

AGENDA

Village of Shelby Planning Commission
Wednesday, January 19, 2022
218 N. Michigan Ave.
Shelby, MI 49455
Special Meeting – 6:00 P.M.



Agenda Topics:

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Public Hearings: None
5. Commission Administrative Business:
 - a. Zoning Ordinance Update – Site Development Requirements, Edits to District chapters, Zoning Board of Appeals **D**
6. Reports: Planning Commission 2021 Annual Report
7. Public Comment:
8. Member Discussion:
9. Adjournment:

AR- Action Requested
D- Discussion Item



Memorandum

Date: January 14, 2022

To: Ross Field, Chair, Shelby Planning Commission
Planning Commission Members

From: Brady Selner, Village Administrator

Subject: Zoning Ordinance Update – Site Plan Review and Special Land Use Chapters

Information:

Andy Moore of Williams&Works will be at the special Planning Commission meeting to continue the zoning ordinance rewrite after a couple of months off due to the holidays. The Planning Commission last looked at Chapter 12 – Site Plan Review and Chapter 14 – Special Land Uses. Andy was not present at that meeting, but comments from the meeting were passed along to him so the edits could be made. The documents included in this packet for us to review include Chapter 13 – Site Development Requirements, Chapter 14 – Zoning Board of Appeals, edits to the District Chapters, and an updated zoning map.

Supporting Documents:

Chapter 13 – Site Development Requirements
Chapter 14 – Zoning Board of Appeals
District Chapters (Chapters 4 – 9)
Updated Zoning Map

CHAPTER 13. SITE DEVELOPMENT REQUIREMENTS

SECTION 13.01. LANDSCAPING, BUFFERING AND SCREENING

Section 13.01.01. Intent.

The provisions in this Section are intended to set minimum standards for the design, installation, and maintenance of landscaping, greenbelts, and screening for the protection and enhancement of Shelby's environment. Landscaping and screening enhances the visual image of the Village, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. The intent of these provisions includes, but is not limited to the following:

- A. Promote the implementation of the Village of Shelby Master Plan;
- B. Define, articulate, and integrate outdoor spaces, architectural elements, and various site elements;
- C. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
- D. Protect and preserve the appearance, character, and value of the residential uses that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety, and welfare, by requiring complementary landscaping treatments and providing transitional areas adjacent to natural areas;
- E. Reduce soil erosion and depletion by utilizing vegetative root systems to stabilize soils and foliage to reduce the effects of erosive winds and water;
- F. Increase stormwater retention and slow the movement of water, thereby helping to prevent flooding;
- G. Provide reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein;
- H. Recognize and preserve natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site;
- I. Encourage the preservation of larger, native trees that, once destroyed, can only be replaced after generations; and
- J. Support wildlife and natural systems through the planting of native vegetation.

Section 13.01.02. Applicability.

The regulations of this Chapter are applicable to all proposed developments requiring a site plan pursuant to this Ordinance, any new parking lot, and any addition of 10 or more spaces to an existing parking lot.

Section 13.01.03. Landscape Plan.

Whenever a landscape screen or landscape planting is required by the provisions of this Ordinance, a landscape plan shall be provided for review by the Zoning Administrator and/or Planning Commission. The landscape plan shall demonstrate that all requirements of this Section are met, and shall at a minimum, include the following information:

- A. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines, parcel area and north arrow.
- B. The minimum scale of the drawing shall be one (1) inch equals thirty (30) feet.
- C. Proposed and existing man-made features, including buildings, structures, and parking areas.
- D. Setback lines and their dimensions.
- E. Location of existing and proposed driveways and curb cuts, if any.
- F. Location of existing public and private rights-of-way and easements contiguous to and on the property.
- G. Natural features, including trees with a diameter at breast height of three (3) inches or more, water bodies and wetlands, high-risk erosion areas, slopes in excess of twenty-five (25) percent, drainage and similar features; and an indication of which features would be preserved.
- H. Proposed location of plantings, spacing between plantings, height and size at time of planting, type of plantings (common and botanical names), and other elements to illustrate compliance with the standards of this Chapter.
- I. Description of the types of equipment and methods to be used to irrigate the required landscape areas, if any.
- J. A landscape maintenance program, including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this section and identifying the individual(s) or business(s) who will be responsible for continued maintenance of the landscaping.
- K. A detailed description of either written or graphic form, indicating the applicant's plans to protect the existing trees to be preserved from damage during site development and construction such as dripline fencing, tree wells and culverts.
- L. Location, height, elevation/section and material of proposed screening walls, fencing, retaining walls, and berming. Berms are to be delineated by one-foot contours.
- M. Where berms are used, the plan shall depict a typical cross section including the slope, height, and width of the berm and the type of ground cover. Where a wall is used, the landscape plan shall depict typical cross sections of the wall construction and footings.

- N. Calculation verifying minimum landscape requirements such as quantities/areas of plantings for parking areas, screening areas, or greenbelts.
- O. Any other information as may be required by the Zoning Administrator to aid in the review of the landscaping plan.
- P. The Zoning Administrator may waive the submission of items detailed above if such information is not necessary or relevant, based on the scope and scale of the project.

Section 13.01.04. General Requirements.

The following general requirements shall be met by all landscaping plans.

- A. Occupancy Certificates. All required screens, buffer areas, and landscaping plantings shall be planted in accordance with the approved landscape plan, and a certificate of occupancy shall not be issued until the screen, buffer area, and landscape planting has been completed in accordance with the approved plan. If a use is ready for occupancy between November 1 and March 31, a temporary certificate of occupancy may be issued, provided a performance guarantee, as regulated in **Section** has been provided in an amount equal to the estimated cost of the landscape improvements. In any case, all required landscaping must be complete by June 30 following issuance of the temporary certificate of occupancy.
- B. Disturbed Ground Areas. All disturbed ground areas shall be stabilized with dense vegetative materials, including grass, shrubs, and ground covers consistent with these provisions and native to Oceana County.
- C. Street Trees. Where a parkway exists or is proposed, street trees shall be planted within the parkway along public and private streets in all developments requiring site plan approval.
 - 1. Street trees shall be deciduous and capable of achieving a mature canopy diameter of at least twenty-five (25) feet;
 - 2. Provide branching structures which naturally grow, have been trained, or will be pruned to at least seven (7) feet above pedestrian and fourteen (14) feet above vehicular traffic areas;
 - 3. Shall be planted thirty (30) feet on center; and
 - 4. Be tolerant of urban conditions, such as pollution, salt, and drought. See the list of Suggested Native Plant Species in this section for several suitable street tree varieties.
- D. Irrigation. Methods of temporary and permanent irrigation for trees and all landscape areas must be specified. Landscape areas larger than one-thousand (1,000) square feet in area and landscape areas within parking lots shall be provided with an underground irrigation system. To encourage sustainable landscape practices and the use of natural water sources, the Planning Commission may approve an acceptable alternative water supply if the applicant/owner can demonstrate the use of drought-tolerant varieties and other natural sources of

irrigation such as swales and rain gardens. If the alternative irrigation fails to maintain the landscaping in a healthy state, the property owner shall be required to install traditional methods of irrigation sufficient to maintain the plants. All irrigation shall utilize sustainable practices to the greatest extent practicable.

- E. Fractional Plant Requirements. Where this Section requires landscaping for any distance along a property or other line, and an applicant's property is a fraction of the given measurement, then the property's measurement shall be rounded to the next highest number to comply with the minimum standards herein. Driveways and other paved points of access shall not be included in frontage calculations.
- F. Visual Clearance. Landscaping shall be installed such that, when mature, it does not obstruct or obscure traffic signs, fire hydrants, lighting, drainage patterns on the site or adjacent properties, or obstruct vision for safety of ingress and egress, and is subject to the clear vision corner requirements of this Ordinance, as regulated in Section 3.06 of this Ordinance.
- G. Credit for Existing Vegetation. Existing healthy, well-formed trees, shrubs, and herbaceous perennials may be credited towards the requirements of this Section provided the vegetation is identified on the landscape plan, protected from harm during construction, located in an appropriate place, and maintained in a healthy growing condition.
- H. Tree Preservation. Existing healthy trees located within required setbacks and areas not required for development shall be preserved, and may be counted toward the number of trees required.
 - 1. All trees to be preserved as indicated on the landscape plan shall be sheltered by a protective fence and shall remain upright and intact until all construction activity is complete. Construction activities, including driving of machinery or pedestrian movements, and the storage of equipment shall not occur within these protected areas. Tree protection barriers shall extend at a minimum to the drip line of trees which have been identified for preservation.
 - 2. Should any tree designated for preservation fail to thrive as a result of pre-construction, construction, or post-construction activities, the owner shall calculate the diameter breast height (DBH) inches of the damaged tree and replace with tree(s) equivalent in caliper inches to the total DBH inches lost.
- I. Tree Removal and Replacement. All reasonable attempts to conserve established, high-quality canopy trees shall be made. Trees specified for removal measuring twelve (12) diameter breast height (DBH) inches or more shall be subject to the following tree replacement standards.
 - 1. Trees must be replaced in caliper inches at a rate of 50% of the total DBH removed. Replacement deciduous trees shall be at least three (3) caliper inches and replacement evergreen trees shall be at least eight (8) feet in height.
 - 2. Exceptions to the replacement of trees measuring twelve (12) diameter breast height (DBH) inches or more shall be limited to the following:

- a. When no feasible and prudent alternative location can be had without causing undue hardship;
 - b. When the tree is dead, diseased, injured or is a danger to existing structures, utility service, or interferes with safe vision clearances;
 - c. Or if the tree is listed in the prohibited varieties table at the end of this Chapter.
- J. Maintenance and Replacement of Plant Material. Landscaping shall be installed and maintained in a healthy, neat, and orderly appearance, free from refuse, debris, and weeds. Plant materials, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved site plan and detailed planting plan. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard. All unhealthy and dead plant material shall be replaced within one (1) year or in the next appropriate planting period, whichever comes first. A description of the proposed maintenance program shall be submitted with the detailed planting plan, including a statement that all diseased, damaged, or dead materials will be replaced in accord with the Ordinance.
- K. Revised Site Plan. No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised site plan, in accordance with Chapter 12.
- L. Performance Guarantee. The Zoning Administrator or Planning Commission may require a performance guarantee per **Section** of this Ordinance to ensure proper installation and maintenance of all required landscaping.
- M. The Planning Commission and Village Council may lessen the requirements of this section if site conditions make the strict application of these regulations unreasonable, assuming the applicant could provide for sufficient buffering between dissimilar uses and between expanses of parking and rights-of-way or if existing landscaping meets the intent of this Chapter. Additional requirements on landscaping may be imposed if such modification would further the intent of this Chapter.
- N. The Planning Commission and Village Council may retain the services of a landscape architect or other similarly qualified professional to review a landscape plan to ensure compliance with this Chapter.

Section 13.01.05. Required Landscaping.

- A. Transition Strips. For every instance where a land use requiring site plan review abuts a single-family two-family dwelling, or where a nonresidential use abuts a residential use or zoning district, there shall be provided a transition strip. Such transition strip may also be required of a planned development district where it abuts another district.

1. A transition strip of not less than 10 feet in width shall be provided along every lot line which abuts a residential district or use. In the case of an industrial district abutting any other district, there shall be provided a transition strip a minimum of 30 feet in width.
 2. The transition strip shall consist of an attractively landscaped barrier of hedges, trees, or other natural vegetation sufficient in density to provide adequate screening between developed areas of the property and adjacent property. The minimum height of such barrier shall be such as to provide a reasonable degree of privacy to adjacent property, but shall not be less than four (4) feet.
 3. Where the nature of the terrain is such that a wider transition strip is needed to maintain the character of the adjacent district, the Planning Commission shall establish the width of such strip.
- B. Outdoor Storage. Any portion of land used for the outdoor storage of goods, materials, or equipment shall be totally enclosed by a wall, fence, and/or landscaping, so as to screen such storage area from the public streets and adjoining properties. Outdoor storage shall be screening in accordance with the following standards:
1. Such wall, fence, and/or landscaping shall be no less than five feet in height in the Commercial districts or no less than eight feet in the Industrial district. Depending on land usage, taller fencing may be required along those property lines that abut a residential district.
 2. Any goods, materials, or equipment shall not be stacked higher than the wall, fence, or screen.
 3. A chain link fence together with dense evergreen shrub planting may be considered a screening wall upon approval of the Zoning Administrator. All fencing and landscaping must be submitted with the site plan and approved by the Zoning Administrator.
- C. Parking Areas. In addition to the site landscaping required in A and B above, any off-street parking area containing twenty (20) or more parking spaces shall be landscaped according to the following requirements:
1. All required interior landscaped areas shall be protected by a barrier (i.e. a raised standard or rolled concrete curb), except where landscape islands in parking lots are being utilized as part of a stormwater detention or conveyance system.
 2. In the case of a shared parking lot, screening and greenbelts shall not be required along the common property line.
 3. The interior portion of the parking lot shall contain landscaped areas consisting of one square foot of landscaped area for every twelve and one-half (12.5) square feet of pavement, or fraction thereof, and one (1) deciduous tree for every two hundred (200) square feet, or portion thereof, of landscaped area provided.

4. Each landscaped area shall be a minimum of two hundred (200) square feet, with a minimum width of ten (10) feet, and shall include one (1) deciduous tree. In addition to the tree, each landscaped area shall be covered with living vegetative materials such as shrubs, grasses, and flowers, and may include no more than fifty (50) percent exposed surface area of natural mulch materials.
5. At least fifty (50) percent of the deciduous trees within the landscape areas shall be canopy trees, able of achieving a mature canopy diameter of at least twenty-five (25) feet.
6. The landscaped areas shall be dispersed throughout the parking lot in order to break up and soften large expanses of impervious surface and to define access and circulation patterns.
7. The Planning Commission may permit the required landscape areas to be combined into larger areas if they find that the resulting landscape area is of a higher quality and meets the intent of this Chapter to visually enhance the parking lot.
8. Sizes of plant materials at installation shall comply with the minimum landscape material standards in Section _____.

D. Front Yard Landscaping. Except as otherwise provided in Section 13.14.03(4)(B) below, for every lot in the IND, C-1, C-2, R-3, or R-4 districts, front yard landscaping is required as specified below (Fig. 13.05):

1. Landscaping shall consist of a minimum of one canopy tree and three deciduous shrubs for each 30 feet of lot width.
2. Additional front yard landscaping is encouraged and may be required by the Village where it is found that such additional landscaping would further the intent of this Section.

E. Storage and Dumpsters. Exposed storage areas, trash receptacles and dumpsters, machinery installations, service areas, loading docks, utility buildings and utility structures such as electrical transformers, air conditioners, and similar features shall be screened from view from adjoining streets and properties by a screen of sufficient height to obscure the view of the equipment. Dumpster enclosures shall comply with the following requirements.

1. Dumpster enclosures shall be sturdy and constructed of quality, durable materials such as privacy or shadowbox fence, masonry, split-face block, etc. and shall be generally compatible in character and appearance to the principal structure. Chain link, wire, or cyclone fencing materials are prohibited.
2. The enclosure shall be four (4) sided and placed on a concrete pad.
3. The enclosure shall be four (4) sided with lockable opaque gates which complement the screen materials. The Zoning Administrator or Planning Commission may permit the enclosure to be three (3) sided where site dimensions make a four (4) sided enclosure impractical and where the three (3)

sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.

4. Walls of the enclosure shall be six (6) feet in height.
5. When a dumpster is added to any developed site for regular use, such dumpster shall be enclosed pursuant to this section.

Section 13.01.06. Minimum Landscape Material Standards.

- A. All plant material shall be hardy to Oceana County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- B. Diversity. The overall landscape plan shall not contain more than twenty-five (25) percent of any one species.
- C. Native Vegetation. At least seventy (70) percent of new plantings shall be species native to West Michigan.
- D. Unless otherwise specified herein, deciduous trees shall have a minimum caliper of two and one-half (2 ½) inches at time of planting, measured at four (4) feet from grade.
- E. Unless otherwise specified herein, deciduous ornamental trees shall have a minimum caliper of two (2) inches at time of planting, measured at four (4) feet from grade.
- F. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen trees may be planted in staggered rows to provide space for spreading and growth.
- G. Shrubs shall be at least thirty (30) inches in height at time of planting with a minimum spread of twenty-four (24) inches.
- H. Ornamental grasses and perennials shall be a minimum pot size of two gallons when planted.
- I. The following are suggested native plant species, and the use of native species is encouraged.

Suggested Native Plant Species

Plant Type	Common Name	Botanical Name
Canopy Trees	Red Oak	<i>Quercus rubra</i>
	Hackberry	<i>Celtis occidentalis</i>
	American Hornbeam	<i>Carpinus caroliniana</i>
	Black Oak	<i>Quercus velutina</i>
	Ironwood	<i>Ostrya virginiana</i>
	Kentucky Coffee Tree (Fruitless Varieties)	<i>Cymnocladus dioicus</i>

	Red Maple	<i>Acer rubrum</i>
	Sugar Maple	<i>Acer saccharum</i>
	White Oak	<i>Quercus alba</i>
	Sycamore	<i>Platanus occidentalis</i>
	Thornless Honeylocust	<i>Gleditsia triacanthos f. inermis</i>
	River Birch	<i>Betula nigra</i>
	Osage orange (Fruitless Varieties)	<i>Maclura pomifera</i>
	Black Gum	<i>Nyssa sylvatica</i>
Ornamental Trees	American Hazelnut	<i>Corylus americana</i>
	Eastern Red Bud	<i>Cercis canadensis</i>
	Cockspur hawthorn	<i>Crataegus crus-galli</i>
	Pagoda Dogwood (Tree Form)	<i>Cornus alternifolia</i>
	Fringe Tree	<i>Chionanthus virginicus</i>
	Allegheny Serviceberry	<i>Amelanchier laevis</i>
Evergreen Trees	Eastern White Pine	<i>Pinus strobus</i>
	Red Cedar	<i>Juniperus virginiana</i>
	White Spruce	<i>Picea glauca</i>
	Balsam Fir	<i>Abies balsamea</i>
	Canadian Hemlock	<i>Tsuga canadensis</i>
Shrubs	Bush Honeysuckle	<i>Diervilla lonicera</i>
	Common Juniper	<i>Juniperus communis</i>
	Red osier dogwood	<i>Cornus sericea</i>
	Highbush Blueberry	<i>Vaccinium corymbosum</i>
	New Jersey Tea	<i>Ceanothus americanus</i>
	Carolina Rose	<i>Rosa carolina</i>
	Fragrant Sumac	<i>Rhus aromatica</i>
	Common Witch Hazel	<i>Hamamelis virginiana</i>
	Michigan Holly	<i>Ilex verticillata</i>
	Buttonbush	<i>Cephalanthus occidentalis</i>
	Spice Bush	<i>Lindera benzoin</i>
	Shrubby cinquefoil	<i>Potentilla fruticosa</i>
	Creeping Juniper	<i>Juniperus horizontalis</i>
	American Arborvitae	<i>Thuja occidentalis</i>
Ornamental and Perennials	Palm Sedge	<i>Carex muskingumensis</i>
	Little bluestem	<i>Schizachyrium scoparium</i>
	Switchgrass	<i>Panicum virgatum</i>
	Tufted Hairgrass	<i>Deschampsia cespitosa</i>
	Sundial Lupine	<i>Lupinus perennis</i>
	Bee Balm	<i>Monarda fistulosa</i>
	Black-Eyed Susan	<i>Rudbeckia hirta</i>

	Sweet Joe Pye Weed	<i>Eupatorium purpureum</i>
	Cardinal Flower	<i>Lobelia cardinalis</i>
	Butterfly Weed	<i>Asclepias tuberosa</i>
	New England Aster	<i>Aster novae-angliae</i>
	Blue Stemmed Goldenrod	<i>Solidago caesia</i>
	Columbine	<i>Aquilegia canadensis</i>
	Wild Blue Phlox	<i>Phlox divaricata</i>

J. The following trees are not permitted in an effort to protect the health, safety, and welfare of the Village. Some of the plant species listed below are prone to splitting; having wood that is brittle and breaks easily; roots which clog drains and sewers; and or may be unusually susceptible to disease or insect pests. Existing trees of these species may not be counted toward the required number of trees for the development and need not be preserved on the development site. The plants included in this list denoted with an asterisk, have native varieties which are species permitted in naturalized locations where limited contact with people, vehicles, and structures can be obtained.

Prohibited Trees

Common Name	Botanical Name
Box Elder	<i>Acer Negundo*</i>
Tree of Heaven	<i>Ailanthus</i>
Ginkgo (Female)	<i>Ginkgo Biloba</i>
Ash	<i>Fraxinus</i>
Honey Locust (with thorns)	<i>Gleditsia Triacanthos (with thorns)</i>
Eastern Cottonwood	<i>Populus Deltoids*</i>
Mulberry	<i>Morus species (Morus rubra*)</i>
Black Locust	<i>Robinia species*</i>
Catalpa	<i>Catalpa species*</i>
Chinese Elm	<i>Ulmus Parvifola</i>
Silver Maple	<i>Acer Saccharinum*</i>
Willow Tree	<i>Salix tree species*</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Norway Maple	<i>Acer platanoides</i>

SECTION 13.02. PARKING AND LOADING

Section 13.02.01. Purpose and Intent

The purpose of this Chapter is to ensure there is adequate area to provide parking for motor vehicles, temporary storage of vehicles, and loading and unloading space within the Village of Shelby. Through the parking provisions in this Chapter, it is the intent of the Village to encourage safe vehicular circulation, efficient traffic flow on roadways, and safe interactions between vehicles and pedestrians. Additionally, this Chapter is intended to prevent “over-parking” and excessive parking area pavement, which can cause stormwater runoff issues and hinder pedestrian connectivity in commercial areas.

Section 13.02.02. Applicability

In all zoning districts, after the effective date of this Ordinance, off-street parking facilities shall be provided for any new building, structure, or use; for any addition or enlargement to an existing building, structure, or use; or for any change of use to an existing structure, according to the standards in this Chapter. For additions or enlargements to an existing building, structure, or use, or change in use of an existing building or structure, additional parking shall be required only for such addition, enlargement, or incremental increase in required parking due to such change in use, and not for the existing building or structure or previous use.

Section 13.03.03. Location of Facilities

Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible for maintaining the minimum standards set forth herein.

- A. Unless otherwise permitted, all residential districts and uses shall be provided with required off-street parking facilities on the premises they are intended to serve. For single and two-family dwellings, off-street parking shall consist of a driveway and typically a garage, or combination thereof, and shall not be permitted in the required front yard except on a driveway. Parking shall not occur in lawn areas.
- B. For all non-residential buildings and uses in residential zoning districts, required off-street parking shall be provided on the premises with the building or use they are intended to serve.
- C. For all non-residential or mixed-use buildings and uses in the C-1 and C-2 districts, off-street required parking shall be provided on the premises or within 300 feet of the building or use they are intended to serve. In the IND District, off-street required

parking shall be provided on the premises or within 1,000 feet of the building or use they are intended to serve.

- D. In the C-2 District, on-street or off-street public parking spaces within 400 feet of the building or use they are intended to serve may be counted toward the minimum parking requirement.

Section 13.03.04. Number of Off-Street Parking Spaces Required (NEED TO UPDATE)

The minimum number of required off-street parking spaces on a site shall be determined in accordance with the following table. The minimum requirements below may be adjusted per Section 13.05.05.

Required Off-Street Parking Spaces	
Use	Minimum Parking Spaces Required
Assisted living facilities	1 for each 5 beds
Drive through business	5 stacking spaces per drive-through lane with window service or 3 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through uses
Dwellings, single and two-family	2 for each dwelling unit
Dwellings, multiple-family	1.5 for each dwelling unit
Education: private, elementary, and junior high schools	2 for each 3 employees normally engaged in or about the building and grounds
Education: Senior high schools and institutions of higher learning	2 for each 3 employees normally engaged in or about the buildings and grounds, and 1 additional for each 10 students enrolled in the institution
Equipment rental and repair	1 per 400 square feet of gross floor area
Financial institutions	1 for each 200 square feet of floor area
Gas stations	1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel nozzle
Hospitals	1 for each 3 beds dedicated to in-patient care, plus 1 for every 3 employees on the largest shift, plus 1 for each 1,000 square feet dedicated to out-patient services
Indoor entertainment establishments	1 for each 3 persons allowed within the maximum occupancy permitted by building code
Libraries, museums, and post offices	1 for each 500 square feet of floor area
Live/work	1 per unit, plus 1 per 500 square feet of space devoted to business use
Manufacturing, processing, and/or assembly buildings; machine shops; print, publishing, and related services; and/or other facilities	1 for each employee on the maximum shift or peak employment period

related, but not necessarily connected to a manufacturing or industrial building	
Medical clinics or offices	1 for each 250 square feet plus 1 for each employee on the largest shift
Mortuaries or funeral homes	1 for each employee on the largest shift, plus 1 per 4 seats of legal capacity
Hotels, Motels, and resorts	1 for each guest room, plus amount required for other uses on the premises, plus 1 per employee on the largest shift
Open air business	1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area
Outdoor entertainment event venue	Applicant shall demonstrate parking demand
Outdoor recreation	Applicant shall demonstrate parking demand
Outdoor storage facility or yard	1 space per employee on the largest shift, plus 1 space for each 500 square feet of useable floor area
Personal service establishments	1 for each 300 square feet of gross floor area
Place of public assembly	1 for each 4 seats of legal capacity
Private clubs and lodges	1 for each 300 square feet of usable floor area
Professional offices	1 for each 300 square feet of gross floor area
Public buildings not specifically mentioned elsewhere	1 for each 300 square feet of gross floor area
Residential over retail or office	1.5 spaces for each dwelling unit, plus parking for the nonresidential uses as determined in this table
Restaurants and nightclubs	1 for each 3 persons of legal capacity
Retail establishment	1 for each 200 square feet of gross floor area
Self storage facilities	Applicant shall demonstrate parking demand
Vehicle sales facilities	1 for each 500 square feet of gross floor area, plus 1 for each 1,000 square feet of outdoor lot area
Vehicle service and repair facilities, major or minor	1 space per employee of largest shift, plus 1 space per service bay
Vehicle wash	3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including care wash bays
Warehouses	1 for each employee on the largest shift, plus 5 visitor spaces

Section 13.03.05. Adjustment of Standards

The Planning Commission may modify parking requirements if satisfactory evidence is provided by the applicant that demonstrates the need for an increased or decreased

number of parking spaces. The applicant shall submit, in writing, justification for the proposed adjustment. Modifications shall not result in inadequate parking area; large, unwarranted amounts of unused parking space; or a reduction in critical open space or natural features. In addition, in approving any request to modify the parking standards, the Planning Commission must find that the proposed quantity of parking spaces would be consistent with Section 13.02.01 and protect the public health, safety, and welfare.

Section 13.03.06. General Standards

- A. Before any building or structure is occupied, enlarged, or increased in capacity, parking shall be provided in accordance with the number of spaces required in Section 13.03.04.
- B. For any use not specifically listed in Section 13.03.04, the Zoning Administrator or Planning Commission shall apply the parking requirements for the most similar use or use technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.
- C. Fractional Space. When calculations determining the number of parking spaces result in a fractional space, the fraction under 1/2 shall be disregarded, and fractions of 1/2 and over shall be counted as one parking space.
- D. Joint Use of Facilities. Provision of common parking facilities for several uses in the same vicinity is encouraged. In the case of two or more uses on the same premises, a parking lot may be shared if the total space requirement for off-street parking facilities is the sum of the individual uses computed separately. The requirement for shared parking spaces may be reduced only under the following circumstances:
 - 1. If a use is accessory to the principal use and is not intended to serve additional patrons or employees; or
 - 2. If the peak demand for the uses occur at distinctly different times of the day from the peaks of the other use(s), as determined by the Zoning Administrator or Planning commission.
- E. Deferred Parking. Where the property owner/applicant can demonstrate that the required amount of parking is excessive, a portion of the required parking area may be deferred until some future date if the following conditions are met:
 - 1. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Chapter.
 - 2. Such areas shall only be used as open landscaped space until parking is constructed.
 - 3. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator based on

parking needs and shall require the submission and approval of an amended site plan as required in Chapter .

- F. Supplemental Bike Parking. For buildings and uses with 20 or more off-street parking spaces, up to five off-street parking spaces may be replaced with bicycle parking or bicycle racks equal to at least the number of off-street parking spaces being replaced.
- G. Shared Parking and Public Parking. The joint or collective provision of off-street parking for mixed uses in the same building or buildings or uses on two (2) or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately. However, for buildings or uses where the peak parking demand does not overlap, the Zoning Administrator or Planning Commission may authorize a reduction of up to 50% in the collective number of off-street parking spaces required by this Chapter.
- H. Screening. Off-street parking facilities shall be effectively screened pursuant to Section [REDACTED] of this Ordinance.
- I. Lighting. Off-street parking facilities shall be arranged and designed pursuant to Section [REDACTED] of this Ordinance.

Section 13.03.07. Construction, Layout, and Maintenance

- A. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any street, walk or alley, and so that any automobile may be parked and moved without disturbing another vehicle.
- B. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives so located as to minimize traffic congestion.
- C. All off-street parking and loading facilities required by this Chapter shall be maintained free of accumulated snow, debris, or other materials preventing full use and occupancy of such facilities in accordance with the intent of this Chapter, except for temporary periods of short duration in the event of heavy snowfall.
- D. All driveways and parking areas shall be provided with pavements having an asphalt, cement, or similar alternative all-weather, dustless material approved by the Village.
- E. Off-street parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area in such a way as to preclude drainage of water onto adjacent property, the public right-of-way, or toward buildings. Preference shall be given to drainage designs which include rain gardens, sunken landscape islands, or other forms of green infrastructure.
- F. Bumper stops or wheel chocks shall be provided as necessary, or as required by the Village, and located so as to prevent any vehicle from projecting over the lot line or onto a sidewalk.

- G. Off-street parking facilities shall include barrier free parking spaces reserved for physically handicapped persons, and be designed in accordance with PA 1 of 1966 (MCL 125.1351-1356, Barrier Free Design) and the 2010 ADA Standards for Accessible Design. Barrier free parking spaces shall count towards the minimum off-street parking requirement.
- H. Dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements in the following table:

Parking Angle	Parking Space Dimensions			
	Maneuvering Aisle Width		Parking Space	
	1 Way	2 Way	Width	Length
0 degrees (parallel)	12 feet	22 feet	8.5 feet	22 feet
30-53 degrees	12 feet	24 feet	9 feet	20 feet
54-74 degrees	15 feet	24 feet	9 feet	20 feet
75-90 degrees	15 feet	24 feet	9 feet	20 feet

Section 13.03.08. Loading / Unloading Spaces

- A. For every building or addition to an existing building hereafter erected to be used for manufacturing, storage, display of goods, retail store or block of stores over 10,000 square feet, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other similar uses requiring the receipt or distribution, in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off-street loading/unloading spaces in relation to floor area as follows:
1. Up to 20,000 square feet: one space.
 2. Twenty thousand to 50,000 square feet: two spaces.
 3. Fifty thousand to 100,000 square feet: three spaces.
 4. One additional space for each additional 100,000 square feet or fraction thereof.
- B. General Loading/Unloading Requirements.
1. Each such loading/unloading space shall be at least 10 feet in width, 25 feet in length and 14 feet in height scaled to delivery vehicles expected to be used.
 2. No such space shall be located closer than 50 feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly appointed solid board or masonry fence of uniform appearance not less than six feet in height or by a transition strip as defined in this Ordinance.
 3. No such space shall be located within the required front yard of a lot.
 4. Required loading/unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.

5. Where an applicant demonstrates that a loading space is not necessary to serve the proposed use, the Planning Commission or Zoning Administrator may waive the requirements of this Section 13.03.08.

SECTION 13.03. SIGNS

Section 13.03.01. Purpose and Intent

It is the intent of this Chapter to regulate signs in the Village so as to protect public health, safety, aesthetics, and general public welfare of residents in the Village of Shelby. This Chapter is further intended to protect all zoning districts from chaos and clutter, prevent injurious impacts from obstructed vision, eliminate distractions hazardous to motorists, protect uses from excessive signage, protect property values, and provide the public with the ability to identify premises and establishments. Additionally, the provisions of this Chapter are intended to encourage the attractiveness of the Village, showing special attention to its value of cultural and natural features. This is accomplished by regulating the size, placement, relationship, construction, illumination, and other aspects of signs in the Village.

Section 13.03.01. Sign Permit Required

- A. Permit Required. It shall be unlawful for any person to erect, place, relocate, structurally alter, or repair any sign within the Village, except with the provisions of this Chapter. Unless listed as an exempt sign in Section 16.06, a permit is required for the construction or reconstruction of signs.
- B. Application. Application for a permit shall be made by submitting the following information to the Zoning Administrator:
 1. A completed sign permit application on a form provided by the Village;
 2. Payment of an application fee, which shall be nonrefundable, and which shall be established from time to time by resolution of the Village Council;
 3. A sketch plan with signs drawn to scale, showing the proposed location, type of sign, and specifications for the proposed sign, in detail sufficient to determine its compliance with the provisions of this Chapter;
 4. Sufficient other details to demonstrate that the proposed sign, including structural and electrical components, shall comply with the provisions of this Ordinance; and
 5. The written consent of the owner of record of the property on which the sign is proposed to be erected.
- C. No sign requiring a permit shall be erected or installed until an application is approved.

- D. The Zoning Administrator shall grant permits if all regulations in this Chapter have been met. However, the Zoning Administrator may, at his/her discretion, bring any application for a building permit before the Village Planning Commission for their recommendations and/or approval prior to the issuance of it.
- E. No permit is required for the routine maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
- F. Duration. Any sign permit may include a provision limiting the time for which the permit is valid.
- G. Expiration. Approval of a sign permit shall expire one year from its effective date. If the sign is not completed within one year, unless an extension not to exceed one year has been granted by the Zoning Administrator, the permit shall expire. The Zoning Administrator may deny extension of time for the approved sign even if no substantial changes in circumstances are found.

Section 13.03.03. General Sign Standards

All signs shall meet the following general standards:

A. Sign area.

1. The area of a sign shall be measured within a single perimeter composed of not more than eight straight lines, which enclose the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material 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, braces, and/or uprights on which such sign is placed.
2. Where the sign has two or more faces placed back-to-back and are at no point more than two feet apart from one another, the area of the sign shall be computed by the measurement of one of the faces if the two faces are of equal area. When the faces are not equal in size, the area of the larger face shall be used. In the case of a sphere, the total surface area of the sphere shall be divided by two for purposes of determining the sign area.

B. Height.

1. Sign height shall be measured as the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign.
2. A sign shall not extend above the roof line of a building to which it is attached.
3. Any sign, including any awning to which a sign is affixed or displayed, not resting directly on the ground shall maintain a minimum vertical clearance of eight feet.

C. Setbacks.

1. All signs shall be set back a minimum of two feet from any front lot line or right of way, except for projecting signs, and a minimum of ten feet from any side lot line.
2. No sign shall be placed in the clear vision area as shown in Section 3.06 nor in a similar clear vision area at the intersection of a driveway or private road or access with a private road or street.
3. For the purposes of this Chapter, each side of a corner lot abutting a public or private street shall be determined to be a front yard.

Section 13.03.04. Sign Illumination

A. When illumination is permitted, external or internal illumination shall comply with the following requirements:

1. Illumination shall not be flashing, oscillating, blinking, intermittent, or on-and-off type of lighting. Time and temperature numerals are exempt from this provision.
2. Electronic message boards are permitted subject to Section 16.03(5).
3. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
4. No sign shall be illuminated by other than electrical means.
5. External illumination. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.
6. Internal illumination. Sign faces shall have an opaque background so that individual lamps are muted and cannot be distinguished behind the sign face. The sign face may have internally lit lettering, face lit channel lettering, or backlit lettering.
7. Illumination for signs on properties not used for residential purposes shall only be permitted during the greater duration of (1) sunrise to one hour after sunset, or (2) hours where the use is open to the public.

Section 13.03.05. Electronic Message Boards

All electronic message boards shall be operated in accordance with the following standards:

A. In the C1 and C2 zoning districts:

1. One electronic message board sign is permitted for each street frontage.
2. Electronic message board signs shall not flash, scroll, blink, strobe, or show moving pictures, or have a similar animated effect.

3. The message shall change no more frequently than once every five seconds.
 4. The intensity and contrast of light levels on the electronic message board shall remain constant throughout the sign face. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and night time hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 5. Electronic message board signs shall be secondary to a traditional stationary sign and shall not exist as the sole sign, and in no instance shall the electronic message board comprise more than 50 percent of the total permitted sign area.
- B. For all educational facilities and places of public assembly, except for public schools under the jurisdiction of the Michigan superintendent of public instruction, electronic message boards shall comply with the following standards:
1. One electronic message board is permitted when all of the following conditions are met:
 - a. The lot is greater than two acres in size and a principal use occupies the subject lot.
 - b. Electronic message board signs shall not flash, scroll, blink, strobe, or show moving pictures.
 - c. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and nighttime hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - d. Electronic message board signs must be turned off between 10:00 p.m. and 6:00 a.m.
 - e. Electronic message board signs shall be integrated into the traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed 50 percent of the traditional stationary sign area.
 - f. Electronic message board signs shall be integrated into the traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed 50 percent of the traditional stationary sign area.

Section 13.03.06. Construction and Maintenance.

- A. All signs shall be constructed and maintained in accordance with all applicable codes and ordinances in effect in the Village of Shelby.
- B. A sign may be either single-faced or double-faced. The face of the sign is the surface of the sign upon, against or through which the message of the sign is exhibited. In the case of the single-faced sign, the reverse surface shall be painted and/or treated so as not to be a detriment to the area.

- C. Signs shall be maintained in a safe condition with proper bracing, anchorage, and foundation and be subject to inspection by the Zoning Administrator or another designated representative. Signs shall at all times be in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

Section 13.04.07. Exempt Signs

The following signs are exempt from the permitting requirements of this Chapter, but they shall conform to any other applicable standards of this Ordinance.

- A. Flags, except when displaying commercial speech.
- B. Signs directing and guiding traffic and parking on private property, but bearing no commercial speech.
- C. Any public notice, traffic control, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- D. Government signs.
- E. One sign per street address not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of residential premises and bearing no commercial speech.
- F. Any sign wholly located within a building and not visible from outside the building.
- G. Window signs, provided that sign coverage shall not exceed 25 percent of window area per building elevation.
- H. Holiday lights and decorations with no commercial speech.
- I. Works of art with no commercial speech.
- J. Temporary banners covering a permitted and approved sign, provided that the banner does not exceed the size of the permitted and approved sign and meets the following standards:
 - 1. The banner shall not obscure traffic or pedestrian visibility in any manner;
 - 2. The banner shall not be tied to any utility poles;
 - 3. The banner shall be located at least 20 feet from the edge of the road right-of-way; and
 - 4. The banner shall be placed so that the lower edge of the banner is at least eight feet off the ground.
 - 5. The banner shall be displayed for not more than 60 days, except that one 60-day extension may be approved by the Zoning Administrator.

- K. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 13.04.08. Temporary signs

Temporary signs shall comply with the following standards:

A. Residential Uses.

1. On any lot used as a single-family, two-family, or owner occupied multi-family dwelling, up to four (4) temporary signs shall be permitted to be displayed on a pole or stake affixed to the ground.
2. Such signs shall not exceed six (6) square feet in area per side, and the top of such sign shall be no more than six (6) feet from ground level.
3. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held).
4. Signs placed in conformance with the above standards 1-3 are exempt from the permitting requirements of this Chapter.

B. Non-Residential Uses.

1. On any lot used for a non-residential use, one (1) non-permanent sign may be displayed up to for (4) times per calendar year for a period of not more than 30 days per display, provided that each display shall be separated by at least 30 days.
2. Such signs shall not exceed 32 square feet.
3. If building mounted, these signs must be flat wall signs and shall not project above the roofline.
4. If ground mounted, the top shall be no more than six feet above ground level.
5. Such signs may be used to promote noncommercial community events, but are not limited to that purpose.
6. Signs intended to be utilized on an interim basis until a permanent sign may be obtained and erected may be approved by the zoning administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted in Section 16.06.
7. A sign permit shall be required for temporary signs located on lots containing non-residential uses.

Section 13.04.09. Prohibited signs

The following signs are prohibited in any zoning district:

- A. Signs which are illegal under state laws or regulations or applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.
- B. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- C. Signs not securely affixed to a supporting structure.
- D. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, or which may obstruct a motorist's vision.
- E. Searchlights, air-filled balloons, and lighter-than-air signs.
- F. Signs located in, projecting into, or overhanging within a public right-of-way or dedicated public easement, except:
 - 1. Official traffic signs posted by a governmental agency;
 - 2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - 3. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way; and
 - 4. Any sign installed by the Village, County Road Commission, State of Michigan, or other governmental agency
 - 5. Projecting signs located in compliance with this Chapter.
- G. Roof signs.

Section 13.04.10. Billboards

No new billboards shall be erected in the Village of Shelby after the effective date of this Ordinance. Billboards already in existence as of the effective date of this Ordinance may continue to be displayed, provided that the billboard maintains compliance with the Highway Advertising Act of 1972, as amended, and applicable federal, state, and local regulations.

Section 13.04.11. Permitted Signs

In addition to the above standards, the following signs are allowed within the following zoning districts, provided that a sign permit is obtained from the Zoning Administrator:

- A. Government signs.
- B. Portable signs, subject to the following additional requirements:
 - 1. A portable sign shall not exceed 32 square feet in area.

2. A portable sign may contain internal illumination only and shall not contain any flashing or intermittent lights.
3. A portable sign shall not be used more than twice in any six-month period, nor for a duration exceeding 30 days. 30 days shall occur from the end of the previous use before a second permit is issued.
4. One portable sign is permitted for each lot.

C. Special purpose signs.

1. Upon submittal of a site plan pursuant to Chapter 12 of this Ordinance, the Zoning Administrator may consider approval of a special purpose sign that does not exceed the permitted sign area in the underlying zoning district, but such sign type is not contemplated in this section. In making its determination, the Planning Commission may consider:
 - a. The compatibility of the proposed sign in relationship to the type and location of signage on adjacent parcels;
 - b. The conformance of the proposed sign to the general standards for all signs; and
 - c. The durability of sign materials, and compatibility with the building for which the sign serves.

Section 13.04.12. Signs Permitted in Residential Districts

The following signs are permitted for nonresidential uses in the R1, R2, R3, and R4 zoning districts as provided in the table below:

Signs Permitted in R1, R2, R3, and R4 Districts					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Ground	1 per frontage	32 sq. ft. ^{1,2}	8 ft.	No 3	2 ft. from right-of-way; 10 ft. from side lot lines

¹ Signs located on lots containing lawful home occupations are permitted one ground sign not to exceed eight (8) square feet in area and three (3) feet in height.

² If more than one ground sign is proposed on lots with frontage on more than one street, the total cumulative area of all ground signs on the parcel shall not exceed 32 square feet.

³ Signs located on lots containing churches, schools, or public buildings may be illuminated or contain electronic message boards in accordance with Section 13.03.04 and 13.03.05.

Section 13.04.13. Signs Permitted in Nonresidential Districts

The following signs are permitted in the C1, C2, and IND zoning districts as provided in the table below.

Signs Permitted in C1, C2, and IND Districts					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Wall	One per street frontage	10% of wall surface area, but not to exceed 50 sq. ft.	Shall not extend above the building wall	Yes	N/A
Ground or Pole	One per street frontage	64 sq ft.	20 ft	Yes	2 ft. from right-of-way, 10 ft. from side lot lines, and 5 ft. from driveways
Projecting (C1 only)	One per street frontage	20 sq ft.	Shall not extend above the building wall	No	N/A

Section 13.03.13. Nonconforming Signs

- A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto that do not meet the standards of this Section may be continued, except as hereinafter provided. No nonconforming sign shall:
1. Be structurally altered so as to change the shape, size, type or design of the sign; or
 2. Be reestablished, continued, or reused after the establishment, product, or service to which it applied has been discontinued for 180 days or longer.
- B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this Chapter may be changed to or replaced by another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least 33 percent smaller in area than the original nonconforming sign.
- C. No sign shall be required to be removed if it was erected in compliance with the Zoning Ordinance, or if such sign becomes nonconforming due to a change occurring after the adoption of this Ordinance or applicable amendment thereto in

the location of a building, streets, or other signs, and which change is reasonably beyond the control of the owner of the premises on which the sign is located.

- D. In addition to the foregoing, signs lawfully erected prior to the adoption of this Ordinance or applicable amendment thereto shall be considered legal nonconforming structures subject to the provisions of Chapter ____.

CHAPTER 14. ZONING BOARD OF APPEALS

SECTION 14.01. CREATION AND MEMBERSHIP

- A. There is hereby established a Zoning Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in said Act, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Shelby Village Council shall serve as the Zoning Board of Appeals

SECTION 14.02. MEETINGS AND RECORDS

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its rules of procedure may specify. All hearings conducted by such Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The record of the proceedings of the Zoning Board of Appeals shall be filed in the office of the Village Clerk and shall be a public record. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
- B. Quorum. The Board shall not conduct business unless a majority of the members of the Board are present. Five members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
- C. Public Hearing. The Zoning Board of Appeals shall make no decision regarding any application except after a public hearing is conducted by the Zoning Board of Appeals, providing the notice of such hearing in accordance with Section [REDACTED] of this Ordinance.

SECTION 14.03. JURISDICTION

- A. The Board shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance. The Board may act on matters where this Ordinance provides for an administrative review, interpretation, or exception; and to authorize a variance pursuant to Section 18.06 and granted in the Michigan Zoning Enabling Act, as amended.
- B. The powers of the Zoning Board of Appeals include:
1. Appeals. To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by

the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

2. Variations. To grant, upon request, a variance from the strict application of the provisions of this Ordinance in accordance with the standards, requirements, and procedures of this Article.
3. Zoning Ordinance Interpretation. Upon request, the Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.
4. Any other matters referred to them or upon which they are required to consider under the terms of this Ordinance.

SECTION 14.04. APPLICATION AND REVIEW PROCEDURES

- A. An appeal may be taken to the board by any person, firm, or corporation, or by an officer, department, board, or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken by the Zoning Administrator as notice of appeal, specifying the grounds thereof.
- B. The following materials shall be filed with the Zoning Administrator at least 30 days in advance of the next regular meeting of the Zoning Board of Appeals:
- C. An application or appeal shall be filed not later than 30 days after the order, decision, or determination as to which the application or appeal is taken.
- D. After an application for an appeal, a variance, or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall transmit to the Zoning Board of Appeals all of the application materials and other evidence relevant to the application.
- E. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after notice of appeal has been filed, that by reason of fact stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of competent jurisdiction.
- F. Notice of public hearing shall be given in accordance with Section of this Ordinance.
- G. Applicants shall be required to appear before the Board or to be represented by a representative who can speak for and make commitments on behalf of the applicant. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 14.05. OFFICIAL RECORD

The Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall include the following:

- A. The relevant administrative records and orders issued relating to the appeal.
- B. The notice of the appeal.
- C. Such applications, plans, documents, exhibits, photographs, or written reports as may be submitted to the Zoning Board of Appeals for its consideration.
- D. The written decision of the Zoning Board of Appeals stating the conclusions of the Board relative to the appeal, variance, or interpretation, the basis for the decision, and any conditions imposed.

SECTION 14.06. DECISIONS

- A. The decision and orders of the Zoning Board of Appeals shall be entered in the official record after they have been signed by the Chairperson and after written notice of the decision has been served either in person or by mail, upon the parties to the appeal, the Village Zoning Administrator, and the Village Clerk. The Chairperson shall sign the decision within 10 days after the Zoning Board of Appeals reaches its final decision.
- B. The decision and orders of the Zoning Board of Appeals shall become effective 5 days after the decision and orders are entered on the official record unless the Board shall find immediate effect is necessary to preserve property or personal rights and shall so certify on the record.
- C. A copy of the official record of the appeal shall be made available to the parties to any appeal upon request and after payment of a reasonable fee, as set by the Village Council, sufficient to recover the costs of duplicating such material.
- D. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Zoning Board of Appeals is required to pass under a provision of this Ordinance, or to grant a variance from the requirements of this Ordinance.
- E. No request which has been denied by the Zoning Board of Appeals shall be submitted for reconsideration within a six-month period from the date of the original application unless the Zoning Administrator finds that at least one of the following conditions exist:
 - 1. The conditions involving all of the reasons for the original denial have been significantly altered; or
 - 2. New conditions or circumstances exist that change the nature of the original request.

- F. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court within 30 days of the decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Enabling Act, as amended. The Court may affirm, reverse or modify the decision of the Zoning Board of Appeals or may remand the decision to the Zoning Board of Appeals for further hearings or action.

SECTION 14.07. VARIANCES

- A. The Zoning Board of Appeals, after a public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Ordinance relating to the construction, placement, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.
- B. Non-Use Variance. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
1. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property; or
 - b. Exceptional topographic conditions or another extraordinary situation on the land, building or structure; or
 - c. The use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
 2. The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 3. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed a substantial property right sufficient to warrant a variance.
 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. The variance will not impair the intent and purpose of this Ordinance.
 6. The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

- C. Notice. Prior to acting on an application for a variance, a public hearing shall be held. Notice of the public hearing shall be provided pursuant to Section ____ of this Ordinance.
- D. Conditions. In granting a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the variance, as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.
- E. Period of Validity. Any variance or exception granted by the Zoning Board of Appeals shall automatically become null and void after a period of 12 months from the date granted unless the applicant shall have taken substantial steps toward effecting or exercising the variance within said period; provided, however, that the Zoning Board of Appeals may extend such period for a further period of time up to one year upon application, without another hearing notice, provided that the original circumstances authorizing the variance have not changed.

CHAPTER 4. ZONING DISTRICTS AND MAP

SECTION 4.01. ESTABLISHMENT OF DISTRICTS

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

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Multiple Family Dwelling District
R-4	Manufactured Home Community District
C-1	Central Business District
C-2	General Business District
PUD	Planned Unit Development District
IND	Industrial District

SECTION 4.02 OFFICIAL ZONING MAP

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

SECTION 4.03. INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. The boundaries of Zoning Districts are intended to follow centerlines of alleys, streets, other rights-of-way, or lot lines, or to be parallel or perpendicular thereto, unless the district boundary lines are otherwise clearly indicated on the Official Zoning Map.
- B. Where District boundaries are indicated to approximately follow lot of record lines, those lines shall be construed to be the boundaries.

- C. Unless shown by dimension on the Official Zoning Map, where a District boundary divides a lot of record the location of the boundary shall be determined by use of the scale shown on the map.
- D. Where District boundaries are indicated as approximately following Village limits, they shall be construed as following the Village limits.
- E. A boundary indicated as following a shoreline shall be construed as following that shoreline, and in the event of a naturally occurring change in a shoreline, the boundary shall be construed as following the actual shoreline. A boundary indicated as following the centerline of a stream, river, or other body of water shall be construed as following that centerline.
- F. If a District boundary is indicated as being parallel to, or an extension of a feature described in this Section, it shall be so construed.

If after consideration of the preceding standards there remains any uncertainty, contradiction, or conflict regarding the intended location of any district boundaries shown on the map, the Zoning Administrator shall refer the matter to the Zoning Board of Appeals for interpretation and a decision pursuant to **Chapter**.

SECTION 4.04. ZONING OF VACATED AREAS

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

SECTION 4.05. ZONING CLASSIFICATION OF ANNEXED AREAS

Any area which is annexed to the Village shall be considered to be in the R-1 District. The Village Council shall, promptly after the passage of an ordinance of annexation, request the Village Planning Commission to make a recommendation on the appropriate zoning classification of the annexed area. The Village Planning Commission shall initiate amendment procedures as provided for in the Zoning Enabling Act if it determines that the annexed area should be in a district other than R-1.

SECTION 4.06. SUMMARY TABLE OF LAND USES

The following Table 4-1, Table of Land Uses, summarizes the applicable regulatory standards for land uses governed under this Zoning Ordinance. It is provided for quick reference; however, it should not be substituted for careful reference to the specific language in this Ordinance. In the event of a discrepancy between Table 4-1 below and the text of the Ordinance, the text shall control.

P = Permitted by right
SLU = Permitted only by special land use

Table 4-1: Table of Land Uses							
Use	R-1	R-2	R-3	R-4	C-1	C-2	IND
Art studio/craft shops					P	P	P
Assembly, processing, fabrication, or manufacturing facilities 10,000 square feet GFA and greater							SLU
Assembly, processing, fabrication, or manufacturing facilities under 10,000 square feet GFA						SLU	P
Bed and breakfast establishments	SLU	SLU	SLU				
Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities							SLU
Bus passenger stations						SLU	
Catering establishments					P	SLU	
Cemeteries	SLU	SLU	SLU				
Commercial day care centers					SLU	P	
Commercial storage warehouses						SLU	P
Contractor's offices					P	SLU	
Convalescent or nursing homes		SLU	SLU			SLU	
Permitted uses containing drive-through facilities					SLU	P	
Elderly housing		SLU	P				
Family day care home	P	P	P	P			
Farm Market					P		
Financial institutions, without drive through facilities					P	P	
Fraternal or social club or lodge					P	P	
Home occupations, subject to Section 3.24	P	P	P	P			
Hospitals					SLU	SLU	
Hotels/motels					SLU	SLU	
Kennels, commercial						SLU	
Laundromats					P	P	
Lumberyards							P
Manufactured home communities				P			
Medical offices					P	P	
Mortuary or funeral homes					SLU	SLU	
Multiple family dwellings		SLU	P				
Open air businesses						SLU	
Open space developments	SLU	SLU	SLU				
Parks, playgrounds, or community centers	P	P	P	P			
Personal service establishments					P	P	P
Places of public assembly	SLU	SLU	SLU	SLU		SLU	
Printing and publishing establishments							P

Private schools	SLU	SLU	SLU	SLU		SLU	
Professional offices					P	P	P
Public and utility service buildings	SLU	SLU	SLU	SLU	SLU	SLU	P
Recreation facilities, indoor					SLU	SLU	
Recreation facilities, outdoor						SLU	
Research, development, and laboratory facilities							P
Residential above retail/office					P	SLU	
Restaurants					P	P	
Permitted uses with outdoor display or storage of equipment or merchandise						SLU	
Retail establishments 10,000 square feet GFA and greater						SLU	P
Retail establishments under 10,000 square feet GFA					P	P	P
Salvage or junk yards							SLU
Sexually oriented businesses							SLU
Single family detached dwellings	P	P	P				
State licensed residential facilities (13-20 persons)			SLU				
State licensed residential facilities (1-6 persons)	P	P	P	P			
State licensed residential facilities (7-12 persons)	SLU	SLU	SLU				
Trucking terminals						SLU	SLU
Two-family dwellings		P	P				
Vehicle repair, major						SLU	P
Vehicle repair, minor						SLU	P
Vehicle service stations						SLU	
Vehicle wash establishments						SLU	P
Veterinary clinics						SLU	P
Warehouses							SLU
Waste treatment facilities							SLU
Water supply and treatment facilities							P
Wholesale establishments							P
Wireless communication tower				SLU		SLU	SLU

CHAPTER 5. RESERVED

CHAPTER 6. R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01. PURPOSE AND INTENT

The R-1 Residential zoning district is intended to encourage a relatively low-density residential environment for people of all ages and abilities in the Village of Shelby. This district is generally limited to single-family dwellings, along with compatible supportive recreational, institutional, and educational uses. Neighborhoods should be relatively quiet, well-maintained, and encourage quality development.

SECTION 6.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the R-1 district:
 - 1. Home occupations, subject to Section 3.24.
 - 2. Parks, playgrounds, or community centers
 - 3. Single family dwellings
 - 4. State licensed residence facilities (1-6 persons)
- B. The following uses shall only be permitted in the R-1 district with special land use approval:
 - 1. Bed and breakfast establishments
 - 2. Cemeteries
 - 3. Open space developments
 - 4. Places of public assembly **include religious worship in def.**
 - 5. Private schools
 - 6. Public and utility service buildings
 - 7. State licensed residential facilities (7-12 persons)

SECTION 6.03. SITE DEVELOPMENT REQUIREMENTS

- A. Where a main structure would infill a single lot, the front yard setback may be an average of neighboring properties as described in Section 3.07 A of this Ordinance, provided the minimum setback remains at least five (5) feet from the road right-of-way.
- B. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- C. All permitted and special land uses are subject to the following requirements in Table 6-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 6-1. R-1 District Requirements	
Dimensional Standard	R-1 District
Minimum Area	12,000 sq. ft.
Minimum Width	80 ft.
Maximum Lot Coverage	40%
Width to Depth Ratio	1:3
Minimum Front Yard Setback	25 ft.
Minimum Side Yard Setback	Residential Uses: 12 ft. Nonresidential Uses: 30 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (UFA)	720 sq. ft.

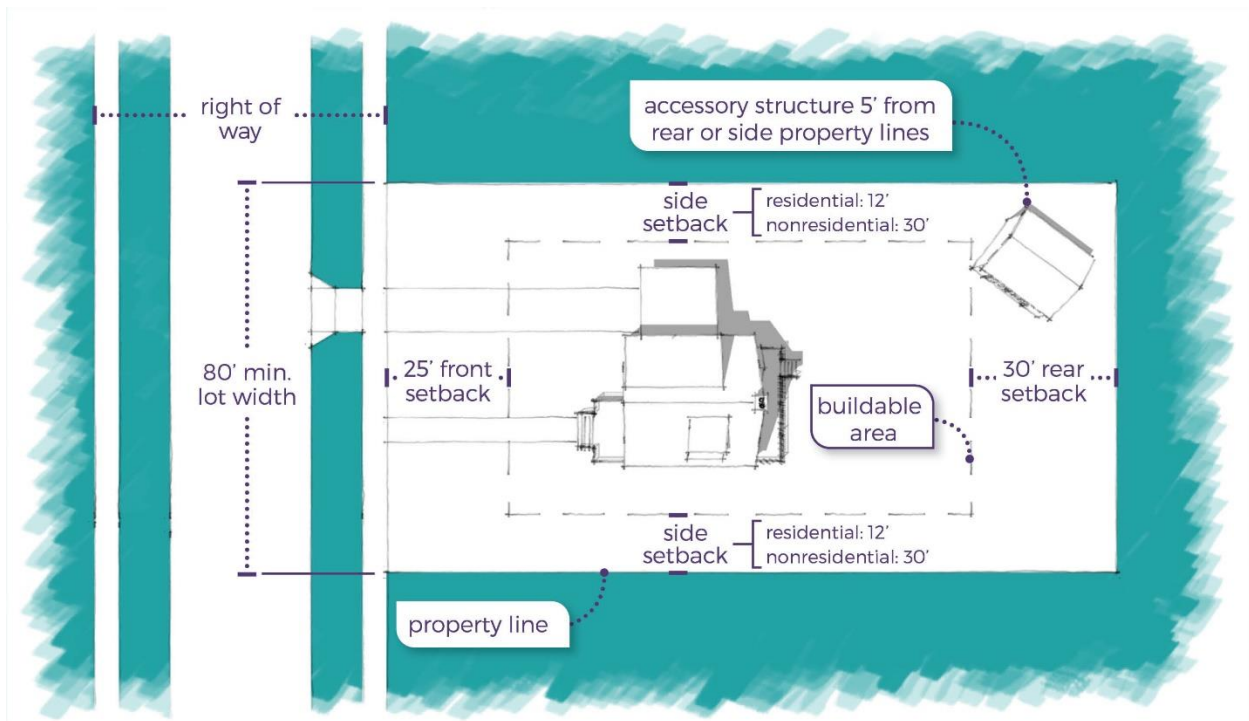


Figure 6.1. R-1 SITE DEVELOPMENT REQUIREMENTS

CHAPTER 7. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 7.01. PURPOSE AND INTENT

The R-2 Residential zoning district is intended to encourage a suitable environment for family living within denser patterns of residential development. The primary uses are single and two-family homes, along with other low-intensity uses that support a neighborhood environment. This district is generally characterized by small lot sizes and supports for a pedestrian friendly environment through features such as sidewalks, street trees, and street lights where appropriate.

SECTION 7.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the R-2 district:
 - 1. Home occupations, subject to Section 3.24
 - 2. Parks, playgrounds, or community centers
 - 3. Single family dwellings
 - 4. State licensed residential facilities (1-6 persons)
 - 5. Two family dwellings
- B. The following uses shall only be permitted in the R-2 district with special land use approval:
 - 1. Bed and breakfast establishments
 - 2. Cemeteries
 - 3. Convalescent or nursing homes
 - 4. Elderly housing
 - 5. Multiple family dwellings
 - 6. Open space developments
 - 7. Private schools
 - 8. Places of public assembly. **Include religious worship in def.**
 - 9. Public and utility service buildings, not including storage yards.
 - 10. State licensed residential facilities (7-12 persons).

SECTION 7.03. SITE DEVELOPMENT REQUIREMENTS

- A. Where a main structure would infill a single lot, the front yard setback may be an average of neighboring properties as described in Section 3.07 A of this Ordinance, provided the minimum setback remains at least five (5) feet from the road right-of-way.

- B. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- C. All permitted and special land uses are subject to the following requirements in Table 7-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 7-1. R-2 District Requirements	
Dimensional Standard	R-2 District
Minimum Area	Single Family: 8,000 sq. ft. Two Family: 10,000 sq. ft. All other uses: 12,000 sq ft
Minimum Width	Single Family: 65 ft. Two Family: 100 ft. All other uses: 80 ft
Maximum Lot Coverage	40%
Width to Depth Ratio	1:3
Minimum Front Yard Setback	15 ft.
Minimum Side Yard Setback	Single Family: 16 ft. total, 4 ft. minimum Two Family: 10 ft. each side Nonresidential Uses: 25 ft.
Minimum Rear Yard Setback	30 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (UFA)	Single and two-family dwellings: 720 square feet per dwelling unit For multiple family dwellings: Studio apt.: 400 sq. ft. 1-bedroom apt.: 450 sq. ft. More than 1 bedroom: Add 100 sq. ft. additional for each additional bedroom

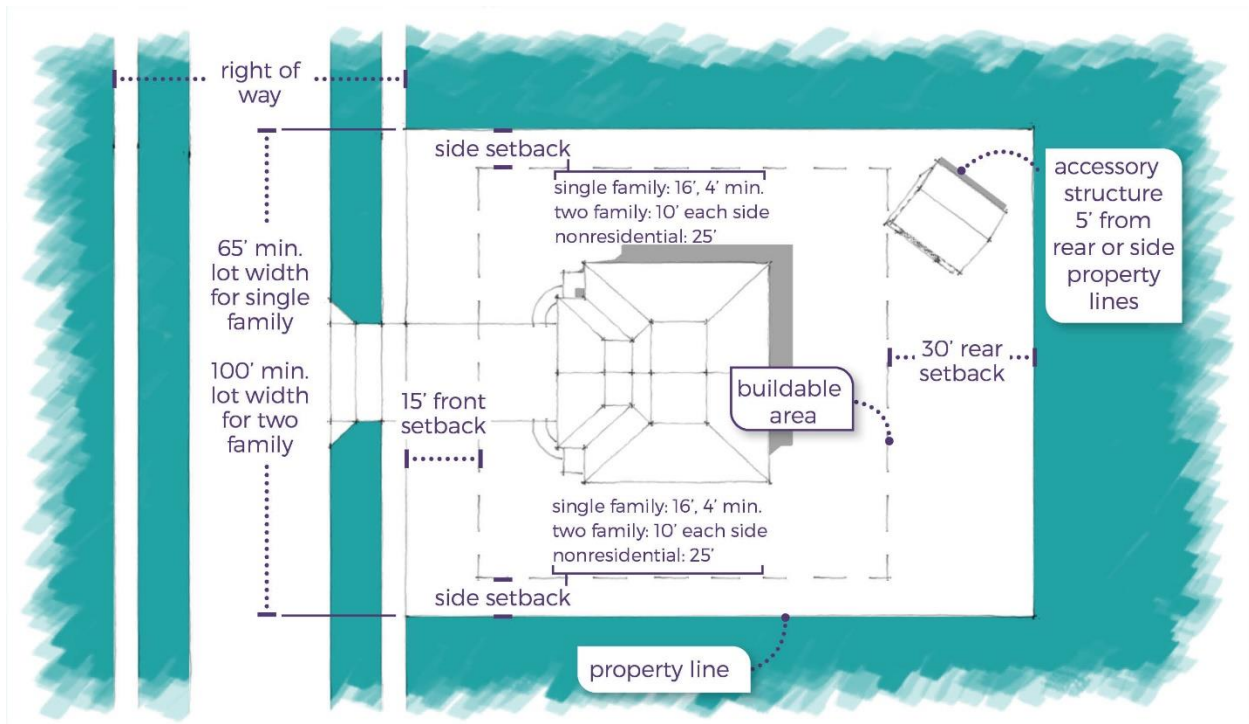


Figure 7.1. R-2 SITE DEVELOPMENT REQUIREMENTS

CHAPTER 8. R-3 MULTIPLE FAMILY DWELLING DISTRICT

SECTION 8.01. PURPOSE AND INTENT

The R-3 Residential zoning district is intended to permit high density residential housing in specific areas of the Village that offer quality, affordable living arrangements. This district primarily supports multiple family housing, along with other uses compatible with a high-density residential environment. Housing in this district should have the same living quality as other residential districts and be compatible with neighboring districts and buildings. Pedestrian-scale features should be incorporated into designs and support multiple modes of transportation.

SECTION 8.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the R-2 district:
 - 1. Elderly housing
 - 2. Home occupations, subject to Section 3.24
 - 3. Multiple family dwellings
 - 4. Parks, playgrounds, or community centers
 - 5. Single family dwellings
 - 6. State licensed residential facilities (1-6 persons)
 - 7. Two family dwellings
- B. The following uses shall only be permitted in the R-3 district with special land use approval:
 - 1. Bed and breakfast establishments
 - 2. Open space developments.
 - 3. Cemeteries
 - 4. Convalescent or nursing homes
 - 5. Private schools
 - 6. State licensed residential facilities (7-20 persons)
 - 7. Places of public assembly. **Include religious worship in def.**
 - 8. Public and utility service buildings, not including storage yards.

SECTION 8.03. SITE DEVELOPMENT REQUIREMENTS

- A. Where a main structure would infill a single lot, the front yard setback may be an average of neighboring properties as described in Section 3.07 A of this Ordinance, provided the minimum setback remains at least five (5) feet from the road right-of-way.

- B. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- C. All permitted and special land uses are subject to the following requirements in Table 8-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 8-1. R-3 District Requirements	
Dimensional Standard	R-3 District
Minimum Area	10,000 sq. ft. minimum
Minimum Width	150 ft.
Maximum Lot Coverage	70%
Minimum Front Yard Setback	10 ft.
Minimum Side Yard Setback	10 ft.
Minimum Rear Yard Setback	40 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (UFA)	<p>Single and two-family dwellings: 720 square feet per dwelling unit</p> <p>For multiple family dwellings:</p> <p>Studio apt.: 400 sq. ft.</p> <p>1-bedroom apt.: 450 sq. ft.</p> <p>More than 1 bedroom: Add 100 sq. ft. additional for each additional bedroom</p>

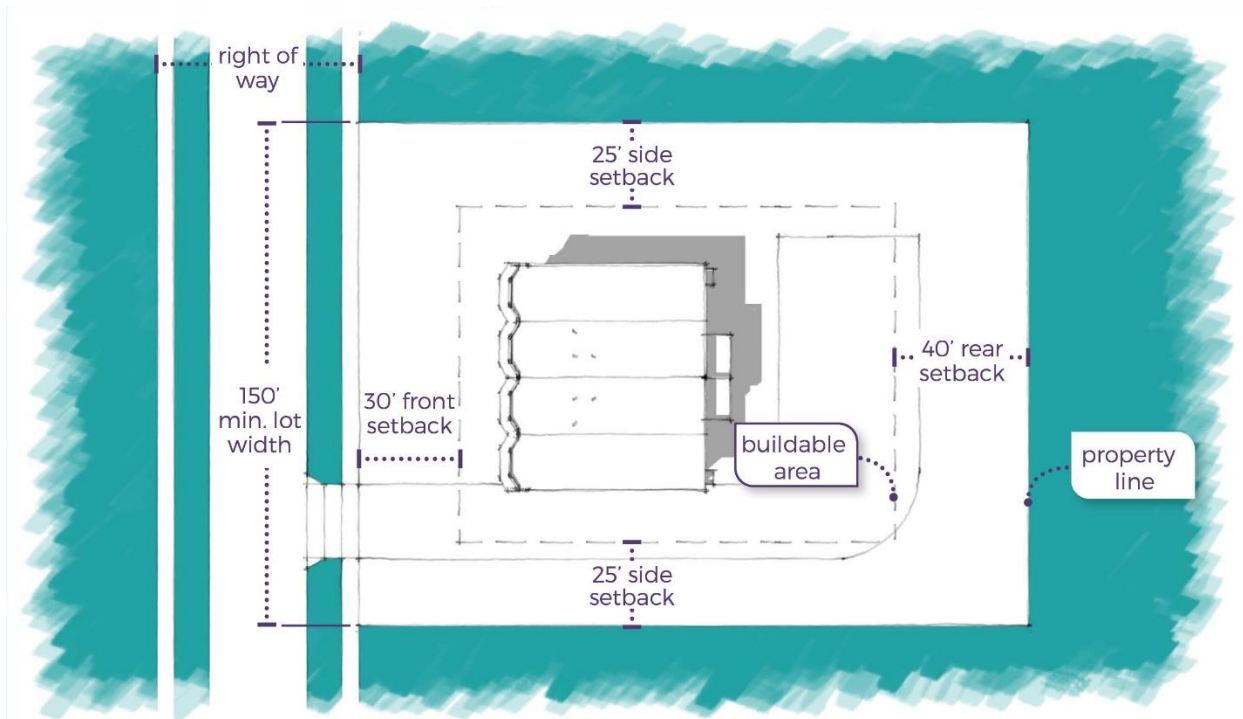


Figure 8.1. R-3 SITE DEVELOPMENT REQUIREMENTS

CHAPTER 9. R-4 MANUFACTURED HOME COMMUNITY DISTRICT

SECTION 9.01. PURPOSE AND INTENT

The purpose of the R-4 Manufactured Home Community District is to allow for the establishment of manufactured home communities and related accessory uses. A manufactured home community shall comply with all applicable procedures and requirements of the Manufactured Home Commission Act, 419 of 1976, as amended, and the Michigan Administrative Code promulgated thereunder.

SECTION 9.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the R-4 district:
 - 1. Home occupations, subject to Section 3.24
 - 2. Manufactured home communities
 - 3. Parks, playgrounds, or community centers
 - 4. State licensed residential facilities (1-6 persons)

SECTION 9.03. SITE DEVELOPMENT REQUIREMENTS

- A. All mobile home sites shall be furnished with public water and public sewer connections. Electrical and telephone distribution lines shall be placed underground.
- B. No mobile or manufactured home shall be occupied as a dwelling or residence in the Village except unless it is located in a mobile home park in a mobile home park district.
- C. The site development requirements of the manufactured housing commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be satisfied. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Licensing and Regulatory Affairs (LARA) or other agency having jurisdiction. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).

CHAPTER 10. C-1 CENTRAL BUSINESS DISTRICT

SECTION 10.01. PURPOSE AND INTENT

The C-1 Central Business District is intended to support a traditional downtown main-street atmosphere. District uses are intended to be primarily specialty retail uses with complementary, small-scale service businesses and accessory (second-floor) residential uses. The C-1 Central Business District is intended to promote the consolidation of commercial activities in the existing Shelby Village center by providing for a variety of retail, office, restaurant, and entertainment activities. The purpose of this District is to encourage and promote the business use of the first floor of existing structures and to permit residential uses on upper stories. The development and expansion of the town center should serve the needs of the surrounding area. The central business area of the Village of Shelby is viewed as the older, traditional business center of the Community, and is characterized by smaller lot sizes, more intense land uses, mixed land uses, and higher percentages of lot coverage. This area permits the integration of business activity, governmental functions, service, office, and residential uses.

SECTION 10.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the C-1 district:
1. Art studio/craft shops.
 2. Catering establishments.
 3. Commercial day care center.
 4. Contractor's offices.
 5. Farm markets.
 6. Financial institutions
 7. Fraternal or social club or lodge
 8. Laundromats.
 9. Personal service establishments. **include health club in definition**
 10. Professional offices.
 11. Residential above retail/office.
 12. Restaurants
 13. Retail establishments under 10,000 square feet GFA.
- B. The following uses shall only be permitted in the C-1 district with special land use approval:
1. Hospitals.
 2. Hotels/motels.
 3. Medical offices.

4. Mortuary or funeral homes.
5. Permitted uses involving drive-through facilities
6. Places of public assembly.
7. Public and utility service buildings.
8. Recreation facilities, indoor.

SECTION 10.03. SITE DEVELOPMENT REQUIREMENTS

- A. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- B. All permitted and special land uses are subject to the following requirements in Table 10-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 10-1. C-1 District Requirements	
Dimensional Standard	C-1 District
Minimum Area	None
Minimum Width	None
Minimum Depth	None
Maximum Lot Coverage	100%
Minimum Front Yard Setback	0 ft.
Minimum Side Yard Setback	0 ft.
Minimum Rear Yard Setback	0 ft.
Maximum Building Height	50 ft.

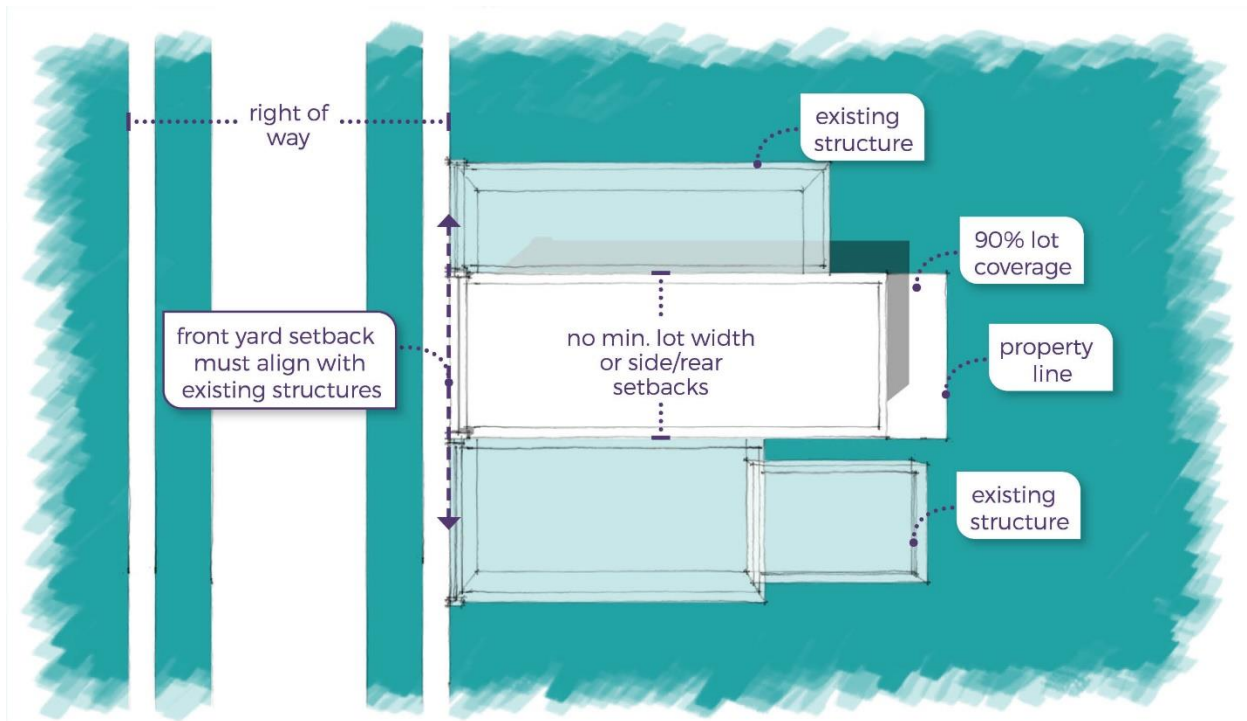


Figure 10.1. C-1 SITE DEVELOPMENT REQUIREMENTS

- C. With the exception of single and two family dwellings, all proposed development subject to site plan approval shall comply with the following architectural guidelines:
1. All development shall be adequately served by a sidewalk at least five (5) feet in width or as otherwise required by the Village.
 2. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
 3. All buildings with flat roofs shall include parapet articulation on the facade(s) of each building facing the street.
 4. No side yards are permitted except that one pedestrian accessway may be developed to access the rear of the site, subject to Planning Commission approval during the site plan review process.
 5. Buildings shall adjoin and align with neighboring structures to form a consistent streetwall. If an adjacent structure does not exist, the front setback shall be no more than 15 feet from the street right-of-way line. The front yard, if provided, shall be landscaped in accordance with the provisions of this Chapter and have appropriate amenities (benches, bike racks, etc.) to enhance the street atmosphere.

6. The first floor of commercial buildings facing a road shall be comprised of sixty (60%) minimum of clear glass or a percentage established by the Planning Commission, and at least 40% windows on upper floors.
7. Any side of a building facing a road should be covered with, or constructed of, at least fifty percent (50%) of the following materials:
 - a. Brick.
 - b. Decorative concrete block.
 - c. Cut stone.
 - d. Logs.
 - e. Other materials approved as part of the site plan.
8. No off-street parking or delivery areas shall be permitted in the front yard of the property.
9. Any facade facing the street or rear yard shall have an entrance for the public. Where building frontages exceed 50 feet in width, doors, or entrances with public access shall be provided at intervals averaging no greater than 50 feet apart.
10. Building walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents or trees.
11. The Planning Commission may modify or waive the requirements of this Section if it finds that a proposed development is consistent with the character of the surrounding properties.

CHAPTER 11. C-2 GENERAL BUSINESS DISTRICT

SECTION 11.01. PURPOSE AND INTENT

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

SECTION 11.02. PERMITTED AND SPECIAL LAND USES

- A. The following uses shall be permitted by right in the C-2 district:
1. Art studio/craft shops.
 2. Catering establishments.
 3. Commercial day care centers.
 4. Financial institutions
 5. Fraternal or social clubs or lodges.
 6. Indoor theaters.
 7. Laundromats.
 8. Medical offices.
 9. Mortuary or funeral homes.
 10. Personal service establishments.
 11. Places of public assembly.
 12. Professional offices.
 13. Retail establishments under 10,000 square feet GFA.
 14. Vehicle repair, minor.
 15. Veterinary clinic.
 16. Permitted uses containing drive-through facilities
 17. Expansion of existing single family dwellings, provided the expansion is not more than 30% of the existing floor area of the dwelling. **Move to nonconforming section.**
- B. The following uses shall only be permitted in the C-2 district with special land use approval:
1. Assembly, processing, fabrication, or manufacturing facilities under 10,000 square feet GFA.

2. Residential above retail/office.
3. Bus passenger stations.
4. Commercial storage warehouses.
5. Contractor's offices.
6. Convalescent or nursing homes.
7. Private schools.
8. Hospitals.
9. Hotels/motels.
10. Kennels, commercial.
11. Trucking terminals.
12. Open air businesses.
13. Public and utility service buildings.
14. Recreation facilities, indoor.
15. Recreation facilities, outdoor.
16. Permitted uses involving the outdoor display or storage of merchandise or equipment.
17. Retail establishments 10,000 square feet GFA and greater.
18. Vehicle repair, major.
19. Vehicle service station.
20. Vehicle wash establishment.
21. Wireless communication tower.

SECTION 11.03. SITE DEVELOPMENT REQUIREMENTS

- A. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- B. All permitted and special land uses are subject to the following requirements in Table 11-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 11-1. C-2 District Requirements	
Dimensional Standard	C-2 District
Minimum Area	10,000 sq. ft.
Minimum Width	80 ft.
Maximum Lot Coverage	50%

Minimum Front Yard Setback	Properties fronting 2nd St. and 3rd St.: 20 ft. All other properties: 30 ft.
Maximum Front Yard Setback	150 ft.
Minimum Side Yard Setback	One side: 5 ft. Total 2 sides: 20 ft. Adjacent to a Residential District or use lot line: 40 ft.
Minimum Rear Yard Setback	20 ft.
Maximum Building Height	2 ½ stories

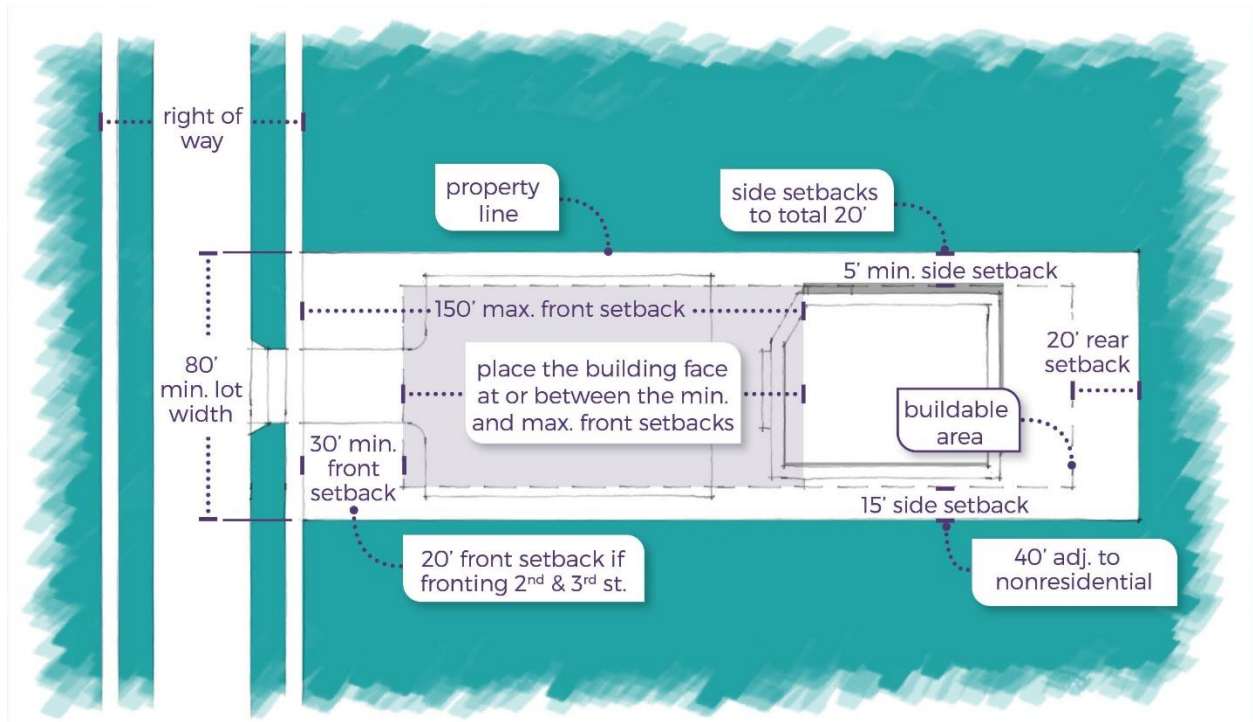


Figure 11.1. C-2 SITE DEVELOPMENT REQUIREMENTS

CHAPTER 12. IND INDUSTRIAL DISTRICT

SECTION 12.01. PURPOSE AND INTENT

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

SECTION 12.02. PERMITTED AND SPECIAL LAND USES

A. The following uses shall be permitted by right in the IND district:

1. Assembly, processing, fabrication, or manufacturing facilities under 10,000 square feet GFA.
2. Art studios/craft shops
3. Commercial storage warehouses.
4. Contractor's yards.
5. Freight and logistics establishments.
6. Lumberyards.
7. Personal service establishments
8. Printing and publishing establishments.
9. Professional offices
10. Public and utility service buildings.
11. Research, development, and laboratory facilities.
12. Retail establishment
13. Trade or industrial schools.
14. Vehicle repair establishments, minor and major.
15. Vehicle wash establishments.
16. Veterinary clinics.
17. Water supply and treatment facilities.
18. Warehouses.
19. Wholesale establishments.

B. The following uses shall only be permitted in the IND district with special land use approval:

1. Assembly, processing, fabrication, or manufacturing facilities 10,000 square feet GFA and greater.

2. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
3. Trucking terminals.
4. Salvage or junk yards.
5. Sexually oriented businesses.
6. Waste treatment facilities.
7. Wireless Communication Tower.

SECTION 12.03. SITE DEVELOPMENT REQUIREMENTS

- A. Parking, landscaping, lighting, and signage shall comply with the Site Development Requirements in Chapter 13 of the Zoning Ordinance.
- B. All permitted and special land uses are subject to the following requirements in Table 12-1, which shall be met and maintained in connection with any building or structure, or the enlargement of any building or structure:

Table 12-1. IND District Requirements	
Dimensional Standard	IND District
Minimum Area	20,000 sq. ft.
Minimum Width	150 ft.
Maximum Lot Coverage	75%
Minimum Front Yard Setback	50 ft.
Minimum Side Yard Setback	One side: 25 ft. Total 2 sides: 50 ft. Adjacent to a Residential District or use lot line: 50 ft.
Minimum Rear Yard Setback	Adjacent to a Nonresidential District: 25 ft. Adjacent to a Residential District or use: 50 ft.
Maximum Building Height	50 ft.

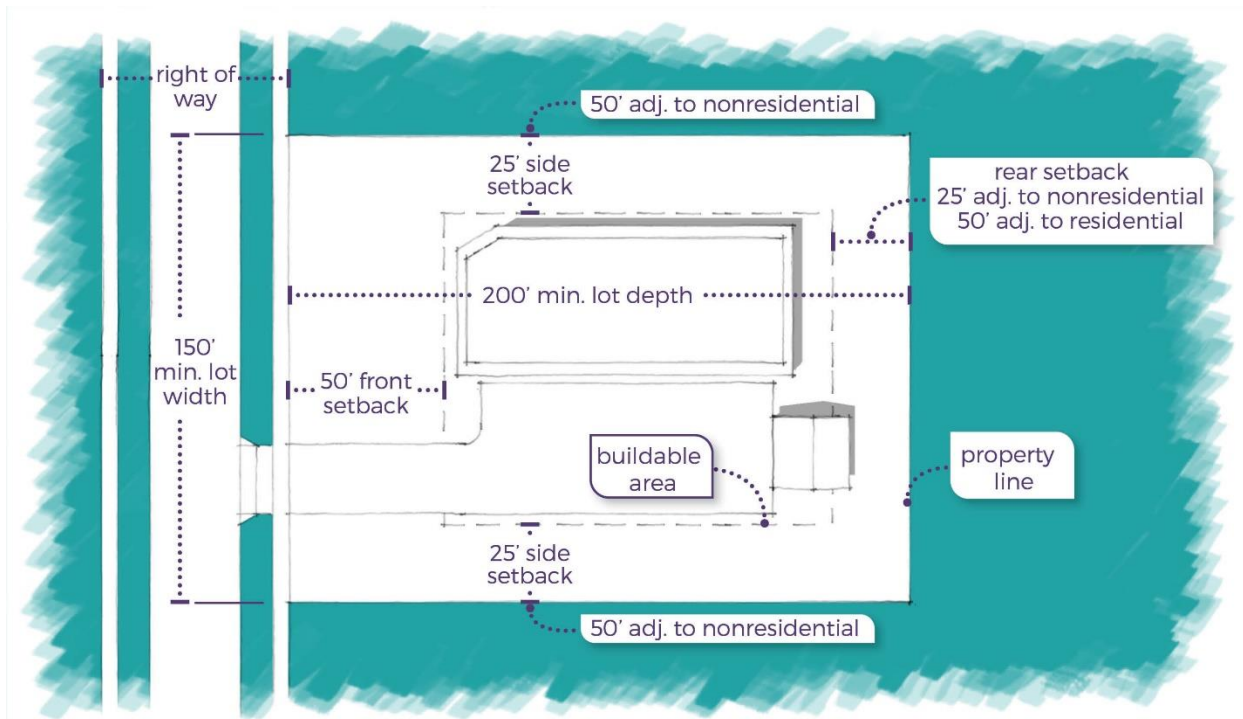


Figure 12.1. IND SITE DEVELOPMENT REQUIREMENTS

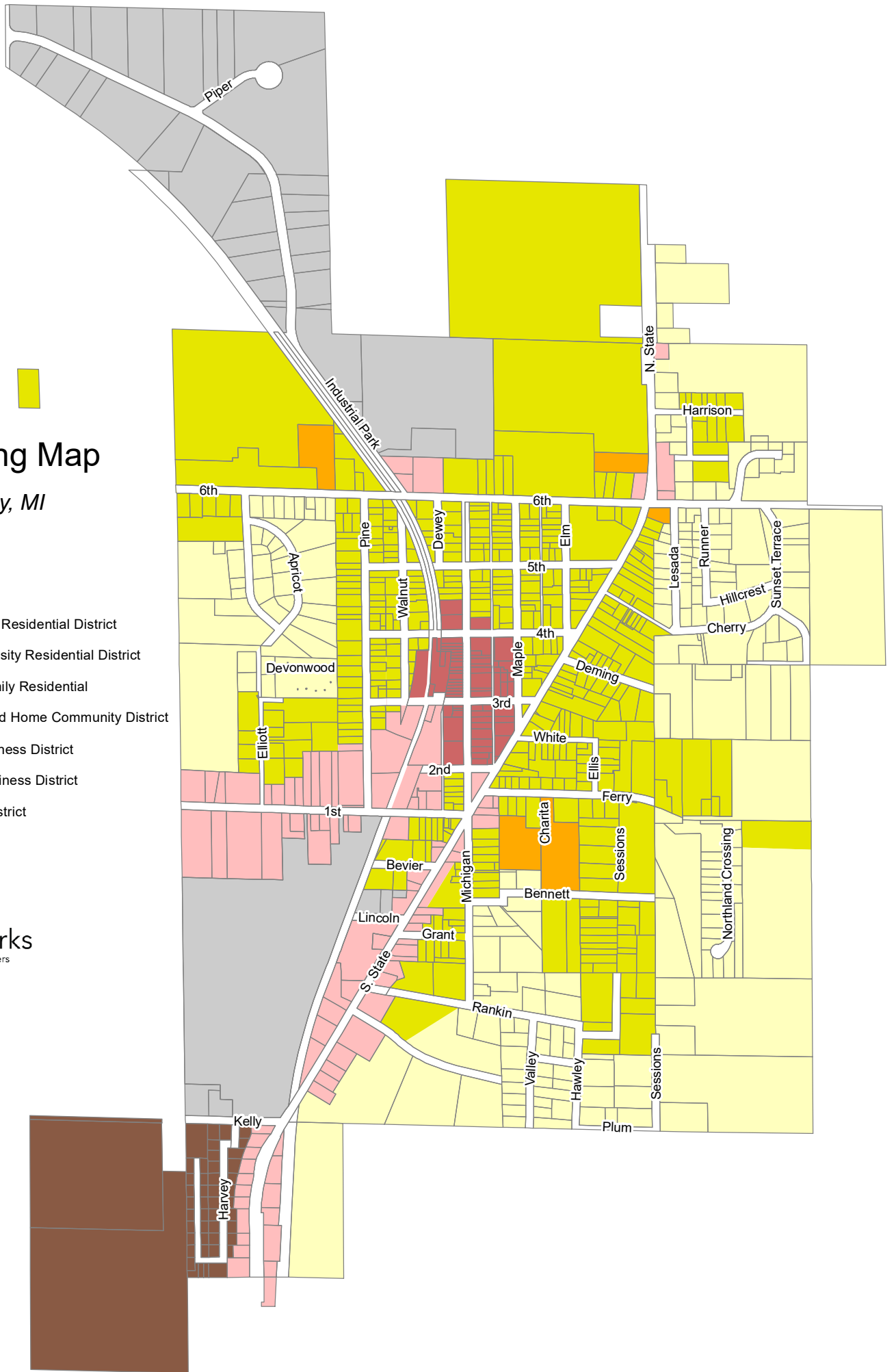
DRAFT 2022 Zoning Map

Village of Shelby, MI

Legend

- R-1, Low Density Residential District
- R-2, Medium Density Residential District
- R-3, Multiple-Family Residential
- R-4, Manufactured Home Community District
- C-1, Central Business District
- C-2, General Business District
- IND, Industrial District

williams&works
engineers | surveyors | planners



Village of Shelby

2021 Planning Commission Annual Report



1. Membership

Planning Commission Member	Term Expiration
Samantha Near	12/31/2023
Ross Field	12/31/2023
Tara Kelley	12/31/2023
John Sutton	12/31/2024
Paul Inglis	12/31/2022
Tim Horton	12/31/2022
Malcolm Carey	12/31/2023

2. Meetings *(MPEA requires four meetings annually)*

The Village of Shelby’s planning commission met eleven (11) times. This meets the requirements of the MPEA.

3. Master Plan Review

- ✓ The 2020 Master Plan was formally adopted January 2021.
- ✓ The Village has begun work on the top four lines of the Implementation Strategies Work Plan copied on page two. The Village hired Williams&Works to assist with the Village with the comprehensive zoning ordinance update. As part of the process a zoning ordinance audit an evaluation was completed. In addition, the Village began an update to the Villages General Law Ordinances where an audit was also completed.
- ✓ The Village also plans to develop a Façade Grant Program for the downtown district using a portion of the ARPA dollars as well as look into forming a Downtown Development Authority.

Implementation Strategies Work Plan		
Action	Responsible Party	Timing
Comprehensive Zoning Ordinance Audit and Evaluation	Village Council, Planning Commission, Village staff	Year 1
Comprehensive Zoning Ordinance Update or Rewrite in accordance with the vision, goals and objectives, and implementation strategies of this Plan	Village Council, Planning Commission, Village staff	Year 1
Comprehensive Audit and Evaluation of General Law Ordinances	Village Council, Village staff	Year 3
Update or Add General Law Ordinances in accordance with the vision, goals and objectives, and implementation strategies of this Plan	Village Council, Village staff	Year 3
Village Parks and Recreation Plan Update	Village Council, Planning Commission, Village staff	Year 5
Trail Town Engagement Strategy	Village Council, Planning Commission, Village staff	Years 3-5. Ongoing
Complete Streets Strategy	Village Council, Planning Commission, Village staff	Years 3-5. Ongoing
Green Infrastructure Strategy	Village Council, Planning Commission, Village staff	Years 3-5. Ongoing
Cooperation with Neighboring and Regional Governments	Village Council, Planning Commission, Village staff	Ongoing
Community Education, Outreach, and Communication Strategy	Village Council, Planning Commission, Village staff	Years 3-5. Ongoing

4. Zoning Ordinance Amendments

- ✓ Section 3.11 was amended to allow two accessory buildings on any property, prohibit shipping containers as accessory storage structures, omitted the provision regarding sheet metal siding, and limited the size of all accessory buildings to take up less than 30% of the required rear yard.
- ✓ There was one application for zoning map amendment. 15 S. State Street was rezoned from C-2 to R-3.

5. Development Reviews

Project type	Location	Description	Status	Date of action
Shelby Trails Apartments	Walnut St (between 3rd and 4th)	Affordable housing apartments	Site Plan Approved	1/14/2021

6. Variances *(Review actions taken by the Board of Zoning Appeals; request summary from ZBA)*

Variance type	Location	Description	Status	Date of action
Use Variance	186 S. State Street	Use variance to remodel an existing detached accessory building into an accessory dwelling unit.	Approved	1/11/20

7. Actions by Legislative Body *(Review actions taken by the legislative body related to planning and development)*

- ✓ Authorized the Village Administrator to execute the Professional Service Agreement for William&Works to complete the Zoning Ordinance Audit and Rewrite.

8. Zoning Map *(Review with listed development and rezoning requests to analyze potential trends)*

- ✓ 15 S. State Street was rezoned from the General Business District (C-2) to Medium Density Residential (R-2)
- ✓ Zoning map will also be updated as part of the zoning ordinance rewrite.

9. Training

Topic/description	Date
Planning commissioners and council members must begin attending a minimum of 6 hours of training annually. This is a new requirement per RRC certification.	Beginning in 2022
Staff plans to coordinate onsite training to meet this requirement.	Ongoing

10. Joint Meetings

- ✓ The Village Administrator plans on coordinating a joint meeting with the Planning Commission and Village Council for the purposes of hearing a presentation on housing and how zoning can help facilitate quality, affordable housing.