B. Shooting ranges shall be of an adequate size and appropriate design to permit the discharge of firearms or weapons without endangering the safety of the general public and of persons living within the area utilized by such shooting ranges.
- C. Where weapons or firearms are permitted to be discharged outside of a fully enclosed building, shooting ranges shall maintain a setback from any right-of-way or adjacent land of, at minimum, 500 feet, and shall not be located within one-half mile of any residential or multi-family district.
- D. Shooting ranges shall also be subject to the provisions of Public Act No. 250 of 1974 (MCL 691.1541 et seq., MSA 12.1234(41) et seq.).

**4.57 SLAUGHTERHOUSES, MEAT PACKING AND ANIMAL RENDERING**

Slaughterhouses, meat packing and animal rendering may be permitted as a special land use in the HM Heavy Manufacturing districts, subject to the following.

- A. Screening requirement. Any such use must be completely enclosed with screening in accordance with the requirements [Section 5.17.A.2 through 4](#).
- B. Minimum setback requirements. No structure for such use shall be erected closer to the site boundary lines than the following minimum setback requirements.
  - 1. Front setback. Same as provided in Heavy Manufacturing district.
  - 2. Rear and side setbacks. Not closer than 50 feet to the rear or side site line.
  - 3. No side or rear property line shall abut residentially zoned property.
- C. The area between the front screening required hereunder and the front site line shall be landscaped and maintained with grass or coniferous trees or shrubs or a combination thereof.

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- D. All plans pertaining to the proposed site and structures erected thereon or proposed for erection thereon in connection with such use shall be accompanied by a written approval thereof by the Macomb County Health Department that such plans and structures comply with any and all regulations of such department and state laws pertaining to public health including, but not limited to, disposal facilities for waste materials. The use shall also observe all applicable requirements of [Section 5.26.M](#) of this Ordinance.
- E. Off-street parking space shall be provided entirely within the screening required herein.

#### 4.58 KENNELS

Kennels may be permitted as a special land use in the in the HM, Heavy Manufacturing zoning district, subject to the following:

- A. Operation. A kennel must obtain a permit from the Macomb County Health Department and comply with the applicable regulations established by the county.
- B. Lot size. The lot on which any such kennel is located shall be a minimum of two acres in size. Such parcel shall not abut or be adjacent to any lot or parcel which is part of a recorded residential subdivision.
- C. Number of animals. The maximum number of animals permitted in a kennel shall be related to lot size as follows: not more than five animals for the first two acres and a maximum of five additional animals for each additional acre. In no case shall a commercial kennel exceed 50 animals.
- D. Setbacks. Buildings in which animals are kept, animal runs and exercise areas shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property.
- E. Noise and odor. Such activity shall be conducted so as not to be detrimental to any person, or property or the general welfare by reason of excessive noise or odor.

#### 4.59 ACCESSORY COMMERCIAL USES

Accessory commercial uses may be permitted in conjunction with the principal recreation use when it is clearly incidental to the main recreation character of the use and located on site.

#### 4.60 ANIMALS

- A. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that non-vicious dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.
- B. Horse keeping. No horse shall be kept, harbored or allowed on any parcel of private land which is less than three acres. In addition to the initial requirement of three acres for the first horse, one contiguous acre shall be required for each additional horse.
- C. All animals shall be kept and maintained so as not to create a nuisance. The maintenance of animals is further regulated by Chapter 6, Article I of the Shelby Township Code of Ordinances.

#### 4.61 EXCAVATIONS OR HOLES

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, wells or mounds of unstable material, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the building director, and, provided further, that this Section shall not apply to drains created or existing by authority of the state, county, Township or other governmental agency.

#### 4.62 GARAGE SALES, RUMMAGE SALES AND SIMILAR ACTIVITIES

The sale or similar activity shall not be conducted for a period of more than four consecutive days. In no instance shall more than two garage sales or similar activity be held in any one location within any 12-month period. Overnight outside storage of goods or merchandise offered at said garage sale or similar activity is hereby prohibited.



#### 4.63 OUTDOOR MERCHANDISING

No person or business shall use any sidewalk or that space between the sidewalk and curb, or any planted strips, landscaped areas, or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for the removal thereof from the transporting vehicle into the place of business or residence to the transportation vehicle to which the sale is intended to be moved. Commercial sidewalk sales may be permitted for defined time periods by the planning director as a minor temporary use pursuant to the requirements of [Section 7.21](#).

#### 4.64 COMPOSTING (MUNICIPAL AND COMMERCIAL)

Municipal or commercial composting operations for leaves and grass may be permitted as a special land use in the HM Heavy Manufacturing district, subject to compliance with the following standards:

##### A. Site requirements.

1. The minimum site shall be 20 acres.
2. A minimum area of one acre shall be provided for each 4,000 cubic yards of organic material to be composted. This requirement shall only apply to that portion of the site used for the storage or processing of yard wastes. Additional space shall also be provided to accommodate required setbacks, office storage and service buildings, internal roads, storm water retention basins, and other ancillary support activities.
3. All ingress and egress shall be to a paved road designated as a major thoroughfare on the Charter Township of Shelby Master Plan.
4. All internal access roads leading to the compost processing and staging area shall be paved with a concrete surface, with a minimum width of 24 feet. All other vehicle circulation areas shall have a dust-free surface area meeting the requirements of the Township engineer.
5. Only typical yard waste, defined in this Ordinance as compostable material, shall be composted or stored on site.

##### B. Application requirements (may be shown on the site plan or as an addendum to the plan).

1. A site plan meeting the requirements of [Section 6.1.C](#).
2. Name, address and telephone number of the person, firm or corporation who or which will be conducting the actual composting operation.
3. Types of materials to be composted.
4. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machine, screening and shakers).
5. Location and sizes of staging area, windrows, curing area, screening area, finished product, shipping and loading.
6. Location and dimensions of office, control booths, maintenance and storage buildings. Plans shall show the location of all fuel storage facilities and shall detail all primary and secondary containment for all hazardous materials.
7. Location, numbers, types and cross-sections for landscaping, screening, berms and buffers.
8. Location of any adjacent wetland or floodplain.
9. On-site topography with elevations or contours not greater than two feet. The site shall be graded in such a fashion as to eliminate all ponding and have a uniform gradient of between two and three percent.
10. A site drainage plan addressing the method of storm water runoff shall be provided for review and approval by the Township engineer. Pooled water shall not be permitted to collect on site. The need for any on-site retention shall be considered by the Township engineer and shall be designed to the standards of the Township engineer.
11. Site soil classifications to a depth of at least three feet below final contour elevations and depth of water table.
12. Water source.
13. Personnel, number and classifications.

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C. Ground and surface water quality.

1. Composting operations shall not be permitted within any designated 100-year floodplain or within 200 feet of a designated wetland. Composting operations shall also be set back from surface waters, including inland rivers, ponds, water courses and County drains at a distance of at least 500 feet. This provision shall not apply to any on-site settling basins or retention ponds. Approval from the Macomb County Health Department and the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required, ensuring the stream is adequately protected from pollution.
2. A composting facility shall not be allowed in any protected wetland, as determined by the Michigan Department of Natural Resources (MDNR) or Michigan Department of Environmental Quality (DEQ). A wetland determination shall be made by the MDNR/DEQ prior to site plan review.
3. The site shall be compacted, graded and/or ditched to prevent contaminants from exiting to site via surface or groundwater. The adequacy of site drainage characteristics shall be reviewed by the Township engineer.
4. Sanitary facilities shall be provided in accordance with the requirements of the Township, Macomb County Health Department or State of Michigan.
5. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner/operator and/or lessee on site prior to construction of the composting facility in accordance with MDNR/DEQ standards. The number and location of said wells shall be subject to the requirements of the Township engineer.
6. The surface and groundwater at a composting facility shall comply with the water quality requirements of any applicable state law, including part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq., MSA 13A.3101 et seq.).
7. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two-year period after operations cease. The monitoring shall be done under the supervision of the MDNR/DEQ. All costs for such monitoring shall be borne by owner/operator and/or lessee.
8. Should test wells reveal the presence of contamination, the petitioner shall provide a remediation system plan and shall be further required to install a groundwater remediation system. The system shall be based on one of the following:
  - a. Purge well system, in which water is pumped at a sufficient volume to capture contaminated groundwater by creating a cone of influence.
  - b. Cutoff trench system, in which the trench intercepts contaminated groundwater.
9. Either system shall be installed to MDNR/DEQ specifications. Contaminated water collected by either system shall be treated in accordance with MDNR/DEQ specification to remove contaminants before discharge to a storm or sanitary system. Periodic monitoring of the system shall also conform to MDNR/DEQ specifications. All costs associated with these procedures shall be borne by the owner/operator and/or lessee.
10. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be borne by the owner/operator and/or lessee.
11. Analysis for all ground and surface water monitoring events shall be submitted to the health department within 60 days after analysis.
12. Soil characteristics shall be reviewed by the Township engineer to determine their suitability for the proposed composting operation, taking into consideration the probability of standing water, the depth of the water table, and the ability of the soils to accommodate heavy equipment, among other factors.



D. Operational requirements. The applicant shall submit an operational plan describing how the composting operation shall be conducted. The operational plan shall address each of the following items:

1. Applicant's description of experience in management of composting facilities, including names, addresses and phone numbers of current and historical operations.
2. A description of the staff required to operate the site and staff responsibilities.
3. A description of the volume or weight by type of materials (composting, bulking, etc.) to be received, processed and removed from the site.
4. The number of vehicles entering the site each day.
5. List of end product users.
6. The projected capacity of the facility, including all material processed on site. Targeted quantities to be processed, incoming and outgoing.
7. A statement on the population intended to be serviced by the facility (where will the compostable material be received from, evidence of contracts shall be included) and how this material will be brought to the site.
8. Types of materials to be composted and what form it will be accepted in. Procedures for monitoring incoming and outgoing material, controlling the disposal or refusal of unacceptable materials.
9. Method of composting to be used (sheet composting is prohibited).
10. Types and number of equipment used (i.e., shredders, front-end loaders, windrow turning machine, screening and shakers, etc.).
11. The location type, size and proposed contents of all fuel storage facilities and detail on primary and secondary containment systems for all hazardous materials stored on site.

12. An outline of the operational cycle and timetable beginning with acceptance of material on-site to the disposal of the final product. This outline shall include plans for the pre-processing or staging of material (i.e., chipping, mixing materials, windrow formation, material layering, watering), the compost activity (i.e., windrow turning, monitoring moisture content and temperature, windrow combining, curing and finishing, including screening), and the distribution of the final product.
13. Operational details shall be stated, including the hours of operation and days of the week that the facility will be open throughout the year.
14. List of the chemicals or accelerating agents to be used, including bacteria, fungi or nitrogen. Include established guidelines for use and storage of these agents. Secondary containment shall be required.
15. A statement on the methods to be used to monitor and ensure protection of the environment (odor, dust, noise, blowing trash, anaerobic problems, methane production). This shall include an outline of the necessary steps which will be taken to reverse a breakdown in the composting system or pollution problem.
16. Plans for the disposition of nonmarketable compost.
17. Shall include a plan for the disposition of the final products. This plan shall encompass targeted users, projected quantities to be produced and distributed, and the manner of distribution and sales (i.e., retail, individual bags, truckloads or wholesale).

E. Area, height and placement requirements.

1. Front yard setbacks. Buildings, parking lots and all composting activities shall be set back not less than 150 feet from the centerline of any abutting road. The entire frontage of the site shall be landscaped. The landscaping shall be sufficient to screen the view of composting from the road.
2. Side and rear. No composted material, stockpiling or processing shall be located closer than 100 feet from side or rear property lines.
3. Height. The height of any composted material (windrows or stockpiling) shall be limited to eight feet.

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4. Distance to housing. No stockpiling, storage, transfer, loading or unloading, processing, windrows or composting shall take place within 1,000 feet of an existing residential dwelling unit. This setback may be increased if needed to minimize nuisances created for abutting residentially zoned parcels due to the direction of prevailing winds. Whenever a composting site abuts residentially zoned property, deodorizing agents shall be applied to compost materials to minimize any offensive odors.

F. Other requirements.

1. Screening. That portion of the site used for composting or stockpiling, which is visible from the street or an adjacent residence or located adjacent to property zoned for residential or agricultural purposes, shall be enclosed and screened, as determined by the Township Board and meeting the requirements of [Section 5.17](#).
2. Trash receptacles. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
3. Signs. All site signage shall comply with the applicable requirements of the HM Heavy Manufacturing district, as specified in [Section 5.24](#).
4. Parking. [See Section 5.22.B](#)
5. Performance guarantees. The Township Board shall require and establish the amount of any performance guarantees, such as bonds or letters of credit, to assure zoning and special approval compliance; to correct breakdowns in the composting system; and to guarantee restoration in the event of abandonment, hazardous waste or other environmental pollution.
6. Approvals. The applicant shall provide letters from Macomb County and the State Department of Natural Resources (DNR)/DEQ that this operation, based on the proposed site plan:
  - a. Is consistent with the Macomb County Solid Waste Plan; and
  - b. That the state DNR/DEQ waste management division has reviewed such plan and is not aware of any problems and does not have any environmental concerns from the proposed operation.

All site improvements shall be constructed and approved by the applicable local, state or federal approval agency prior to the delivery of material to the site for composting purposes.

7. Annual operational permit. All composting facilities and operations regulated by this Ordinance shall be subject to an annual operational permit issued by the Township Board. Any violation of this Ordinance or any other appropriate state, county or local regulation, or noncompliance with the conditions of the special land use approval, shall be grounds for the denial of an operational permit or its renewal. Renewal of an annual operational permit shall not be given without receipt of a letter of compliance from the Michigan Department of Natural Resources Waste Management Division and the county health department and compliance with and receipt of a performance guarantee as required in this section.
8. Inspection. An annual summer inspection for rodents, or one required upon a signed complaint of sighting, shall be performed by a licensed pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.

**4.65 WETLANDS PLANNED DEVELOPMENT**

Wetlands planned development may be permitted as a special land use in the R-1-A one-family residential district, subject to the following:

- A. Specific criteria.
1. The parcel of land shall contain sufficient state or federal officially designated wetlands under Part 303 of the Public Act No. 451 of 1994 (MCL 324.30301 et seq., MSA 13A.30301 et seq.) to be given consideration under this provision, as determined by the Planning Commission.
  2. Planned areas shall be provided with, or shall participate in, the provision of all utilities, schools, walkways, playgrounds, recreation, parking and other amenities to be used by the public or by residents of the development.





3. There shall be, at the time of development, an acceptable means of disposing of sanitary sewage, supplying of water, providing for stormwater drainage and integrating of the road system.
  4. The plan shall conform to the Township's concept plan and be in character with the Township and approved surrounding development and provide attractive and desirable housing units. The amenities development design and the architecture of all structures shall be part of the submission and be constructed as approved.
  5. The applicant shall have made provision, satisfactory to the Township, to assure that the amenities and those areas shown on the plan for use by the public or occupants of the development will be, or have been, irrevocably committed for that purpose. The Township may require that conveyances or other documents be placed in escrow to accomplish this purpose and that performance guarantee, as prescribed in [Section 7.8](#), be provided.
  6. Provisions, satisfactory to the Township, shall be made to provide for the financing of any improvements to be participated in and for all amenities and common use areas which are to be included or used by the occupants of the development and the maintenance of such areas or amenities.
- B. Special requirements and conditions. The intent of this provision is to encourage continued low density and large lot one-family residential development on parcels containing designated wetlands which are of such size or location as to create obvious difficulties in providing an attractive site layout or design. To assist in overcoming such difficulties, the Planning Commission may recommend, and the Township Board may approve, a site plan which contains R-1-A area lots with 90-foot minimum frontage and/or multiple-family type housing at acceptable designated locations. The dwelling unit density shall be equal in number to the corresponding units developable on the site as R-1-A. (The developer's calculation of this number must be based upon reasonable assumptions and be acceptable to the Township.) As an inducement for approval to develop at a density equal or less than permitted in the R-1-A district, the plan must have the architectural quality, site layout and amenities that clearly reflect an R-1-A character. In addition, the Township Board,

upon recommendation of the Planning Commission, as part of this approval, may allow the transfer of all or part of the multiple unit allotment to adjacent parcels within the same geographic section as part of an acceptable overall plan involving two or more separate owners.

The application and processing under this provision shall include the following:

1. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 100').
2. A topography map drawn at contours with an interval of at least two feet. This map shall indicate all stand[s] of trees, bodies of water, and unbuildable area due to wetlands or soil conditions (Scale: 1" = 100'). The acreage of the wetlands shall be accurately computed. A soil survey shall show the areas suitable for development.
3. A site plan that meets all the requirements of [Section 6.1.B](#) for the entire area, indicating lot size, functional use areas, and the location of all dwelling units by type requested; the densities being proposed; a pedestrian circulation plan; a road plan; public utility plan; wetlands; sites being reserved for schools, service activities; playgrounds; recreation areas and other amenities and areas to be used for the public or by residents of the planned development.
4. Where facilities are planned to be participated in off-site, the applicant should provide a 1" = 200' scale plan of all such facilities and uses and demonstrate how the applicant's development participates in, and is integrated with, the overall plan of the section.
5. A preliminary estimate of the contemplated total storm water flow and also sanitary sewage. The preliminary plan shall show each utility as a one-line diagram with flow direction drawn on the proposed street layout. These features shall be shown on the topographic map as provided above.

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- 6. The proposed plan shall conform to the Township's concept plan and a schedule of development shall be presented demonstrating the feasibility of the proposed plans. Where designated wetlands are to be encroached upon by the development, negotiations with the state shall be simultaneous with same information and various options being provided by the Township. After approval of the plan, and at any given time, the relation of the number of multiple family dwelling units approved for building permits shall not exceed the ratio between the total number of multiple units to single family units for the total development. Areas designated for multiple family residential development shall meet the requirements of the Township assigned R-district (multiple) number and all of the requirements of [Section 3.7](#), [Section 3.8](#) and [Section 3.31](#). (If the R-number is less than 5, the yard spacing between buildings will be determined as part of the plan approval.) Land area once used in computing density for one project or use area shall not again be used to compute density in another.
- 7. The physical development of the area must start within two years of the date of approval of the site plan. The failure to start development shall invalidate the special land use approval and site plan and the applicant shall then be required to resubmit the plan for review and approval as in the first instance. The entire special land use, including all transferred multiple development rights, shall be fully developed and/or platted and recorded within a period not to exceed five years from the date of approval of the site plan with the granting of subsequent one year extensions by the Township being permissible.



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## 5.1 ACCESS ACROSS RESIDENTIAL ZONING DISTRICTS

Ingress and egress to a parking lot, loading area, or to a use other than residential, shall not be permitted across or upon land zoned as residential. This provision shall not apply if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

## 5.2 ACCESSORY BUILDINGS

- A. Accessory buildings are permitted in the residential districts, subject to the following regulations:
1. Accessory buildings in the Mobile Home Park district shall be limited and regulated as provided in [Section 3.9](#) and [Section 3.30](#). Multiple-family residential accessory buildings are regulated as provided in [Section 3.7](#), [Section 3.8](#) and [Section 3.31](#).
  2. Where an accessory building is structurally attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
  3. Accessory farm structures shall conform to the following standards:
    - a. All structures shall be set back at least eight feet from the lot line of any adjacent property zoned for residential purposes.
    - b. Whenever an accessory farm structure abuts a parcel zoned for residential purposes, a greenbelt meeting the requirements of [Section 5.17](#) shall be installed along this adjoining property line.
  4. Detached accessory structures shall conform to the following requirements:
    - a. Accessory buildings shall be located in the rear yard, however, an accessory building may be located in a side yard provided that it complies with the front, rear and side yard setback requirements applicable to the principal structure.
    - b. Accessory buildings shall not exceed a maximum height of 15 feet.

- c. Accessory buildings located in a rear yard shall not occupy more [than] 30 percent of the area of any rear yard. This provision shall not apply to the construction of a detached garage in the R-1-C district on parcels occupied by dwellings without an attached garage. All other requirements pertaining to the placement of the detached garage contained in this Section shall apply.
  - d. The aggregate area of covered accessory buildings shall not exceed 75 percent of the floor area of the principal building.
  - e. No accessory building shall be located closer than ten feet to any main building, unless permitted by any other appropriate code adopted by Shelby Township.
  - f. No accessory building shall be located closer than five feet to a rear or side lot line.
  - g. A minimum of ten feet shall be provided between accessory buildings located on adjoining parcels.
  - h. No accessory building shall be located on an easement.
  - i. The exterior facade materials and architectural design of all accessory structures shall be similar to and coordinated with those of the principal building on the lot. The overall appearance of the structure shall be in accordance with the purpose of the district in which it is located.
  - j. Temporary accessory structures such as moveable carports are not permitted.
5. When an accessory building is located on a corner lot or double frontage lot, front yard setbacks shall be required along both abutting streets. When a rear yard abuts a rear yard, the minimum setback for an accessory building shall be not less than 15 feet.
  6. No accessory building shall be constructed prior to the enclosure of the main building.

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7. An accessory building, irrespective of location, shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation.
8. Attached Garages. The capacity of an attached garage may be increased to more than three cars, provided that the design of the garage is in scale and consistent with the architecture of the house. In making this determination, the building department [planning and zoning coordinator] shall consider the relationship of the garage to the dwelling in terms of building proportions, materials, bulk/massing, relationship to the street and other similar considerations. In addition, in the One-Family Residential district the following shall apply:
  - a. Side entry garages shall be required within existing subdivisions and detached condominiums where the majority of homes already have side entry garages. Front entry garages may be allowed in new single-family subdivisions and attached condominium projects subject to the review of architectural plans by the Planning Commission during the review and approval process. Front entry garages may only be permitted when it has been determined that the architectural design of the garage is not the dominant visual element.
  - b. Whenever side entry garages are required, the garages entrances shall be located on the same side of the lot to maximize the spacing between units. In those locations where uniform placement is not possible, a modification of this requirement may be allowed by the planning director when it has been determined that the placement of the side entry garage will not adversely impact any abutting lots either through a loss of privacy or the creation of nuisances. Court yard entrance garages are not required to observe the uniform placement requirement. Driveways providing access to side entry garages shall provide a turning space of not less than 20 feet measured perpendicular to the garage door.

- B. Accessory buildings in other than residential One- and Two-Family districts. Accessory buildings may not be located in a required front yard or in front of the principal building. Accessory buildings must also comply with the required side and rear yard setbacks of the district in which they are located. All accessory buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets. Except when an accessory building is intended for the storage of private motor vehicles, accessory maintenance equipment, or other similar equipment, the accessory use shall be subject to Planning Commission approval. All accessory buildings and uses shall be subject to site plan review by the Planning Commission. Minor site plan amendments may be approved administratively by the planning director as provided for in [Section 6.1.D.2](#).

### 5.3 CORNER VISIBILITY

No obstruction to visibility shall be permitted on any corner site from the front lot line a distance of 25 feet or to the building setback line if that distance is less than the 25 feet. It shall be unlawful for any person to plant, maintain or allow any hedge, foliage, privacy screen, shrubbery or other substance or material which obscures visibility.

### 5.4 FENCES IN OTHER THAN ONE-FAMILY ZONING DISTRICTS

Fences erected in other than One-Family zoning districts shall require approval by the Planning Commission as part of site plan review. When it is determined that the addition of a fence represents a minor site plan amendment, the fence may be approved by the planning director as provided for in [Section 6.1.D.2](#).

The location of fences and the construction specifications shall be comply with all applicable requirements of Article VIII of the Shelby Township Code of Ordinances.

All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited. Barbed wire cradles may be placed on top of fences enclosing permitted rear yard storage in the General Commercial and Light Manufacturing



districts and permitted rear and side yard storage in the Heavy Manufacturing district and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.

### 5.5 RESIDENTIAL YARD FENCES

Privacy fences, hedges or screens in residential districts may be constructed on rear or side property lines. Privacy fences, hedges or screens on lakefront lots shall be confined to the building envelope for the principal dwelling unit, as determined by required side and rear yard setbacks. In no case shall such fence or screening be constructed without a permit, as required in the Shelby Township Fence Ordinance of the Charter Township of Shelby Code of Ordinances.

### 5.6 FRONTAGE

Every dwelling or principal building shall be located on a lot which shall front upon an improved public or an existing private street, road or highway. The width of the lot shall comply with the requirements of the zoning district within which the lot is located.

### 5.7 GARBAGE, RUBBISH AND WASTE

Garbage, rubbish and waste shall not be piled or distributed on the open ground. All such matter or things shall be kept in enclosed containers, or tied together in bundles in the case of branches, which shall be periodically emptied in a manner of final disposal at least once every 30 days, or more frequently as needed to prevent waste from overflowing the container and from being distributed on the open ground.

### 5.8 LOCATION AND SCREENING OF TRASH RECEPTACLES

- A. The location of trash receptacles shall be indicated on all site plans. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way.
- B. All trash receptacles shall be screened on three sides by decorative masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. Chain-link fencing with view obscuring slats or wooden fencing shall not be considered to be

suitable screening materials. All trash receptacles shall be placed on a concrete pad having a minimum dimension of six inches by ten feet by ten feet. Concrete or metal bollards shall be placed between the trash receptacle and the rear wall of the enclosure.

- C. The height of the masonry screening shall be six feet in height. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. No trash receptacle shall be placed any closer than 20 feet to any residential zoning district. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns. If usage patterns determine that the number of trash receptacles provided on-site are insufficient, additional receptacles may be required by the Planning Commission. Any additional trash receptacles so provided shall be located and constructed according to the standards contained herein. The Planning Commission may allow for the removal of gates on the front of trash enclosures where they are not visible from the road or from abutting parcels.
- D. On single family residential lots or parcels, the use of a trash dumpster is limited to a period not to exceed 14 days. The temporary container shall be located in the residential driveway and not in any public road right-of-way. Trash containers or corrals on construction sites shall be provided as required by the Building Department

### 5.9 STORAGE, ACCUMULATION, DUMPING AND/OR COLLECTION OF WASTE, CONSTRUCTION SUPPLIES AND FIREWOOD

- A. No site shall be used for the storage, accumulation, dumping and/or collection of waste, except upon approval by the Township Board in compliance with [Section 6.5](#) of this Ordinance or as otherwise permitted under this Ordinance in any district; provided, however, the depositing of dirt, sand or earth materials shall be permitted in any district in accordance with the following requirements:
  - 1. Any finish grade to be established shall be approved by the Township engineer.

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- 2. The finish grade shall be graded not later than 60 days after approval of the deposits on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.
- B. Trash dumpsters shall be required for all construction sites for the purpose of disposing of all construction debris. The number of required dumpsters shall be determined by the Township.
- C. Construction supplies not being used as part of a current project shall not be stored on any residential parcel.
- D. The storage of firewood is permitted on residential lots and parcels for home heating purposes only. All firewood shall be neatly stacked on the site where it is used for home heating. The sale of firewood on residential lots and parcels is not permitted.

5.10 MAINTAINING OF PROPERTY IN A MANNER CONSISTENT WITH PUBLIC HEALTH, SAFETY AND WELFARE

The owner or occupant of all land, structures and/ or every part thereof, shall have the duty to maintain the same in a clean and sanitary condition, free from any accumulation of dirt, filth, weeds, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this Ordinance. This duty shall extend to any area of land between the site line and adjoining streets and curbs, including the abutting road right-of-way.

5.11 LOCATION OF STRUCTURES AND BUILDINGS IN A PUBLIC OR PRIVATE EASEMENT

No structure or building, other than a fence or screening wall, may be erected in a public or private easement unless permission is granted by the easement holder.

5.12 LOT LIMITATIONS

On all lands used for one-family and two-family residences, only one principal building shall be placed on a parcel or a lot of record. This regulation shall not apply to condominiums approved pursuant to the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.). No building shall be erected on lands divided in violation of the Subdivision Control Act [Land Division Act], Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended, or in violation of any Township ordinance.

5.13 WATERFRONT ACCESS

Lots located between a road and a body of water shall have access to the water. The minimum width of the water access shall equal at least 40 percent of the required lot frontage for the zoning district in which the site is located.

5.14 PUBLIC UTILITY CABINETS AND EQUIPMENT ENCLOSURES

The intent of these requirements is to protect the health, safety and welfare of the residents and traveling public by regulating the location, installation and design of utility cabinets on public property and in public rights-of-way. These regulations are necessary to assure that public utility cabinets:

- Do not create an obstacle in any public right-of-way.
  - Do not block a driver's view of the street or sidewalk.
  - Do not create an attractive nuisance to children.
  - Do not interfere with essential services.
  - Do not detract from the streetscape.
  - Protect property owner's rights to attractive, well-maintained public spaces and right-of-way, while ensuring that the legitimate needs of utility companies are met.
- A. Permit requirements. A building permit is required for the installation of a utility cabinet. Prior to approving a building permit, the building department shall refer the application to the Township engineer and planning director for review and approval. The permit application shall be accompanied by a three sets of complete construction plans including a boundary survey of all land within 100 feet of the proposed utility cabinet. The survey shall be





prepared by a registered land surveyor and shall include the following:

1. Name, address and telephone phone number of the surveyor.
  2. Date of the drawing, north arrow and site location map.
  3. Scale of the drawing (not less than one inch equals ten inches).
  4. Lot lines and right-of-way boundaries including the location of any benchmarks or property corners found or set.
  5. Location of the proposed equipment.
  6. Location of neighboring houses, garages or other buildings, driveways, sidewalks, fences, trees, telephone poles, fire hydrants, play equipment, etc.
  7. Location of all other public utilities in the right-of-way.
  8. For ground-mounted cabinets, the elevation of the land and the surrounding property and any proposed change in elevation (based on U.S.G.S. datum).
- B. Notification requirements. At least 14 days prior to the installation of a utility cabinet, the applicant shall give notices of such installation by first-class mail to all property owners within 100 feet of the proposed utility cabinet.
- C. Location. The placement of a utility cabinet shall observe the following setback requirements:
1. Fifteen feet from a fire hydrant.
  2. Twenty feet from a crosswalk.
  3. Thirty feet from the approach to a stop sign or traffic control signal located at the side of the road.
  4. No cabinet shall be located so as to block egress from an emergency exit.
  5. Ten feet from the intersection of a sidewalk or street and the edge of a driveway.
  6. Seventy-five feet from the center of the intersection of two streets.
  7. Ten feet from a tree.
  8. Ten feet from a mailbox owned by the United States Postal Service.
  9. Thirty feet from a bus stop.
  10. Ten feet from an underground utility.

- D. Other requirements. Utility cabinets may be located in the public right-of-way subject to the approval of the Road Commission of Macomb County. Cabinets may be located in other public or private easements with the permission of the easement holder. Cabinets located on private property shall require the approval of the property owner.

#### 5.15 SANITARY SEWER SYSTEMS

Sanitary sewer systems shall be subject to the following regulations:

- A. Public sewer not available. In any proposed use of any site, a private sanitary disposal system and septic tank and fields shall be installed in accordance with all rules and regulations pertaining to public health and sanitation and, in particular, the rules of the Macomb County Health Department.
- B. Where public sewer available. All new structures shall be connected to such public sewer system at the time of construction. Existing structures shall be connected to such public sewer system when same is made available, as required by Public Act No. 768 of 1978, § 12753 (MCL 333.12753, MSA 14.15 (12753)).
- C. No outside toilet shall be permitted in connection with any site, except portable toilets approved for special events by the Township Board or the Zoning Board of Appeals. Portable toilets for construction sites shall require approval from the building department [planning and zoning coordinator].

#### 5.16 WATER SUPPLY

The water supply on any site for any proposed use shall be tested and approved in accordance with the requirements of the Macomb County Health Department prior to the issuance of any occupancy permit for such site and use and, if for human and domestic consumption, it shall be found satisfactory for domestic consumption.



**5.17 SCREENING REQUIREMENTS**

Screening requirements. Screening shall be required between different zoning districts and uses according to the requirements of this Section of the Zoning Ordinance. The type of screening required in different situations is based on the following impact rankings: 1) none; 2) minor; 3) moderate, and 4) major.

Where screening is required, only one adjoining use shall be responsible for its installation, except as otherwise provided herein. This use shall be referred to as the "use providing screening." The other use shall be the "protected use." To determine the appropriate level of impact, refer to the adjoining zoning districts on the following schedule of screening requirements. The level of impact is indicated where both uses intersect.

- A. Screening requirements for each intensity/impact classification.
  - 1. None. No screening or buffering shall be required between adjoining uses.

**Table 5.17.A Minimum Screening Requirements**

Use Providing Screening		Protected Use		
Zoning District	Development Features	One-Family	Multiple/MHP	Office
One-Family & Two-Family	Building	(A)		
Multiple & Mobile Home	Building	Minor		
	Circulation/Parking	Moderate		
Office	Building	Moderate	Moderate	
	Circulation/Parking	Moderate	Moderate	
Local Retail Business	Building	Moderate	Moderate	
	Circulation/Parking	Moderate	Moderate	Moderate
	Loading	Major 1	Major-1	
Linear Retail Business	Building	Major-1	Major-1	Minor
	Circulation/Parking	Major-1	Major-1	Minor
	Loading	Major-1	Major-1	Moderate



**Table 5.17.A Minimum Screening Requirements**

Use Providing Screening		Protected Use		
Zoning District	Development Features	One-Family	Multiple/MHP	Office
Shopping Center Business	Building	Major-2	Moderate	
	Circulation/Parking	Major-2	Moderate	Moderate
	Loading	Major-2	Major-2	
General Business	Building	Major-2	Major-2	Minor
	Circulation/Parking	Major-2	Major-2	Minor
	Loading	Major 2	Major-2	Moderate
Multi-Use	Building	Major-2	Major-2	Minor
	Circulation/Parking	Major-2	Major-2	Minor
	Loading	Major-2	Major-2	Moderate
Light Manufacturing	Building	Major-2	Major-2	Minor
	Circulation/Parking	Major-2	Major-2	Minor
	Loading/Storage	Major-2	Major-2	Moderate
Heavy Manufacturing	Building Circulation/	Major-2	Major-2	Moderate
	Parking	Major-2	Major-2	Moderate
	Loading/Storage	Major-2	Major-2	Moderate

**Notes to Table**

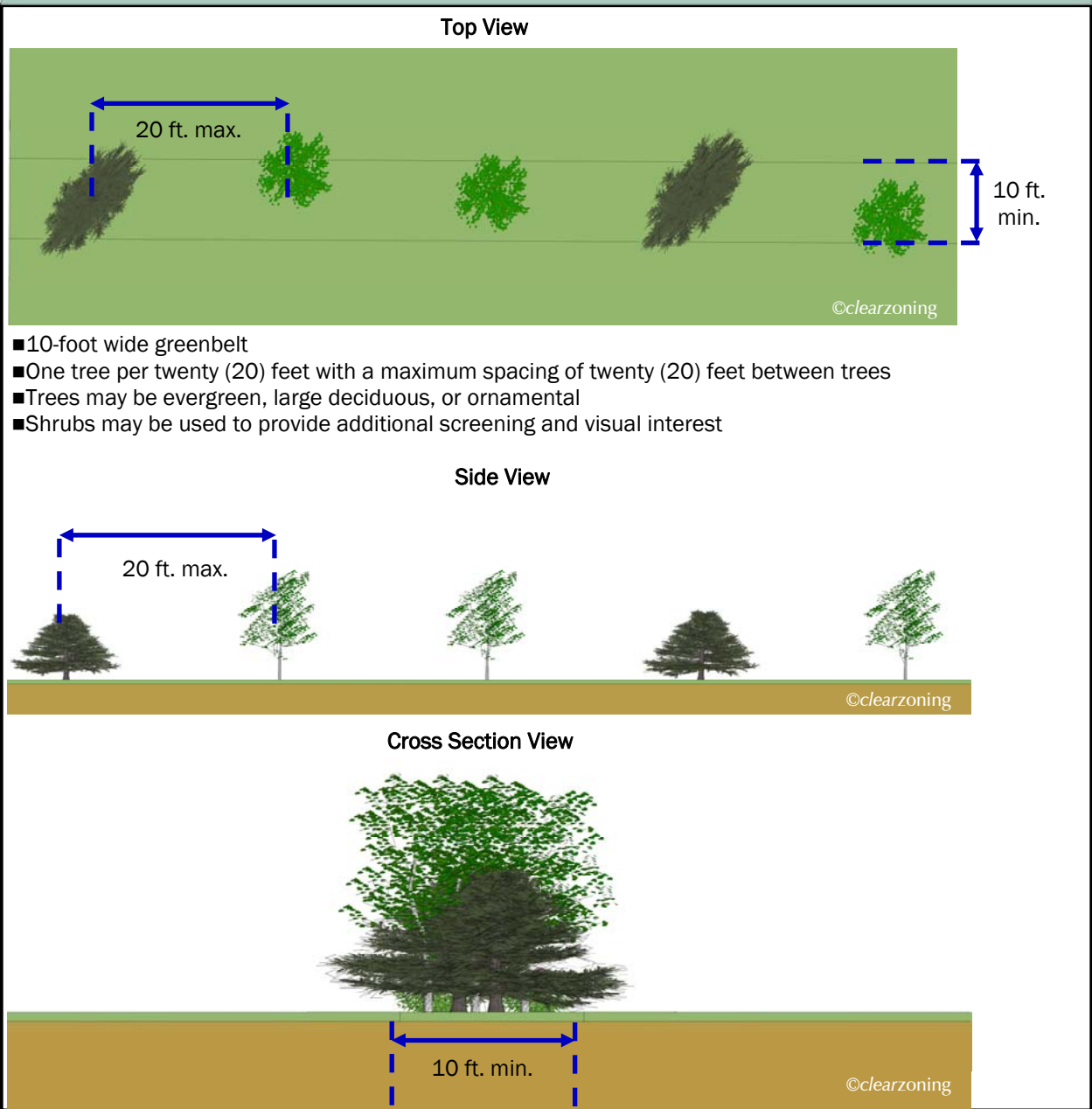
A. One- and two-family developments shall be the protected use in all instances, except the following:

1. In the event that a one or two-family development results in the creation of an excepted parcel that is not intended for residential development, the single- or two-family development shall be responsible for providing the screening. The type of screening required shall be the same as indicated in the schedule of screening requirements based upon anticipated use of the excepted parcel.
2. For those instances where future industrial uses are intended to abut residential development, both uses shall be required to share in the screening obligation. The residential district shall provide added lot depth and plantings while the industrial use shall provide a six- to eight-foot high decorative poured concrete wall.
3. In PUD developments screening requirements may be waived in between different uses if design intent is to integrate the whole development as one use.



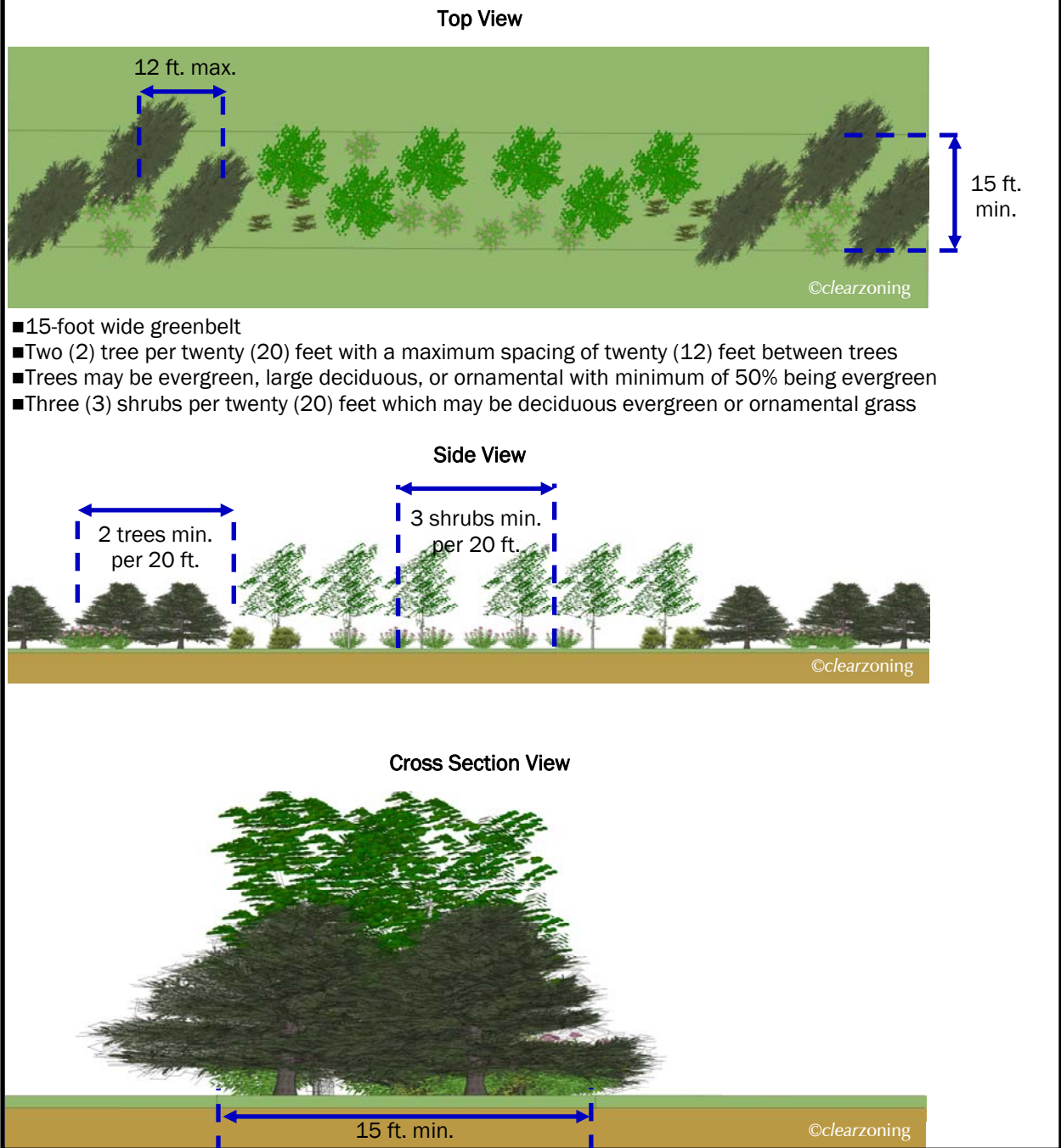
2. Minor. The purpose of screening in this situation is to soften the impact of one land use on another. An interrupted or open screen is required, which creates an impression of space separation without necessarily eliminating visual contact. Screening intended to satisfy these objectives shall conform to the following standards:
  - a. Minimum of ten-foot wide greenbelt.
  - b. Minimum of one tree per 20 feet with a maximum spacing of 20 feet in between trees. Trees may be large shade trees, evergreen trees or ornamental trees.
  - c. Shrubs may be used to provide additional screening and visual interest.

5.17.A.2 Minor Greenbelt Screening Requirements



3. Moderate. Screening required for areas where a moderate impact is identified [as] is necessary to provide a better separation and buffering of land uses and activities and to minimize the impact of one use or activity on another. Screening provided in these instances shall conform to the following standards:
  - a. Minimum of 15-foot-wide greenbelt.
  - b. Minimum of two trees per 20 feet with a maximum spacing of 12 feet in between trees. Trees may be large shade trees, evergreen trees, or ornamental trees with a minimum of 50 percent being evergreen trees.
  - c. Minimum of three shrubs per 20 feet. Shrubs may be deciduous, evergreen or ornamental grass.

**5.17.A.3 Moderate Greenbelt Screening Requirements**



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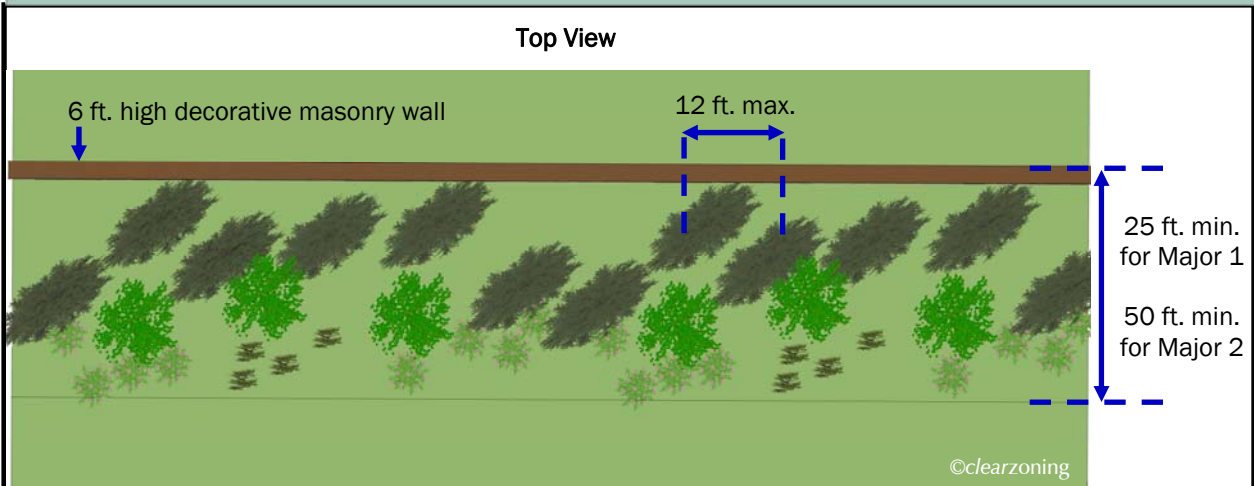


- d. The applicant may reduce the minimum width of the greenbelt to ten feet if a minimum five-foot high decorative concrete screen wall is constructed. The wall shall be placed on the property line and shall not be permitted to extend into any required front yard setback or the parking lot setback, whichever is less. The landscape requirements described above shall stay the same except that the tree requirement may be reduced to a minimum of one tree per 20 feet and may be a large shade tree, evergreen tree or ornamental tree.
  - e. Whenever the layout of the site places passenger vehicular parking areas, roads or driveways adjacent to a residential district a minimum five-foot high decorative concrete screen wall shall be required. The greenbelt and landscape requirements above shall be followed.
4. Major (1 and 2). The intent of the screening requirements where major impacts are anticipated is to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation. Screening in these situations shall conform to the following minimum standards:
- Major 1. A minimum buffer zone of 25 feet shall be maintained between the protected use and the more intense use. The buffer zone shall be developed with a six-foot high continuous, decorative masonry wall.
- Major 2. A minimum buffer zone of 50 feet shall be maintained between the protected use and the more intense use. The buffer zone shall be developed with a six-foot high continuous, decorative masonry wall or a six-foot high landscaped berm.
- Major 1 and 2. The buffer areas described above shall conform to the following standards:
- a. Minimum of three trees per 20 feet with a maximum spacing of 12 feet in between trees. Trees may be large shade trees, evergreen trees, or ornamental trees with a minimum of 60 percent being evergreen trees.

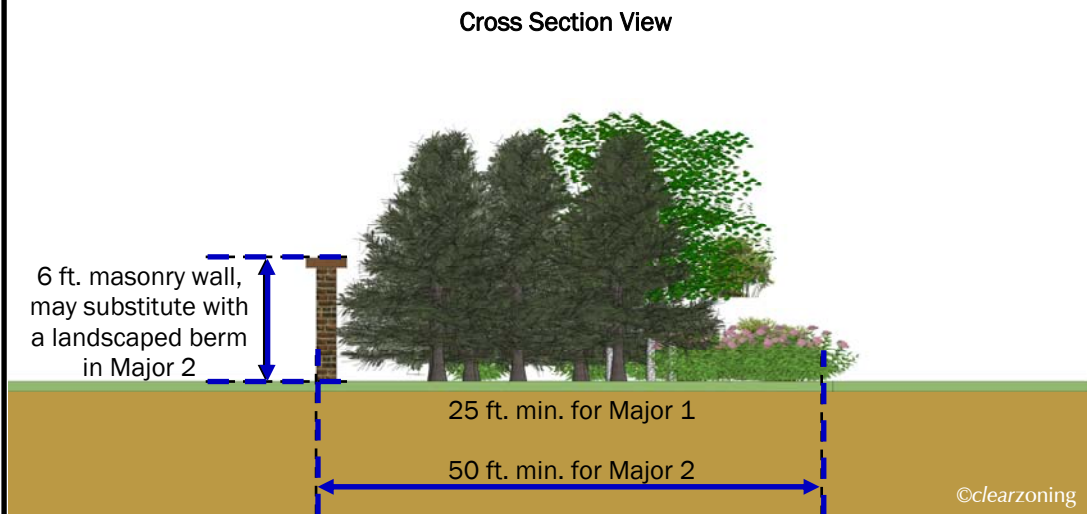
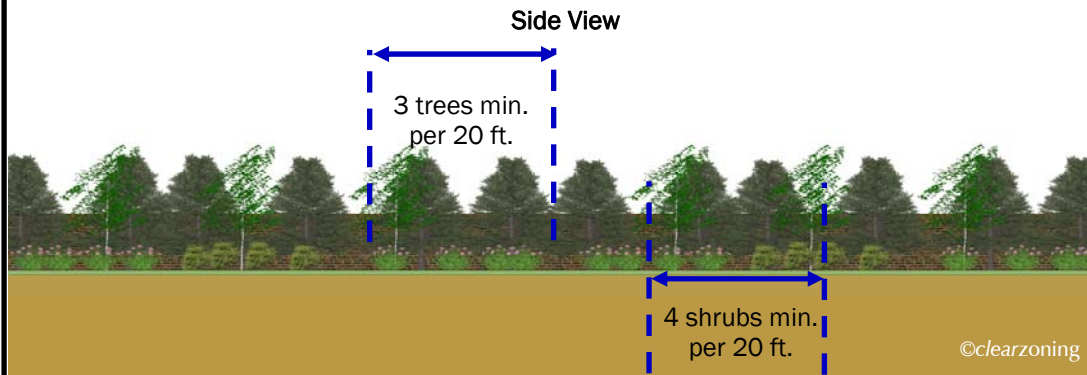
- b. Minimum of four shrubs per 20 feet. Shrubs may be deciduous, evergreen, or ornamental grass.



5.17.A.4 Major 1 and Major 2 Greenbelt Screening Requirements



- 25-foot wide greenbelt for Major 1 and 50-foot wide greenbelt for Major 2
- Three (3) tree per twenty (20) feet with a maximum spacing of twenty (12) feet between trees
- Trees may be evergreen, large deciduous, or ornamental with minimum of 60% being evergreen
- Four (4) shrubs per twenty (20) feet, which may be deciduous evergreen or ornamental grass
- Six (6) foot high decorative masonry wall, which may be replaced with a six (6) foot landscaped berm in the Major 2 buffer



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5. The following tables show examples of recommended screening plants for each screening intensity. However; additional Michigan hardy plant varieties are encouraged. Plant materials should have some of the following characteristics: tolerant of urban conditions, salt tolerant, shade or sun tolerant based on exposure, drought or water tolerant based on location:

Table 5.17.A.5.a Minor Buffer Recommended Planting Materials			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Deciduous Trees			
Acer rubrum Red Maple	2½" cal.	Bright red fall color, silver gray bark	Large shade tree
Acer platanoides 'Crimson King' Crimson King Norway Maple	2½" cal.	Dark maroon leaves, dense canopy	Large shade Tree
Celtis occidentalis Common Hackberry	2½" cal.	Golden-yellow fall foliage	Large shade Tree
Ginkgo biloba Ginkgo (male only)	2½" cal.	Golden-yellow fall leaves, fanned leaves	Large shade Tree
Platanus x acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Large shade Tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Large shade Tree
Evergreen Trees			
Picea abies Norway Spruce	6' height	Arching branches, short needles	Large Evergreen Tree
Pinus nigra Austrian Pine	6' height	Long needles, horizontal branching	Large Evergreen Tree





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**Table 5.17.A.5.a Minor Buffer Recommended Planting Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Ornamental Trees</b>			
Amelanchier canadensis Serviceberry	5' height	White flowers, airy branching structure	Ornamental Tree
Magnolia × 'Jane' Jane Magnolia	5' height	Pink flowers, waxy green leaves	Ornamental Tree
Malus spp. Crabapple Trees	2" cal.	Varying flower and leaf colors, varying branching structures	Ornamental Tree
<b>Shrubs (optional)</b>			
Hydrangea 'Endless Summer' Endless Summer Hydrangea	18-24"	Pink or blue flowers, red fall foliage	Flowering Shrub
Juniperus chinensis 'Sea Green' Sea Green Juniper	18-24"	Evergreen, arching branches	Evergreen Shrub
Pennisetum alopecuroides Fountain Grass	1 gal.	Fountain like structure, fall flowering	Ornamental Grass
Rosa 'Knockout' Knockout Rose	18-24"	Red or Pink flowers, compact, extended flowering time	Flowering Shrub
Spirea spp. Spirea spp.	18-24"	Varying flower and leaf colors, varying sizes and branch structures	Flowering Shrub
Taxus bacatta 'Repandens' English Yew	18-24"	Evergreen, dark green shiny needles	Evergreen Shrub



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**Table 5.17.A.5.b Moderate Buffer Recommended Planting Materials**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Deciduous Trees</b>			
Acer rubrum Red Maple	2½" cal.	Bright red fall color, silver gray bark	Large shade tree
Acer platanoides 'Crimson King' Crimson King Norway Maple	2½" cal.	Dark maroon leaves, dense canopy	Large shade Tree
Celtis occidentalis Common Hackberry	2½" cal.	Golden-yellow fall foliage	Large shade Tree
Ginkgo biloba Ginkgo (male only)	2½" cal.	Golden-yellow fall leaves, fanned leaves	Large shade Tree
Platanus x acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Large shade Tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Large shade Tree
Acer campestre Hedge Maple	2½" cal.	Bright yellow fall color, dense branching	Screening/Hedge Tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Large Shade Tree/ Screening
<b>Evergreen Trees</b>			
Picea abies Norway Spruce	6' height	Arching branches, short needles	Large Evergreen Tree
Pinus nigra Austrian Pine	6' height	Long needles, horizontal branching	Large Evergreen Tree
Picea pungens Colorado Spruce	6' height	Green-Blue needles, pyramidal form, dense branching	Evergreen Tree/Screening
Pseudotsuga menziesii Douglas Fir	6' height	Dense branching, pyramidal form	Evergreen Tree/Screening



**Table 5.17.A.5.b Moderate Buffer Recommended Planting Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Ornamental Trees</b>			
Amelanchier canadensis Serviceberry	5' height	White flowers, airy branching structure	Ornamental Tree
Magnolia × 'Jane' Jane Magnolia	5' height	Pink flowers, waxy green leaves	Ornamental Tree
Malus spp. Crabapple Trees	2" cal.	Varying flower and leaf colors, varying branching structures	Ornamental Tree
Acer ginnala Amur Maple	5' height	Brilliant red color, compact branching	Ornamental Tree/Hedge Tree
Cornus kousa 'Mulistem' Multistem Flowering Dogwood	5' height	White flowers, red attractive fruit	Ornamental Tree
<b>Shrubs</b>			
Hydrangea 'Endless Summer' Endless Summer Hydrangea	18-24"	Pink or blue flowers, red fall foliage	Flowering Shrub
Juniperus chinensis 'Sea Green' Sea Green Juniper	18-24"	Evergreen, arching branches	Evergreen Shrub
Pennisetum alopecuroides Fountain Grass	1 gal.	Fountain like structure, fall flowering	Ornamental Grass
Rosa 'Knockout' Knockout Rose	18-24"	Red or Pink flowers, compact, extended flowering time	Flowering Shrub
Spirea spp. Spirea spp.	18-24"	Varying flower and leaf colors, varying sizes and branch structures	Flowering Shrub
Taxus bacatta 'Repandens' English Yew	18-24"	Evergreen, dark green shiny needles	Evergreen Shrub
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental Grass, Screening/Hedge
Cornus sericea Redtwig Dogwood	3–4'	Bright red winter branching, dense branching structure	Flowering Shrub/Hedge



Table 5.17.A.5.b Moderate Buffer Recommended Planting Materials (continued)			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Shrubs (continued)			
Hydrangea 'Endless Summer' Endless Summer Hydrangea	18-24"	Pink or blue flowers, red fall foliage	Flowering Shrub
Juniperus chinensis 'Sea Green' Sea Green Juniper	18-24"	Evergreen, arching branches	Evergreen Shrub
Pennisetum alopecuroides Fountain Grass	1 gal.	Fountain like structure, fall flowering	Ornamental Grass
Rosa 'Knockout' Knockout Rose	18-24"	Red or Pink flowers, compact, extended flowering time	Flowering Shrub
Spirea spp. Spirea spp.	18-24"	Varying flower and leaf colors, varying sizes and branch structures	Flowering Shrub
Taxus bacatta 'Repandens' English Yew	18-24"	Evergreen, dark green shiny needles	Evergreen Shrub
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental Grass, Screening/Hedge
Cornus sericea Redtwig Dogwood	3-4'	Bright red winter branching, dense branching structure	Flowering Shrub/Hedge
Euonymus alatus 'Compactus' Dwarf Burning Bush	3-4'	Bright red fall color, dense branching	Ornamental Shrub/Hedge
Hydrangea 'quercifolia' Oakleaf Hydrangea	3-4'	Wine red fall color, large oak like leaves	Flowering Shrub/Screening
Syringa vulgaris Common Lilac	3-4'	Fragrant purple flowers	Flowering Shrub/Screening
Taxus x media 'Hicksii' Hicks Yew	24-30"	Dense green foliage, upright	Evergreen Shrub/ Screening/Hedge



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**Table 5.17.A.5.c Major Buffer Recommended Planting Materials**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Deciduous Trees</b>			
Acer rubrum Red Maple	2½" cal.	Bright red fall color, silver gray bark	Large shade tree
Acer platanoides 'Crimson King' Crimson King Norway Maple	2½" cal.	Dark maroon leaves, dense canopy	Large shade Tree
Celtis occidentalis Common Hackberry	2½" cal.	Golden-yellow fall foliage	Large shade Tree
Ginkgo biloba Ginkgo (male only)	2½" cal.	Golden-yellow fall leaves, fanned leaves	Large shade Tree
Platanus x acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Large shade Tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Large shade Tree
Acer campestre Hedge Maple	2½" cal.	Bright yellow fall color, dense branching	Screening/Hedge Tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Large Shade Tree/ Screening
Acer rubrum 'Multistem' Multistem Red Maple	10'	Dense branching, red fall color	Screening Tree
Betula nigra River Birch	10	Multistem, dense branching, pink tinted peeling bark	Screening Tree
<b>Evergreen Trees</b>			
Picea abies Norway Spruce	6' height	Arching branches, short needles	Large Evergreen Tree
Pinus nigra Austrian Pine	6' height	Long needles, horizontal branching	Large Evergreen Tree
Picea pungens Colorado Spruce	6' height	Green-Blue needles, pyramidal form, dense branching	Evergreen Tree/Screening
Pseudotsuga menziesii Douglas Fir	6' height	Dense branching, pyramidal form	Evergreen Tree/Screening
Juniperus virginiana Eastern Red Cedar	8'	Dense branching/foliage	Evergreen Tree/Screening/ Hedge
Thuja occidentalis 'Nigra' Dark Green Arborvitae	8'	Symmetrical form, dark green foliage	Evergreen Tree/Screening/ Hedge



Table 5.17.A.5.c Major Buffer Recommended Planting Materials (continued)			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Ornamental Trees</b>			
Amelanchier canadensis Serviceberry	5' height	White flowers, airy branching structure	Ornamental Tree
Magnolia × 'Jane' Jane Magnolia	5' height	Pink flowers, waxy green leaves	Ornamental Tree
Malus spp. Crabapple Trees	2" cal.	Varying flower and leaf colors, varying branching structures	Ornamental Tree
Acer ginnala Amur Maple	5' height	Brilliant red color, compact branching	Ornamental Tree/Hedge Tree
Cornus kousa 'Mulistem' Multistem Flowering Dogwood	5' height	White flowers, red attractive fruit	Ornamental Tree
Crataegus phaenopyrum Washington Hawthorne	5'	Bright red fruit, dense thorny branching	Ornamental Tree/Screening
Magnolia × loebneri 'Merrill' Dr. Merrill Magnolia	5'	Vigorous grower, large flowers	Ornamental Tree/Screening
<b>Shrubs</b>			
Hydrangea 'Endless Summer' Endless Summer Hydrangea	18-24"	Pink or blue flowers, red fall foliage	Flowering Shrub
Juniperus chinensis 'Sea Green' Sea Green Juniper	18-24"	Evergreen, arching branches	Evergreen Shrub
Pennisetum alopecuroides Fountain Grass	1 gal.	Fountain like structure, fall flowering	Ornamental Grass
Rosa 'Knockout' Knockout Rose	18-24"	Red or Pink flowers, compact, extended flowering time	Flowering Shrub
Spirea spp. Spirea spp.	18-24"	Varying flower and leaf colors, varying sizes and branch structures	Flowering Shrub
Taxus bacatta 'Repandens' English Yew	18-24"	Evergreen, dark green shiny needles	Evergreen Shrub



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**Table 5.17.A.5.c Major Buffer Recommended Planting Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Shrubs (continued)			
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental Grass, Screening/Hedge
Cornus sericea Redtwig Dogwood	3-4'	Bright red winter branching, dense branching structure	Flowering Shrub/Hedge
Hydrangea 'Endless Summer' Endless Summer Hydrangea	18-24"	Pink or blue flowers, red fall foliage	Flowering Shrub
Juniperus chinensis 'Sea Green' Sea Green Juniper	18-24"	Evergreen, arching branches	Evergreen Shrub
Pennisetum alopecuroides Fountain Grass	1 gal.	Fountain like structure, fall flowering	Ornamental Grass
Rosa 'Knockout' Knockout Rose	18-24"	Red or Pink flowers, compact, extended flowering time	Flowering Shrub
Spirea spp. Spirea spp.	18-24"	Varying flower and leaf colors, varying sizes and branch structures	Flowering Shrub
Taxus bacatta 'Repandens' English Yew	18-24"	Evergreen, dark green shiny needles	Evergreen Shrub
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental Grass, Screening/Hedge
Cornus sericea Redtwig Dogwood	3-4'	Bright red winter branching, dense branching structure	Flowering Shrub/Hedge
Euonymus alatus 'Compactus' Dwarf Burning Bush	3-4'	Bright red fall color, dense branching	Ornamental Shrub/Hedge
Hydrangea 'quercifolia' Oakleaf Hydrangea	3-4'	Wine red fall color, large oak like leaves	Flowering Shrub/Screening
Syringa vulgaris Common Lilac	3-4'	Fragrant purple flowers	Flowering Shrub/Screening
Taxus x media 'Hicksii' Hicks Yew	24-30"	Dense green foliage, upright	Evergreen Shrub/ Screening/Hedge



**Table 5.17.A.5.c Major Buffer Recommended Planting Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Shrubs (continued)			
Juniperus chinensis 'Ketleeri' Ketlar Juniper	3–4'	Dense branching, green foliage	Evergreen Shrub/ Screening/Hedge
Ligustrum Privet	3–4'	Dense branching, white flowers	Deciduous Shrub/ Screening/Hedge
Miscanthus sinensis Maidenhair Grass	1 gal.	Varying textures and colors	Ornamental Grass, Screening
Viburnum dentatum Arrow Wood Viburnum	3–4'	Vigorous grower, white flowers	Deciduous Shrub/ Screening

B. Modification of landscaping and screening requirements. The Planning Commission may reduce or modify the screening requirements specified above, provided that equivalent screening is provided by existing wooded areas on the site, topographic, or other natural conditions. The Planning Commission may also determine if dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such a determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this Section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to, the following:

1. Existing natural vegetation.
2. Topography.
3. Existing wetland, floodplain, and poor soil areas.
4. Existing and proposed building placement.
5. Adjacent land uses.
6. Distance between land uses.
7. Dimensional conditions unique to the parcel.

C. Other screening specifications.

1. Walls. Whenever a wall is used in conjunction with, or in lieu of, the previously mentioned screening requirements, it shall be constructed according to the following minimum specifications:
  - a. Walls shall be constructed of reinforced protective face brick, decorative poured reinforced concrete with a brick embossed pattern, or similar decorative building material determined to be acceptable by the Planning Commission. The color of brick or facing shall be compatible with brick used on the site and shall be durable, weather resistant and easy to maintain. Masonry units may be integrally colored at the factory or stained on-site.
  - b. Walls shall be placed on the lot line and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and/or as may be approved by the Planning Commission for the purposes of public safety. Where walls are pierced, the openings shall be so spaced as to maintain the overall obscuring character required and shall not reduce the minimum height requirement.





- c. All walls shall rest on a concrete foundation which extends at least 42 inches in depth below the finished grade of the land, and shall conform to the requirements of the applicable Shelby Building Code and the Shelby Township Engineering Design Standards Ordinance. Masonry walls shall have a durable pointed cap meeting the requirements of the Shelby Township Building Department [Planning and Zoning Coordinator].
  - d. No such wall shall be painted, nor shall it be constructed of exposed concrete block, cinder block or wood products.
  - e. Unless otherwise expressly directed by the provisions of this Ordinance, all protective walls or greenbelts shall be provided when required along and immediately adjoining the zoning district boundary line and/or property line, and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval. In instances where drains, trees or other obstacles preclude such location, the Planning Commission shall determine the most appropriate alternative location.
  - f. All walls or greenbelts required by this Ordinance shall be completely installed prior to the issuance of a certificate of occupancy for the use of the premises, except as provided hereinafter.
  - g. In any case where the development of the land and/or buildings has been fully completed and a certificate of occupancy would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six months subject to the requirements of [Section 7.4](#) of this Ordinance. A performance guarantee, as specified by [Section 6.1.D.4](#) may be required.
  - h. Maintenance of the wall, or any other substituted screening device, shall be the responsibility of the property owner on whose property such wall or screen is located. Such walls shall be kept and maintained in a state of good repair. Required wall maintenance shall also include cleaning and removal of any graffiti painted on the wall.
  - i. Whenever this Ordinance specifies a wall height and the grade is not the same on both sides of the wall, the height shall be at least equal to the minimum requirement, as specified by the Planning Commission, on both sides of the wall.
2. Berms.
    - a. Berms shall be designed to be consistent with architectural character of the building(s) to be located on the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of four feet horizontal to one foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion. Upon approval of the Planning Commission, a retaining wall may be incorporated into the construction of the berm to reduce the horizontal dimension.
    - b. In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan.
  3. Pressure-treated fencing. Whenever pressure-treated fencing is permitted in conjunction with the screening requirements permitted by this Section, it shall conform to the Shelby Township Fence Ordinance of the Charter Township of Shelby Code of Ordinances and the following standards:
    - a. The height of the fence shall not exceed six feet.
    - b. All fences shall be constructed using pressure-treated lumber.
    - c. The fence construction shall meet the applicable requirements of the Shelby Township Building Code.



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- d. Only shadow-box style fences shall be permitted
- 4. Additional screening requirements for the C-5 district.
  - a. Perimeter street setbacks. A minimum landscaped buffer shall be provided between any perimeter roads and any building or parking area. Said setback shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

- b. Screening of parking, loading and truck maneuvering areas. Provide a landscaped berm (maximum slope of 1:3) poured decorative concrete wall or massed plantings of sufficient height to screen the view of loading and truck maneuvering activity and buffer parking areas from adjoining public access roads or properties.

<b>5.17.C.4.a Minimum Landscape Buffer Between Perimeter Roads and Building or Parking Areas</b>	
Road Classification	Distance from Centerline in Feet
Regional (204' R.O.W.)	137
Regional (150' R.O.W.)	110
Major	95
Secondary	95
Collector	78
Local	65
Cul-de-sac	95
Freeway	35*
Private roads	35**
* Freeways shall be measured from the established right-of-way lines. ** In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot.	

This setback shall be landscaped to include street trees that are the same or similar species as those on the perimeter of other developments within the district.

**5.18 PRESERVATION OF WOODED AND SHRUBBED AREAS**

The purpose of this Section is to provide for the protection of natural resources; to preserve wooded and shrubbed areas of Shelby Township; stabilize slopes and erosion; conserve water quality; maintain a micro climate; filter pollution from the atmosphere; decrease noise; provide a habitat for wildlife; and enhance the visual character and appearance of the Township as cited in the adopted Charter Township of Shelby Master Plan. Recognizing the above-cited benefits of vegetation and woodlands, it is important to integrate these natural features into future development to improve the community's [township's] environmental qualities and to enhance the visual character of the constructed environment. Review by the Planning Commission, planning coordinator, and the Planning Commission secretary shall be consistent with this intent and the provisions of the Tree and Woodland Preservation Ordinance of the Charter Township of Shelby Code of Ordinances.

The developer or owner shall provide the Planning Commission with a detailed description of the natural features and characteristics located on the site to be developed. Alterations of the site, such as tree removal, shrub and ground cover removal, regrading or filling, is prohibited prior to submission of an inventory and preservation plan to the Planning Commission in compliance with Ordinance Number 191.



## 5.19 LANDSCAPING

All site landscaping improvements, when applicable and required by this Ordinance, shall conform to the following standards:

### A. General requirements.

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. All landscaping shall consist either of approved natural materials or living plant materials. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device, as approved by the Planning Commission. The installation of automatic sprinklers shall be required to ensure the maintenance of all landscaped areas. The Planning Commission may waive the requirement for the installation of automatic sprinklers serving bio-swales, rain gardens, other storm water storage areas and parking lot tree islands, unless the tree islands are planted with grass or another type of ground cover requiring irrigation.
3. Detailed landscape plan for all yard areas shall be submitted to the Planning Commission showing the names (common and botanical), location, spacing, starting size and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission.
4. Existing significant trees, tree stands, natural vegetation, and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible.
5. Subsequent phases of the site shall be seeded, mowed and maintained.

6. The Planning Commission may approve constructed features of other materials, such as masonry walls or brick, stone and cobblestone pavement, as a supplement or substitute, upon a showing by the applicant that general plantings will not prosper at the intended location.
7. Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with the quality of plant materials and grading as hereinafter described. [A] Copy of current acceptable standards is available from the Township building department [planning and zoning coordinator].
8. The owner of property required to be landscaped by this Section shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition, and shall be kept free of plant diseases, weeds and insect pests. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first.
9. Plant and grass materials shall be of acceptable varieties and species, hardy in Macomb County, and shall conform to standards of the American Association of Nurserymen and the Charter Township of Shelby, and shall have passed any inspections required under state regulations. Standards shall be in written form and made available by the building department [planning and zoning coordinator].  

No plant materials used to satisfy some or all planting requirements of this Section shall be comprised of non-living materials, except as provided herein.
10. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season, with at least three plants per square foot.

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11. Grass areas shall be planted in species normally grown as permanent lawns in Macomb County. Grass may be plugged, sprigged, hydroseeded, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion.

B. Design objectives.

1. The following general design objectives and criteria shall be considered in the evaluation of landscape plans:

- a. Ample variety and quantity of ornamental plants, trees and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Repeating some types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
- b. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances.
- c. Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
- d. Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site to the standards of [Section 5.18](#).
- e. Visual variety should be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement.
- f. Local soil, water, and other climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival and to ensure that they will thrive with a minimum amount of maintenance.

g. Landscaping should be protected from vehicular and pedestrian encroachment. Raised planting surfaces and the use of curbs may be used to achieve this objective.

h. Species that are a public nuisance or that cause litter should be avoided. When landscaping is to be installed in areas that children will frequent, trees and bushes with sharp needles shall be prohibited.

i. The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the Planning Commission.

2. The following tables show recommended plant materials for landscape areas that are important to creating aesthetically pleasing developments. However; additional Michigan hardy plant varieties are encouraged. Plant materials should have some of the following characteristics: tolerant of urban conditions, salt tolerant, shade or sun tolerant based on exposure, drought or water tolerant based on location:

a. Street trees: Street trees are used to create shade and visual interest along public or private streets and roads. The use of multiple species is encouraged to help prevent the possibility of massive disease or insect mortality and to provide different colors and textures. However, repetition may also be desired to provide uniform streetscapes and to accentuate key areas (i.e. subdivision entrances, formal parks, etc.). Therefore, diversification of plant species is desired with special consideration given to design intent. Trees that can tolerate urban conditions should be used.

Street tree requirements: One tree per 40 linear feet shall be required along any public right-of-way line of any street, road or highway and shall be planted within the public right-of-way greenbelt. Trees that can not be planted within the public right-of-way greenbelt due to lack of space shall be planted in other locations on the same site; however, these trees may not be used towards other landscape requirements.



**Table 5.19.B.2.a Recommended Street Trees**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Deciduous			
Acer rubrum Red Maple	2½" cal.	Bright red fall color, silver gray bark	Street tree
Celtis occidentalis Common Hackberry	2½" cal.	Golden-yellow fall foliage	Street tree
Gleditsia triacanthos inermis 'Skycole' Skyline Honeylocust	2½" cal.	Golden-yellow fall leaves, pyramidal form	Street tree
Nyssa sylvatica Black Gum	2½" cal.	Orange-Red fall color, pyramidal form	Street tree
Platanus × acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Street tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Street tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Street tree
Tilia cordata Littleaf Linden	2½" cal.	Pyramidal dense branching	Street tree
Ulmus parvifolia Chinese Elm	2½" cal.	Exfoliating bark, pendulous branches	Street tree

- b. Entrance landscape: Entrance landscaping is used to create visual interest at the entrances into subdivisions, shopping plazas, office and commercial centers, etc. Plantings should match the character of the surrounding uses as well as the use in which it is being planted. Hedges, ornamental trees, flowers and ornamental grasses are encouraged.

**Table 5.19.B.2.b Recommended Entrance Landscape Material**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers,
Deciduous Trees			
Acer rubrum 'Multistem' Multistem Red Maple	10'	Dense branching, red fall color	Large shade tree
Betula nigra River Birch	10'	Multistem, pink tinted peeling bark	Large shade tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Large shade tree
Platanus × acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Large shade tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Large shade tree



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**Table 5.19.B.2.b Recommended Entrance Landscape Material (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers,
<b>Evergreen Trees</b>			
Picea abies Norway Spruce	6' height	Arching pendulous branches	Evergreen tree/Backdrop
Picea pungens Colorado Spruce	6' height	Green-Blue needles, pyramidal form, dense branching	Evergreen tree/Backdrop
Pinus nigra Austrian Pine	6' height	Thick block bark, needles in twos	Evergreen tree/Backdrop
Pseudotsuga menziesii Douglas Fir	6' height	Dense branching, pyramidal form	Evergreen tree/Backdrop
<b>Ornamental Trees</b>			
Acer ginnala Amur Maple	5' height	Brilliant red color, compact branching	Ornamental tree
Cornus florida Single Stem Flowering Dogwood	2" cal.	Varying flower colors, exfoliating bark	Ornamental tree
Cornus kousa 'Mulistem' Multistem Flowering Dogwood	5' height	White flowers, red attractive fruit	Ornamental tree
Magnolia 'Jane' Jane Magnolia	5' height	Large Pink Flowers, wax green leaves	Ornamental tree
Malus spp. Crabapple spp	2" cal.	Varying flower and leaf colors and branching	Ornamental tree
<b>Shrubs</b>			
Buxus microphylla Boxwood	15–18"	Varying shades of green foliage	Evergreen shrub/ Evergreen hedge
Cornus sericea Redtwig Dogwood	24–30"	Bright red winter branching, white flowers	Mass planting/Deciduous hedge
Euonymus alatus 'Compactus' Dwarf Burning Bush	24–30"	Bright red fall foliage, winged branches	Mass planting/Deciduous hedge
Hydrangea 'Endless Summer' Endless Summer Hydrangea	24–30"	Purple/Pink flowers, red fall foliage	Flowering shrub/Mass planting
Rosa 'Knockout' Knockout Rose	18–24"	Red/Pink flowers, compact size	Flowering shrub/Mass planting
Spirea spp Spirea spp	18–24"	Varying flower and leaf colors, varying sizes and branching	Flowering shrub/Mass planting/Deciduous hedge



Table 5.19.B.2.b Recommended Entrance Landscape Material (continued)			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Shrubs (continued)			
Taxus × media 'Densiflora' Dense Yew	18–24"	Dark green dense foliage	Evergreen shrub/Mass planting
Taxus × media 'Hicksii' Hicks Yew	18–24"	Dense green foliage, upright	Evergreen shrub/ Screening/hedge
Perennials/Ornamental Grass			
Astilbe spp Astilbe spp	1 gal.	Varying colors and sizes	Perennial flower/Mass planting
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental grass/ Backdrop plant
Hemerocallis 'Stella D'Oro' Stella D'Oro Daylily	1 gal.	Yellow flower	Perennial flower/Mass planting/Border plant
Hosta spp Hosta spp	1 gal.	Varying flower and leaf color	Perennial flower/Mass planting/Border plant
Leticanthemum superbum Shasta Daisy	1 gal.	White flower	Perennial flower, Mass planting
Miscanthus sinensis Maidenhair Grass	1 gal.	Varying leaf colors and textures	Ornamental grass/Accent planting
Pennisetum alopecuroides Fountain Grass	1 gal.	Arching foliage, fall plumes	Ornamental grass/Mass planting
Rudbeckia Black Eyed Susan	1 gal.	Yellow flower, black center	Perennial flower/Mass planting
Sedum × 'Autumn Joy' Autumn Joy Sedum	1 gal.	Copper-red flower	Perennial flower/Mass planting/Border plant



- c. Detention/Retention/Rain Garden: Detention, retention and rain garden landscapes are used to help improve water quality, slow runoff, provide natural habitats for wildlife, beautify the surroundings and provide more environmentally sound solutions.

**Table 5.19.B.2.c Recommended Detention/Retention/Rain Garden Plant Materials**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers,
<b>Deciduous Trees</b>			
Acer rubrum 'Multistem' Multistem Red Maple	10'	Dense branching, red fall color	Large shade tree
Betula nigra River Birch	10'	Multistem, dense branching, pink tinted peeling bark	Large shade tree
Liquidambar styraciflua Sweet gum	2½" cal.	Pyramidal, corky bark	Large shade tree
Quercus bicolor Swamp White Oak	2½" cal.	Exfoliating bark	Large shade tree
<b>Evergreen Trees</b>			
Juniperus virginiana Eastern Red Cedar	6'	Dense branching/foliage	Evergreen tree
Picea glauca White Spruce	6'	Pyramidal form, dense needles	Evergreen tree
<b>Ornamental Trees</b>			
Amelanchier canadensis Serviceberry	5'	White flowers, open branching	Ornamental tree
Cornus florida Single Stem Flowering Dogwood	2" cal.	Varying flower colors, exfoliating bark	Ornamental tree
Magnolia virginiana Sweet Bay Magnolia	5'	Creamy white flowers, waxy green leaves	Ornamental tree
<b>Shrubs</b>			
Aronia arbutifolia Red Chokeberry	24–30"	White flowers, bright red fruit	Deciduous shrub
Cornus sericea Redtwig Dogwood	24–30"	Bright red winter branching, white flowers	Deciduous shrub
Ilex verticillata Winterberry Holly	24–30"	Bright red fruit, dark green foliage	Deciduous shrub
Rhododendron maximum Great Rhododendron	24–30"	Pink flowers, thick dark green leaves	Evergreen shrub
Viburnum dentatum Arrow Wood Viburnum	24–30"	Vigorous grower, white flowers	Deciduous shrub





**Table 5.19.B.2.c Recommended Detention/Retention/Rain Garden Plant Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Viburnum dentatum Arrow Wood Viburnum	24–30"	Vigorous grower, white flowers	Deciduous shrub
Vaccinium corymbosum Highbush Blueberry	24–30"	Blue black berry, various fall colors	Deciduous shrub
Viburnum lentago Nannyberry	24–30"	Burgundy red fall color, dense branching	Deciduous shrub
<b>Perennials/Ornamental Grass</b>			
Astilbe spp Astilbe spp	1 gal.	Varying colors and sizes	Perennial flower
Calamagrostis 'Karl Foerster' Karl Foerster Reed Grass	1 gal.	Dense foliage, upright, summer flowering	Ornamental grass
Hemerocallis spp. Daylily spp	1 gal.	Varying colors and sizes	Perennial flower
Iris ensata Japanese Iris	1 gal.	Purple flower, tall foliage	Perennial flower
Hosta spp Hosta spp	1 gal.	Varying flower and leaf color	Perennial flower
Lobelia cardinalis Red Cardinal Flower	1 gal.	Red flower on tall spikes	Perennial flower
Matteucia struthiopteris Ostrich Fern	1 gal.	Dark green fronds, tall foliage	Perennial flower
Miscanthus sinensis Maidenhair Grass	1 gal.	Varying leaf colors and textures	Ornamental grass
Osmunda cinnamomea Cinnamon Fern	1 gal.	Cinnamon color fronds	Perennial flower
Panicum virgatum Switch Grass	1 gal.	Narrow foliage, airy flower heads	Ornamental grass
Pennisetum alopecuroides Fountain Grass	1 gal.	Arching foliage, fall plumes	Ornamental grass



- C. Plants and materials.
1. All plant materials used shall be placed in fertile soil with good surface drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All natural materials shall be maintained, refurbished or replaced, as necessary, to ensure a positive aesthetic quality.
  2. All proposed landscaped plantings shall meet the minimum size requirements specified in the table on the following pages.
- D. Where a landscape plan is required, the following plant materials are specifically prohibited:

5.19.D Prohibited Plant Materials		
Boxelder	Willow	Fruit-bearing trees
Soft Maple	Horse chestnut (nut bearing)	All thorned trees and shrubs
Elm	Tree of heaven	Ribes (gooseberry)
Poplar	Catalpa	Cottonwood

E. Minimum Allowable Plant Material Size

5.19.E Minimum Allowable Plant Material Size		
Plant Material	Minimum Size Allowable	
	Single Stem	Multistem
Trees *		
Large Evergreen Trees (Norway Spruce, Austrian Pine, etc.)	6-8' height	NA
Large Shade Trees (Norway Maple, Oak spp, etc.)	2 1/2" cal.	12-14' height
Ornamental Trees (Malus spp, Magnolia spp, etc.)	2" cal.	5-6' height
Shrubs *	Height	Spread
Upright Evergreen Shrubs (Arborvitae, upright Juniper, etc.)	5-6'	NA
Small Evergreen Shrubs (Yew, Boxwood, spreading Juniper, etc.)	18-24"	18-24"
Large Deciduous Shrubs (Burning Bush, Privet, Redtwig Dogwood, etc.)	24-30"	24-30"
Small Deciduous Shrub (Spirea spp, Rose spp, Potentilla, etc.)	18-24"	18-24"
Perennials/Ornamental Grass *		
Flowering Perennials (Daisy, Black Eyed Susan, Daylily spp, etc.)	1 gallon pot	
Ornamental Grass (Fountain Grass, Reed Grass, etc.)	2 gallon pot	

\*Additional Michigan hardy plant varieties are encouraged.



**5.20 PARKING LOT LANDSCAPING REQUIREMENTS**

The intent of these requirements is to enhance the visual environment of the Township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.

- A. Interior parking lot landscaping. Parking lot trees shall be provided at a ratio of one tree for each six parking spaces, or fraction thereof. Parking areas of less than 20 spaces may place the required trees next to the parking area, or within the required yards, rather than within the lot proper, subject to the approval of the Planning Commission. Parking lot landscaping islands shall be consolidated to provide massed plantings wherever feasible. Rain gardens and bio-swales are encouraged in landscape islands within a parking lot and on the outer edges of a parking lot. Rain gardens and bio-swales are not encouraged in the greenbelt along public roads, streets and highways. The parking lot tree requirement shall not apply to industrial buildings in LM, Light Manufacturing and HM, Heavy Manufacturing zoning districts.

The following types of trees are considered to be suitable for parking lots and other intense urban conditions. However; additional Michigan hardy plant varieties are encouraged. Plant materials should have some of the following characteristics: tolerant of urban conditions, salt tolerant, shade or sun tolerant based on exposure, drought or water tolerant based on location:

Table 5.20.A Recommended Interior Parking Lot Trees			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
Deciduous Trees			
Carpinus betulus 'Fastigiata' European Hornbeam	2½" cal.	Narrow dense branching	Parking lot tree
Ginkgo biloba Maidenhair Tree	2½" cal.	Golden-yellow fall foliage	Parking lot tree
Gleditsia triacanthos inermis 'Skycole' Skyline Honeylocust	2½" cal.	Golden-yellow fall leaves, pyramidal form	Parking lot tree
Malus spp. Crabapple spp	2½" cal.	Varying flower and leaf color	Parking lot tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Parking lot tree
Quercus robur 'Fastigiata' Columnar English Oak	2½" cal.	Vigorous grower	Parking lot tree
Tilia cordata Littleleaf Linden	2½" cal.	Pyramidal dense branching	Parking lot tree



B. Exterior parking lot landscaping. Where parking lots face a public road, street or highway a hedge shall be planted to provide a visual screen in between the parking lot and the public road, street or highway. A decorative screen wall or fence may be substituted for a planted hedge at the discretion of the Planning Commission. The following types of trees and shrubs are considered to be suitable for exterior parking lots and other intense urban conditions. However; additional Michigan hardy plant varieties are encouraged. Plant materials should have some of the following characteristics: tolerant of urban conditions, salt tolerant, shade or sun tolerant based on exposure, drought or water tolerant based on location:

Table 5.20.B Recommended Exterior Parking Lot Landscaping Plant Materials			
Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Deciduous Trees</b>			
Carpinus betulus 'Fastigiata' European Hornbeam	2½" cal.	Narrow dense branching	Parking lot tree
Ginkgo biloba Maidenhair Tree	2½" cal.	Golden-yellow fall foliage	Parking lot tree
Gleditsia triacanthos inermis 'Skycole' Skyline Honeylocust	2½" cal.	Golden-yellow fall leaves, pyramidal form	Parking lot tree
Malus spp. Crabapple spp	2½" cal.	Varying flower and leaf color	Parking lot tree
Pyrus calleryana 'Bradford' Bradford Pear	2½" cal.	Dense branching, white flowers, red fall color	Parking lot tree
Quercus robur 'Fastigiata' Columnar English Oak	2½" cal.	Vigorous grower	Parking lot tree
Tilia cordata Littleleaf Linden	2½" cal.	Pyramidal dense branching	Parking lot tree
Acer rubrum Red Maple	2½" cal.	Red fall color, smooth grey bark	Large shade tree
Liriodendron tulipifera Tulip Tree	2½" cal.	Tulip shaped leaves and flowers	Large shade tree
Platanus × acerfolia London Plane Tree	2½" cal.	Peeling bark, horizontal branching	Large shade tree
Quercus spp. Oak	2½" cal.	Vigorous growers	Large shade tree
<b>Evergreen Trees</b>			
Picea abies Norway Spruce	6'–8' height	Arching pendulous branches	Evergreen tree
Pinus nigra Austrian Pine	6'–8' height	Thick blocky bark, needles in twos	Evergreen tree



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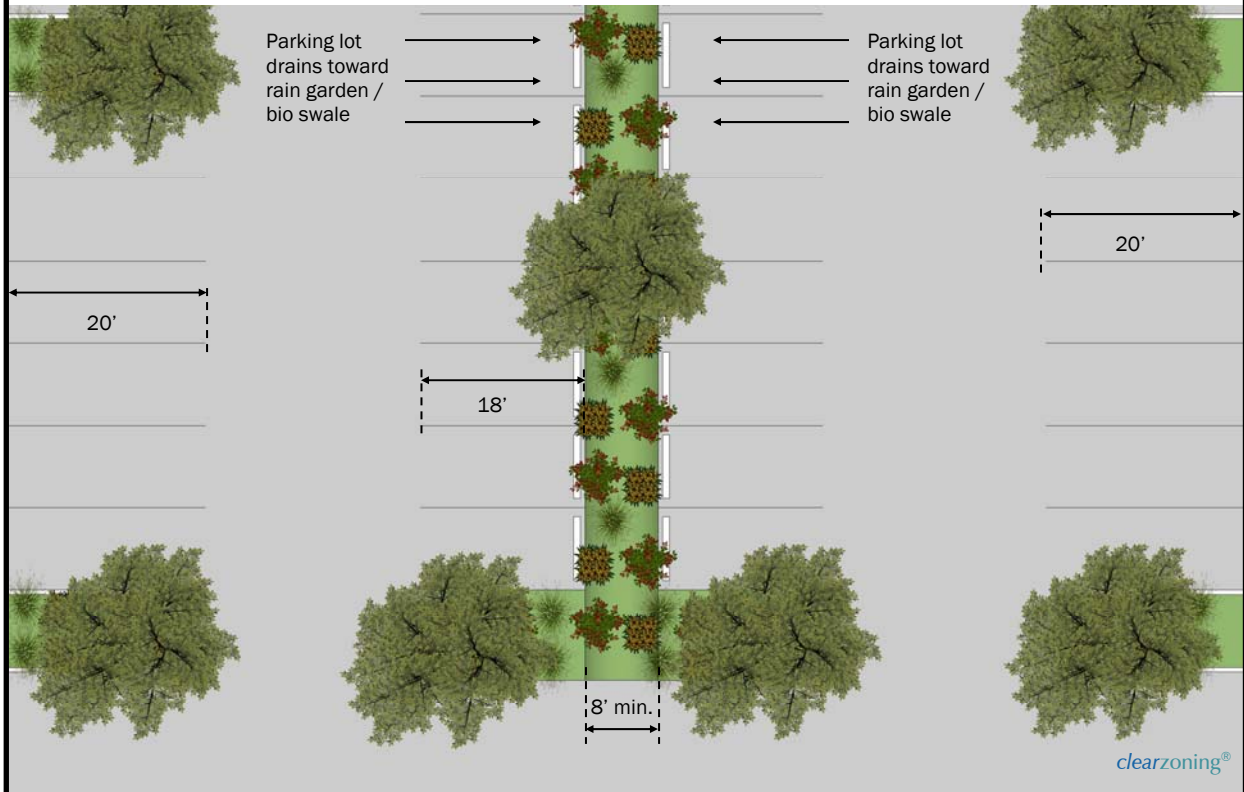
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**Table 5.20.B Recommended Exterior Parking Lot Landscaping Plant Materials (continued)**

Plant Material (latin/common name)	Minimum Size (caliper/height/spread)	Characteristics (growth/color/texture/etc.)	Purpose (hedge, screen, flowers, evergreen, etc.)
<b>Shrubs</b>			
Euonymus alatus 'Compactus' Dwarf Burning Bush	24–30"	Bright red fall foliage, winged branches	Deciduous shrub/Hedge/Screening
Juiperus chinensis 'Upright' Upright Juniper	3–4'	Light green foliage	Evergreen shrub/Screening/Hedge
Ligustrum Privet	24–30"	Dense branching, white flowers	Deciduous shrub/Hedge/Screening
Rosa 'Knockout' Knockout Rose	18–24"	Red/pink flowers, compact size	Deciduous shrub/Hedge/Screening
Spirea japonica spp. Spirea spp	18–24"	Varying flower and leaf colors, Dense branching	Deciduous shrub/Hedge/Screening
Taxus × media 'Densiformis' Dense Yew	18–24"	Dark green dense foliage	Evergreen shrub/Hedge/Screening
Taxus × media 'Hicksii' Hicks Yew	18–24"	Dense green foliage, upright	Evergreen shrub/Hedge/Screening
Thuja occidentalis Arborvitae	3–4'	Varying shade of green foliage	Evergreen shrub/Hedge/Screening

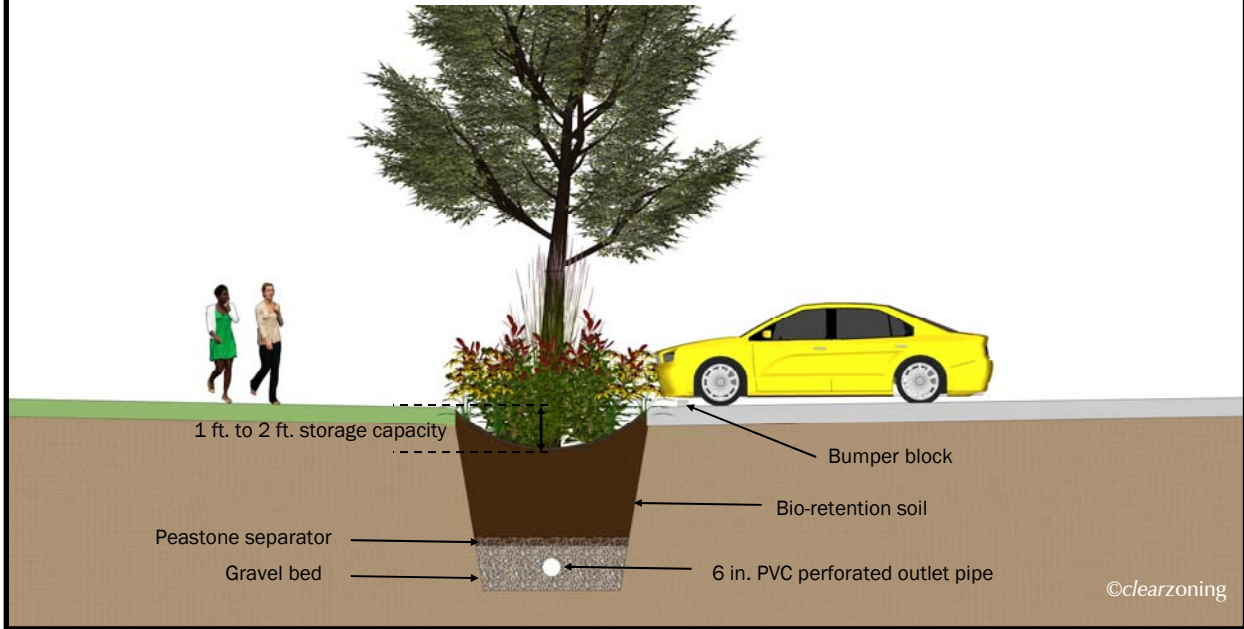


**PARKING LOT RAIN GARDEN / BIO-SWALE LAYOUT**



- Rain garden / bio-swale shall be a minimum of 8 feet
- Rain garden / bio-swale plants shall be used (see Section 5.19.B.2.c for suggested plant materials)
- Must be capable of handling runoff from parking lot and surrounding areas

**PARKING LOT RAIN GARDEN / BIO-SWALE CROSS SECTION**



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## 5.21 OFF-STREET PARKING REQUIREMENTS

The off-street parking requirements of this Ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians of emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust into the area; and to make clear the availability and arrangement of spaces to all users .

A. General parking requirements. It shall be the duty of both the owner and occupant of any premises to provide off-street parking spaces as required in this Section. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. Whenever a use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided on site and maintained as required by this Ordinance.
2. The amount of required off-street parking for new uses of buildings, additions to existing buildings, new uses of land and accessory buildings shall be determined in accordance with the regulations in effect at the time the new use or addition was proposed, and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use. No such designated parking area shall be changed to any other use unless and until equal facilities are properly approved and provided elsewhere on the site.
3. Off-street parking existing at the effective date of this Ordinance in conjunction with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

4. Nothing in this Section shall be construed to prevent the collective provisions of off-street parking facilities for two or more buildings or uses on separate sites, provided that, collectively, such parking shall not be less than the sum of requirements for the various uses computed separately. The provision for shared parking shall not be construed to allow for development without parking located reasonably proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and be irrevocably dedicated to each use.
5. Where the owners of two or more buildings or uses, whose peak operating hours do not overlap, desire to utilize shared off-street parking facilities, the Planning Commission may permit such shared parking provided that the following conditions have been met:
  - a. The peak business hours of the buildings or uses do not overlap. In the event that there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided below shall be installed.
  - b. The shared parking lot meets the off-street parking requirements of the larger building or more intensive use, plus 15 percent.
  - c. The shared parking lot meets all of the locational requirements of this Ordinance with respect to each building or use.
  - d. The site plan shall indicate a reserve area that is capable of accommodating the required number of parking spaces, if necessary. The developer shall execute an agreement, in a form satisfactory to the Township attorney, that will obligate the property owners to install additional parking at the Township Board's request if the need arises.
  - e. All such provisions for shared parking for two or more buildings or uses on the same site or on separate sites shall be set forth in a recordable instrument recorded at the office of the Macomb County Register of Deeds, describing the lands affected by this agreement.

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- 6. Off-street parking facilities required herein shall be located within 300 feet of the permitted use it is intended to serve, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by any major or secondary thoroughfare so designated by the Charter Township of Shelby Master Plan, drain or physical barrier or public improvement.
- 7. Required off-street parking shall not be enclosed with a gate that would permit it to be closed to either employees or patrons.
- 8. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one parking space.
- 9. For the purpose of determining off-street parking requirements for all uses, floor area shall mean 100 percent of the gross floor area as measured from the interior of all exterior walls. For those buildings which feature unique interior natural features, such as atriums and landscaped areas, the floor area occupied by such areas may be deducted from the gross floor area used to calculate parking requirements.
- 10. The Planning Commission may allow for a reduction of the required parking for sites in commercial zoning districts, not to exceed ten percent, for the purpose of increasing the amount of landscaping on the site. In considering the appropriateness of the reduction, the applicant shall be required to submit parking calculations, a demand study, or a shared parking study demonstrating the basis for the requested reduction. The request shall be accompanied by a site plan designating an area to be used for the reserve parking spaces capable of accommodating the required number of parking spaces and their relationship to the proposed parking lot. A landscaping plan for this reserve area shall also be required. The developer shall execute an agreement, satisfactory to the Township attorney, obligating the property owners to install the parking at the Township Board's request, if it is determined that the existing parking spaces are insufficient.

- 11. Whenever drive-through or vehicle stacking lanes are provided, such lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle. Unless otherwise provided in [Section 5.21.B](#), a minimum of six stacking spaces shall be provided for each service window. A minimum waiting space shall be 23 feet long by ten feet wide.
  - 12. Whenever a parking space abuts a pedestrian walkway within a parking lot, the minimum width of said walkway shall be seven feet.
- B. Minimum number of off-street parking spaces. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is most similar in type as determined by the Planning Commission.
- 1. Residential.
    - a. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground other than in the required front yard space of the building they are intended to serve and shall consist of a paved parking strip, parking apron, carport and/or garage on the basis of two parking spaces for each dwelling unit. Such parking shall be paved to provide not less than two off-street parking spaces in other than the required front yard space. Parking shall be restricted to paved areas. Paved areas shall not be permitted in the required front yard area, except for horseshoe drives as provided for below. Paved driveways may be allowed in required side yards to provide access to a side-entry garage or to a detached garage located in the rear yard. No storage of motor vehicles or recreational vehicles may be allowed within a required front yard, except for short-term parking or loading and unloading. Horseshoe driveways shall be permitted, provided they are not used for permanent on-site parking required by this Section.





- b. Multiple-family residential dwellings shall require two off-street parking spaces for each efficiency, studio, and one bedroom unit, and two and one-quarter off-street parking spaces for each two or more bedroom unit.
- c. Age-restricted adult housing. Independent living facilities shall require two off-street parking spaces per dwelling unit. Assisted living facilities shall require one off-street parking space for each two dwelling units plus one space per employee during the largest working shift. Should the dwelling units revert to general occupancy, then parking shall be provided as required for multiple-family residential dwellings.
- d. Mobile homes. Two spaces per unit, plus one space for every two mobile home sites for visitor parking. Visitor parking shall be located within 500 feet of the mobile home sites they are intended to serve.
- e. Community [Township] buildings (multiple-family and mobile home parks). One space for each four persons allowed within the maximum occupancy load, as determined by the fire department.
- f. In Multiple-Family Residential districts and mobile home parks where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the Mobile Home Park district, no motorized recreation vehicles or boats shall be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with no more than one-half footcandle of illumination.

5.21.B Minimum Off-Street Parking Requirements for Non-Residential Districts	
Use	Required Parking Spaces
Institutional.	
Auditoriums (incidental churches, schools and hospitals)	One space for each three seats; plus one for each two employees. If no seats, one for each 50 square feet of floor area.
Churches or temples	One space for each three seats or six feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for ancillary facilities, such as social halls, schools, etc., may be required by the Planning Commission.
Nursing homes and skilled nursing facilities	One space for each two beds; plus one for each staff member.
Elementary schools	One space per each employee, including teachers and administrators; plus, one per each classroom or teaching station; plus, one for each three seats in the auditorium or public assembly areas.
Junior high schools	One space per each employee, including teachers and administrators; plus, two for each classroom or teaching station; plus, one for each three seats in the auditorium or public assembly areas.
Hospitals	One space per bed (excluding bassinets); plus one space per employee and doctor on peak employment shift. Additional spaces shall be required for ancillary medical office buildings based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one space per 100 square feet of floor area of the emergency room, patient treatment areas and waiting areas.

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5.21.B Minimum Off-Street Parking Requirements (continued)	
Use	Required Parking Spaces
Institutional (continued)	
Libraries	One space for every 300 square feet of gross floor space.
Museums	One space for every 500 square feet of gross floor area.
Child care centers and nursery schools	One space for each employee; plus one space for each four students on the premise at one time.
Private clubs and lodges	One space for each three members allowed within the maximum occupancy load, as determined by the fire department, plus one per employee.
Senior high schools and colleges	One space for each employee (including teachers and administrators); plus one for each three students; plus the requirements of the auditorium. Additional spaces for ancillary facilities and activities may be required by the Planning Commission.
Recreational	
Bowling alleys	Five spaces per lane, plus parking required for ancillary uses such as restaurants or lounges, as determined in accordance with the requirements of this Section.
Dance halls, roller rinks, amusement device centers, billiards, ice skating rinks, indoor shooting ranges, archery ranges and exhibition halls.	One space per three persons allowed at maximum occupancy load, as determined by the fire department.
Miniature golf	One space per employee; plus, 1¼ spaces per each hole; plus, spaces for any ancillary uses as determined in accordance with the requirements of this Section.
Par-3 golf courses	One space per employee; plus, three spaces per each golf hole.
Driving ranges	One space per driving range tee; plus, one space for each employee; plus, spaces for any ancillary uses, as determined in accordance with the requirements of this Section.
Private golf, swimming or tennis clubs and similar uses	One space for each three member families; plus one per employee. If clubhouses are provided, one additional space shall be provided for each three persons allowed within the maximum occupancy load, as determined by the fire department.
Private parks	One space for each two individual members or users.
Public golf courses (not including miniature golf driving ranges or par 3 courses)	Six spaces for each golf hole; plus one per employee; plus spaces required for any ancillary use, such as a restaurant or bar, as determined in accordance with the requirements of this Section.
Public recreation (other)	One space for every two users at maximum capacity; plus one space for each employee.
Stadiums and sports arenas or similar places of assembly	One space for each three seats or 60 inches of benches.
Racquet/tennis and exercise club	One space for each two persons allowed within the maximum occupancy, as determined by the fire department; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this Section.



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5.21.B Minimum Off-Street Parking Requirements (continued)	
Use	Required Parking Spaces
Recreational (continued)	
Riding stables	One space per horse that could be kept at the stable when occupied at maximum capacity. Sufficient space shall be provided to accommodate trailers.
Offices	
Banks	One space for each 200 square feet of floor area. Stacking lanes for drive-thru [through] tellers shall be provided, as required in <a href="#">Section 5.21.A.11</a> .
Business offices or freestanding administrative offices, except as indicated below	One space for each 150 square feet of floor space.
Clinics, medical, dental and veterinary	One space for each 150 square feet of floor space.
Auto-related Uses	
Auto wash, hand or coin-operated	Four exterior waiting spaces at entry, plus two exterior drying spaces for each bay; plus one space for each employee.
Enclosed self-service two-door time charge car wash	Where all washing and drying operations are designed to take place within the building, four waiting spaces shall be provided for each bay, plus one space for each employee. A properly drained 50-foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
Auto wash, high speed	One space for each employee, plus 20 exterior waiting spaces at entry. A properly drained 50-foot long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
Auto service stations (gasoline and repair) and auto repair services, excluding heavy and major repair	In addition to a service space to be provided at each pump, the following additional requirements shall apply: three spaces for each service bay; one per employee; plus one per each 100 square feet of retail floor area.
Self-service gasoline stations (gasoline and convenience retail; no repair)	In addition to a service space to be provided at each pump, the following additional requirements shall apply: one space for each 100 square feet of retail floor area; plus one for each employee. A minimum of three shall be provided for each site.
Heavy and major auto repairs	Three spaces for each service bay. No wrecked vehicles to be parked or stored outside.
Quick oil changes	Four spaces per bay; plus one per employee at the peak shift; one per 200 square feet of floor area used for retail sales.
New and used vehicle sales establishments	One space for each 300 square feet of sales area; one for each 200 square feet of office area; and three for each service bay,



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5.21.B Minimum Off-Street Parking Requirements (continued)	
Use	Required Parking Spaces
<b>Commercial</b>	
Agricultural sales, greenhouses and nurseries	One space per employee, plus one space for each 100 square feet of actual permanent or temporary areas devoted primarily to sales, excluding growing areas.
Banquet/catering halls	One space for each two persons allowed within maximum occupancy, as determined by the fire department, plus one space per employee.
Beauty parlors/barber shops	Three spaces for the first two chairs, plus 1½ spaces for each additional chair; or one space for each 75 feet of floor area, whichever is less.
Composting	Three off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently use. The Township Board shall determine the number of additional parking spaces necessary based on the number of employees and the anticipated traffic that will be generated as proposed in the applicant's site plan and operational plan.
Dry cleaners	One space per each two employees, plus one space for each 150 square feet of floor area in the waiting area.
Funeral homes/mortuaries	One space for each 50 square feet of assembly room floor space, parlors and slumber rooms.
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One space for each 500 square feet of floor area. For that floor area used in processing or storage, one additional space shall be provided for each two persons employed within or each 1,000 square feet, whichever is greater.
Laundromats and coin-operated dry cleaners	One space for each two machines.
Motel, hotel or other commercial lodging establishments	One space for each occupancy unit, plus one space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified herein.
Open air businesses	One space for each 500 square feet of lot area used for retail sales, services and uses.
Outdoor storage	One parking space for each employee. Additional parking shall also be provided for customers.
Race tracks	one parking space for each five persons in attendance
Retail stores or shopping centers, except as otherwise specified herein, of 30,000 square feet or less	One space for each 200 square feet of floor area.
Retail stores or shopping centers, except as otherwise specified herein, greater than 30,000 square feet	One space for each 225 square feet of floor area.
Restaurants/Lounges (excluding fast-food or carry-out establishments)	One space for each 100 square feet of floor area, or one space for each two persons allowed within maximum occupancy, whichever is greater.
Restaurants – Fast-food and drive-ins	One space for each 150 square feet of floor area.
Restaurants – Carry-out only	One space for each 75 square feet of floor area.
Slaughterhouses, meat packing and animal rendering	One parking space for each one employee, computed on the basis of the greatest number of persons employed at any one period during the day or night. Additional parking shall also be provided for any required inspectors
Specialty shops	One space for each 200 square feet of floor space.



5.21.B Minimum Off-Street Parking Requirements (continued)	
Use	Required Parking Spaces
Industrial	
Industrial, wholesale or warehouse	One space per 800 square feet of floor area in the warehouse portion of the building, one space per 500 square feet in the manufacturing or assembly portion of the building, and one space for each 300 square feet of office area.
Office-Research	One space for each 300 square feet of floor area.
Mini-Warehouses or self-storage units	Two spaces for the residential caretaker's unit, plus one space per 50 square feet of floor area used for office purposes.

C. Off-street parking space layout standards, construction and maintenance. Wherever the off-street parking requirements in [Section 5.21.B](#) require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed, enlarged or altered, unless and until a permit therefore is issued by the building department [planning and zoning coordinator]. Applications for a permit shall be submitted as per the requirements of site plan review ([Section 6.1.C](#)).
2. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards and illustrations:
  - a. Off-street parking areas shall be designed with either a 90-degree, 60-degree, 45-degree, or parallel parking pattern. All spaces shall be laid out in the dimension of nine feet by 18 feet, with the exception of parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least 12 feet by 40 feet.
  - b. In any area where front-end parking abuts a curbed landscaped area at least five feet in width or a raised sidewalk at least seven feet in width with a raised curb of a maximum height of four inches, the minimum parking stall depth of 18 feet (as otherwise specified herein) may be decreased by up to two feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking

- setback or property line. The parking lot shall be curbed to prevent vehicles from encroaching into a setback or across a property line.
- c. Off-street parking areas shall be designed in accordance with the dimensional standards displayed on Parking Lot illustrations A through E. All required dimensions shall be measured from the face-of-curb (where applicable), with the exception of curb radii which shall be measured from the back-of-curb. The dimensions of the following parking lot elements shall conform to the applicable Parking Lot Illustrations:
  - (1) Parking space width (typically nine feet)
  - (2) Parking space length (typically 18 feet)
  - (3) Maneuvering aisle width (varies)
  - (4) End aisle width (24 feet for two-way traffic)
  - (5) Island radii (varies)
  - (6) Island width (typically nine feet)
  - (7) Island length (varies)
  - (8) Sidewalk width adjacent to parking spaces (typically seven feet minimum)
  - (9) Curb height of sidewalk or landscaped area adjacent to parking spaces (maximum four inches)
  - (10) Barrier-free space width (eight feet)
  - (11) Barrier-free access aisle width (five feet, or eight feet if van-accessible)



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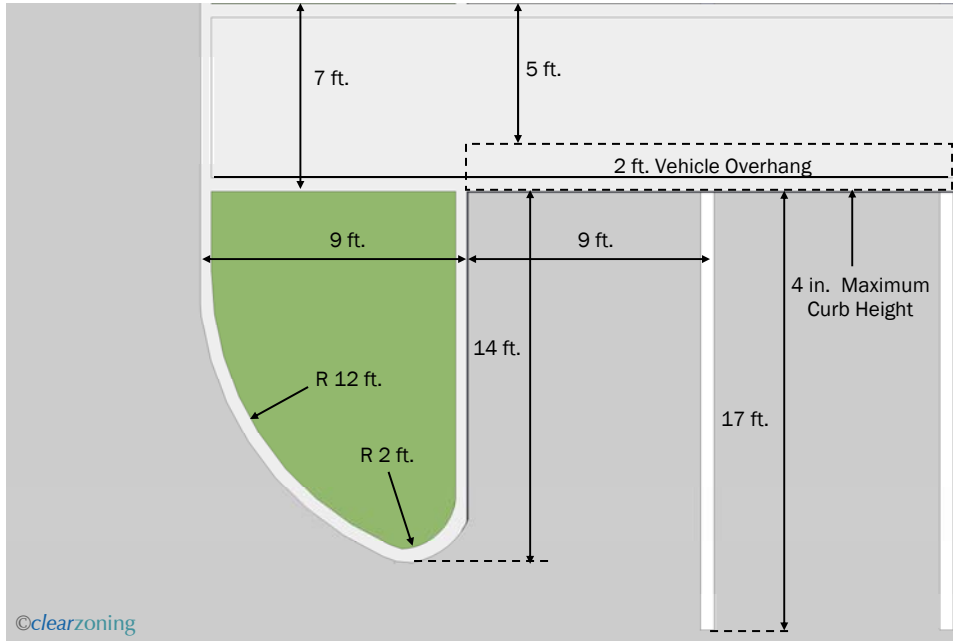
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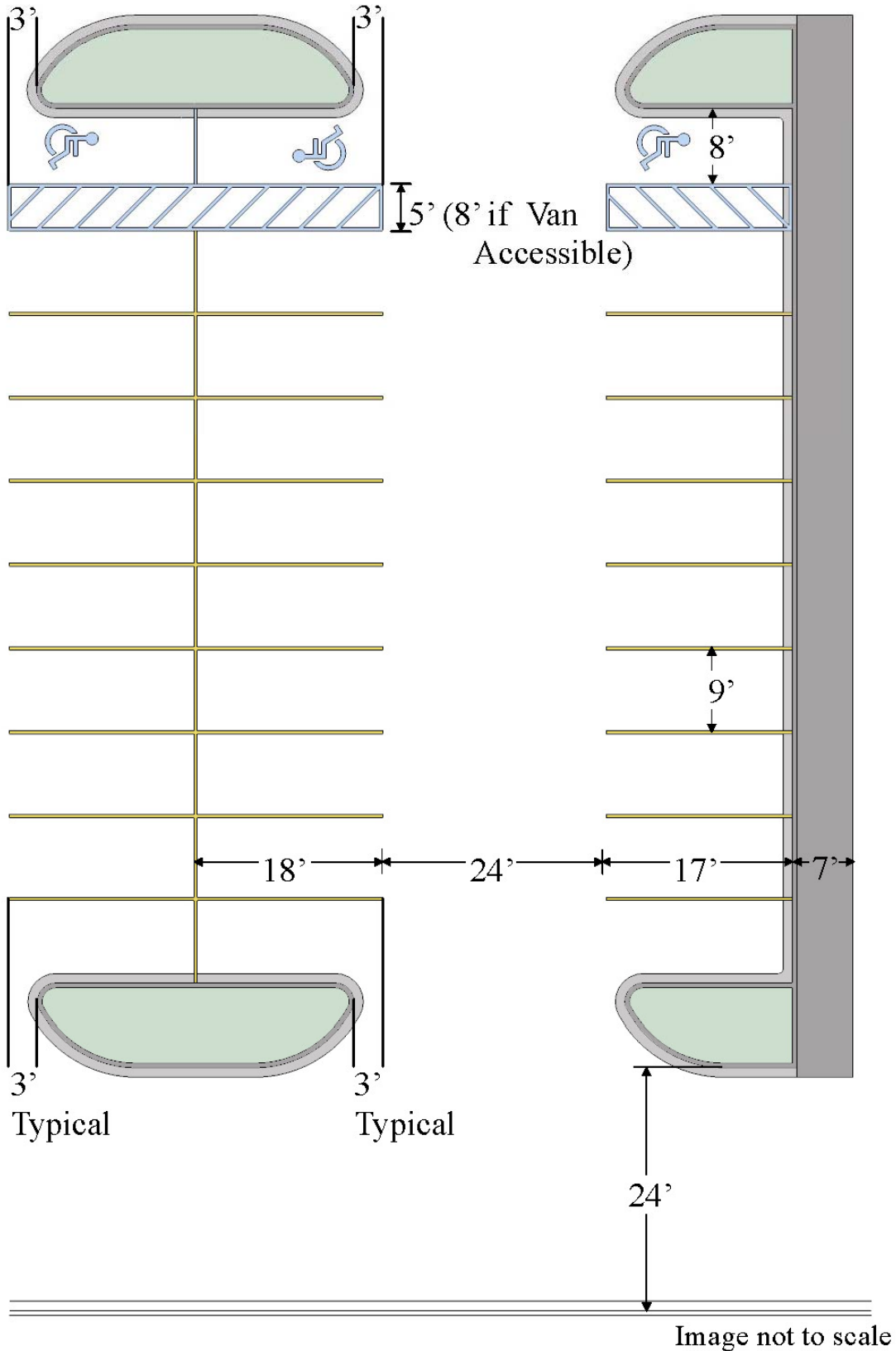
### PARKING LOT ILLUSTRATIONS A - PARKING SPACES ABUTTING SIDEWALK OR CURB



### PARKING LOT ILLUSTRATIONS B - PARKING SPACES ADJACENT TO END ISLAND



PARKING LOT ILLUSTRATIONS C - 90 DEGREE PARKING



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**PARKING LOT ILLUSTRATIONS D - 60 DEGREE PARKING**

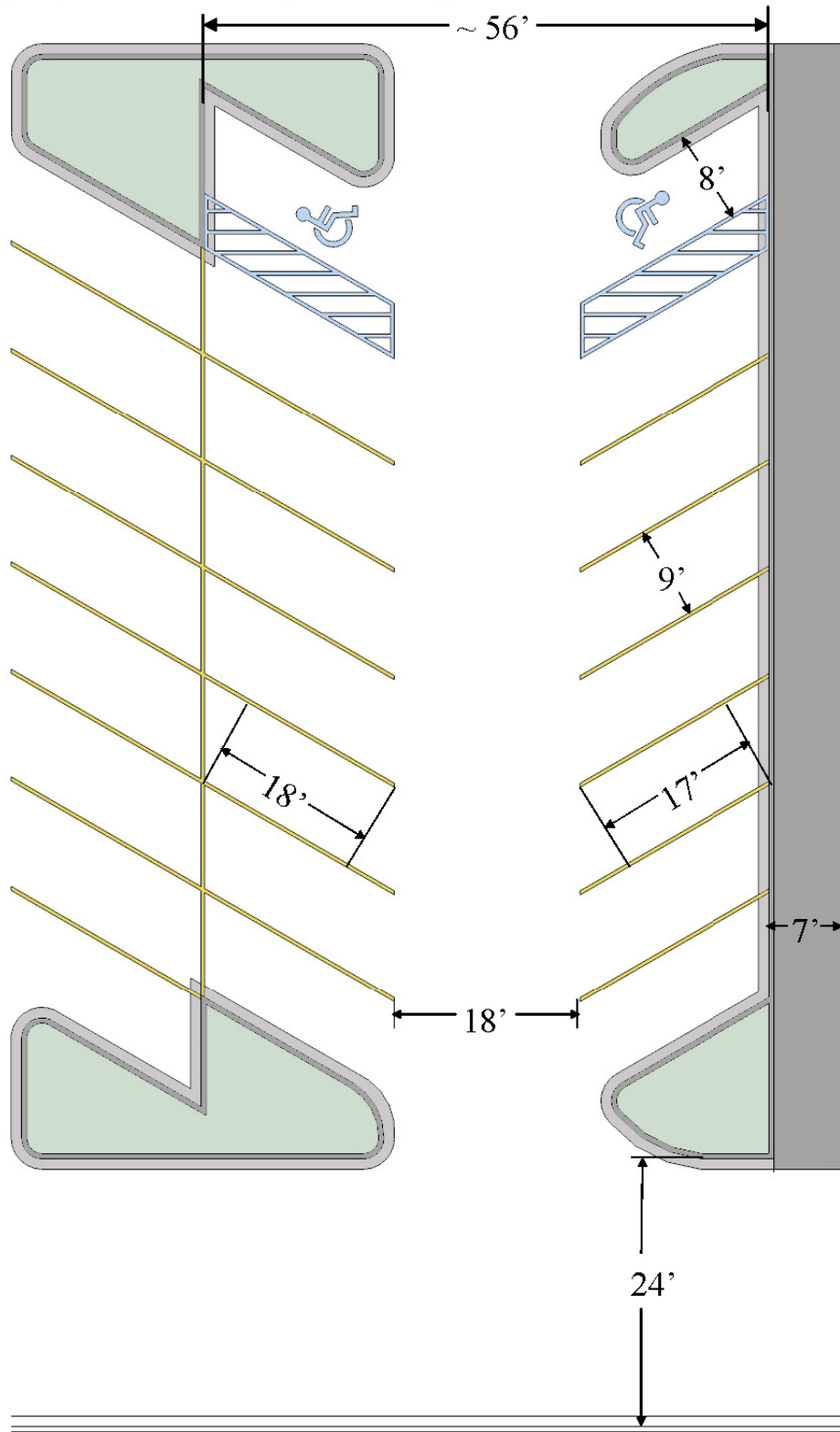


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PARKING LOT ILLUSTRATIONS E - 45 DEGREE PARKING

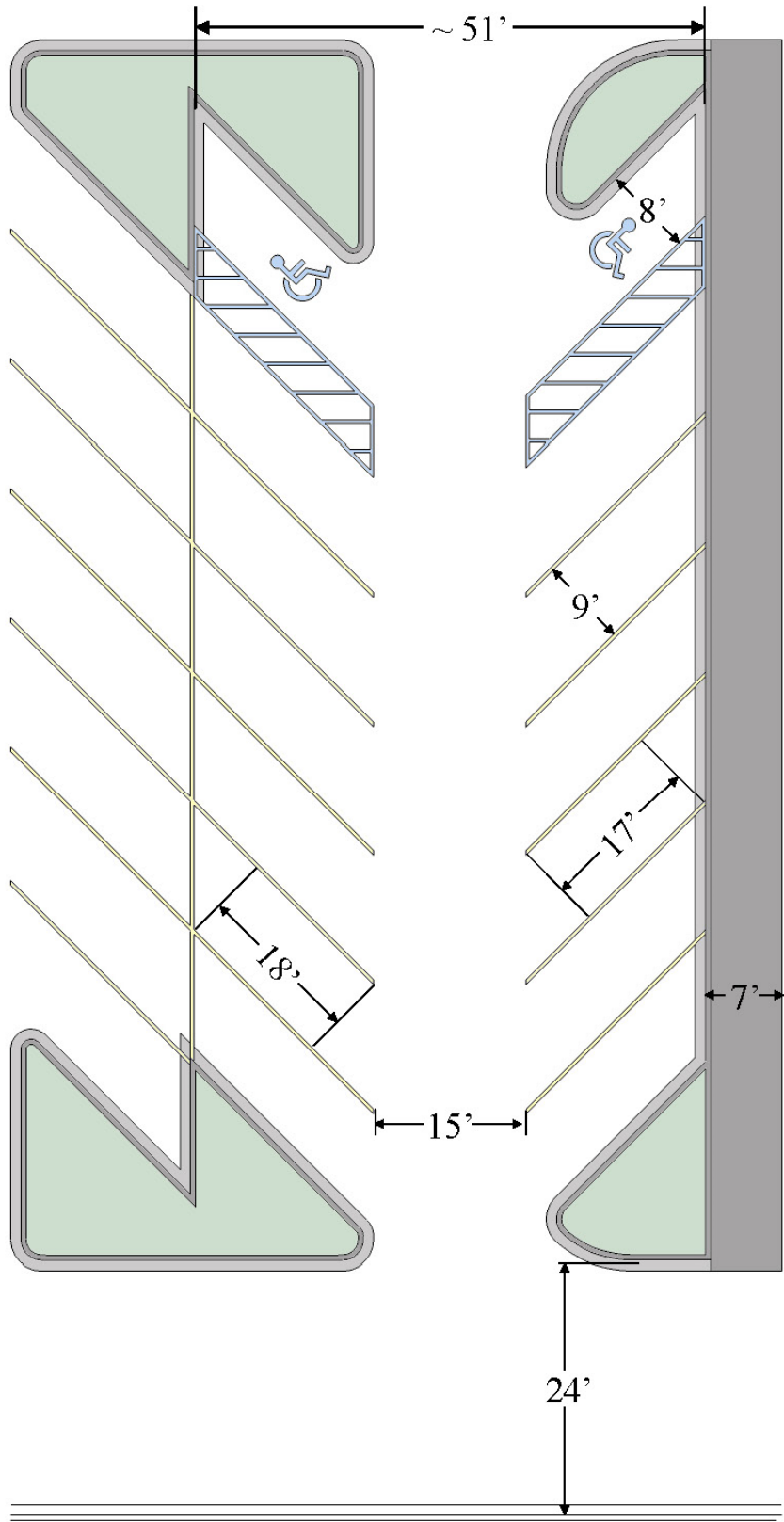


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- d. In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, landscaped end islands shall be required at the end of all parking bays. Landscaped end islands shall generally conform to the dimensional standards displayed in [Parking Lot Illustrations A through E](#) and the planting requirements of [Section 5.20](#). The Planning Commission may approve painted or raised-curb end islands in lieu of landscaped islands when it is demonstrated by the applicant that a landscaped island can not be accommodated, or it is determined by the Planning Commission to improve overall site design.
- 3. Handicapped spaces shall be furnished as required by federal law.
- 4. Parallel parking shall not be permitted.
- 5. All parking spaces shall be provided with adequate access by means of paved maneuvering lanes or driveway. Spaces shall not be designed to permit backing directly onto a street.
- 6. The entire parking area, including parking spaces, maneuvering lanes and drives required under this Section, shall be paved with asphalt or concrete surfacing in accordance with specifications of the Township Engineering Design Standards Ordinance of the Charter Township of Shelby Code of Ordinances. The Planning Commission may approve a non-paved gravel surface for an outdoor storage yard during site plan review. The minimum specification for a non-paved storage or parking area shall be eight inches of 21AA gravel unless a different standard is recommended by the Township engineer. Any gravel lot must be adequately maintained to provide a dust-free surface and adequate drainage. Unless a waiver is granted by the Zoning Board of Appeals for a specified period of time, the parking area shall be surfaced prior to the issuance of the certificate of occupancy for the building or buildings which it serves, or cash deposit or irrevocable letter of credit acceptable to the Charter Township of Shelby in an amount equal to 110 percent of the

- estimated cost of the improvement. Any improvements for which a letter of credit or cash deposit has been posted shall be installed by the end of the construction season following the posting.
- 7. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the Township Engineering Design Standards Ordinance.
- 8. Ingress and egress to a parking lot for non-residential purposes shall not be provided across land zoned for one-family or two-family residential purposes, except as provided in [Section 5.1](#). All such entrances and exits shall also be located at least 25 feet from any property zoned for one-family residential use.
- 9. Parking lot lighting shall meet the requirements of [Section 5.25](#).
- 10. The surface of the parking lot area, shall be maintained and kept free from weeds, rubbish, refuse and debris.
- 11. All parking serving other than one- or two-family dwellings shall be side-by-side. Tandem parking may be allowed for multiple-family developments provided that one parking space is located within an enclosed garage. Tandem parking to a depth of three cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessory by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this Section.
- 12. Except as otherwise provided in this Section, required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Off-street parking shall not be used for other than parking purposes or allowed to become unusable, except for temporary repairs. The storage of vehicles or merchandise in any off-street parking space is prohibited, except as permitted in conjunction with the principal or accessory use and sale of motor vehicles.



13. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner in a form satisfactory to the Township attorney and shall be recorded with the Macomb County Register of Deeds.
14. Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall be 30 feet in width. The number of driveways permitted for each site shall be determined by the Planning Commission as part of site plan review.
15. In making this determination, consideration shall be given to the following factors: the location of driveways on adjacent sites and across the street, turning movements and traffic volumes. The location of each such entrance and exit shall be submitted for approval to the Macomb County Road Commission or the Michigan Department of Transportation, as the case may be, and the Charter Township of Shelby. Tapers and bypass lanes shall be required, as determined by the appropriate agency.
16. Curbs, meeting the construction standards of the Township Engineering Design Standards Ordinance, shall be required. The use of bumper blocks is prohibited, except in such circumstances as determined by the Planning Commission where the site or development characteristics necessitate their use.
17. Whenever a parking lot abuts a residential lot, a side yard setback of ten feet shall be provided between the parking lot and the adjoining residential property line. The parking lot setback from the road shall not be less than the setback for the residential dwellings located on the same block as the parking lot. The front yard setback between the road and the parking lot shall be landscaped.

18. All parking lots abutting residential lots shall be screened as per the requirements of [Section 5.17](#).
  19. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked or stored in a parking lot as permitted in this subsection for a period of longer than 18 hours. It shall also be unlawful to park or permit to be parked any motor vehicle in such parking area between the hours of 12:00 midnight and 6:00 a.m. the following morning, unless the business maintaining such parking area remains open after midnight, in which case said lot shall be closed and all parked cars removed within 30 minutes after said business has closed. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises. The parking of vehicles accessory to the principal use of the site is exempt from this provision.
  20. No charge for parking shall be made in an off-street parking area provided under this subsection.
  21. The use of any outdoor loud noise-producing device or public address system shall be prohibited.
- D. Parking Structure and Carport Development Standards. It is intended that the provision of parking within structures or buildings shall serve to increase the value and convenience of related development and to enhance, rather than detract from, the appearance of the overall development. It is further intended that the provision of such facilities shall not negatively impact the safety and security of the public. All parking structures shall observe the layout, construction and maintenance requirements of [Section 5.21.C](#), plus the following additional standards:
1. Parking structures shall be physically integrated into the overall design and functioning of the site. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the principal building, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

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2. The design of multiple-level parking structures shall be subject to approval by the Planning Commission with respect to parking arrangement, circulation, accommodations for pedestrians, and the adequacy of ingress and egress with respect to safety and convenience.
3. Parking structures may be allowed in any multiple-family, office, commercial or industrial zoning district, subject to site plan review by the Planning Commission.
4. The development of parking structures shall be in accordance with safety and security requirements established by the Township building code.
5. Carports may be located on the side or rear lot line when part of an approved site plan. When carports are so located, they shall be part of an approved method of screening from adjacent properties.
6. No carport may be allowed to encroach into an existing easement.
7. No carport may exceed a maximum height of 14 feet, measured from grade to the peak of the structure.
8. Carports shall be screened on those sides facing any public right-of-way.

- D. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
- E. All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas ([Section 5.21.C](#)).
- F. In the office and commercial districts, no part of any loading or unloading area may be located closer than 45 feet to any rear property line adjacent to a residential district. Loading areas shall be screened from view of adjoining residences and from view of any adjoining road. Raised sidewalks at least five feet in width shall be provided adjacent to the building separating the building from the loading area.

**5.22 OFF-STREET LOADING AND UNLOADING**

The number, size and location of off-street loading and unloading areas shall be provided whenever it is determined by the Planning Commission that the nature of the building or use is such that loading areas would be necessary.

- A. All loading or unloading areas shall provide a minimum height clearance of 14 feet.
- B. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this Ordinance.

**5.23 SATELLITE DISH ANTENNAS AND OTHER AUDIO VISUAL ANTENNAS AND RECEIVERS**

Exterior audio-visual dish antennas or receivers (a "satellite-dish antenna") with a diameter of one meter or less located in residential districts and two meters or less in commercial or industrial districts are exempt from the height and placement requirements of the Zoning Ordinance. Satellite dish antennas exceeding these size standards shall comply with the regulations applicable to accessory buildings when located in a One-Family zoning district. In all other zoning districts, satellite dish antennas shall observe a side and rear yard setback of at least 20 feet to the property line. In no instance shall a satellite dish antenna be located in a required front yard setback. Said equipment shall also observe the required height limits applicable to the district in which they are located.



## 5.24 SIGN REGULATIONS

- A. Intent. The intent of these standards is to regulate the location, size, construction and display of signs to prevent conditions that may adversely impact public health, safety and welfare. These standards are further intended to recognize the legitimate needs of businesses for identification and informational purposes. The standards offered in this Ordinance are intended to promote traffic safety for pedestrians and motorists, avoid conflicts between different types of land uses, prevent the blighting impact created by an excessive number of under regulated signs and enhance the visual appearance of the Township. These broad community goals are accomplished by establishing the minimum regulations necessary to achieve the following objectives:
1. Enable the public to locate businesses or other uses without excessive difficulty or confusion by limiting the number, placement, and size of signs.
  2. Prevent the placement of signs that will conceal or obscure other signs or adjacent businesses.
  3. Keep the number of signs and sign messages at the level reasonably necessary to identify a business and its principal products and services.
  4. Provide signs that are in scale and proportion to their sites and buildings.
  5. Reduce visual distractions and obstructions to motorists.
  6. Recognize that the principal intent of commercial signs should be for the identification of an establishment on the premises. A secondary purpose of signs is to provide limited advertising of products and services and for seasonal promotional events.
  7. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
  8. Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to their surroundings.
  9. Restrict the use of portable and temporary signs except as necessary for promotional events.
10. Recognize that electronic changeable message signs are an increasingly important feature for many businesses. Electronic signs provide an effective mechanism for informing the public of goods and services as well as promoting sales or special events. The use of electronic signs will reduce the need for temporary signs which detract from the visual appearance of the community.
- B. Zoning district regulations. Except as otherwise provided herein, the following conditions, standards and regulations shall apply to all signs erected or located in the specified zoning district:
1. Residential districts. No sign shall be permitted in a residential zoning district, except in accordance with the provisions of this Section and the following standards:
    - a. Residential entrance identification signs. Residential entrance signs for single-family subdivisions, multiple-family developments and mobile home parks may be allowed subject to the following standards:
      - (1) Not more than two residential entrance identification signs may be allowed for each entrance to the development from a regional, major, secondary, collector, or local road. The maximum sign area shall be limited to 24 square feet per sign. Not more than one sign may be placed on each side of the principal street entrance to the site or within the entrance median/boulevard.
      - (2) Residential entrance signs may be placed on the wall of any landscaped entrance structures submitted as part of the approved landscaping plan for the residential development. The size of the sign shall be determined by measuring that portion of the sign reasonably encompassing the sign lettering and graphics.
      - (3) The maximum height of a freestanding, residential entrance identification sign shall not exceed seven feet. Columns, corner posts, and other architectural details of an entranceway structure shall not exceed ten feet in height.

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- (4) Residential entrance identification signs shall be symmetrical in appearance and be in character with the development and surrounding area in terms of size, bulk, and use of materials, as determined by the reviewing authority.
- (5) The developer, homeowners' association, or similar organization shall have responsibility for maintaining all residential entrance identification signs, structures, and landscaping. An agreement, in recordable form, providing for such maintenance shall be furnished to the Township attorney for review as part of the sign approval process, unless provided for in the covenants and restrictions recorded with the final plat or master deed.
- b. Mobile home parks. One sign, not larger than 32 square feet in area, for identification of the premises and use (without additional advertising), may be placed at the main entrance of the mobile home park. One sign, not larger than ten square feet, limited to the same identification contained on the entrance sign, may be erected at any secondary entrance to the mobile home park adjoining a public road. The identification signs shall be a part of a permanent decorative entranceway and shall be compatible with the surrounding area.
- c. Churches, schools and other public and semipublic uses.
  - (1) The maximum allowable sign area shall not exceed 48 square feet with a maximum height not to exceed seven feet.
  - (2) Signs for churches and schools may be allowed a changeable message board provided that the overall sign area does not exceed the 48 square feet standard noted above. Electronic message signs may be allowed for churches, public and private schools (K-12), colleges and government agencies. Continuous scrolling messages are not permitted. Messages shall not change at intervals less than 30 seconds.
- (3) These standards also apply to churches, schools and other public uses in all zoning districts.
- c. Setbacks. All residential signs shall be required to observe the setback standards of [Section 5.24.E.3](#).
- d. Real estate signs. Real estate signs in residential zoning districts shall observe the following standards:
  - (1) Real estate development signs. Real estate development signs may be allowed for any single family subdivision, multiple family development or mobile home complex subject to compliance with the standards provided below:
    - (a) The maximum allowable sign area is 48 square feet with a maximum height of ten feet.
    - (b) Not more than two signs may be allowed, one on each road frontage that the project abuts or one at each entrance. Real estate development signs shall not be constructed on any site prior to site plan or final site condominium approval by the Planning Commission or final preliminary plat approval by the Township Board.
    - (c) All development signs shall be confined to the site of the proposed development. Off-site signs placed at other locations are not permitted.
    - (d) Real estate development signs are allowed for a period of not more than two years. Extensions may be granted for additional 12 month periods of time if at least five percent of lots remain vacant and new homes are under construction.
    - (e) Not more than two flags may be installed at each entrance to the site or as part of the real estate development sign. Flags shall not be tattered, torn or weathered and must remain legible.



- (f) All real estate development signs must observe the setback standards of [Section 5.24.E.3](#).
  - (g) A permit from the planning and zoning department is required.
- (2) For sale or lease signs.
- (a) A single, nonilluminated for sale, rent, or lease sign may be allowed for any single-family lot or attached condominium unit provided that the sign does not exceed six square feet. The sign shall not be placed in the road right-of-way. Signs shall be removed no later than two weeks after the sale, rental or lease of the property.
  - (b) In addition, individual homeowners or their agents of homes in a mobile home park may place "For Sale" signs no larger than two square feet in area upon their lots or on their homes.
- (2) Model signs. Signs for detached single-family model units may be allowed subject to compliance with the following conditions:
- (a) The maximum allowable sign area shall not exceed 24 square feet with a maximum sign height of eight feet.
  - (b) All signs shall be placed at least ten feet from all property lines.
  - (c) Signs may be placed on a site as long as there are vacant lots in the subdivision that are being marketed or under construction.
  - (d) One model, open or builder flag may be placed on each model site. Flags shall not be tattered, torn or weathered and must remain legible.
  - (e) A permit from the planning and zoning department is not required for model signs or flags.
- (4) Accessory signs. Accessory signs no larger than two square feet in area such as no trespassing, garage sale, alarm/security, and animal warning signs may be permitted in any residential zoning district provided that said signs do not exceed a total combined area of more than six square feet, per residential lot or parcel.
- (5) Directional signs. Signs for providing directions for open houses or garage sales may be permitted with the permission of the owners of the property on which the sign is located. Directional signs shall be removed daily at the close of the open house or garage sale.
2. Office, commercial and industrial districts. No sign shall be permitted in any office, commercial or industrial zoning districts, except in accordance with the following standards:
- a. Maximum number of signs. The number of signs allowed at each site shall be limited as follows:
    - (1) Single-tenant buildings. One wall sign and one ground-mounting sign may be approved for each business occupying its own site. Freestanding buildings on corner sites with frontage on two roads may be allowed a second wall sign. The size of the second sign shall not exceed the maximum sign area allowed for the principal sign.
    - (2) Double-tenant buildings. If a building occupies a single site and has two tenants with separate businesses, the site may be permitted one ground sign/monument and two wall signs.
    - (3) Secondary tenants. Buildings with secondary tenants without a separate entrance may be allowed additional wall signage for the purpose of identifying the occupant. The maximum size of the sign shall not be more than 16 square feet. Not more than two secondary tenant signs may be allowed per establishment.

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- (4) Sign style. Whenever two or more wall signs are permitted on the front face of the building, the style of sign shall be of a similar design and character.
  - (5) Rear elevation signs. Single or multi-tenant buildings that back-up to existing retail centers may be allowed a secondary wall sign on the rear elevation of the building for identification purposes. The size of the wall sign shall not exceed 16 square feet. The style of sign shall be consistent with the approved sign plan for the remainder of the retail center.
- b. Shopping center signs. Signs for buildings with more than three tenants shall conform to the following standards:
- (1) Number of signs. Shopping centers or freestanding businesses with access to a single road shall be permitted not more than one ground identification or directory of tenant sign. A shopping center with access to a second major or secondary road may be allowed two ground signs, one on each road frontage that the property abuts. The size of the signs shall be based on the schedule of ground sign regulations.
  - (2) Sign plan. Signs for individual tenants in shopping centers or any multiple-tenant building shall be uniformly designed and comply with the overall design plan for the center. A sign plan shall be submitted to the planning and zoning department prior to the approval of any individual tenant signs. The sign plan shall specify the type and style of sign permitted in the center.
  - (3) Directory of tenants. A directory of tenants shall be permitted for any shopping center or office complex with multiple tenants. All directories of tenant signs shall be integrated with the overall design for the center as a whole.
  - (4) Wall signs. Only one wall sign shall be permitted for each tenant in a shopping center. Tenant spaces at corner locations fronting more than one access road may be allowed a second wall sign. The size of the second sign shall not exceed the maximum sign area allowed for the principal sign.
- c. Ground signs. The principal business identification sign located on the road for any office, commercial, or industrial use shall be a ground sign. Pylon signs shall not be permitted.
- d. Setbacks. All office, commercial and industrial signs shall observe the setback requirements specified in [Section 5.24.E.3](#).
- e. Schedule of area and height of ground signs. All freestanding ground signs allowed in office, commercial and industrial zoning districts shall conform to the following standards:





**Table 5.24.B.2.e Schedule of Maximum Area and Height of Ground Signs**

Speed Limit (mph)	Number of Traffic Lanes			
	Two		Four	
	Area Per Side (square feet)	Height in Feet	Area (square feet)	Height in Feet
<b>O-1/O-2 and C-1 Districts</b>				
25–30	20	12	30	12
35–40	30	12	54	12
45–50	45	12	76	12
<b>C-2/C-3/C-4/LM and HM Districts</b>				
25–30	25	12	40	12
35–40	40	12	75	12
45–50	65	12	110	12

- f. Real estate development signs. Real estate development signs may be allowed for each new office, commercial or industrial site identifying the name of the project, architect, engineer, contractor or anticipated opening date subject to compliance with the following conditions:
  - (1) The maximum allowable sign area is 48 square feet with a maximum height of ten feet.
  - (2) One sign may be allowed for each road frontage that the project abuts or each entrance.
  - (3) Real estate development signs shall not be constructed on any site prior to site plan approval by the Planning Commission.
  - (4) All development signs shall be confined to the site of the proposed development. Off-site signs placed at other locations are not permitted.
  - (5) Real estate development signs are allowed for a period of not more than two years. Extensions may be granted for additional 12-month periods of time as determined by the planning and zoning department.
  - (6) All real estate development signs must observe the setback standards of [Section 5.24.E.3](#).
- (7) A permit from the planning and zoning department is required.
- g. For sale or lease signs. Signs indicating the sale or lease of nonresidential buildings or land may be allowed subject to the following conditions:
  - (1) The maximum allowed sign area is 24 square feet for retail and office sites and 32 square feet for industrial sites.
  - (2) The sign placement may encroach into the required front yard setback provided that it does not encroach into the road right-of-way and is located outside of the 25-foot clear vision triangle formed by the road right-of-way and site entrances and exits.
  - (3) Signs must be removed once the building is sold or leased.
  - (4) For multiple tenant buildings, the signs must be removed once the building is 100 percent leased.
  - (5) Lease signs for existing retail centers that have vacant tenant spaces may be approved as a temporary sign by the planning and zoning department.



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- (6) Permanent lease sign information may be included as part of a shopping center identification sign. The allowable sign area specified in the schedule of ground sign regulations may be increased by not more than 20 percent to accommodate this additional information.
  - (7) A sign permit is not required except for temporary lease signs for existing shopping centers as specified above.
  - (8) One lease sign not to exceed 16 square feet may be placed in the window of any vacant unit in a multiple tenant building.
  - (9) A permanent shopping center information sign may be allowed on the site not to exceed 16 square feet and subject to the setback requirements referenced above.
- h. Directional signs. Directional signs may be permitted provided that they are necessary to the safe and convenient flow of traffic at the site. Accessory signs providing information not necessary for directing traffic on the site are not allowed as directional signs. The maximum allowable area of any single sign shall not exceed four square feet. The size of the directional signs may be increased with the approval of the planning director if it is determined that the size is not out of scale with the site as a whole and if the increased size is necessary to direct traffic on the site. The number of signs permitted shall be determined based on the number of driveways and the arrangement of the parking lot and any drive-through lanes on the site. Directional signs shall not include advertising. Business logos may be permitted. Directional signs may be illuminated.
- i. Gasoline station signage. Gasoline price signs may be permitted as part of the allowable sign area for any gasoline station. Signs on pump islands identifying self- or full-service options may be permitted provided that there are no more than two such signs for each island and that no individual sign shall exceed four square feet in area. Signs advertising products or services available at the gas station are not permitted. Signs for secondary tenants may be allowed provided the total sign area requirements of [Section 5.24.B.2.a.\(2\)](#) are observed.
  - j. Open and closed sign. A single "open" or "closed" sign may be allowed for each business establishment, provided that such sign does not exceed more than three square feet in area. Such signs may be illuminated.
  - k. Window signs. Window signs or window graphics may be permitted for each individual business establishment provided that they do not exceed more than 50 percent of the total window area of a single building or individual unit of a multiple-tenant building.
  - l. Menu board signs may be allowed for fast food restaurants with a drive thru lane. The number and size of menu board signs shall be determined by the planning director based on the size of the site and the vehicle circulation pattern.
  - m. Professional Office (O-1) and Office Service (O-2) districts. No sign shall be approved in an office zoning district except in accordance with the regulations of this Section and the following standards:
    - (1) The height and area of the permitted ground sign shall be regulated by part I of the schedule of ground sign regulations.
    - (2) The maximum size of a single wall sign identifying the name of the office building shall not exceed 24 square feet.



- (3) If tenants have a separate entrance from the exterior of a building, a single identification sign may be placed over the entrance. Said sign shall not exceed six square feet in area. A uniform sign plan shall be provided for the office complex, and approved by the reviewing authority.
  - (4) A directory of tenants may be approved provided that the area of the sign does not exceed the standard specified in the schedule of ground sign regulations and subject to the standards for tenant directory signs listed in [Section 5.24.B.2.b\(3\)](#).
- n. Local Retail Business zoning districts (C-1). No sign shall be approved in a Local Retail Business zoning district, except in accordance with the provisions of this Section and in accordance with the following:
- (1) For uses located on individual sites, the wall sign shall not exceed 50 square feet, and the ground sign shall conform to height and area regulations of part I of the schedule of ground sign regulations.
  - (2) For uses grouped in shopping centers or office complexes, the wall sign shall not exceed 32 square feet. Individual shopping center tenants occupying multiple units may be allowed up to 50 percent of the maximum size of a sign for each unit, or 20 linear feet of storefront, whichever is greater. A listing of occupants of the shopping center or complex may be approved as part of the ground sign by specific approval of the reviewing authority within the height and area requirements of part I of the schedule of ground sign regulations.
- o. Linear Retail, Shopping Center and General Business zoning districts (C-2, C-3, and C-4). No sign shall be approved in a Linear Retail, Shopping Center or General Business zoning district, except in accordance with the provisions of this Section and in accordance with the following:
- (1) For individual sites, the wall sign shall not exceed 50 square feet.
  - (2) For uses grouped in shopping centers, the wall sign shall not exceed 32 square feet. Individual shopping center tenants occupying multiple units may be allowed up to 50 percent of the maximum size of the sign for each unit or 20 linear feet, whichever is greater.
  - (3) Height and area of ground and pylon signs shall be regulated by part II of the schedule of ground and pylon sign regulations.
- p. Multi-Use zoning district (C-5). No sign permits shall be approved in a Multi-Use zoning district, except in accordance with the provisions of this Section and in accordance with the following:
- (1) Each freestanding building or shopping center shall be allowed one wall sign. The maximum size of each wall sign shall be equal to one-half square foot for each foot of setback from the centerline of street or road abutting the site.
  - (2) One ground sign may be permitted for each individual project within the C-5 district. The height and area of the ground sign shall be regulated by part II of the schedule of ground sign regulations.
- q. Industrial districts. No sign shall be approved in industrial zoning districts, except in accordance with the provisions of this Section and the following:
- (1) Signs for permitted retail use shall be regulated as if it was erected in a Linear Retail Business district (C-2).



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- (2) Each single tenant industrial building allowed in the LM (Light Manufacturing) or HM (Heavy Manufacturing) districts shall be allowed one ground and one wall sign. One employment bulletin board not exceeding 16 square feet may also be permitted. The wall sign shall not exceed 50 square feet. The height and area of the ground sign shall be regulated by part II of the schedule of ground sign regulations. If a building occupies a site and has multiple tenants, the site may be allowed one ground sign. One wall sign per tenant may also be allowed subject to the size requirements referenced above.
- (3) A listing of occupants of a multitenant industrial building may be approved as part of the ground sign by specific approval of the reviewing authority within the height and area requirements for such sign.
- (4) Multi-tenant buildings. Buildings with multiple tenants may be allowed individual wall signs for each tenant up to a maximum area of 32 square feet. Individual industrial tenants occupying multiple units may be allowed up to 50 percent of the maximum size of a sign for each unit, or 20 linear feet of storefront, whichever is greater.
- (5) Outdoor advertising signs may be approved only within a Heavy Manufacturing zoning district (HM) which abuts a freeway or portion of an interstate highway system, subject to the following:
  - (a) Such signs shall not have any mechanical movement and shall not be a flashing, animated or moving sign.
  - (b) Such signs shall not exceed 25 feet in height from a finished grade.
  - (c) Such signs shall not exceed 300 square feet.
  - (d) Such signs shall not be located within 1,500 feet of another such sign.
  - (e) Such signs shall not be located within 500 feet of an interchange, an intersecting street, road or highway crossing on the same side of the highway, nor within 500 feet of the zoning district boundary.
  - (f) Such signs shall not be located within 50 feet of the freeway right-of-way line.
  - (g) The spacing requirements apply separately to each side of the freeway or interstate highway system and shall be measured along the nearest edge of the pavement of the freeway or such system between points directly opposite each sign.
  - (h) Official and on-premises signs, as defined in 23 USC 131(c), shall not be counted nor shall measurements be made from such signs for purposes of determining compliance with the spacing requirements provided in this subsection.
- r. Changeable message signs (electronic and non-electronic).
  - (1) Changeable message signs may be allowed in the following zoning districts: C-1, Local Retail; C-2, Linear Retail; C-3, Shopping Center; C-4, General Retail; C-5, Mixed-Use; LM, Light Manufacturing and HM, Heavy Manufacturing.
  - (2) The size and height of any sign with a changeable message component shall not exceed the standards established for the zoning district in which the sign is located as referenced in [Section 5.24.B.2.e](#).
  - (3) The changeable message component of the sign shall not exceed 50 percent of the total sign area.
  - (4) The electronic message or image shall not change more frequently than once every eight seconds. Changes between messages shall be accomplished within one second or less.



- (5) The sign shall not contain full motion video or moving images.
- (6) The image or message shall not flash or scroll vertically or horizontally. Flashing, blinking or other visual effects are prohibited.
- (7) The LED of the electronic message board shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls. The applicant shall also provide documentation that the sign conforms to UL rating standards.
- (8) The sign shall have automatic dimming capabilities that adjust to the brightness of the sign to the ambient light levels at all times of the day and night.
- (9) The owner of an electronic message sign shall allow the Township to use the sign message board to communicate emergency public service information approved by the Township relating to disasters or emergencies.
- (10) No electronic sign shall create glare, or have characteristics that impair the vision of motorists, or create a nuisance for surrounding parcels.
- (11) Electronic message signs displayed at sites with multiple tenants shall be available to all of the tenants located at that particular site.
- (12) Sites utilizing electronic message signs shall be prohibited from using freestanding temporary signs or banners or any signs displayed on vehicles.
- (13) Non-electronic changeable message signs may be allowed subject to the height and area standards referenced above. The changeable message component of the sign must be incorporated into the design of the principal sign. Lettering used on the sign must be uniform in appearance and properly maintained.

- C. Exempt signs. The following signs shall be allowed without a sign permit being issued, provided that such signs shall conform to the regulations specified in this Section:
  - 1. Agricultural sales signs. Two temporary, nonilluminated signs not exceeding 16 square feet each. Each may be permitted for each site selling produce grown on the site.
  - 2. Name plates and house numbers. Name plates and house numbers not exceeding two square feet in size. Memorial signs, monumental citations, historical or commemorative markers or tablets shall not exceed two square feet in size.
  - 3. Noncommercial signs. Noncommercial signs containing noncommercial messages, such as those designating the location of public telephones, restrooms, no smoking signs and restrictions on building entrances provided that such signs do not exceed two square feet in area.
  - 4. Parking lot signs. Parking lot signs indicating restrictions on parking, when placed within a permitted parking lot, not to exceed six feet in height and not to exceed three [square] feet in area.
  - 5. Regulatory, directional and street signs. Regulatory, directional and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices.
  - 6. Flags. Flags bearing the insignia of any governmental or nonprofit organization provided that they are not displayed in connection with a commercial promotion or as an advertising device.
  - 7. Small accessory signs. Any accessory sign erected on a premise [premises] which is no more than two square feet in area, such as no trespassing signs, and signs warning of animals. The total area of all small accessory signs on premises shall not exceed eight square feet.
  - 8. Government signs. Government signs erected by, on behalf of or pursuant to the authorization of a government body including legal notices, informational signs, directional or regulatory signs.

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9. Political signs. Political signs shall not encroach into any road right-of-way nor shall they be attached to any utility poles or trees. All political signs shall observe the setbacks of this Section. No political sign shall be erected more than 45 days prior to an election and shall be removed not more than three days following an election. Approval of the property owner shall be required prior to the placement of a political sign on any site.
- D. Prohibited signs. The following signs shall be prohibited in any district in the Township.
1. Awnings and canopies. Awnings and canopies may be used for signs provided that the design of these structures is architecturally compatible with the building and consistent with the standards of [Section 3.33.A.1.b\(9\)](#) and [Section 5.27](#). Awnings and canopies may not be used for signage in a shopping center or office building with multiple tenants unless they are part of the approved sign plan for the center. Awning or canopy signs shall be considered a wall sign for the purpose of determining the maximum number of wall signs and the allowable sign area.
  2. Exposed neon. Exposed neon may not be used to outline buildings or accent building features. Exposed neon may only be used for small accessory window signs that emphasize products and services. Neon open and closed signs may also be permitted. The maximum allowable size of neon accent signs is four square feet.
  3. Painted signs. Signs painted directly into any exterior building wall.
  4. Projecting signs. Signs projecting above the roof of a building, or more than 18 inches from a building wall except as modified elsewhere in this Zoning Ordinance.
  5. Inflatable signs. The use of inflatable objects for temporary or permanent signage purposes.
  6. Moving signs. Signs that revolve or are animated or that utilize movement or apparent movement to attract attention, except signs indicating the time, date, or temperature and electronic changeable copy signs for uses permitted under [Section 5.24.B.1.c\(2\)](#) and approved electronic message signs.
  7. Flashing signs. Signs which are illuminated by or in any manner incorporate lights that flash, twinkle, move or give the appearance of movement. Time and temperature signs shall be exempt from this prohibition. Electronic changeable copy signs for uses permitted under this Ordinance are also exempt from this provision.
  8. Banners and streamers. Exterior banners, pennants, spinners, other than a banner pennant approved as a temporary sign.
  9. String lights. Exterior string lights used in connection with commercial premises, other than holiday decorations which shall be removed within 15 days after the holiday.
  10. Utility poles and landscaping. Any sign erected on a utility pole, directional signpost, or landscaping including trees. Prohibited signs shall not include street signs erected or approved by the Township, county, state or federal government or a public transit agency.
  11. Business no longer existing. If the owner fails to remove the sign, the Township shall serve written notice upon the owner. The notice shall include a demand that the sign be removed within 180 days thereof. If the owner fails to remove the sign, the Township shall remove the sign at the owner's expense, the actual costs and expenditures including administrative expenses and attorney fees, incurred by the Township as a result of the removal, shall be at the expense of the owner and such cost and expenditures shall be assessed against the property and become due, be collected and be returned for nonpayment in the same manner, and at the same time, as ad valorem property tax levies of the Township. The removal of the sign by the Township shall not constitute a taking of the sign nor vest in the public any additional rights.
  12. Motor vehicle signs. It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign, for more than 72 hours if on private or public property for the purposes of advertising a business or products or for the purpose of directing people to a business or business activity. For the purpose of this subsection, a motor vehicle shall be defined as a sign measuring more than two square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor driven or not.



a. Presumption. There shall be a presumption that subsection 12, above has been violated if the motor vehicle sign is visible from the street and one or more of the following circumstances exists:

- (1) The motor vehicle is attached to a vehicle or trailer that is unregistered or not operable;
- (2) The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
- (3) The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
- (4) The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard", as such terms are defined in [Section 2.2](#) of this Zoning Ordinance, that abuts a street, when there are other areas of the property designed or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
- (5) The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within 50 feet of a street when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.

b. Rebuttal presumption. The presumption set forth in subsection a above, may be rebutted by evidence showing all of the following:

- (1) The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;

- (2) The activities in subsection (1) above, are being actively undertaken during such periods of parking;
- (3) The activities in subsection (1) above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and
- (4) The activities in subsection (1) above, are not, other than incidentally, related to advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location.

13. Changeable message signs. Signs with changeable messages and removable letters except for churches, schools, public buildings, gasoline price signs, or other similar uses approved by the planning and zoning department.

14. Off-site/nonaccessory signs. All signs shall pertain to the use of the property on which they are located. Off-site or nonaccessory signs shall not be allowed except for billboards as regulated in [Section 5.24.B.2.q\(5\)](#). Non-accessory signs include those advertising businesses, services and other functions that are not located on the same parcel as the principal business that they advertise.

15. Other prohibited signs. Other prohibited signs include snipe and bandit signs, sign walkers and search lights or illuminated beacons.

E. General regulations. The following regulations shall be applicable to signs in any zoning district.

1. Time and temperature signs. Time and temperature devices may be approved in all commercial and industrial zoning districts provided that they are designed as an integrated features of the approved wall or ground sign.



2. Garage sale signs. Garage sale signs with a maximum area of four square feet and a maximum height of four feet are permitted when located on the property where the event will occur or on private property with that property owner's consent. Such signs must be removed immediately following the event they describe.
3. Setbacks. Setbacks shall observe front and street-side setbacks as measured from centerline of each road right-of-way as designated by the Master Plan as follows:

5.24.E.3 Required Setbacks from Centerline of Road	
Road Classification	Distance from Centerline In Feet
Major Arterial (204-foot right-of-way)	112
Major Arterial (150-foot right-of-way)	85
Arterial	70
Minor Arterial	70
Collector	53
Local (industrial)	45
Local (residential)	40
Cul-de-sac	70
Private roads	40
Freeways *	50 (A)
Notes to Table	
* As measured from edge of the approved right-of-way line	

All signs shall be located outside of a 25-foot clear vision triangle measured along any abutting road right(s)-of-way and/or driveways to the site.

Temporary signs may encroach into the required front yard setback as noted above, provided that they observe the 25-foot clear vision triangle and do not encroach into any existing road right-of-way.

4. Addresses. For identification purposes, all businesses shall prominently display their addresses on the permitted ground sign. All street addresses shall be large enough to read from the street. All numbers shall contrast with the surface they are applied to and shall be mounted high enough to be visible from the street and shall not be obstructed from view by any site landscaping. In the case of shopping centers with individual tenants, address ranges for the tenants shall be provided. Addresses shall not be included in the area of the measurements of the sign.
  5. Information. Wall or ground signs shall be permitted to display the name of the business and a brief description of the products or services offered by the business. Telephone numbers and logos or graphics may also be included.
- F. Nonconforming signs
1. Intent. It is the intent of this Section to encourage eventual elimination of signs that as a result of the adoption of this Section become nonconforming, to administer this Section to realize the removal of illegal nonconforming signs, and to avoid any unreasonable invasion of established private property rights.
  2. Lawful existing signs. Any sign lawfully existing at the time of this Section which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.
  3. Continuance. A nonconforming sign shall not:
    - a. Be increased in size or altered in such a way to result in another nonconforming sign;
    - b. Be relocated;
    - c. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination;





- d. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12-month period, would be more than 50 percent of the cost of an identical new sign. If deemed necessary by the building official, the cost of an identical new sign shall be determined as the average of no less than three cost estimates obtained from three contractors.
  - e. Be altered unless the alteration or reconstruction is in compliance with the provisions of this Section. For the purpose of this Section only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the base line; or changing electrical wiring or devices, backgrounds, letters, figures, or characters.
4. Termination of business. Nonconforming signs and sign structures shall be removed or made to conform within 180 days of the termination of the business or use to which they are accessory. If the owner fails to remove the sign, the Township shall serve written notice upon the owner. The notice shall include a demand that the sign be removed within 180 days thereof. If the owner fails to remove the sign, the Township shall remove the sign at the owner's expense, the actual costs and expenditures including administrative expenses and attorney fees, incurred by the Township as a result of the removal, shall be at the expense of the owner and such cost and expenditures shall be assessed against the property and become due, be collected and be returned for nonpayment in the same manner, and at the same time, as ad valorem property tax levies of the Township. The removal of the sign by the Township shall not constitute a taking of the sign nor vest in the public any additional rights.
5. Change of property. If the owner of a sign or the premises on which a sign is located changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Section.
- G. Temporary signs. Temporary signs may be permitted for the following:
- 1. When a business lacks a permanent sign, or for new businesses.
  - 2. For a change of use of the premises.
  - 3. For a change in the basic services or products offered at the site.
  - 4. All temporary signs shall observe the setback standards of [Section 5.24.E.3](#).
- H. Application review procedures. The planning director or his/her designee shall have the sole authority to approve or deny applications for temporary or permanent signs. The planning director or his/her designee shall review the application for conformance with the requirements of this Section and all other provisions of the Zoning Ordinance. The planning director may refer any application for sign approval to the Planning Commission for their review. Planning and zoning department approval is not required for the refacing of existing signs provided that there are no changes to the size, height, placement or structure of the sign on the site. The application shall be either approved or denied within a reasonable time frame as follows:
- 1. Any application for a permanent and/or temporary sign shall provide the following information:
    - a. A sketch plan drawn to scale, illustrating the location of all existing and proposed structures, abutting streets, parking lots and driveways serving the site.
    - b. A sign sketch or drawing of the proposed sign(s) which shall include all of the following information:
      - (1) Height of the sign above finished grade.
      - (2) Surface of the sign (material, color and dimensions).
      - (3) Area of the sign surface.
      - (4) Lettering of the sign, neatly printed in the size and weight substantially approximating the style of that which will appear on the sign.
      - (5) Method and color of illumination, if any.
      - (6) Logos, emblems and all additional features.

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- (7) Applications for wall signs shall also include a drawing of the total building wall area upon whose face the sign will be displayed.
- (8) Such additional information and details as the planning director deems necessary and/or pertinent to the application.
- 2. Applications for residential entrance way signs shall include the following additional documents and information unless otherwise provided as part of the final plat or final condominium approval:
  - a. A description of the property interest of the applicant and any other parties in interest to the site where the residential entrance way will be located.
  - b. Evidence, satisfactory to the Township attorney, of the right to construct such entrance way sign on the site.
  - c. Existing or proposed sign and landscape easement(s) for the residential entrance way.
  - d. Existing or proposed residential entrance way construction and maintenance agreement.

Applications for residential entrance signs shall be submitted and reviewed separately from the subdivision or site plan review process.
- 3. Application review process. The planning director shall have the sole authority to approve or deny applications for temporary or permanent signs. The planning director shall review the application for conformance with the requirements of this Section and all other provisions of the Zoning Ordinance. The planning director may refer any application for sign approval to the Planning Commission for their review. The application shall be either approved or denied within a reasonable time frame as follows:
  - a. Sign applications that conform to all applicable Zoning Ordinance standards shall be approved.
  - b. All applications for sign permits that are incomplete or do not meet the requirements of this Ordinance shall be denied.

- c. An approval of sign permit may be conditioned upon compliance with reasonable conditions or limitations having regard to the character of the sign, the surroundings in which it is to be displayed, and the purposes of this Ordinance.
- d. Approved applications for permanent signs shall be reviewed by the Township building department for conformity with all building codes in effect in the Township, and if in compliance therewith, the building director shall issue the appropriate sign and building permit.

**5.25 LIGHTING**

- A. Intent. The intent of this Section is to regulate outdoor lighting to establish appropriate minimum levels of illumination, prevent unnecessary glare, reduce spillover onto adjacent properties, prevent nuisances for abutting residential neighborhoods and reduce unnecessary transmission of light into the night sky.
- B. Submission requirements. Specifications for outdoor lighting shall be provided for all uses requiring site plan review by the Planning Commission. In addition to the information required for site plan review as specified in [Section 6.1.C](#) of the Zoning Ordinance, the following additional lighting details shall be provided:
  - 1. Specifications for all proposed and existing lighting fixtures, including
    - a. Photometric data.
    - b. Fixture height.
    - c. Mounting design.
    - d. Glare control devices.
    - e. Type and color rendition of lamps.
    - f. Hours of operation.
  - 2. A photometric plan illustrating the levels of illumination at ground level. The photometric plan shall specify minimum, maximum and average illumination levels for those portions of the site being illuminated.
  - 3. Building elevations illustrating portions of walls to be illuminated.



C. Review standards. The Planning Commission shall consider the following standards for the review of outdoor lighting during site plan review:

1. Whether the lighting is designed to minimize glare.
2. Whether the light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets.
3. Whether the plan will achieve appropriate levels of illumination for the proposed use including safety and security.
4. Whether the lighting will cause negative impacts on adjacent residential districts and uses.
5. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties.

D. Required conditions. When a site plan is required for the installation or modification of exterior lighting, the following conditions shall apply:

1. Parking lot light fixtures shall not exceed a maximum height of 20 feet. Unshielded pedestrian light fixtures shall not exceed a maximum height of ten feet. The Planning Commission may modify these height standards in commercial and industrial zoning districts based on a consideration of the following:
  - a. The position and height of buildings.
  - b. Other structures located on the site.
  - c. Existing trees.
  - d. The potential off-site impact of the lighting.
  - e. The character of the proposed use.
  - f. The character of the surrounding area.In no case shall the height of the lights exceed the maximum allowable building height in the district.
2. All electrical service to light fixtures shall be placed underground.
3. Artificial light shall be maintained stationary in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.

4. To control glare, all light fixtures shall have a cutoff angle of 90 degrees or less except decorative pedestrian fixtures of 100 watts or less. Full cutoff fixtures shall be used to prevent glare and to direct illumination from adjacent properties and streets. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after these means have been exhausted shall landscaping and similar screening methods be considered as an acceptable method for reducing glare.
5. Light fixtures shall be located at least five feet from any property line and shall be directed and shielded to cast light away from adjacent properties and streets. No direct light source shall be visible at the property line five feet above grade. Where a site abuts a nonresidential district, the maximum illumination levels at the property line shall not exceed one foot candle. Where a site abuts a residential district, the maximum illumination levels at the property line shall not exceed one-half foot candle.
6. Lamps with true-color rendition are preferred such as incandescent and metal halide lamps. The use of mercury vapor and low or high pressure sodium lamps are prohibited. The Planning Commission may permit the use of high pressure sodium lighting at the intersection of driveways with public streets when the average illumination level on the ground does not exceed six foot candles.
7. Exterior lighting fixtures should be of a design and size compatible with the building. The use of flood lights, wall pack lights, or other types of diffused, unshielded lighting is prohibited.
8. Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot candles shall not exceed a ratio of 4 to 1. The Planning Commission may modify these requirements where they determine it is necessary to protect nearby residences, driver visibility on adjacent roads, or where it is demonstrated that additional lighting is necessary for safety or security purposes.



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- 9. Minimum illumination levels of 0.2 foot candles shall be provided for parking lots for security purposes.
  - 10. Entrance lights. One lighting structure shall be provided on each side of an entrance or exit drive or street at its intersection with the public road, except where a boulevard or divided entrance and exit drive is proposed. One lighting structure may be located in the boulevard or island area for the purpose of illuminating the intersection.
  - 11. Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom of the surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy.
- E. Maintenance. All installed and approved light fixtures shall be kept in good repair. This includes but is not limited to, replacing nonworking bulbs, repairing broken or malfunctioning fixtures and similar devices.
- F. Exemptions. The following uses shall be exempt from the provisions of this Section:
- a. Roadway lighting required by the appropriate public agency for health, safety and welfare purposes;
  - b. Construction lighting approved by the building department as part of the building permit;
  - c. Flag lighting, provided that the illumination is the minimum necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
  - d. Emergency lighting approved by the Township, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting;
  - e. Holiday decoration lighting, and
  - f. Other temporary lighting determined to be reasonable and appropriate to the Township.

## 5.26 PERFORMANCE STANDARDS

The following performance standards are established in order to preserve the environmental health, safety and welfare of the Township. No activity or operation or use of land, building or equipment shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely affects the surrounding area or adjoining parcels. Any use permitted by this Ordinance shall be operated in conformance with all applicable performance standards set forth in this Section. The following standards are deemed the minimum requirements to be maintained.

- A. Noise. Noise which is objectionable due to intensity, frequency or duration shall be muffled, attenuated or otherwise controlled, subject to the following:
- 1. Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent uses.
  - 2. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
  - 3. The emission of measurable noises from the premises shall not exceed 65 decibels as measured at the boundary or property lines, except that where normal street traffic noises exceed 65 decibels during such periods, the measurable noise emanating from the premises may equal, but shall not exceed such traffic noises. Within LM, Light Manufacturing and HM, Heavy Manufacturing districts, sound levels not exceeding 75 decibels may be permitted.
- B. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.
- C. Glare. Glare from any process shall be controlled in such a manner as not create a public nuisance or hazard along lot lines.



- D. Vibration. Vibration shall not be discernible at any property line to the human sense of feeling.
- E. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.
- F. Utilities underground. All lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by not less than six affirmative votes of the Township Planning Commission at the time of final approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare or area design. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority by the applicant.
- G. Air pollution. No use of property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentrations as to be detrimental to health, animals, vegetation or property or conflict with public air quality standards.
- H. Radiation and radioactivity. All activities involving radioactive materials shall be conducted according to state and federal rules and regulations adopted for human safety. Operations shall cause no dangerous radiation, as specified by the regulation of the United States Nuclear Regulatory Commission, at the property line. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.
- I. Waste. All sewage and industrial wastes shall be handled, stored, treated and/or disposed of in compliance with the all federal and state of Michigan laws and regulations.
- J. Fire and explosive hazards. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with applicable state and federal regulations.
- K. Heat. Any operation generating heat shall be contained within a building. In no case shall the generated heat raise the ambient temperature at a property line higher than the prevailing normal temperature at the time of the occurrence. This does not apply to outdoor dining or patios with heat generating equipment approved by the building department or fire department.
- L. Storage of hazardous substances.
  1. Applicability. These provisions apply to all businesses and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to 25 gallons or 220 pounds).
  2. Above-ground storage.
    - a. LM, Light Manufacturing and HM, Heavy Manufacturing. Above ground fuel storage may be allowed as a permitted use in the LM and HM districts subject to site plan approval by the planning director. The planning director's review shall consider the placement of the tank in relation to existing parking spaces, driveways, the building and surrounding property. A minimum setback of 100 feet shall be provided when abutting a residential zoning district. A setback of ten feet is required when abutting non-residential zoning districts. The design and placement of the storage tank must comply with all applicable requirements of the Shelby Township Fire Prevention and Protection Ordinance and the Michigan Fire Prevention Code.
    - b. Primary containment of hazardous substances shall be product-tight.
    - c. Secondary containment of hazardous substances shall be provided for all facilities, subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.



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- d. Outdoor storage of hazardous substances is prohibited except in product tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
- e. At a minimum, state and federal agency requirements for storage, leak detection, record-keeping, spill prevention, emergency response, transport and disposal shall be met.
- 3. Below-ground storage.
  - a. At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshal Division, and the Township for the installation, inspection, maintenance of a leak detection system, inventory and record-keeping, emergency response and closure must be met.
  - b. All underground storage tanks which have been out-of-service for 12 months or longer shall be removed from the site subject to the requirements of the State Fire Marshal and the Shelby Township Fire Prevention Ordinance.
- 4. Above or in-ground storage in the LM Light Manufacturing and HM Heavy Manufacturing Districts. Above or in-ground storage, handling transport, or transfer hazardous or chemical materials or substances may be allowed if authorized and/or permitted pursuant to Articles 6, of this Ordinance. The review shall consider the placement of any such use, structure or facility in relation to adjacent land uses, driveways, and character of the surrounding property. A minimum setback of 660 feet from the property line is required for any oil, gas, injection well, pad, structure or facility when oil and gas development abuts a residential zoning district. The design and placement of any such use, structure, or facility shall comply with all requirements of the Shelby Township Fire Prevention and Protection Ordinance, and before any approval or permit is considered the

- applicant shall submit to the Township planning director and body authorized to conduct the review a list of the hazardous and/or chemical materials or substances, including liquids or any mixture or combination of liquids or materials, that will be stored, handled, transported or transferred on the property.
- 5. Plan review and approval. Site plans for facilities with hazardous substances shall be reviewed by the fire chief or his/her designee prior to the approval by the Planning Commission.
  - M. Equipment, machinery and ancillary structures or facilities in the Industrial districts.
    - 1. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than 200 feet to any residential zoned district.
    - 2. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than 200 feet to any district zoned for residential use nor closer than 200 feet to any residential district or residential use. All such machines shall be placed on shock absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.
    - 3. Hammers, steam or board and hot forgings shall not be permitted, in the Light Manufacturing district. In the HM, Heavy Manufacturing district, no such machine or operation shall be permitted closer than 1,000 feet to any residential zoned district. Such machine or operation is otherwise permitted when placed on shock absorbing mountings located on a suitable reinforced concrete footing, all of which shall be completely enclosed within a masonry type building.



4. Water wells, mixing tanks, truck or transport transfer stations, flowlines, gathering lines, pipelines, pump stations, mixing stations, valves, sweetening or production facilities, or other similar or associated ancillary uses facilities, structures, equipment to the drilling, completion or operation of an oil and gas well permitted pursuant to Part 615, NREPA, MCL 325.61501, are not authorized unless special land use and site plan are approved pursuant to Article 6 of this Ordinance. As part of such approval, any such ancillary use, structure or facility is not authorized unless it is determined by the reviewing board or commission that there will be no likely pollution, diminishment, or impairment of the air, water, natural resources, or adjacent land

#### 5.27 BRICK REQUIREMENT AND ALTERATION LIMITATIONS

All buildings, except one-family dwellings, facing a street, including buildings located on a corner lot and having frontage on a side street, shall have exterior surface consisting of face brick or other similar decorative building material, as approved by the Planning Commission. This provision shall also apply to any lot fronting on a private road as defined by [Section 2.2](#). Any building with a brick facade shall not be painted or covered with another material that has not been unanimously approved by the planner, engineer, attorney and chairman of the Planning Commission. All plans for the reconstruction, remodeling, alteration, painting/repainting, or any other changes in the exterior or appearance of any building or structure front or fronts (other than single-family dwellings), including awnings and canopies, shall require Planning Commission approval. Building alterations of a minor nature may be approved administratively by the planning director as provided for in [Section 6.1.D.2](#).

#### 5.28 BUILDING (STRUCTURE) GRADES

The grade of any building or structure constructed in the Township shall observe the following requirements:

- A. Any structure requiring yard space, as determined by minimum site setback requirements established under this Ordinance shall be located at such an elevation that a sloping grade will be maintained in order to cause the surface water to flow away from the walls of the structure. The height of the finished grade line at the center of the front of any dwelling shall be not less than 12 inches nor more than 24 inches above the curb or crown of the street where there is no curb, unless in accordance with an overall approved subdivision grading plan or necessitated to provide proper drainage or elevation for an onsite sewage system, as determined by the Township engineer or Macomb County Health Department.
- B. When a new structure is to be constructed on a vacant site between two existing structures on adjacent sites, the grade shall be established in such manner as to harmonize with the respective grades of the adjoining sites so as to prevent unreasonable surface water run-off on any such adjoining sites.
- C. An established surface drainage grade shall not be altered in a manner or to an extent that would materially obstruct or deter the normal surface drainage.

#### 5.29 STORAGE OF MOTOR VEHICLES

No motor vehicle shall be kept or stored in any zoning district, unless it shall be in operating condition and properly licensed or located inside a building. The only exception to this provision shall be licensed auto dealers or another approved use.

#### 5.30 CANOPIES

Canopies over driveways in other than residential districts shall be a minimum of 14 feet in height, or such canopies shall be located in such manner that a driveway of no less than 20 feet in width unobstructed by such a canopy shall be provided to assure emergency vehicle access. A canopy in any district less than 14 feet in height shall have the height permanently and conspicuously posted on both sides of the canopy.



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5.31 YARD USE

- A. Front yard. The portion of a site in front of any dwelling shall be used only for ornamental landscaping, driveways and parking spaces located within such driveways, except as otherwise prohibited in this Ordinance.
- B. Side and rear yards. Side and rear yards may be used for any detached garage or accessory building other than a garage, or parking of motor vehicles, except as otherwise prohibited in this Ordinance.





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# Article 6.0 Development Procedures



**Article 6.0 Development Procedures**

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# 6.0 Development Procedures

## 6.1 SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

- A. Intent. Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and Township planning. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.
- B. Planning standards. In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:
1. Vehicular access and circulation. The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent to or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
  2. Relationship to surrounding property. All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the Planning Commission shall review the plan for negative conditions such as, but not limited to:
    - a. Channeling excessive traffic onto local residential streets.
    - b. The lack of adequate screening of parking or service areas.
    - c. The impediments to the access of emergency vehicles.
  3. Relationship to natural features. All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area.
  4. Infrastructure. The Planning Commission shall consider the Township engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.
- C. Submission requirements.
1. A site plan shall be submitted for review and approval by the Planning Commission whenever one or more of the following conditions apply:
    - a. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, one two-family structure, farm buildings or accessory structures to these uses).
    - b. For the construction, use or establishment of a new or additional parking or storage area.
    - c. For all special land uses.
    - d. For any substantial change in use or class of use, when referred by the building director.
    - e. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.
    - f. The demolition of any non-residential building. Depending on the size of the building and the characteristics of the site, administrative approval may be permitted as specified in [Section 6.1.D.2](#)
  2. A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement shown. Unplanned areas of the site also shall be shown. All site plans submitted for consideration shall include the following information:

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- a. General site data.
  - (1) The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community [township] planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.
  - (2) The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
  - (3) Northpoint. Scale should customarily be provided at 1" = 20' or 1" = 30'. For large-scale development, 1" = 50' or 1" = 100' may be acceptable, provided all important typical areas and Ordinance requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.
  - (4) Complete legal description with designated point of beginning at a quarter section-line.
  - (5) Size of the site expressed in acres.
  - (6) A legible location map (4 inches = 1 mile) showing major roads, nearby cross-streets and property lines, where necessary.
  - (7) Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
  - (8) Proposed address, if available.
  - (9) Location of existing structures and improvements. (Indicate if any such structure or improvement is to be removed).
  - (10) Location of proposed structures and improvements.
  - (11) (Yards/setbacks and critical dimensions between buildings and other site improvements.
  - (12) Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks etc.) within 200 feet of all property lines.
  - (13) Topography at two foot contours (existing and proposed).
  - (14) Benchmarks with U.S.G.S. reference points.
  - (15) Recorded easements and rights-of-way with liber and page numbers.
- b. Building plans.
  - (1) All architectural building elevations (front, sides and rear).
  - (2) Type of surface material and design of all exterior surfaces.
  - (3) Dimensioned floor plans (principal and accessory buildings).
  - (4) Decks and/or patios (dimensions, location, height and materials).
- c. Access, parking and circulation.
  - (1) Existing and proposed rights-of-way for all abutting roads.
  - (2) Location and dimensions of all driveways and street approaches.
  - (3) Indicate the type of surface (paving).
  - (4) Parking spaces (location, number, dimensions, aisle dimensions, surface material and landscaping island dimensions).
  - (5) Site circulation pattern. (Direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
  - (6) Identification of all fire lanes.
  - (7) Sidewalks, interior walks and their connection.
  - (8) Carport locations and details (including architectural elevations).
  - (9) Location of emergency construction road.
- d. Environmental features.
  - (1) Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings. Common and botanical names of all plantings shall be provided.



- (2) Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed. The site plan shall also comply with the Tree and Woodland Preservation Ordinance of the Charter Township of Shelby Code of Ordinances.
  - (3) Whenever a tree or group of trees of six-inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."
  - (4) Greenbelts, walls and/or berm details. (Provide at least one cross-section for each type used)
  - (5) Site irrigation (sprinklers). Indicate all areas to be irrigated.
  - (6) Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
  - (7) Trash receptacles and method of screening.
  - (8) Site lighting details (location, height, type, intensity and shielding).
  - (9) Freestanding sign location. (Dimension setback from the centerline of the road or highway). Simultaneous sign approval shall be accompanied by a separate application for a sign permit meeting the requirements of [Section 5.24](#) (Sign Regulations).
  - (10) Location and extent of wetland areas, if known, or floodplains if applicable.
- e. Other information.
- (1) Location of all site utilities, including fire hydrants. On-site fire hydrant locations shall be approved by the fire marshal prior to engineering approval.
  - (2) Site drainage characteristics and improvements.
  - (3) Park or recreation areas (show boundary and size in square feet).
  - (4) Fences, screen wall or similar structure (location and details).
  - (5) Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., one bedroom, two bedrooms and three bedrooms), if any; and the total net acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
  - (6) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
  - (7) Location of storage, use and disposal areas, if any for hazardous substances and evidence of approval by the applicable federal, state or local review agency.
  - (8) List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures of the Planning Commission.
- f. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the commission's minutes, together with the unique circumstances and reasons for such waiver.
- D. Review procedures.
- 1. Submission. The proposed site plan shall be submitted to the planning and zoning department, or other designated representative, who shall check the submission data and transmit it to the following departments, agencies and consultants:
    - a. Macomb County Road Commission or MDOT, whichever is appropriate.
    - b. Macomb County Public Works Commissioner.



- c. Fire department.
- d. Police department.
- e. Building department.
- f. Assessor's office.
- g. Township engineer.
- h. Township planner.
- i. Planning Commissioners (one for each).
- j. Planning Commission file.
- k. Appropriate school district.
- l. Township attorney.

Each department, agency or professional shall acknowledge the date of its receipt of the site plan for its inspection and comments. The planning and zoning department shall next submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

2. Planning Commission review. The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Township in planning and establishing zoning districts as authorized under this Ordinance. The Planning Commission shall also review the site plan relative to other planning documents and other applicable ordinances. The commission shall require review and comment from the Township planner, Township engineer and Township attorney, where appropriate.

Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township ordinances. If a site plan is not approved by the Planning Commission, the reasons shall be stated in writing and a copy of said reasons supplied to the applicant. The approved site plan shall be part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance

receives the mutual agreement of the landowner and the Planning Commission.

Minor site plan amendments may be approved administratively by the planning director. Minor amendments include but are not necessarily limited to landscaping improvements, parking lot design and the addition of outdoor equipment and storage. All site plan amendments shall comply with the applicable standards of the Zoning Ordinance.

3. Approval period. Site plan approval is valid for a period of two years. The approval period shall be counted from the date of the original site plan approval by the Planning Commission. Within two years, the applicant shall have made application for a building permit or received engineering approval. Site plan extensions may be made in writing to the Planning Commission prior to the expiration of the two-year approval.
4. Performance bonds. The Planning Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the treasurer of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Financial guarantees shall be processed in accordance with the requirements of [Section 7.8](#).  
  
The requirement for the performance bonds shall also be applicable for all construction activities in the one-family zoning districts, as determined by the building department [planning and zoning coordinator]. This requirement shall apply to homes, accessory buildings, pools, fences and other similar activities, as determined by the building department [planning and zoning coordinator].
5. Review fees. A site plan fee shall be required to cover the cost of review by the Township's engineer, planner, and other professional and Township services in accordance with a schedule of fees as determined by resolution of the Township board.



6. Appeals. An applicant for a site plan approval may appeal the decision or absence of a decision of the Planning Commission to the Township Zoning Board of Appeals under **Section 7.16** of this Ordinance.
  7. Compliance. Any construction, development and/or activity(ies) approved by the Township, by and through the site plan review process, shall be undertaken and completed in strict compliance with the approved site plan of record.  
  
The approved site plan of record shall include any properly recorded plan(s), map (s), drawing(s), photograph(s), specification (s), documents(s), and audio/video transcription(s) which serve to describe or illustrate any specific development, construction and/or activity approved by the Township, by and through the site plan review process.
- E. Development impact statement.
1. Statement of intent. The purpose of the development impact statement is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.
  2. Submission and processing requirements.
    - a. A development impact statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
      - (1) For any request for site plan review or special approval land use having an area of ten acres or more.
      - (2) For any proposal for residential development (site plan, subdivision or site condominium) of 100 or more units and/or resulting in a density of more than five units per acre.
    - b. When required, a development impact statement shall accompany applications for special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval. The development impact statement shall be considered along with other applicable information required for the specific request and shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance or the Charter Township of Shelby Subdivision Ordinance.
  3. Information and data required:
    - a. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
    - b. Location map at one inch equals 200 feet, indicating the location of the subject property in relation to the Township's thoroughfare system.
    - c. Zoning map, indicating the subject property and the zoning of adjacent properties for a radius of one mile, measured from the boundaries of the site.
    - d. Land use map, indicating the subject property and adjacent land uses by type for a radius of one mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
    - e. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map or aerial photograph.
      - (1) Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). Documentation by a qualified wetland specialist shall be required wherever it is determined that a potential regulated wetland exists on the site as required by the Michigan Department of Environmental Quality.



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- (2) A woodlands map identifying the location, size and type of site vegetation as required by the Shelby Township Woodlands Ordinance.
- (3) Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
- (4) Improvements adjacent to and directly across the street, i.e., pavement, width, driveway approaches, passing lanes, curbs-cuts, etc.
- f. Other information, as determined by the Planning Commission, that may be necessary to assess the impact of the proposed development.
- g. Information assessing the impact of the proposed development as it pertains to the following factors (the required information shall be provided in narrative and graphic formats, as appropriate):
  - (1) Land use impacts. Description of the proposed use(s) and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with the existing and master planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties.
  - (2) Impact on public utilities:
    - (a) Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
    - (b) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Macomb County Health Department shall be required.
  - (c) Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction.
- (3) Impact on public services. Description of the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.
- (4) Economic impacts:
  - (a) Identify the anticipated number of construction and permanent jobs.
  - (b) Describe anticipated tax revenues to the Township and school district.
- (5) Impacts on natural resources. Description of any general impacts expected to natural features identified in [Section 6.1.E.3.e](#). The assessment shall also include a description of general measures to control soil erosion and sedimentation during and after construction.
- (6) Traffic impacts. A traffic impact study in accordance with [Section 6.2](#) shall be submitted with the impact assessment.
- 4. Evaluation standards. In reviewing development impact statements, the Planning Commission shall consider the information provided in relation to the following standards:
  - a. Land use impacts.
    - (1) The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
    - (2) The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.





- b. Public utilities.
  - (1) Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township engineer.
  - (2) For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on site waste water disposal systems and well(s).
  - (3) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading the water courses in the area.
  - (4) That the plan provides for the proper extension of public utilities and drainage improvements, as determined by the Township engineer.
- c. Public services.
  - (1) That the Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
  - (2) Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
  - (3) Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).
- d. Economic impacts.
  - (1) The project will have a beneficial impact on the local economy by increasing employment opportunities and increasing and diversifying the Township's tax base.
- (2) The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area.
- e. Traffic impacts.
  - (1) The proposed development has access to a public road capable of supporting the development.
  - (2) The use will not increase traffic that will effectively result in a lower level of service on the abutting road or at intersections proximate to the site.
  - (3) The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
  - (4) The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
  - (5) Adequate provisions have been made to accommodate pedestrians.
  - (6) Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.
- f. Natural resources.
  - (1) That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
  - (2) The proposed development does not encroach into floodways or floodplains.
  - (3) That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
  - (4) The proposed development will not cause soil erosion or sedimentation problems.



6.2 TRAFFIC IMPACT STUDIES

- A. Intent. Shelby Township recognizes the direct correlation between land use decisions and traffic operations. Traffic impact studies assist in coordinating land use and transportation planning by forecasting the potential generation of new vehicular traffic; evaluating proposed access plans and identifying driveway-related road improvements at the site plan review stage; and identifying off-site road improvements needed to accommodate future traffic patterns. The intent of this Section is to establish warrants for determining when traffic impact studies should be prepared, as well as minimum standards for the conduct and reporting of such studies.
- B. Required study by type. Traffic impact studies generally consist of three types: a rezoning traffic study (RTS), traffic impact assessment (TIA), or traffic impact statement (TIS). The content of each study type is broadly described below, along with the warranting conditions.
  - 1. Rezoning traffic study. An RTS describes relevant existing traffic conditions and compares the potential trip generation of a site's use under existing and proposed zoning classifications. An RTS is required for any proposed change to the zoning map that is either 1) inconsistent with the Township's Master Plan, or 2) involves other than residential down-zoning.
  - 2. Traffic impact assessment. A TIA describes existing and likely future traffic conditions both with and without a site developed in a specific proposed manner. The evaluation of traffic impacts is limited to overall trip generation and the operation of the proposed site access drive(s). A TIA is required if the proposed use(s) would generate 1) 500-749 driveway trips per day, or 2) 50-99 peak-hour, peak-direction driveway trips.
  - 3. Traffic impact statement. A TIS is similar to a TIA but includes off-site intersections and other critical road features likely to be more heavily impacted due to a proposed use's greater amount of trip generation. It may also be appropriate to evaluate impacts at an off-site location due to ongoing congestion or safety problems, or because a road redesign is pending and should account for potential land use changes in the area. A TIS is required if the proposed use(s) would generate 1) 750 or more driveway trips per day, or 2) 100 or more peak-hour, peak-direction driveway trips.

- C. Preparation and submittal. All traffic impact studies must be planned and conducted in accordance with the Shelby Township Traffic Impact Study Requirements and Procedures adopted by resolution of the Township Board.
- D. Traffic impact study content. All studies should be consistent with the state of the practice, as outlined in such publications as Evaluating Traffic Impact Studies - A Recommended Practice for Michigan Communities (ETIS, sponsored by MDOT, et al.). Required content by study type is indicated in the table below. The composition of individual content items is detailed in the Shelby Township Traffic Impact Study Requirements and Procedures adopted by resolution of the Township Board.



6.2.D Content Requirements by Traffic Study Type			
Content Item	Type of Traffic Study		
	Rezoning Traffic Study	Traffic Impact Study	Traffic Impact Statement
Describe Requested Rezoning or Proposed Use(s)	x	x	x
Describe Site, Surroundings, and Study Area	x	x	x
Obtain and Evaluate Current Traffic Data:			
Daily Traffic Volumes (latest available)		x	x
Hourly Traffic Volumes (generally new counts)	x	x	x
Other Data if Indicated in Letter to Applicant		x	x
Describe Anticipated Future Changes to Area Land Uses and Roads	x	x	x
Forecast Future Background Traffic Volumes		x	x
Forecast Driveway Trip Generation in Manner Recommended by Institute of Transportation Engineers	x	x	x
Discount Driveway Trips as Appropriate	x	x	x
Forecast and Compare Trip Generation by Uses Permitted within Existing and Proposed Zoning Districts	x		
Develop Reasonable Trip Distribution Model(s)		x	x
Assign Generated Trips and Forecast Future Total Traffic		x	x
Determine Minimum Warranted Access Improvements		x	x
Evaluate Peak-Hour Traffic Impacts		x	x
Identify and Evaluate Any Needed Capacity Mitigation		x	x
Recommend Road Improvements:			
At Access Point(s) (including Driveway Lanes)		x	x
At Off-Site Intersection(s) (as required)			x

E. Possible waiver of study requirement. The requirement for submittal of a traffic impact study may be waived by the planning director or Planning Commission in certain cases where recent studies of a similar nature have been completed and no further benefit would be achieved by completing an additional study. Requests to waive traffic study requirements will be evaluated on a case-by-case basis.

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### 6.3 SITE CONDOMINIUM SUBDIVISION

Site condominium subdivision. The intent of these requirements is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the ordinances and requirements of the Township.

One-family detached condominiums may be allowed as a permitted use in any One-Family zoning district, subject to site plan review by the Planning Commission. Commercial and industrial condominiums that result in condominium unit(s) that exceed the building envelope(s) shall also be regulated by this Section.

A. Submission requirements. All site condominium subdivision plans shall be submitted for review, as required by [Section 6.1.C](#) of this Ordinance (site plan review) and Section 66 of the Condominium Act, and include the following additional information:

1. A boundary survey of the site condominium subdivision site.
2. A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
3. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
4. A copy of the master deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.501(101) et seq.), at some future date.

B. Review procedures. Pursuant to authority conferred by Section 141 of the Condominium Act, all site condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. In determining whether to approve a site condominium subdivision plan, the Planning Commission shall consult with the Township attorney, planner and engineer regarding the adequacy of the submission as it relates to the Shelby Township Zoning Ordinance and requirements of the condominium act. The review process shall consist of the following two steps:

1. Preliminary plan review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of the Shelby Township Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items 1 to 3 of the submission requirements in [Section 6.3.A](#).
2. Final plan review. Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by the submission requirements in [Section 6.3.A](#). Such plans and information shall be reviewed by the Township attorney, engineer and planner. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
- C. District requirements. The development of all site condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision.
- D. Average lot size. Refer to [Section 3.23](#).
- E. Design standards. All development in a condominium subdivision shall conform to the design and improvement standards of the Land Regulation Chapter of the Shelby Township Code of Ordinances including the following: subdivision design standards, cluster or planned neighborhood development, subdivision and project improvements, construction limitations, earth removal, landfills, and waterways. All streets and roads shall be dedicated to the public. Street and road connections and/or stubs shall be required, where necessary, to provide continuity to the public road system.



In any of the foregoing referenced sections, the term "plat" shall be substituted with the term "condominium subdivision plan"; the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review"; the term "final preliminary plat approval" shall be substituted with the term "final plan review"; and the term "proprietor" shall be deemed to refer to the applicant pursuant to this Ordinance. Any applications, fees, procedures for review or hearing, as set forth in these ordinances and their other provisions, shall be fully complied with, except as provided herein.

- E. Utility easements. The condominium subdivision plan shall include all necessary easements granted to appropriate authority for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including, but not limited to, the conveyance of sewage, water and stormwater run-off across, through and under the property, subject to said easement.
- F. Final acceptance. The Township shall also require all the appropriate inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site improvements (excluding dwelling units) is to be submitted to the Township for review by the Township engineer. A final certificate of occupancy and any construction bonds or letter of credit will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.
- G. Conversions. A majority of co-owners, as defined pursuant to Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, may require that the project be platted in accordance with the Subdivision Control Act [Land Division Act] of 1967, Public Act No. 288 of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.). Platting of such condominium projects shall not terminate the project unless four-fifths of co-owners vote for such termination.

#### 6.4 REQUIREMENTS AND PROCESS FOR PLANNED DEVELOPMENT APPROVAL

The process for obtaining review and approval of a Shelby Center development project is as follows:

- A. Pre-application review conference. A pre-application conference shall be held with the applicant, Township staff and consultants in order to discuss the proposed development, inform the applicant of the intent of the Shelby Center district and district requirements.
- B. Preliminary application and plan. The plan for final approval shall include a public hearing and follow the standards and requirements listed in subsequent subsections. The filing of a preliminary plan will provide an opportunity for the applicant and the Planning Commission to become generally acquainted with the proposed project and conduct discussions about the features of the proposed project. An application for preliminary plan consideration shall comply with and include the following requirements and standards:
  1. The applicant shall submit an understandable plan showing the entire project area in a preliminary form and scale, indicating proposed land use area (s), their relationship to each other, circulation patterns, and existing site characteristics.
  2. The existing topography shall be depicted at two foot contour intervals for the project area and all nearby areas; if the land is generally flat, spot elevations shall be provided at intervals necessary to establish any grade differential.
  3. A map of the Township indicating the project area and its relationship to existing roads, streets and use districts within, and immediately adjacent to, the Township.
  4. Existing utilities, including storm drain facilities, shall be located and noted.
  5. Preliminary architectural plans for all buildings, including basic building planning and number of units per building, shall be clearly set forth.
  6. Intensity of commercial or industrial uses and number of units by type shall be clearly set forth.
  7. Adequacy of public and private services/infrastructure shall be described.
  8. Existing and proposed land use and development features as they impact neighboring properties.

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If the Planning Commission agrees that the proposal has merit and has potential to meet the requirements of this Ordinance and the applicable review requirements contained in this Section, an application may be filed for final plan review in conformance with the requirements of the following subsections. If the Planning Commission does not agree with the proposed plan or approach, it shall deny the request at this point and provide the reasons therefore in the minutes.

- C. Final plan review may be made after the Planning Commission has agreed by motion that the preliminary plan has potential to meet the requirements of this **Section 3.18**. Upon receipt of an application for final approval, the Planning Commission shall hold a public hearing. The applicant's presentation at said hearing shall include drawings, exhibits, narratives and draft covenants and agreements identified for reference by letter or number. If the application for final approval complies with the applicable standards of this Shelby Center district, and the Planning Commission further finds the following standards to have been met, the application shall be approved.
  1. All applicable provisions of this Section shall have been met. If any provision of this Section is in direct conflict with the provisions or authority of any other section of this Ordinance, the provisions included within this Section shall apply to land included within the C-6 district.
  2. All minimum requirements pertaining to residential, commercial, institutional or other uses shall be subject to the requirements of each individual classification hereinafter referenced, except for those instances where this Section affords discretion to the Planning Commission in reviewing and approving a C-6 project.
  3. Adequate, well-designed and properly planned areas have been provided for all walkways, recreation, parking, access, screening, pedestrian amenities, and other open areas to be used by the public and/or residents of the Township.
  4. Adequate sanitary sewer disposal, water supply, and road and other storm water drain systems. Water, sewer and storm drains shall be subject to applicable Township standards and ordinances.
  5. Efficient and desirable use of open areas in keeping with the physical character of the Township and surrounding areas.

- 6. Assurances that areas shown on the plan for use by the public and occupants shall be, or have been, irrevocably committed for that purpose. The Township reserves the right to require conveyances or other documents to be placed in escrow.
  - 7. Assurance of financial support for and maintenance of all improvements indicated on the plan for open space areas and common use areas. Assurances may require posting of bonds or cash performance guarantees, as determined by the Township Planning Commission and approved by the Township Board.
- D. Final application and plans shall include, in addition to compliance with the applicable requirements for site plan review contained in **Section 6.1.C**, the following:
    1. A boundary survey of exact acreage requested, performed by a professional surveyor or civil engineer (Scale: one inch equals 100 feet).
    2. A physical features map of the area and its vicinity, including topography drawn as contours with an interval of at least two feet (or spot elevations, where applicable). Map shall indicate all trees, bodies of water and unbuildable areas due to soil conditions, wetlands, topography or similar conditions (Scale: one inch equals 200 feet).
    3. A legal description of the property.
    4. An aerial photograph of the area not more than five years old (Minimum scale: one inch equals 100 feet).
    5. Existing and proposed streets and other developments within and surrounding the proposed C-6 project area shall be shown.
    6. A plan for the entire project area indicating the functional use areas and dwelling unit types being requested; densities proposed; thoroughfare, road, traffic and pedestrian circulation plan; public utilities plan; building locations, driveways, walkways, parking areas, natural areas (streams, drains, woodlands); sites reserved for public facilities and service activities; playgrounds, recreation areas and other open spaces; areas used by public and/or residents within the project. Such plan shall designate each land use category in contrasting colors or by other means.



7. A preliminary estimate of contemplated total storm water flow and sanitary sewage volume. Each utility shall be shown as a one-line diagram with flow direction indicated on the proposed street layout and shown on the topographic map.
  8. A schedule indicating the proposed timing of the development, including phasing and parcelization, if appropriate.
  9. A written impact statement ([Section 6.1.E](#)).
  10. Statement of covenants, grants of easements and other restrictions to be imposed upon the uses of land and structures.
  11. Any other data, plans or drawings considered by the Planning Commission to be necessary for the consideration of the proposal.
  12. All materials required to be submitted as part of the application shall be submitted in the required number of copies for distribution to the Planning Commission and appropriate reviewing agencies.
- E. The Planning Commission shall review the application materials and reviewing agencies' comments. In the process of review, the Planning Commission shall consider:
1. Specific development requirements set forth in this [Section 3.18](#).
  2. The location and design of service roads or drives and driveways providing vehicular ingress to and egress from each building site, in relation to streets giving access to the site and in relation to pedestrian traffic.
  3. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - a. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
    - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent parcels and districts.
    - c. Accessibility afforded to emergency vehicles.
4. The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
    - a. The treatment of public space.
    - b. The availability of sewer and water capacity and the capacity of other utilities.
    - c. The impact on air quality.
    - d. The potential noise from development and traffic sources.
  5. The proposal's conformity to, and compatibility with, the adopted Shelby Center Design Plan and accompanying Shelby Center Design Guidelines Manual.
  6. Any other matters that are within the Township departments' or the commission's jurisdiction.
  7. Only applications properly prepared and submitted with all required fees, paid in full will be processed. Review and processing of the application shall be subject to the requirements and procedures contained within this Ordinance and as administered and finally approved by the Planning Commission. Initial approval shall be valid for a period of two years, with one year extensions possible with the approval of the Planning Commission upon proper application. After the start of construction, if development of the site has lapsed or discontinued for a period exceeding one year, the owner/applicant or his successors, shall be required to return to the Township for reconsideration of the plan, following the procedure outlined for original approval in this Section.
  8. In the course of implementing the plan, minor plan adjustments, including the minor shifting of buildings, service areas and other features requested by the developers, may be authorized by the Planning Commission and processed as site plan applications. The planning director shall make the determination as to whether a change is minor or if an amendment is required based upon the standards contained in this paragraph. Amendments that significantly impact factors considered by the Planning Commission in approving the C-6 project plan, such as changes to circulation systems, densities and major building rearrangements, shall require the



applicant, or the applicants' successors, to return to the Planning Commission for approval of an amended plan. The procedure outlined for original approval shall be followed when submitting an amended plan.

- F. Once a C-6 project is approved by the Planning Commission, no zoning board of appeals requests shall be permitted. Any requested changes in the development plans shall conform to the revision procedures contained within this Section.
- G. It is expressly understood that a C-6 project will not be allowed to apply for building permits or begin construction of any site improvements until approval of the final plan or subsequent amended plan shall have received official approval of the Township Planning Commission at one of its meetings.

6.5 SPECIAL LAND USE APPROVAL

- A. Statement of intent and purpose. It is hereby deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the Township and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without special land use approval, and then only as specifically allowed.
- B. Special land use review standards. In all cases, the power to grant special land use approval is vested in the Township Board. All applications for special land use approval shall be submitted to the planning and zoning department for review and processing. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of [Section 6.1.C](#).

The Planning Commission shall review the application after proper notice has been given as required by state law and recommend approval of the application, with any suggested conditions the commission may find necessary, or recommend disapproval of the application with its reasons stated in writing. If a public hearing is to be held as provided by state law,

then the Planning Commission, after proper notice, shall hear any person wishing to express an opinion on the application.

At its next regular meeting after receipt of the Planning Commission's recommendation, the Township Board shall consider the application for special land use approval or disapproval in accordance with the provisions of this Section.

The Planning Commission and Township Board shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved.

- 1. Standards.
  - a. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
  - b. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfaces in residential districts.
  - c. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
  - d. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.





- e. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
  - f. The proposed use offers a service for the public convenience at the proposed location.
  - g. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
  - h. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- C. Special land use procedures.
1. Hearings. The Planning Commission shall investigate the circumstances of each such application and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by state law and/or its rules or procedure.
  2. Approval. If the Township Board determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the building department may issue a building permit in conformity with the particular special land use so approved. Special land use approval is valid for a period of two years. The approval shall be counted from the date that the special land use was approved by the Township Board. Within two years, the applicant shall have made application for a building permit or received engineering approval. Applications for extensions may be made in writing prior to the expiration of the two-year approval.
3. Denial. If the Township Board determines that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
  4. Record. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
  5. Conditions. The Township Board may impose such conditions or limitations in granting approval as may be permitted by state law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
    - a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community [township] as a whole.
    - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
    - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

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The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township Board shall maintain a record of changes granted in conditions.

Once a special land use has been approved, no zoning board of appeals requests shall be permitted. Any changes in the development plans must be made in accordance with revision procedures contained herein.

- 6. Changes to an approved special land use. Minor changes to an approved special land use, including the minor shifting of buildings, service areas and other features requested by the developers, may be authorized by the Planning Commission and processed as site plan applications. The planning coordinator, in consultation with the Township planner and Township engineer, shall make the determination as to whether a change is minor or if an amendment is required based upon the standards contained in this paragraph. Amendments that significantly impact factors considered by the Planning Commission or Township Board in approving a special land use, such as changes to circulation systems, densities and major building rearrangements, shall require the applicant, or the applicants' successors, to return to the Planning Commission and Township Board for approval of an amended plan. The procedure outlined for original approval shall be followed when submitting an amended plan.



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## 7.1 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Township Board through the building director or any other employees, inspectors and officials as the Township Board may delegate to enforce the provisions of the Ordinance.

## 7.2 DUTIES OF BUILDING DIRECTOR

- A. The building director shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the building director to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the building director shall require that every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail to enable the building director to ascertain whether the proposed work or use is in conformance with this Ordinance:
1. The actual shape, location and dimensions of the lot.
  2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
  3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  4. The signature of the fee holder owner of the premises concerned.
  5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

- B. If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the building director shall issue a certificate of zoning compliance. If any application for such permit is not approved, the building director shall state, in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
- C. Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the building director shall not issue such permit unless the Macomb County Health Department shall have approved the site for the construction of such facilities.
- D. The building director under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the Township.
- E. The building director under no circumstances is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as building director.
- F. The building director shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

## 7.3 PERMITS

The following shall apply in the issuance of any permit:

- A. Permits required. All construction regulated by the current Michigan Building Code shall be undertaken and completed with strict compliance with the said building code. Where the Michigan Building Code does not regulate construction, the prevailing Shelby Township Zoning Ordinance and/or any other relevant local ordinances shall be applicable.



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It shall be unlawful for any person to commence excavation for, or construction of, any building or structure (except concrete work nor requiring a foundation or rat wall), structural changes, repairs in any existing building or structure, or moving of an existing building without first obtaining a zoning compliance permit and a building permit from the Building Director. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction is in compliance with the provisions of this Ordinance and the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Director has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of an existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

- B. Permits for new use of land. A zoning compliance permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- C. Permits for new use of buildings or structures. A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- D. Permits for mobile office as temporary use. The owner of any premises may move not more than one mobile office upon such premises and utilize the same for a sales office during the actual construction, but not to exceed one year beginning with the issuance of a permit for the construction. Application may be made for a one-year extension. The Township Board shall require said owner to furnish a financial guarantee in a sum equal to the cost of removing said mobile office from the premises. Such financial guarantee may be in the form of a corporate surety bond, irrevocable bank letter of credit or cash. Permits for temporary mobile offices may be granted by the building director.

E. Performance bond requirements. Prior to the issuance of any building permit(s), where site plan review has been approved in accordance with **Section 6.1.C**, a performance bond in the amount as established by resolution of the Township Board shall be posted with the Township treasurer, which may change from time-to-time by resolution of the Township Board. Such bond shall be in a form acceptable to the Township treasurer, shall be posted by the building owner(s) or land owner(s), and shall not be discharged or returned to the payor until:

1. The entire site shall comply with the approved site plan of record.
2. All building construction has been completed in accordance with the approved site plan of record, or any lawfully granted modification(s) thereto, and the prevailing standards of the applicable Michigan Building Code, as amended.
3. Any known Township Ordinance infraction (s) on the site shall have been corrected, or otherwise lawfully resolved.

Where site plan review is not required by this Ordinance, a performance bond, in an amount established by resolution of the Township Board, shall be posted with the Township building department [planning and zoning coordinator], prior to any building permit issuance, for any development, construction and/or activity(ies) which requires a building permit in accordance with this Ordinance and/or the current Michigan Building Code, as amended. Such bond shall be in a form acceptable to the Township treasurer, which may change from time-to-time by resolution of the Township Board, shall be posted by the building owner(s) or property owner(s), and shall not be discharged or returned until all building construction has been completed and approved in accordance with:

1. All of the requirements of this Ordinance.
2. The approved site or plot plan of record.
3. The approved grading plan of record, or any lawfully approved modification thereof.
4. All lot or property improvements, including public sidewalks, tree and/or landscape planting(s), berms, retainer walls, driveway (s), and any other installation(s) which are required by the Charter Township of Shelby Code of Ordinance[s], and any lawfully adopted amendment thereto.
5. The Michigan Building Code.



The entire performance bond, or any portion thereof, may be used by the Township to offset the actual cost of any required litigation to gain compliance with the terms, conditions and dictates of this Ordinance, where non-compliance cannot be otherwise resolved. A record of actual cost(s) of any required litigation shall be maintained and shall be available to the parties in interest. Any bond money(ies) not used in the actual cost(s) of obtaining compliance shall be returned upon the lawful resolution of any issue(s) in dispute.

#### 7.4 ZONING APPROVAL CERTIFICATE

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved until the building director shall have issued a zoning approval certificate stating that the provisions of this Ordinance have been complied with.

- A. Certificate validity. The zoning approval certificate is required for new construction of, or renovations or additions to, all buildings and structures and may be included in, or be part of, the certificate of occupancy issued pursuant to the dictates of the current Michigan Building Code.
- B. Temporary certificates. Temporary zoning approval certificates may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such temporary zoning approval certificate shall not remain in force more than 180 days, plus one 30-day extension where warranted by conditions approved by the building director. Prior to the issuance of a temporary zoning approval certificate, the applicant shall enter into an agreement, provided by the building department [planning and zoning coordinator] [planning director], wherein the duration of the proposed occupancy, amount of a performance bond to be posted, improvements required to be made, and all specific conditions incident to the temporary occupancy proposed, are fully described.

Any default or breach in the terms or conditions of the temporary zoning approval certificate and/or the above-referenced agreement shall constitute a violation of this Section and shall be prosecuted forthwith.

- C. Records of certificates. A record of all zoning approval certificates shall be kept in the office of the building director, and copies of such certificates shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- D. Certificates for accessory buildings. Accessory buildings or structures serving a detached, single-family dwelling shall not require a separate zoning approval certificate, but rather may be included in the zoning approval certificate for the principal dwelling on the same lot, when such accessory buildings or structures are completed at the same time as the principal use. Such accessory buildings or structures lawfully constructed subsequent to the principal structure completion must have all final inspection approvals prior to any use or occupancy and shall require a zoning approval certificate issuance.  

All accessory buildings which do not serve a detached, single-family dwelling shall not be used or occupied unless a zoning approval certificate has been issued by the building department [planning and zoning coordinator] [planning director].
- E. Application for certificates. Zoning approval certificates shall be applied for in writing to the building director simultaneously with or as part of the application for a zoning compliance permit, and shall be issued within five days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land, is in accordance with the provisions of this Ordinance. If such certificate is refused for failure to conform or comply with the Zoning Ordinance, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five-day period.
- F. Exceptions. A zoning approval certificate shall not be required if a certificate of zoning compliance is utilized pursuant to [Section 7.20](#).

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**7.5 VESTED RIGHT (STRUCTURES UNDER CONSTRUCTION)**

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications upon which said building permit was granted. Any such permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction pursuant to such permit is not commenced within one year from the date of issuance of the permit. Except as provided in this Section, it is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

**7.6 FINAL INSPECTION**

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall obtain all inspections required by the current Michigan Building Code. Final inspection approval shall be obtained prior to the use or occupancy of any building or structure for which a building permit has been issued, or which requires the issuance of a building permit.

**7.7 BUILDINGS TO BE MOVED**

Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this Township, shall not be moved to and placed upon any other premises in this Township until all applicable permits for such removal shall have been secured under [Article 7](#) of this Ordinance. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

Before a permit may be issued for moving a building or structure, the building director shall inspect same and shall determine if it is in a safe condition for moving. The building director shall also determine if it may be reconditioned to comply with the building code and other Township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

**7.8 FEES PAID, BONDS DEPOSITED AND SURETY REQUIREMENTS**

Any and all fees paid or cash bonds deposited under the provisions of this Ordinance shall immediately be delivered by the person receiving same to the Township treasurer. In the case of such bonds, the Township treasurer shall keep same in an escrow fund unless and until such bond shall be returned to the depositor or be forfeited to the Township.

Surety bonds furnished under the provisions of this Ordinance shall inure to the benefit of and run to the Township of Shelby.

**7.9 PROHIBITED OCCUPANCY**

Any basement dwellings, garage dwellings and/or other temporary residential structures, which have been erected or occupied, are hereby declared to be unlawful for residential purposes. In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, excepting when located in and as part of a mobile home park or when permitted in zoning districts set forth in this Ordinance or when permitted by the building director as a temporary dwelling pursuant to the standards of [Section 7.22](#). All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be connected to sanitary facilities and shall not be occupied.

In the 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.

**7.10 LANDSCAPING MAINTENANCE EASEMENTS**

Whenever a common landscaping treatment is required for a residential subdivision or condominium development, a landscaping maintenance agreement acceptable to the Township attorney shall be provided as a requirement of Township approval of the project.





### 7.11 RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building director or fire department, or required to comply with his determination, provided that the restoration is not contrary to [Section 7.15](#) of this Ordinance.

### 7.12 CONSTRUCTION SCHEDULING

Building and construction activity shall be confined to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Building and construction shall be prohibited on Sundays and holidays, except with the approval of the Township Board.

### 7.13 NON-RESIDENTIAL DRIVEWAYS, ENTRANCES AND EXITS

The location of all non-residential driveways, entrances and exits shall be subject to approval by the Macomb County Road Commission and by the Township Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic, and the movement of emergency vehicles.

### 7.14 RAILROAD LINES, SIDINGS AND SPURS

The installation or extension of all railroad lines, sidings and spurs shall be subject to prior approval of the Shelby Township Board. In any case where such installation will cross a street or highway, plans shall first be submitted to the Township engineer, Township police department, and Macomb County Road Commission for approval.

### 7.15 NONCONFORMING LOTS, STRUCTURES, USES OF LAND AND STRUCTURES

A. Intent. The lawful use of a dwelling, building or structure and of land or a premise as existing and lawful at the time of enactment of this Ordinance, or amendment to this Ordinance, there at the time of the amendment, may be continued although the use does not conform with the Ordinance or amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival, except as provided herein. Any non-conforming use, building or structure which cannot be proved conclusively to have been lawfully existing prior to the enactment or

amendment of this Ordinance shall be declared illegal or unlawful and shall be discontinued.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of adoption or amendment of this Ordinance. Such construction or improvements shall be regulated as specified in [Section 7.5](#) vested right (structures under construction) of this Ordinance.

Generally, nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. Increasing awareness that some nonconforming uses will not disappear make it necessary and desirable, in pursuit of the public interest, to distinguish between nonconforming uses which should be eliminated as rapidly as possible and nonconforming uses which may be given separate treatment.

To this end, there are established two classes of nonconforming uses: (1) Class A, those that could be restored, reconstructed or have substituted nonconforming uses; and (2) Class B, those that are not desirable and useful and will only be allowed to be continued until they are removed or voluntarily discontinued.

B. Nonconforming use classifications. A nonconforming use shall not be permitted to continue in existence if it was unlawful at the time of its inception. A nonconforming use shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, irrespective of its classification.

All nonconforming uses shall be classified as class B nonconforming uses at adoption of this Ordinance. The Planning commission, Township Board, building department [planning and zoning coordinator], or any person with a property interest may submit an application for designation of a dwelling, building, structure, land or premises as a class A nonconforming use. The Planning commission shall have the sole authority to designate a nonconforming use as a class A nonconforming use, upon finding that all of the following conditions are met: (1) continuance thereof would not be contrary to the public health, safety or welfare, or the spirit and intent of this Ordinance; (2) the use does not, and is not likely to, significantly

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depress the value of nearby properties; (3) the use was lawful at the time of its inception; and (4) no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use does not conform.

- C. Procedure for obtaining class A designation. A written application shall be filed with the planning coordinator setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Planning commission to make a determination concerning the matter. This information may include descriptive matter, drawings and photographs. Upon receipt of an application for class A nonconforming status, the Planning commission shall consider the application at a regular meeting. Copies of the meeting agenda shall be sent to all abutting property owners.

The Planning commission may attach conditions, including a time limit, where necessary, to assure that the use and its buildings or structures do not become contrary to the public health, safety or welfare, or the spirit and purpose of the classification.

- D. Revocation of class A designation. Any class A designation shall be revoked, following the same procedure required for designation, upon a finding that, as a result of a change of conditions or circumstances, the use or structure no longer qualifies for class A designation.

- E. Regulations pertaining to class A nonconforming use.

- 1. A class A use may be used, altered or enlarged, provided that it does not violate any condition imposed by the Planning commission established at the time of its designation. To be enlarged, the Planning commission must have specifically addressed and established the limits of such enlargement at the time of approval of the designation.

- 2. A class A nonconforming use shall be permitted to be restored and continued as it existed at the time of its impairment if it has been destroyed by fire, explosion, act of God, or act of the public enemy subsequent to the effective date of its class "A" designation, provided that said use restoration is completed within 12 months from the time of destruction and that the same use is made of the premises.

The building director may, for reasonable cause, grant one extension of time for an additional period not exceeding 90 days.

- 3. Where a class A nonconforming use occupies a building and/or structure and land in combination, removal of such building and/or structure shall eliminate the nonconforming status of the land.

- 4. Any class A nonconforming use may be changed to another nonconforming use upon written findings of the Planning commission that:

- a. The proposed use is similar in operational characteristics as the former nonconforming use;

- b. There is no increase in the intensity of the use of the land, building or structure involved;

- c. Such change in use will have a less detrimental effect or [less] negative impact on neighboring property than the existing nonconforming use it is replacing; and

- d. The proposed use, although inappropriate to a uniform zoning pattern, is desirable and useful in pursuit of the public interest or is more appropriate to the zoning district than the existing nonconforming use.

In permitting such a change in use, the Planning commission may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance, inclusive of upgrading the premises to comply as nearly as is practicable with requirements of this Ordinance.

- F. Regulations pertaining to class B nonconforming uses. The purpose of this Section is to establish restrictions designed to eliminate class B nonconforming uses as rapidly as is permitted by law without payment of compensation.

- 1. No class B nonconforming use shall be resumed if it has been changed to a conforming use for any period.

- 2. No class B nonconforming use shall be enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the replacement cost of such structure.



3. No class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged or extended so as to make use of more land area than used at the time of becoming nonconforming.
  4. No class B nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or subsequent amendment to this Ordinance.
- G. Nonconforming structures and buildings. Where a lawful structure or building exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, type of structure, or other restrictions of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity, i.e., in conformance with the provisions of this Ordinance.
  2. Should such structure or nonconforming portion of the structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
  3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  4. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any nonconforming building or structure, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Nothing in this Ordinance shall be deemed to prevent routine repairs and maintenance of a nonconforming building or structure so long as such repairs and maintenance do not add to its nonconformity.

- H. Nonconforming uses of structures and land. If a lawful use of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure and land devoted to a class B nonconforming use not permitted by this Ordinance in the district in which it is located shall be intensified, enlarged, extended, constructed, reconstructed, moved or altered, except in changing the use of the structure and land to a use permitted in the district in which it is located.
  2. Any class A nonconforming use of structures and land may be extended throughout any parts of building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
  3. Any nonconforming use of structure and land in combination, in or on which the nonconforming use is superseded, in whole or in part, by a permitted use shall thereafter conform to all regulations for the district in which such structure and land are located, and the nonconforming use may not thereafter be resumed.
- I. Records of nonconforming uses. After the adoption of this Ordinance or any amendments thereto, the building director shall prepare a record of all known nonconforming uses, including uses of buildings and of land, existing at the time of such ordinance or amendment.
- Such record shall contain the names and addresses of the owners of record of such nonconforming uses and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Each owner and occupant shall be notified by certified mail, return-receipt requested, of the nonconforming character of the structures and uses thereof. Such list shall be available during regular business hours in the office of the building director for examination and shall constitute permanent records of the Charter Township of Shelby.

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- J. Change of tenancy or ownership. There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or extent of such nonconforming use, except as may be provided herein.
- K. Uses subject to special land use approval not nonconforming uses. Any use for which a special land use approval is required in a specific zoning district as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district, subject to all applicable special land use requirements if altered or enlarged.
- L. Nonconforming lots. Any lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards may be utilized, provided the width and area and available open space for yards is not less than 662/3 percent of that required by the terms of this Ordinance, excepting that vacant lots having in the aggregate a continuous frontage of 100 feet or more shall not be subject to this exception if equal to one or more conforming lots for the district in which they are located. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.
- M. Acquisition. The Township may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Public Act No. 149 of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

- N. Appeals. Appeals from decisions made under this [Section 7.16](#) of the Ordinance may be taken to the Township Zoning Board of Appeals, as provided by Public Act No. 637 of 1978 (MCL 125.271 et seq., MSA 5.2963(1) et seq.).
- O. Abandonment. Any class A or class B nonconforming use shall be considered abandoned, and such nonconforming use may not be resumed thereafter if any of the following conditions apply:
  1. When the owner declares or otherwise makes evident his intent to discontinue such use.
  2. When the nonconforming use has been replaced by a conforming use.
  3. Cessation of such non-conforming use for a period of one year.
  4. When the repair, rebuilding or reconstruction of a nonconforming use, rendered necessary by wear, tear, deterioration or depreciation, exceeds 30 percent of the insured value thereof if it be not insured, at the time such work is to be done.
  5. When a nonconforming use has been damaged by fire, collapse, explosion, storm, lightning, accident, war, other calamity or acts of God, to an extent exceeding 50 percent of the insured value thereof or insurable value thereof if same is not insured, immediately prior to such damage. If the cost of such restoration or rebuilding shall be equal to or greater than 50 percent of such value, then such use shall be made to conform with the applicable provisions of the zoning district established by this Ordinance where same is located.

**7.16 ZONING BOARD OF APPEALS**

- A. Creation and membership. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.) in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of five members as follows:



1. The first member shall be a member of the Township Planning Commission.
  2. The second member may be a member of the Township Board, appointed by the Township Board, but shall not serve as chair of the Zoning Board of Appeals.
  3. The remaining members shall be selected and appointed by the Township Board from the electors of the Township residing outside of incorporated cities and villages, which members shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals. Further, an employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
  4. Terms shall be for three years, except for members serving because their membership on the Planning commission or Township Board, whose terms shall be limited to the time they are members of the Planning commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
  5. The Township Board may appoint two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one or more meetings of the Zoning Board of Appeals or for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of 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. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
  6. Members of the Zoning Board of Appeals may be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest constitutes malfeasance in office.
  7. A Township Board of Appeals shall not conduct business unless a majority of the regular members of the board are present.
  8. The members of the board of appeals shall be selected by the Township Board at a regularly called meeting. The board of appeals shall elect from its members a chairperson, vice chairperson and secretary. The board of appeals shall submit an annual report of its proceedings to the Township Board, as well as a proposed budget for the board's consideration in appropriating the monies necessary for the business of the board of appeals. Said report and budget shall be submitted according to the schedule specified by the Township Board.
  9. The total amount allowed the board of appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- B. Jurisdiction. The board of appeals shall have the following powers:
1. To hear and decide appeals of any order, requirement, decision or determination made by the building director or Planning commission or other administrative official or body charged with the enforcement of this Ordinance in the administration or enforcement of this Ordinance (see [Section 7.16.D](#)).
  2. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on said map.

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3. To grant variances from the provisions of this Ordinance as may be in harmony with its general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:
  - a. Permit the erection and use of a building or use of premises for public utility purposes and make exceptions, therefore, to the height and bulk district requirements herein established which said board considers necessary for the public convenience or welfare.
  - b. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - c. Permit such modification of the height, area and setback regulations as may be necessary to secure and appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
  - d. Permit modification to setback, location, site, building screening or site plan requirements when sponsored by the Planning commission for a specific proposal that benefits the Township by providing better design or efficient use of the site or results in a more creative development.
4. Permit the phasing of required site plan improvements where the cost of the required improvements are relatively high in relation to the total cost of the applicant's development or addition. Planning commission recommendations shall be required, together with a surety in the amount of the deferred improvements.
5. Permit temporary buildings and uses in conformance with [Section 7.16.F](#) of this Ordinance.
6. Permit a carnival, outdoor circus or migratory amusement enterprise in an area in a "C-2", "C-3", "C-4", "LM" or "HM" district, provided that attached to the application for a permit shall be a letter of consent from the owner of the property to be used for such purpose.
  - C. Meetings and record. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as such board may determine or specify in its rules of procedure. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings conducted by said board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a public record of its proceedings in the office of the Township clerk. The record shall indicate: the vote of each member upon each question; all absences of the members; and the failure of any member to vote. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the building director or Planning commission, or to decide in favor of an applicant regarding any matter upon which they are required to pass under this Ordinance, or to affect [effect] any variation in this Ordinance.
  - D. Appeals procedures. These procedures are instituted to hear and decide appeals from, and review an order, requirement, decision or determination made by, an administrative official, commission, board or agency of the Township charged with the administration or enforcement of the Township Zoning Ordinance. Procedures for the issuance of a variance are cited in [Section 7.16.E](#) of this Ordinance.
    1. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the Zoning Board of Appeals specifying the grounds for the appeal. The applicant shall file with the Zoning Board of Appeals, in writing or on forms furnished by the planning and zoning department, giving notice of appeal and specifying the grounds thereof.
      - a. The officer or commission from whom the appeal is taken shall transmit to the Zoning Board of Appeals all materials constituting the record upon which the appeal is taken.



- b. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer or commission from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him, that by reasons 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 restraining order which may be granted by the Zoning Board of Appeals, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
  - c. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof as required by state law and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises, and, to that end, shall have all the power of the officer or body from whom the appeal was taken and may issue or direct issuance of a permit. Where there are practical difficulties in the way of carrying out the strict letter of such Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of such Zoning Board of Appeals shall be final. However, a party aggrieved by the decision may appeal to the circuit court which shall review the record prepared by the Zoning Board of Appeals consistent with the provisions of Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.).
  - d. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, commission, department or agency.
  - e. All actions of the board shall be stated in writing.
- E. Variance review procedures. These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant or his predecessors in title, a literal enforcement of the Ordinance would result in practical difficulties. As used in this Ordinance, a variance is authorized only for height, area and size of structure, or size of yards, open spaces and those listed in [Section 7.16.B.2](#). Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts. Variances shall also not be granted for any special land use or PUD once it has been approved by the Planning commission.
1. An application for the approval of a variance shall be made by all owners of an interest in the site to the Township Planning and Zoning Department, accompanied by the necessary fees and documents, as provided in this Ordinance. Since a variance is the result of a condition unique to a particular lot or structure and not the result of an administrative action, a "denial" is not a required precedent to an application. Any application for either site plan or sign approval that requires a variance must first be considered by the Planning commission before an application is submitted to the Zoning Board of Appeals.
  2. The application shall be accompanied by a site plan drawn to the scale of 1" = 20' and placed on a standard sheet and containing the following information:
    - a. Dimensional elements for which a variance is requested.
    - b. Dimensional relationships of the subject lot to the structure on all adjacent lots.



3. The application shall also be accompanied by a letter of intent explaining the request. The letter shall explain how the requested variance conforms to the standards of [Section 7.16.E.7](#).

4. The Township Planning and Zoning Department shall provide notice of the time and place of the Zoning Board of Appeals meeting at which such application will be considered, as required by state law.

5. The Zoning Board of Appeals shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than 45 days after receipt of the application by the Township Planning and Zoning Department and hear and question any witness appearing before the board.

6. The Zoning Board of Appeals shall approve, with or without conditions, or deny the application and shall communicate its action, in writing, to the applicant, the Township Board, the building director, and the Planning commission within one week from the time of the meeting at which it considered the application.

Reasonable conditions may be required with the approval of an application. Conditions may include conditions necessary to insure that public services and facilities affected by a variance will be capable of accommodating increase services and facilities affected or caused by the variance activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent properties and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet one of the following requirements:

a. Designed to protect either natural resources, or the health, or safety, or welfare, or social economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, or the community as a whole.

b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the variance or activity under consideration, and be necessary to insure compliance with those standards.

7. The Zoning Board of Appeals shall consider the following factors in evaluating a variance application:

a. The condition was not created by the applicant or a previous owner of the subject property or reasonably discoverable by the current owner.

b. The property in question has unique physical features or other unique characteristics.

c. The parcel cannot be reasonably used for uses permitted in the district without granting the variance.

d. Strict application of the provisions of the Zoning Ordinance would be unreasonably burdensome on the applicant.

e. The variation would not cause a substantial injustice to nearby properties nor cause public safety concerns.

f. The variance would not bestow a special right or privilege upon the applicant.

g. A lesser variance would not give substantial relief to the applicant.

h. The variance request is not primarily related to a personal or economic hardship, rather it is related to a unique physical feature of the property.

8. The building administrator shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.





F. Approval of temporary structures or uses.

1. The Zoning Board of Appeals may permit, upon proper application, major or minor temporary structures for periods not to exceed six months. The granting of six-month extensions shall be permissible, but in no event shall any temporary structure or sign be allowed to exist in excess of two years. The Zoning Board of Appeals, in granting permits for temporary structures, shall do so under the following conditions:
  - a. The proposed temporary structure shall conform to all regulations and Township Ordinances relative to structures permitted in the particular zoning district wherein the proposed temporary structure would be located except as provided herein.
  - b. The temporary structure permit shall be granted in writing, stipulating all conditions as to time for construction and removal and nature of the proposed structure.
  - c. No temporary structure permit shall be granted without the applicant having filed with the building department [planning and zoning coordinator] a bond, in an amount to be determined by the Zoning Board of Appeals, which amount shall be set forth in the written grant of the temporary structure permit, which amount shall be sufficient to secure removal of said structure upon the expiration of the permit.
  - d. Any temporary structure permit granted by the Zoning Board of Appeals shall not be valid unless and until a building permit for the proposed structure is obtained by the applicant. Any erection or construction of the temporary building shall be started and proceed to completion in accordance with the terms of the building permit. All setback, land coverage, lighting, off-street parking and other requirements shall be established and made at the discretion of the Zoning Board of Appeals.
  - e. The Zoning Board of Appeals may, at its discretion, refer the application to the Township Planning Commission for review and recommendation.

- f. The erection, construction, completion, use and maintenance of any temporary structure shall, at all times, be in full compliance with all state statutes, public health regulations and Township Ordinances.
2. The Zoning Board of Appeals may also permit, upon proper application, major or minor temporary uses not otherwise permitted in any zoning district which do not require the erection of any capital improvement of a structural nature. Such grant of temporary use shall not exceed 12 months. The granting of 12-month extensions shall be permitted. In granting such permits for temporary use, the Zoning Board of Appeals shall do so only under the following conditions:
    - a. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
    - b. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the zoning district nor on the property wherein the temporary use is permitted.
    - c. The use shall be in harmony with the general character of the zoning district.
    - d. All setbacks, land coverage, lighting, off-street parking and other requirements are to be considered in order to protect the public health, safety, peace and general welfare of the inhabitants of the Township. All such requirements shall be established and made at the discretion of the Zoning Board of Appeals.
    - e. The Township Planning and Zoning Department shall notify the applicant and all owners of an interest in lots, as recorded on the Township tax roll, located immediately abutting or directly across the street from the subject property for which the temporary use or temporary structure is being requested, of the time and place of the Zoning Board of Appeals meeting at which such application will be considered; provided, however such notice shall be given not less than five days before such meeting.

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- f. Prior to the Zoning Board of Appeals taking any action on an application for temporary use permit, the board of appeals may, at its discretion, refer the application to the Township Planning Commission for review and recommendation.
- 3. The Zoning Board of Appeals may revoke a permit or approval for any temporary structure, or temporary use for any violation of the terms of the permit or grant of such temporary structure or temporary use.
- 4. Permits for minor buildings and uses of a temporary nature may be issued by the planning director, subject to the requirements of [Section 7.21](#). At the discretion of the planning director, an application for a minor building or use of a temporary nature may be referred to the Zoning Board of Appeals for their review and approval, approval with conditions, or denial, under the provisions of this [Section 7.16.F](#).
- G. Zoning Board of Appeals approval.
  - 1. Except as provided in [Section 7.16.F](#), no order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two years. A building permit for such erection or alteration shall be obtained within such period, and such erection or alteration shall be started and proceed to completion in accordance with the terms of such permit.
  - 2. Except as provided herein, no order of the Zoning Board of Appeals permitting a use of a building or land shall be valid for a period longer than two years. Such use shall be established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration shall be started and proceed to completion in accordance with such permit.

- H. Special land use and planned unit development appeals. Any person aggrieved by a decision of the Township Board concerning the disapproval or partial disapproval of a special land use or planned unit development may appeal the decision of said body to the Zoning Board of Appeals. The Zoning Board of Appeals shall review such decision de novo with reference to the standards for special land uses and/or planned unit developments established in this Ordinance. It is the intent of the Township Board to grant the Zoning Board of Appeals the power of appellate review consistent with Section 603(1) of Public Act No. 110 of 2006 (M.C.L. 125.3603).

**7.17 PLANNING COMMISSION**

- A. The Charter Township of Shelby Planning Commission, as established under Public Act No. 168 of 1959 (MCL 125.321 et seq., MSA 5.2963(101) et seq.), shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.
- B. In cases where the Planning commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said commission for the proper consideration of the matter.
- C. The Planning commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any review or hearing which may be held relative thereto, as required under its rules of procedure.



## 7.18 AMENDMENTS AND CHANGES

A. Amendments to this Ordinance may be made from time-to-time in the manner provided in Michigan Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.), as same may now or hereafter be amended, and in accordance with the initiatory procedure set forth hereinafter. Amendments may be initiated by the Township Board upon written request to the Planning commission, or the Planning commission may initiate amendments upon its own motion. Any person, firm or corporation affected by the provisions of this Ordinance may initiate an amendment hereto by submitting the necessary forms, obtainable from the Township, to the Township planning and zoning coordinator. A rezoning traffic study prepared in accordance with [Section 6.2](#) shall be required for any applicant-proposed change to the zoning map that is either 1) inconsistent with the Township's Master Plan, or 2) involves a request other than residential down-zoning. The petition shall be processed according to the procedures adopted by the Township.

B. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of Public Act No. 110 of 2006 (M.C.L. 125.3405) and in accordance with the following:

1. Procedure. Except as otherwise provided herein, the application, review, and approval of conditional rezoning requests shall follow the same procedures as established by the Township Board and as provided by Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.) for all rezoning requests without an offer of conditions.

A written offer of conditions may be submitted either at the time an application for rezoning is filed or at a later time during the rezoning process. An applicant may voluntarily amend or withdraw all or part of the offer of conditions at any time during the rezoning process, provided that if such amendment or withdrawal occurs subsequent to the Planning commission's public hearing on the original request, the rezoning application shall be referred back to the Planning commission for a new public hearing and recommendation. Notice of the public hearing shall be given as required by state law. An offer of more restrictive conditions may not require a new public hearing.

2. Conditions. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Approval. Upon approval of a conditional rezoning request, the applicant shall submit a formal written statement of conditions which shall be incorporated by attachment as an inseparable part of the Ordinance adopted by the Township Board. The statement of conditions shall:
  - a. Be in a form recordable with the Macomb County Register of Deeds and include a statement acknowledging that it is recorded.
  - b. Contain a legal description of the land to which it pertains.
  - c. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the statement of conditions.
  - d. Contain a provision acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions.
  - e. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - f. Specify that failure to comply with any of the conditions set forth in the statement of conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.

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- g. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
- 4. Recording. The approved statement of conditions shall be filed by the Township clerk with the Macomb County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land. Approved conditional rezonings shall be designated on the zoning map in a manner that identifies that the property is subject to a statement of conditions.
- 5. Effect. The following shall apply to approved conditional rezoning requests:
  - a. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
  - b. If approved development and/or use of the rezoned land does not occur within the time frame specified under [Section 7.18.B.5.a](#), then the land shall revert to its former zoning classification as set forth in Section 405(2) of Public Act No. 110 of 2006 (M.C.L. 125.3405). The reversion process shall be initiated by the Township Board requesting that the Planning commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.
  - c. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to [Section 7.18.B.5.b](#) or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township clerk shall record with the Macomb County Register of Deeds a notice that the statement of conditions is no longer in effect.
  - d. During the time period for commencement of an approved development or use specified pursuant to [Section 7.18.B.5.a](#) or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the statement of conditions.
  - e. The statement of conditions may be amended thereafter in the same manner as set forth in [Section 7.18.B.1](#) of this Ordinance.
  - f. Nothing in the statement of conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and Public Act No. 110 of 2006 (M.C.L. 125.3101 et seq.).



## 7.19 FEES

The Township Board shall establish, by resolution, fees for each of the following:

- A. Inspection and certification. Fees for inspections and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township treasurer in advance of the issuance of such permits or certificates.
- B. Appeals and variances. Any person applying under Article 7 of this Ordinance in all cases shall pay the established fixed fee, plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.
- C. Reviews. Fees for the review of site plans, special approval uses or other matters requiring Township Board, Planning commission or the Zoning Board of Appeals review, under the terms of this Ordinance, shall be paid to cover the cost of such reviews, including notice, publication, delivery, administration and professional services.
- D. Rezoning. Any petition for the rezoning of land requiring an amendment of the Charter Township of Shelby Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.
- E. 5. Other. Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Township Board, Planning commission or the Zoning Board of Appeals shall be paid by the recipient or applicant upon application for resolution or meeting.
- F. Waivers. The Township Board may waive payment of any fees established by resolution when it finds that the necessity for an appeal, variance and/or rezoning is the result of an error or omission by the Township Board in enactment of this Ordinance.

## 7.20 CERTIFICATE OF ZONING COMPLIANCE

- A. No person shall use, occupy, or permit the use or occupancy of any structure or premises, or parts thereof, hereafter constructed, created, converted, or wholly or partly altered or enlarged in its structure or changes in its use or principal occupant, until a certificate of zoning compliance shall have been issued therefor by the building director, stating that the proposed use of the structure or lot conforms to the zoning classification requirements of this Ordinance. A certificate of zoning compliance is not required for residential buildings and approved accessory structures incident thereto. In those instances where a building permit may not be required for activities regulated by the Zoning Ordinance, a zoning compliance permit shall be required for the purpose of assuring compliance with all applicable regulations contained herein.
- B. The owner or occupant of a nonconforming structure or use shall procure a certificate of zoning compliance, which shall state specifically in what respect the nonconforming use differs from the zoning classification provisions of this Ordinance. Upon the effective date of this amendatory Ordinance, owners or occupants of nonconforming uses or structures shall have 12 months to apply for certificates of zoning compliance. If no application is made within 12 months, it shall be presumed that the property was in conforming use at the time of this amendatory Ordinance.
- C. No permit for construction, alteration, moving or repair of any structure shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work. An application for a certificate of zoning compliance is not required for residential buildings and the approved accessory structures thereto.
- D. A temporary certificate of zoning compliance may be issued by the building director, subject to all of the following conditions:
  1. That any temporary certificate of zoning compliance issuance shall not exceed a time period of 180 days. One 30-day extension may be granted, upon the submission of proof(s) that substantial hardship(s) exist which preclude the completion of improvements essential for the issuance of a permanent certificate of zoning compliance.

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- 2. A performance bond, in an amount as established by resolution of the Township Board, has been posted with the Township treasurer, which may change from time-to-time by resolution of the Township Board. The bond shall be in a form acceptable to the Township treasurer and shall be discharged and returned to the payor, at the time of the final certificate of zoning compliance.
- 3. That upon expiration of any temporary certificate of zoning compliance and/or any lawful extension(s) granted thereto, the bond described in paragraph B. above shall be forfeited to the Township if all of the required improvements have not been completed as required. The Township's building department [planning and zoning coordinator] [planning director] shall use all, or any portion of, the forfeited bond money(ies) to offset actual cost(s) of any litigation necessary to obtain Ordinance compliance, including ordering the actual improvements installed at or on the subject site, when expressly approved by the court having jurisdiction.
- 4. That the granting of a temporary certificate of zoning compliance shall not be construed as any implied, or in fact, final or permanent approval. In all cases, the final or permanent certificate of zoning compliance shall be the document that provides closure of the project from the zoning perspective.
- 5. That upon the expiration of any temporary certificate of zoning compliance and/or any lawfully granted extension thereof, proper notice shall be represented to all parties in interest; and, in the absence of the issuance of the permanent certificate of zoning compliance within 30 days after the date of said notice, the Township shall initiate legal proceedings in a court of competent jurisdiction to gain Ordinance compliance.
- E. The building director shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished, upon request, to any person upon payment of the cost of reproduction of same.

- F. Certificates of zoning compliance shall be issued by the building inspector on the basis of plans, applications and construction approved by the appropriate Township agency, department, board or commission, and shall authorize only the use, arrangements and construction set forth in such approved plans or constructions.
- G. The Township Board of Trustees, from time-to-time, shall, by resolution, establish a schedule of fees in connection with this Ordinance and its administration and enforcement.
- H. A certificate of zoning compliance shall not be issued where any of the following conditions are found to exist:
  - 1. Any land, building(s) or portion(s) thereof which have any recorded violation(s) of the Township's Zoning Ordinance shall not receive a certificate of zoning compliance.
  - 2. Any building(s) or portion(s) thereof which have any recorded violation(s) of the prevailing Michigan Building Code shall not receive a certificate of zoning compliance.
  - 3. Any, land building(s) or portion(s) thereof which have any recorded violation(s) of the Township's Code of Ordinances shall not receive a certificate of zoning compliance.

Where any violation(s), as described herein are found to be of a minor nature, in the opinion of the building director, a temporary certificate of zoning compliance may be issued provided that a written agreement is submitted to the building department wherein a date certain is established for Ordinance compliance. If the existing building violation(s) is not corrected by the compliance date indicated, the building director may initiate litigation to gain Ordinance compliance.

**7.21 MINOR BUILDINGS AND USES OF A TEMPORARY NATURE**

Minor buildings and uses of a temporary nature, such as but not limited to, seasonal sales, tent sales, holiday sales, on-site sales office for new development, on-site events of a house of worship, school, or nonprofit group, temporary signs, and the like may be permitted by the planning director, subject to the following standards:

- E. An application form, available from the planning and zoning department, shall be submitted along with the fee established from time-to-time by the Township Board.



- F. A sketch plan shall be submitted, drawn to scale, that illustrates the location of the proposed temporary minor building or use on the applicant's property.
- G. If the property in question is not owned by the applicant, a letter signed by the owner shall be submitted giving the applicant authorization to use the property for the specific period of time requested in the temporary building or use permit application.
- H. The application package shall clearly describe the nature of the temporary minor building or use and the proposed time period to be covered by the permit.
- I. The application shall indicate that the temporary minor building or use will be removed immediately upon expiration of the temporary permit for minor building or use.
- J. The application shall clearly demonstrate no potential adverse impact on adjoining properties or residences from the proposed temporary minor building or use.
- K. At the discretion of the planning director, an application for a temporary permit for minor building or use may be referred to the Zoning Board of Appeals for their review and approval, approval with conditions, or denial, under the provisions of [Section 7.16.F](#).

#### 7.22 TEMPORARY DWELLING

In the case of an existing house fire, tornado or similar act of God, the building director may permit the temporary occupancy of a mobile home or trailer. The approval shall be for a maximum period not to exceed six months, with one extension allowed. Utilities meeting the requirements of the Township or county shall be provided. The building director may also require cash deposit or letter of credit to provide for the removal of the structure when the approval is expired.

#### 7.23 VIOLATIONS AND PENALTIES

- A. Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fail to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals or the Township Board, adopted pursuant hereto, shall, upon conviction thereof, be subject to a fine of not more than \$500.00 or 90 days in jail or both and the costs of prosecution at the discretion of the court. Each

day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, mobile home or land shall be adjudged guilty of maintaining a nuisance per se.

- B. Use; abatement. Any use of land or of a dwelling, building or structure, including a tent or recreational vehicle, used, erected, altered, razed or converted in violation of any of the provisions of this Ordinance or a regulation adopted under it is declared to be a public nuisance per se and shall be abated by order of a court of competent jurisdiction. The Township supervisor or his or her designate shall administer and enforce the Zoning Ordinance.
- C. Authority to issue appearance tickets. The Township supervisor, Township engineer, building official, code enforcement official, police officers and such other officers, employees and other public servants designated by the Township supervisor are authorized to issue and serve appearance tickets as provided by Section 9c and 9f of Chapter IV of Act No. 175 of the Public Acts of 1927, as amended.

#### 7.24 MUNICIPAL CIVIL INFRACTIONS

- A. Municipal civil infraction action; commencement. A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction notice directing the alleged violator appear at the Charter Township of Shelby Municipal Ordinance Violations Bureau, within ten days, to pay a civil fine if the alleged violator admits responsibility.
- B. It is unlawful and constitutes a municipal civil infraction for any person to violate or fail to comply with the following provisions:



7.24 Municipal Civil Infractions	
Title	Section
Animals	4.62
Building grades	5.28
Corner visibility	5.3
Garage sales, rummage sales and similar activities	4.64
Garbage, rubbish and waste	5.7
Horse keeping	4.62.B
Maintaining of property in a manner consistent with public health safety and welfare	5.10
Outdoor merchandising	4.65
Prohibited occupancy	7.9
Storage, accumulation, dumping and/or collection of waste	5.9
Storage of motor vehicles	5.29
Yard use	5.31
Home occupation	4.2
Height limit	3.38.C
Porches/terraces, at-grade patios, steps/stairs and decks	3.38.E
Projections into yards	3.38.F
Residential yard fences	5.5
Screening requirements	5.17.B
District regulations	3.24
Residential District Regulations	5.2.A, 3.29, 6.3
Industrial performance standards	5.26
Permits	7.3
Zoning approval certificate	7.4
Final inspection	7.6
Certificate of zoning compliance	7.20

The sanction for a municipal civil infraction citation shall be a civil fine in the amount provided by this Code, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.

1. Unless otherwise specifically provided by this Ordinance, the fine for each violation shall be not less than \$100.00 or more than \$200.00.
2. An increased fine may be imposed by the court for each repeat offense in accordance with the following:

- a. The fine for any offense that is a first repeat offense shall be no less than \$250.00 nor more than \$400.00.
- b. The fine for any second repeat offense or any subsequent repeat offense shall be no less than \$500.00.
- c. In addition to all other remedies, the Township may commence and prosecute appropriate actions or proceedings in court to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation.





C. Municipal civil infraction citations; issuance and service. Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
2. The place for appearance specified in a citation shall be the district court.
3. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained the Township and issued to the alleged violator as provided by Chapter 87 Section 8705 of the Act.
4. A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
5. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
6. An authorized Township official may issue a citation to a person if:
  - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction or;
  - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the Township attorney approves in writing the issuance of the citation.
7. Municipal civil infraction citations shall be served by an authorized Township official as follows:

- a. Except as provided by [subsection 1-14(7)b of the Code of Ordinances], an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
- b. If the municipal civil infraction involves the use or occupancy of land, a building or other structure, a copy of the citation does not need be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

D. Municipal civil infraction citations; contents.

1. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
2. Further, the citation shall inform the alleged violator that he or she may do one of the following:
  - a. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - b. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
  - c. Deny responsibility for the municipal civil infraction by doing either of the following:
    - (1) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
    - (2) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.



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3. The citation shall also inform the alleged violator of all of the following:
    - a. If the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.
    - b. If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.
    - c. A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or Township.
    - d. At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
    - e. At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
  4. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.
- E. Municipal Ordinance Violations Bureau.
1. The Charter Township of Shelby Municipal Ordinance Violations Bureau ("Bureau) is established as authorized by Chapter 83 Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction notices issued and served by authored Township officials, and to collect and retain civil fines and costs as prescribed by ordinance.
  2. The bureau shall be located at a site designated by the Township supervisor and shall be under the supervision and control of the Township supervisor. The Township supervisor, subject to approval of the Township Board, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified Township employee(s) to administer the bureau.
  3. The bureau may dispose of municipal civil infractions for which a fine has been scheduled and for which a municipal civil infraction notice (as differentiated from a citation) has been issued. The bureau may not dispose of a municipal civil infraction citation (as differentiated from a municipal civil infraction notice.)
 

Nothing in this chapter shall prevent or restrict the Township from issuing a municipal civil infraction citation for any violation or from prosecuting any action for such a violation in a court of competent jurisdiction. No person shall be required to respond to a municipal civil infraction notice at the bureau and may instead have the violation processed as a citation so that the matter will be handled by a court of competent jurisdiction. The unwillingness of any person to respond to any municipal civil infraction notice at the bureau shall not prejudice or diminish such person's rights, privileges and protections accorded by law.
  4. The bureau shall only accept admissions of responsibility for municipal civil infractions for which a municipal civil infraction notice has been issued (as differentiated from a municipal civil infraction citation). The bureau shall collect and retain civil fines and costs resulting from those admissions. The bureau shall not accept payment of a civil fine from any person who denies responsibility for the offense or who admits responsibility with an explanation. In no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation.
  5. Municipal civil infraction notices shall be issued and served by authorized Township officials under the same circumstances and upon the same persons as provided for in subsections 1-14(7)a. and b. of the



Code of Ordinances. In addition to any other information required by this Code, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

6. An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person or by representation.
  7. If an authorized Township official issues and serves a municipal civil infraction notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violations are not paid at the bureau within ten days from the date of issuance of the municipal civil infraction notice, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at his last known address. The citation filed with the court shall consist of a sworn complaint containing the allegations stated in the municipal civil infraction notice and shall fairly inform the alleged violator how to respond to the citation.
- F. Schedule of municipal civil infraction fines.
1. The following schedule of fines payable to the bureau for admissions of responsibility by persons served with municipal civil infraction notices shall apply,
    - a. One hundred dollars for each violation.
    - b. Two hundred fifty dollars, for the first repeat offense.
    - c. Five hundred dollars, for any second or subsequent repeat offense.
  2. A copy of the schedule, as amended from time to time shall be posted at the bureau.

- G. Authority to issue municipal civil infraction notices and citations. The Township supervisor, Township engineer, building official, code enforcement official, police officers, park rangers and such other officers, employees and other public servants designated by the Township supervisor are authorized to issue and serve municipal civil infraction notices and citations as authorized by Public Act 236 of 261, as amended.

#### 7.25 INJUNCTIVE RELIEF

In addition to or in lieu of any penalties and/or legal relief provided by this Ordinance, or by [Section 7.23](#) and [Section 7.24](#), any public nuisance or continuing violation of this Ordinance may be enjoined on request or motion of the Township or other adversely affected person or entity by a court of competent jurisdiction.

#### 7.26 DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads or such lines extended; railroad right-of-way lines; and the Shelby Township limits. Dimensions shown are to the center of the adjacent road or street.
- B. Parcels with more than one zoning classification. This Ordinance shall apply to all parcels incorporating a single legal description, which include more than one zoning classification, except where the additional zoning classification is a recreational district. Wherever a singly, legally described parcel involves more than one zoning classification, adequate ingress and egress shall be provided to permit the orderly development of both parcels as zoned. Prior to the development of either parcel, permanent ingress and egress must be established where ingress and egress is provided from one portion of the parcel to the other. A permanent easement for ingress and egress no less than 60 feet shall be provided as determined by the Planning Commission prior to the commencement of development on any portion of a parcel, as well as easements for the provision of public utilities currently or in the future to each portion of the parcel under separate zoning classification, as determined by the Planning Commission. The required 60-foot right-of-way



width may be reduced by the Planning Commission subject to the recommendation by the Township engineer that the easement is wide enough to accommodate access for the site as well as public utilities.

- C. Where, due to the scale, lack of detail or illegibility of the zoning map for this Ordinance, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the Zoning Board of Appeals. The Board of Appeals, in arriving at a decision on these matters, shall apply the following standards:
  1. The district boundaries, as set forth in this Section, shall first be considered with reference to the standards cited in [Section 7.26.A](#).
  2. Where a district boundary divides a site, the location of any such boundary, unless the same is indicated by dimensions shown on the said map, shall be determined by the use of the map scale shown thereon.
  3. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said boundary line as all of the facts and circumstances shall reasonably require.

**7.27 ANNEXED AND DETACHED TERRITORY**

All territory which may hereafter be detached and annexed to the Township shall maintain the existing or a similar zoning classification for a period of at least two years, or until rezoned by the Township Board.

**7.28 VACATED RIGHT-OF-WAY**

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is attached.

