

AGENDA

Village of Shelby Planning Commission

Wednesday, October 27, 2021

218 N. Michigan Ave.

Shelby, MI 49455

Special Meeting – 5:30 P.M.



Agenda Topics:

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Commission Administrative Business:
 - a. Williams&Works – Zoning Ordinance Update – Review Chapter 3 Updates **D**
 - b. Williams&Works – Zoning Ordinance Update – District Chapters **D**
5. Reports:
 - a. None
6. Public Comment:
7. Member Discussion:
8. Adjournment:

AR- Action Requested
D- Discussion Item



Memorandum

Date: October 21, 2021

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

From: Brady Selner, Village Administrator

Subject: Zoning Ordinance Update – District Chapters

Information:

Andy Moore of Williams&Works will be at the Special Planning Commission meeting to continue the zoning ordinance rewrite. The documents provided in this packet include the revised General Provisions Chapter (with graphics and the changes discussed at the last meeting), the zoning district chapters, and the zoning map. The zoning map will need adjustments to better reflect reality and the master plan. The map is a more precise version of what the Village currently has. At the meeting will briefly discuss the updates to Chapter 3 but spend most of the meeting talking about the district chapters and permitted/special uses.

Supporting Documents:

Chapter 3 - General Provisions (with changes and graphics)
Chapters 4 – 11 District Chapters
Zoning Map

CHAPTER 3. GENERAL PROVISIONS

SECTION 3.01. APPLICATION OF REGULATIONS

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

SECTION 3.02. CLEARING OF LAND

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

SECTION 3.03. EXCAVATIONS

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

- A. When the earth removal is incidental to an operation for which a building permit has been issued by the building official.
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than five hundred (500) cubic yards;

- D. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
- E. The soil removal will not be in violation of any other Section of this Ordinance or other Village ordinance, Natural Resource and Environmental Protection Act of 1994, or any other applicable state or federal law.

SECTION 3.04. MAIN BUILDING OR PRINCIPAL USE

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for development that forms a unified function and appearance in the opinion of the Zoning Administrator, including but not limited to, the following:

- A. Groups of related commercial, industrial, office buildings, and/or multiple family dwellings, contained within a single, integrated complex as demonstrated by shared parking, signs, access, and other similar features.
- B. Live/work structures, accessory dwellings, and mixed use buildings.
- C. Residential above retail or office.
- D. Other development that in the opinion of the Zoning Administrator forms a single, cohesive development.

SECTION 3.05. STREET ACCESS

Any lot created after the effective date of this Ordinance shall front upon a public street. Every lot shall meet the minimum width requirement for the zoning district in which it is located, unless otherwise permitted in this Ordinance.

SECTION 3.06. CLEAR VISION

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

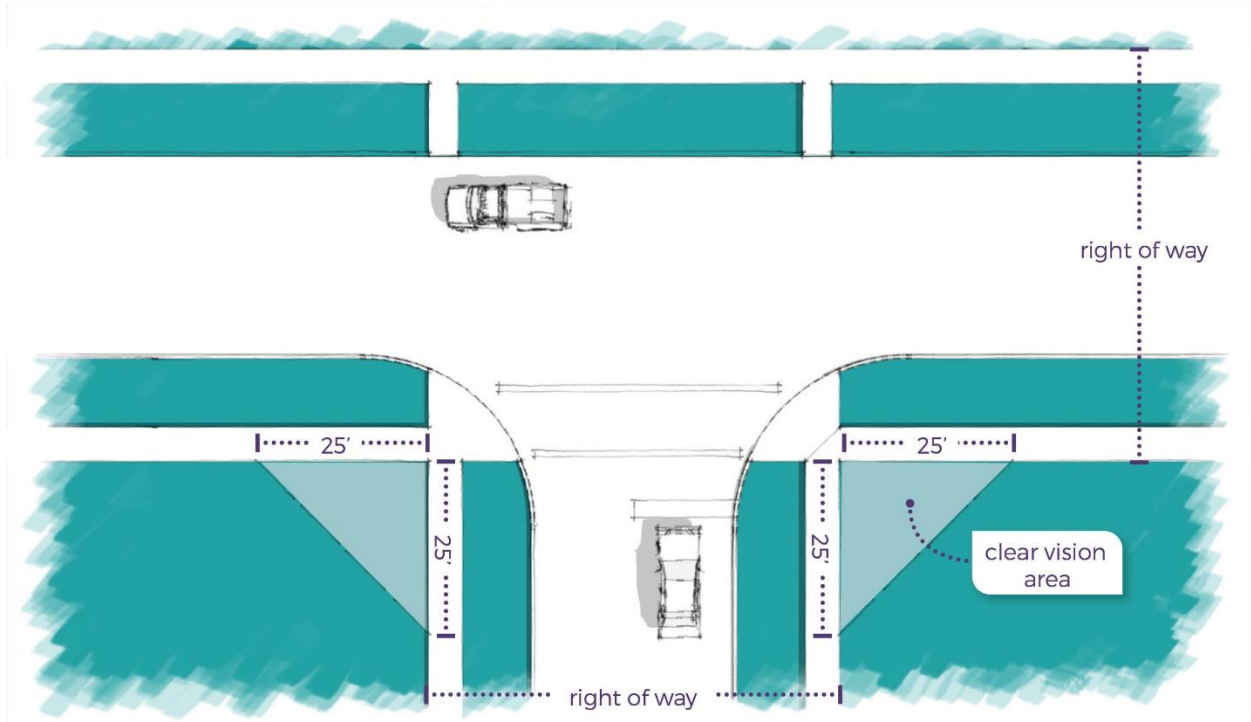


Figure 3.1. CLEAR VISION CORNER

SECTION 3.07. SETBACK DETERMINATION

- A. Where the front yards for existing principal buildings in the vicinity of and in the same zoning district as the subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of the existing principal buildings on the same side of the street and entirely or partially within two-hundred (200) feet of the side lot lines of the subject lot.

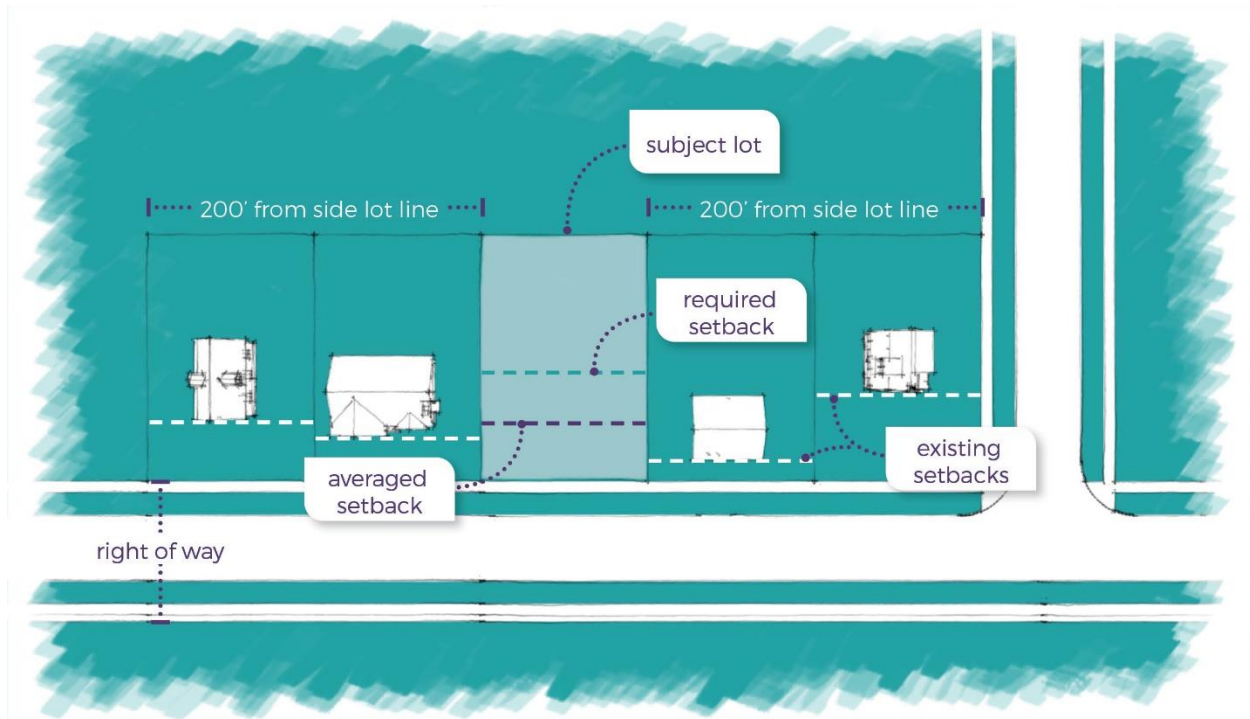


Figure 3.2. SETBACK AVERAGING

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

SECTION 3.08. LOT WIDTH AND DEPTH

- A. No lot shall be created with a lot depth that exceeds three (3) times its width in the Village. (check for nonconformance) consider deleting

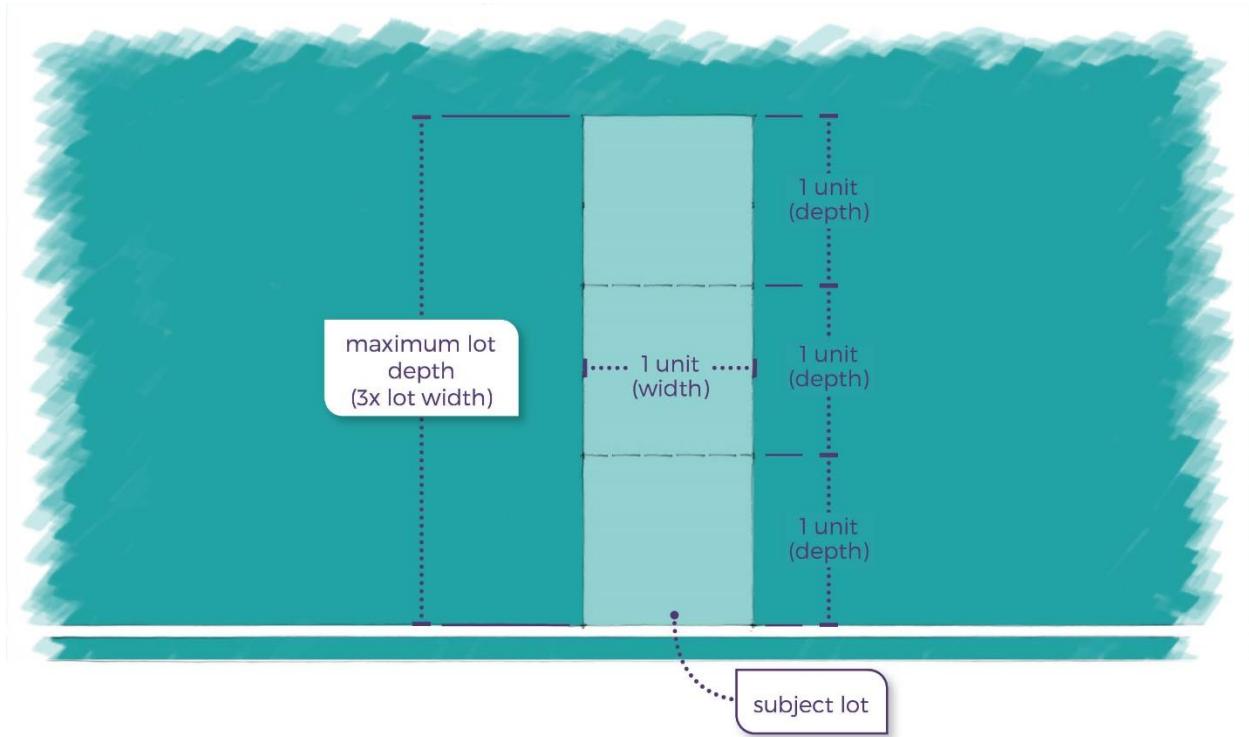


Figure 3.3. LOT WIDTH TO DEPTH RATIO

- B. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot.
- C. Lots on a cul-de-sac shall have a minimum frontage of forty (40) feet at the front property line. Lot width, as measured at the front yard setback line, shall not be diminished throughout the rest of the lot.

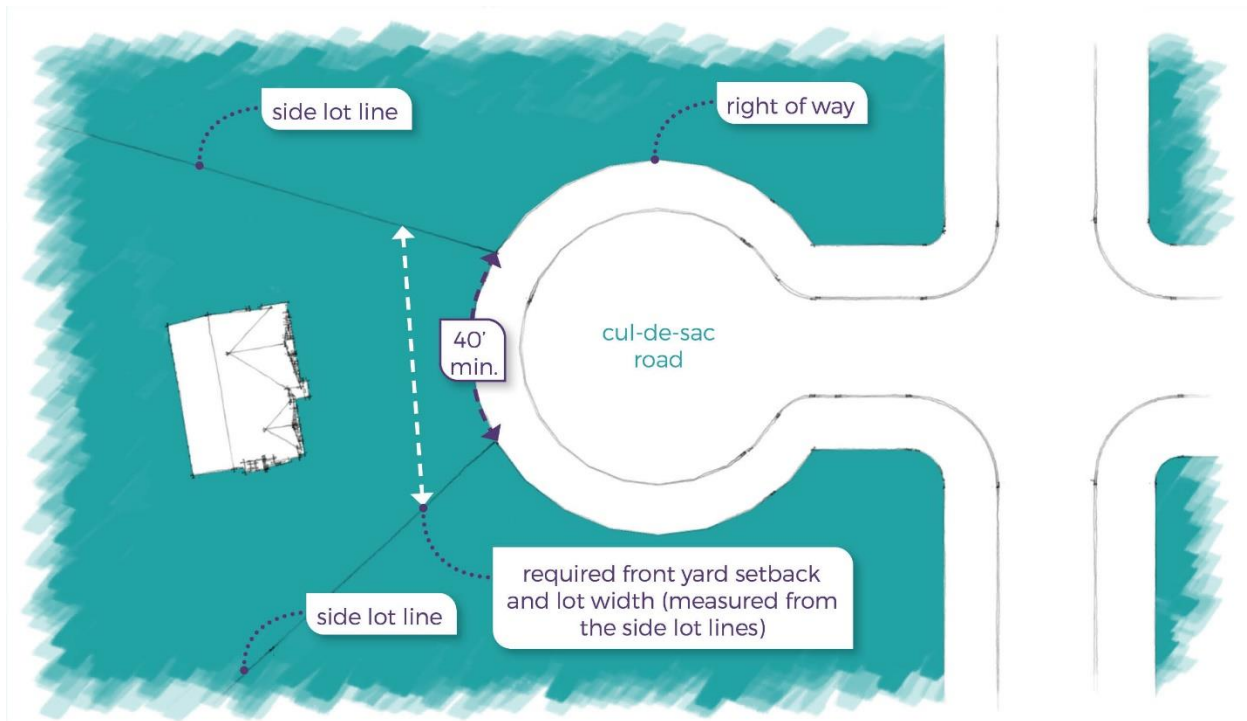


Figure 3.4. CUL-DE-SAC WIDTH

SECTION 3.09. HEIGHT EXCEPTIONS

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

SECTION 3.10. PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features may project a maximum of four (4) feet into a required front or rear yard setback area but shall not project into the required side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and extend more than six (6) inches above the average grade:
 1. May project a maximum of ten (10) feet into a required front yard setback area.
 2. May project a maximum of fifteen (15) feet into a required rear yard setback area.
 3. Shall not project into a required side yard setback area.
 4. Shall not be placed closer than ten (10) feet to any front or rear lot line.

- C. If these structures are permanently enclosed on any side, covered in any manner, or otherwise considered attached and integrated to the main building, they shall be considered part of the main building.

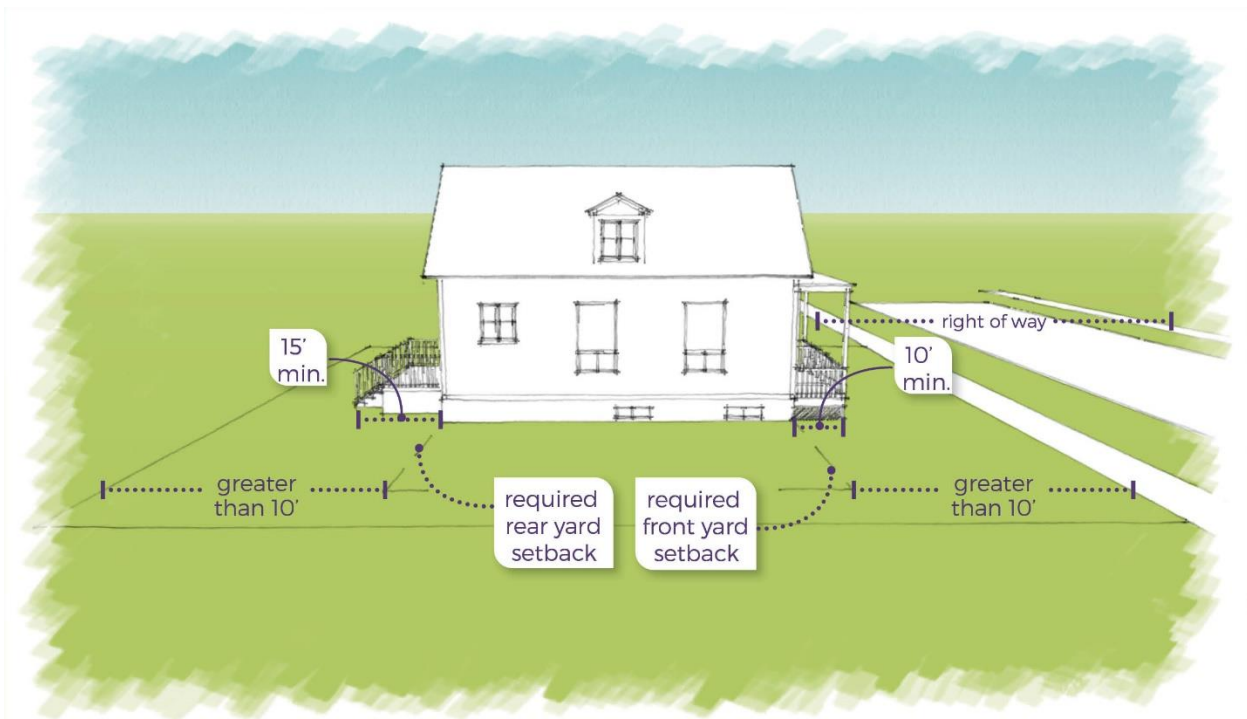


Figure 3.5. PROJECTIONS INTO YARDS

SECTION 3.11. ACCESSORY BUILDINGS AND STRUCTURES

- A. Permit Required. A zoning permit shall be secured prior to the placement of any accessory building greater than 200 square feet.
- B. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building. Construction of an accessory building may occur during construction of the main building, only when a permit for a main building has also been secured for that lot.
- C. Attached accessory buildings and structures that are structurally part of the main building shall conform to the setback requirements of the main building.
- D. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- E. Detached accessory buildings shall be a minimum of five (5) feet from rear or side property lines and shall not be permitted in the front yard.
- F. No more than three (3) accessory buildings with an area less than 200 square feet may be permitted on any lot.

- G. No accessory building shall be used in any part for residential dwelling or sleeping purposes, unless specifically approved as an accessory dwelling unit in accordance with Section 3.19.
- H. Manufactured homes, semi-trailers, or other vehicles shall not be used as accessory storage structures.
- I. No accessory building shall occupy any portion of a required greenbelt or buffer in any District.
- J. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.
- K. For Residential Districts and uses, the following standards shall also apply:
 - 1. Accessory buildings shall be of residential construction and shall be compatible with surrounding residential homes. Sheet metal walls are prohibited.
 - 2. The total square footage of all accessory buildings shall not exceed 50 percent of the floor area of the principal building.
 - 3. The square footage of a single accessory building shall not exceed 33 percent of the floor area of the principal building.
- L. For nonresidential districts and uses, the following standards shall also apply:
 - 1. The total area of all accessory buildings shall not exceed 33 percent of the floor area of the principal building.
 - 2. Detached accessory buildings shall not exceed a height of twenty-five (25) feet or 1 ½ stories, whichever is less.

SECTION 3.12. OUTDOOR LIGHTING

- A. Intent. The intent of this Section is to create and maintain safe nighttime environments for both pedestrians and drivers on public and privately owned roadways and rights-of-way by minimizing brightly lit surfaces and lighting glare, to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaires and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission, Planner, and/or Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.
- B. Applicability.
 - 1. The requirements of this Section shall apply to any new development or renovation requiring a site plan pursuant to Article 12 of this Ordinance and to the installation of any new regulated lighting as follows:
 - a. Lighting intended to illuminate a site, façade, and/or parking area for commercial, industrial, institutional, and multifamily residential uses.

- b. Private street lighting and public street lighting, including that installed by a municipality or power company.
 - c. All forms of neon lighting.
 - d. Lighting of signs.
 - e. Lighting not exempted under Subsection 3.12(2)(B), below.
2. Exemptions. Lighting commonly associated with single-family or two-family dwellings, including porch lights, low-level lawn lights, soffit-mounted facade illumination and special seasonal lights, such as holiday decorations, are exempted from the requirements of this Section 3.12, provided, however, that flood lights, spot lights, or yard lights mounted higher than 10 feet above grade shall be subject to the standards of Section 3.12(4) hereof. Lighting associated with temporary or special events may be exempted from the requirements of this Section upon issuance of a Zoning Compliance permit from the Zoning Administrator.
3. New developments shall comply with this Section as well as existing developments under consideration for other than minor changes in a site plan as described in **Section**.
- C. Lighting plan. Any new development or renovation requiring a site plan pursuant to Article 12 of this Ordinance contains exterior lighting, the site plan shall include detail on the design and location of all exterior lighting, including light poles, wall-mounted fixtures, and illuminated signs. The Planning Commission or Zoning Administrator may require submission of additional details, including lighting output, bulb type, planned lighting coverage, and other elements to determine the extent of proposed lighting on the site and any potential impacts off the property subject to site plan approval.
- D. General Standards. Outdoor lighting shall be designed, constructed, and maintained in compliance with the following standards:
- 1. Direct light and directly-reflected light shall be confined to the subject property by screening, shielding, landscaping or other measures such that no lighting in excess of one-half (½) foot candle shall be cast on adjoining private property. This standard shall not apply to internally lit signs meant to be visible from the adjoining public right-of-way.
 - 2. Lamps or bulbs, fixtures and other physical parts of the fixture assembly shall be shielded or hooded to prevent glare from traveling beyond the subject property and to ensure that the light source is not directly visible from beyond the boundary of the subject property.
 - 3. Light fixture assemblies shall have 100 percent cut-off above the horizontal plane at the lowest part of the light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

4. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color.
5. Beacon, strobe, and search lights shall be prohibited. No colored lights shall be used at any location or in any manner which might be confused with or construed as traffic control devices.
6. The Planning Commission or Zoning Administrator may impose additional conditions on site illumination to further the intent of this Section.
7. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded and oriented so as not to interfere with adjacent public rights-of-way or adjacent property and such signs shall not emit light exceeding either 10 foot candles measured four feet perpendicular to the sign face or one-half foot candle measured at the property line of adjoining privately-owned property.

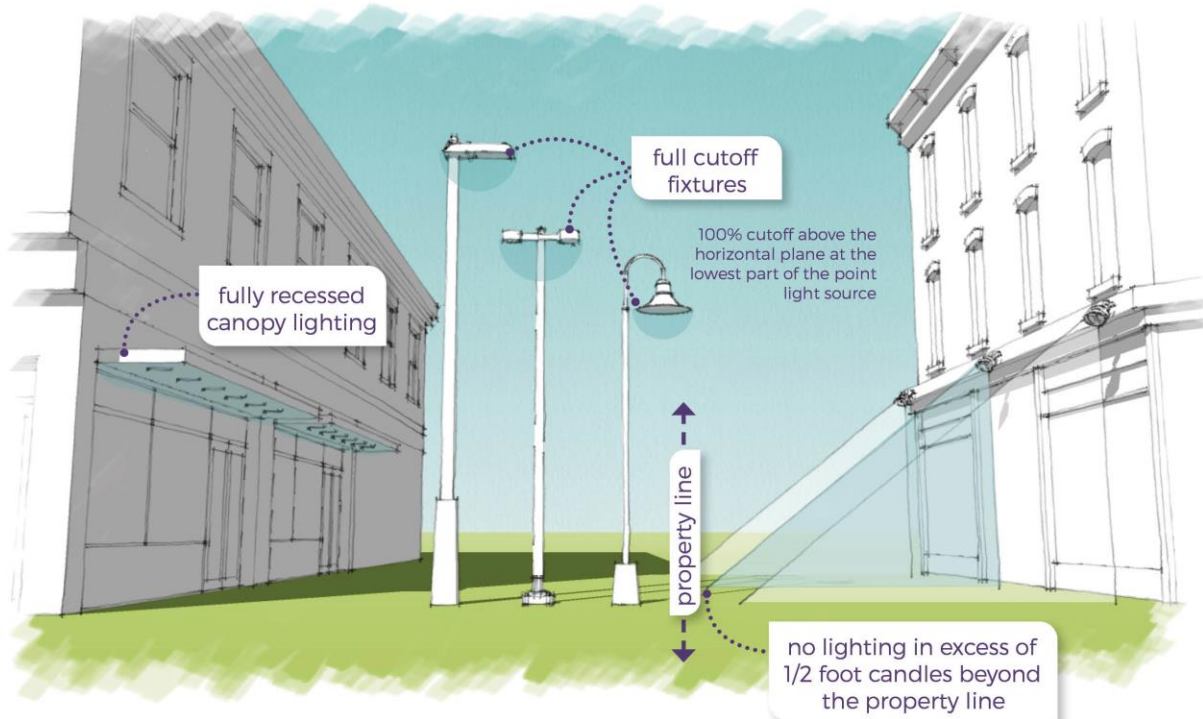


Figure 3.6. OUTDOOR LIGHTING GENERAL STANDARDS

- E. Parking Lot Lighting. In addition to the general standards for outdoor lighting in Section 3.12(4) above, the following standards shall also apply to parking lot lighting:
 1. All illumination for parking lots in nonresidential districts shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day.

2. The source of illumination in all parking lots abutting a residential district or use shall not be higher than 20 feet above the parking lot surface.

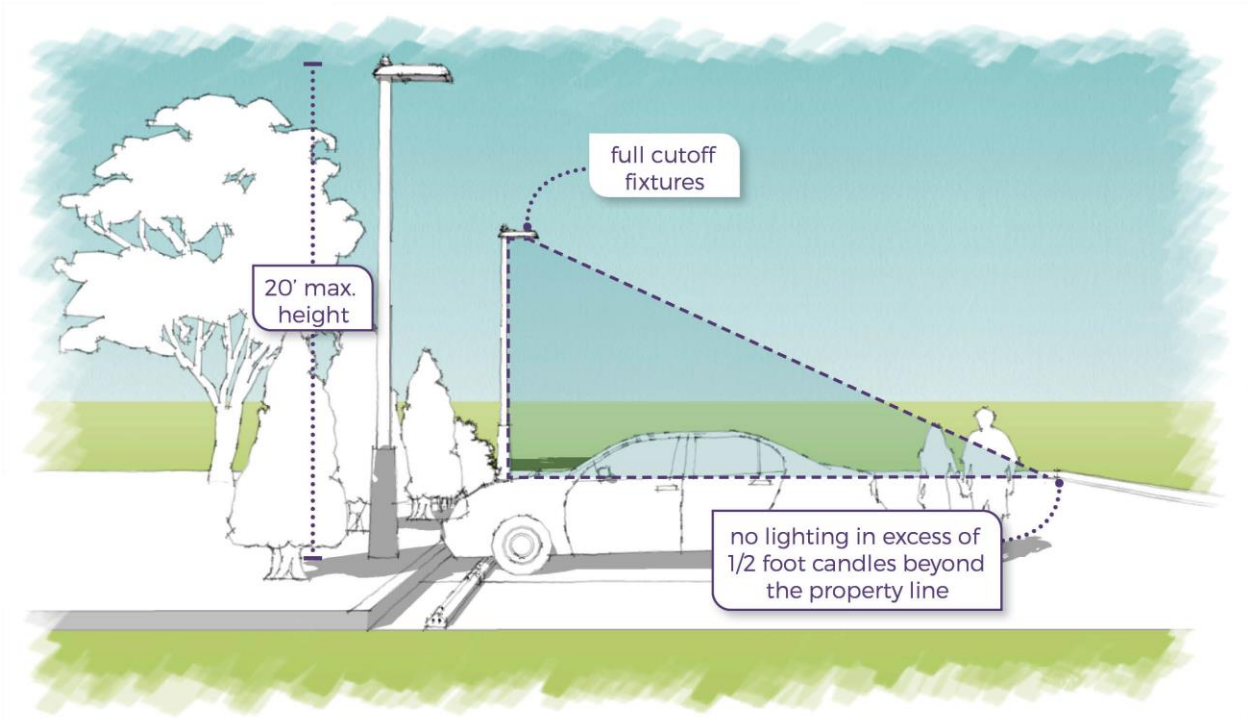


Figure 3.7. PARKING LOT LIGHTING

- F. Departures. Outdoor lighting shall comply with the requirements of this Section 3.12, provided, the Planning Commission may, upon written application approve departures from the standards of this Section if the Planning Commission finds that the following standards are demonstrated by the applicant:
1. The use is a permitted or special land use in the zoning district.
 2. The applicant will undertake reasonable measures to assure that the public health, safety, and welfare would not be undermined by approving the proposed departure.
 3. The proposed plan includes reasonable measures to mitigate any glare, annoyance, intrusion or distraction would be caused by the proposed lighting.
 4. The general public would benefit from the proposed lighting and the proposed lighting and related land use are consistent with the Village Master Plan.

SECTION 3.13. SWIMMING POOLS

- A. Permit Required. Any pool, spa, or hot tub over (24) inches deep and with a surface area of more than two hundred and fifty (250) square feet shall not be constructed, installed,

enlarged, or altered until a building permit has been obtained and shall comply with the requirements of this Section.

- B. The outside edge of the pool, spa, or hot tub wall and/or the deck and any other appurtenances shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools, spas, or hot tubs shall not be located in the front yard.
- C. Each pool, spa, or hot tub shall be enclosed by a minimum five (5) foot high stockade fence, wall, or other structure or device, sufficient to make the pool, spa, or hot tub inaccessible to small children. This enclosure, including gates therein, must be not less than five (5) feet above the underlying ground; all gates must be self-latching with latches placed five (5) feet above the underlying ground or otherwise made reasonably inaccessible from the outside to small children.
- D. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs, or pools are located shall not be required to comply with Section 3.13 C above.
- E. All swimming pool, spa, and hot tub installations shall comply with the State Construction Code and all standard codes referred to therein.

SECTION 3.14. FENCES, WALLS, AND SCREENS

- A. Permit Required. Unless otherwise stated in this section, a zoning permit is required prior to the construction or erection of all fences, walls, and screens.
- B. Fences shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc., free from deterioration, insect infestation, rot, and rust. All fences shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- C. No person shall place, string, or maintain chicken wire, agricultural fencing, barbed wire (unless associated with required Homeland Security measures) as part of any fence or structure along a property line. Fences or walls shall not contain spikes, sharp points, razor wire, electric current, charge of electricity, or other characteristics dangerous and likely to snag, tear, cut, or otherwise injure any person.
- D. Within a required front yard, no fence may exceed a height of three (3) feet for substantially solid or opaque fences and four (4) feet for chain-link, wrought iron, or picket fences, unless specifically provided for elsewhere in this Ordinance.
- E. Within a required side or rear yard, no fence may exceed a height of six (6) feet in height in residential districts or eight (8) feet in height in non-residential districts.
- F. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises.
- G. It shall be unlawful to construct any fence in any public right-of-way or across a utility easement.

- H. Fences may be erected adjacent to the property line, but shall be constructed and located entirely on the owner's property.
- I. No fence shall be erected or maintained on any corner lot or parcel that will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle drive approaching the intersection.
- J. Unless otherwise approved by the Planning Commission or Zoning Administrator, all fences shall be constructed of typical or traditional fencing materials, including but not limited to, wood or composite wood planks, aluminum, wrought iron, chain link, and polyvinyl.
- K. The height of a fence, wall, or screen shall be measured from the grade to the top of the fence. The artificial raising of land to increase the functional height of the fence beyond the limitations of this section is prohibited.

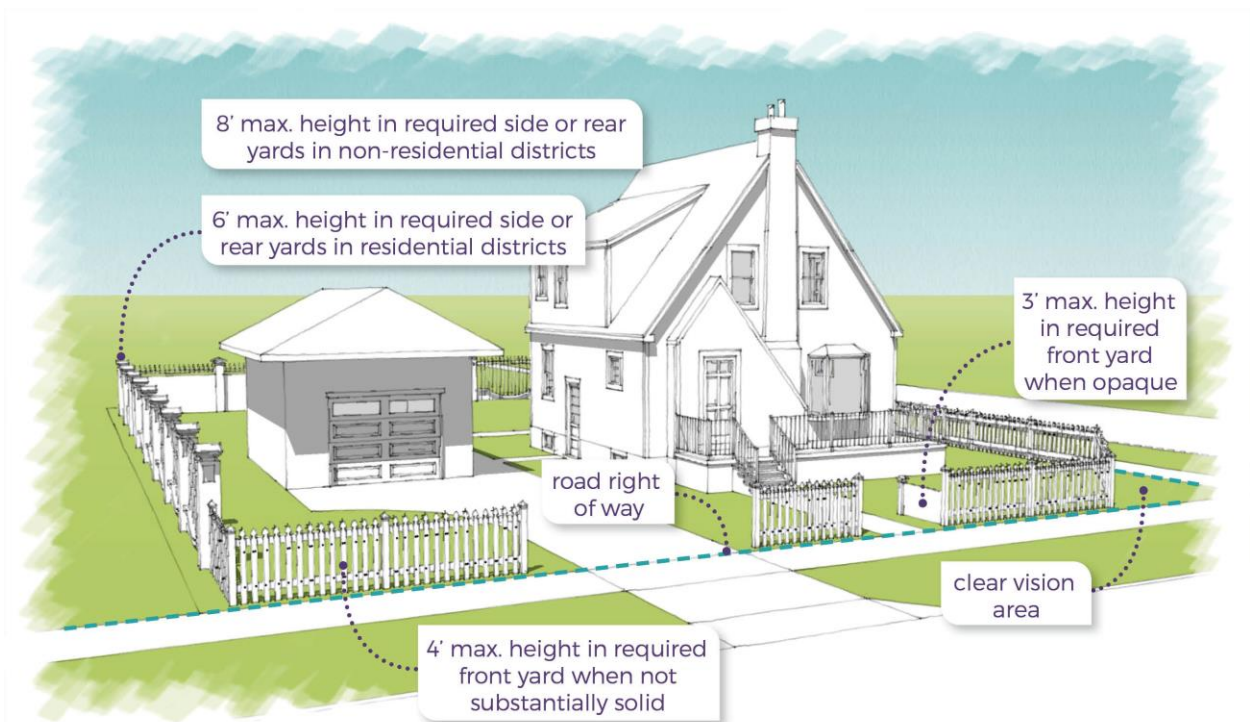


Figure 3.8. FENCES, WALLS, AND SCREENS

SECTION 3.15. REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

- A. It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether constructed on a lot, a pre-manufactured or pre-but building, or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with this Section.

- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes which are or may be adopted by the Village, and with applicable federal or state standards or regulations for construction.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation, which has a wall of the same perimeter dimensions as the dwelling unit and complies with applicable provisions of the adopted building code.
- E. Any crawlspace that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.
- F. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of twenty (20) feet at time of manufacture, placement, or construction.
- G. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or melt water way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- H. The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. Storage areas with an area of no less than one hundred and twenty (120) square feet shall be provided within a building. The storage area may consist of a basement, closet area, attic, or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 3.11.
- J. The dwelling unit shall be connected to public sewer and water supply systems.
- K. The foregoing shall not be construed to prohibit innovative design concepts involving such matters such as (but not limited to) solar energy, view, or unique land contour.
- L. The use of any portion of the basement of a partially completed building or accessory building for dwelling or sleeping purposes is prohibited in every zoning district, unless an accessory building is specifically approved as an accessory dwelling unit.
- M. The foregoing standards shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the Village according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by state or federal law.
- N. If the dwelling unit is a manufactured home, the following standards shall also apply:
 - 1. Dwellings located in a manufactured home park regulated pursuant to Act 96 of 1987 (The Mobile Home Commission Act), as amended, shall comply with the terms of this Ordinance as applicable and the terms of that Act and all rules promulgated under it.

2. All manufactured homes shall comply with the construction standards promulgated by the United States Department of Housing and Urban Development, 24 C.F.R. part 1700 to 1799, and parts 3280 and 3282, under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. Manufactured homes shall be installed in accordance with part 6 of the administrative rules for Manufactured Housing, R125.1601 *et. seq.*
3. The manufactured home shall be installed with skirting, and the wheels and towing mechanism removed.

SECTION 3.16. TEMPORARY USES OR BUILDINGS

- A. Temporary Sales. Sidewalk sales, food trucks, pop-up stores, tents, or seasonal sales of goods are permitted in accordance with the following restrictions:
 1. Such temporary sales shall be permitted in the C1 or C2 districts.
 2. Registration: Any person, organization or business desiring to utilize property for a use authorized by this section shall first register with the Zoning Administrator on a form to be provided, and shall pay a fee for registration in an amount as established by the Village Council. The registration form shall be accompanied by a sketch plan identifying:
 - a. The shape, location and dimensions of the lot, including the shape, size and location of all existing buildings or other structures on the lot, off-street parking layout, and the location of any designated fire lanes.
 - b. The shape, size and location of all buildings or structures to be erected or moved onto the lot, including tents, tables, stands, display racks, or vehicles from which the temporary sales will be conducted.
 3. Time limitations:
 - a. Registration for a sidewalk sale related to a permitted principal use otherwise occurring on the lot shall be effective for no longer than seven (7) days. There shall be a minimum seven-day gap between subsequent sales. No more than three (3) such temporary uses may occur on a particular lot within a single calendar year.
 - b. Registration for a seasonal sale of goods, not related to a permitted principal use otherwise occurring on the lot (e.g., t-shirts, Christmas trees, sunglasses, fireworks, etc.) shall be effective for no longer than thirty (30) days. No more than one such seasonal sale shall be permitted on a lot within a single calendar year or at a time.
 - c. Pop up shops may be permitted for no longer than thirty (30) days provided that the activity conducted would be permissible in the underlying zoning district and other applicable regulations of this Ordinance would be satisfied.
 - d. A temporary tent related to a permitted principal use otherwise occurring on the lot may be erected for no longer than 30 days per calendar year.

4. Regulations:

- a. A temporary tent or sidewalk sale permitted in accordance with this Section shall comply with all applicable requirements for the zoning district in which it is to be located.
 - b. A temporary structure used in conjunction a use permitted by this section use may be located in a front yard, but no closer than one-half (½) the distance between the right-of-way and the principal building.
 - c. When a seasonal sale of goods is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which it is to be located, including all requirements pertaining to lot size, height, setback, lot coverage, and off-street parking.
5. The Village Council may issue permits for the temporary use and occupancy of property for uses not otherwise provided for in this ordinance (carnivals, special events, flea markets, environmental testing devices, etc.) and that do not require the erection of any structures requiring foundations or connection to public water or sewer. For the purpose of this section, a temporary activity shall not extend for more than six (6) weeks in any year.
6. Private garage sales, yard sales, or estate sales. Sales of personal items from a private residence or church, such as garage or yard sales, or civil organization events such as car washes, shall not require a temporary activity permit if such activity does not extend for more than three (3) days in any 90-day period nor occur more than once in any 90-day period.

B. Temporary Dwellings.

1. The parking or storage of recreational vehicles, campers, or boats and trailers on the street for more than forty-eight (48) hours at a time is prohibited. Such storage may not occur more than three (3) times per twelve-month period, and shall be separated by at least seven (7) days between each occurrence. The parking or storage of recreational vehicles, campers, or boats and trailers is permitted on a lot pursuant to Section 3.21.
2. A recreational vehicle or camper may be used as a dwelling for guests of the property for not more than seven (7) days at a time.
3. The Zoning Administrator may authorize the occupancy of a mobile home, existing dwelling unit, or recreational vehicle as a temporary residence for a period not to exceed one (1) year during construction or reconstruction of a permanent dwelling or new dwelling unit for occupancy by the applicant on the lot or parcel on which the temporary dwelling is proposed to be temporarily located, subject to the following:
 - a. The applicant must concurrently obtain zoning and building permit for the single-family dwelling to be constructed on the property.
 - b. Authorization for occupancy permit shall expire upon issuance of the certificate of occupancy for the principal dwelling.

- C. Temporary Structures. Temporary structures such as construction trailers, job-site offices, tool cribs, and similar structure may be permitted in accordance with the following requirements:
1. Such temporary structures shall not be occupied as a dwelling.
 2. Unless otherwise permitted by this Section, a temporary structure shall meet the setback requirements of its respective district. The Zoning Administrator must approve the site for the temporary structure prior to its placement.
 3. Construction trailers, job-site offices, tool cribs and similar temporary structures associated with building or public facility construction shall be properly anchored and may be located on any portion of a construction site, provided clear vision corners are maintained at all intersections and safe pedestrian passage is provided.

SECTION 3.17. ILLEGAL DWELLINGS

The use of any basement for dwelling purposes is prohibited in any Zoning District unless the basement meets the appropriate adopted building codes for the Village. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes, unless specifically approved as an accessory dwelling unit in accordance with Section ____.

SECTION 3.18. RESERVED

SECTION 3.19. ACCESSORY DWELLING UNITS (ADUS)

- A. Location and Dimensional Requirements
1. ADUs are permitted in the R-1 and R-2 districts only upon receipt of a zoning compliance permit issued by the zoning administrator.
 2. No more than one ADU shall be permitted on a parcel.
 3. Detached ADUs shall be considered accessory buildings, and therefore shall only be permitted on properties where an accessory building could otherwise be located, subject to the provisions of this Section.
 4. An ADU may be attached to the main building, a detached building, or located on the second story of a detached garage.
 5. The area and height of a detached ADU shall not exceed the maximum requirements for an accessory building in the district in which the ADU is located.
 6. Under no circumstances shall the maximum lot coverage for a given district be exceeded.

7. Detached ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located. ADUs attached to the principal dwelling shall meet the same setbacks as required for the principal dwelling.

B. Design Requirements

1. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and the ADU shall meet all applicable provisions of the Building Code and other regulations.
2. The ADU shall comply with all building, electrical, mechanical, plumbing, property maintenance, and other applicable codes for dwellings.
3. The exterior design of an ADU, whether attached or detached, shall be compatible with the principal dwelling on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and shall be harmonious with the character and scale of the surrounding neighborhood.
4. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking for adjacent properties.
5. Windows in an ADU facing an adjoining residential property must be designed to protect the privacy of neighbors unless fencing or landscaping is provided as screening.
6. Attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

C. Use and Occupancy Requirements

1. The ADU shall not result in excessive traffic, parking congestion, or noise.
2. A minimum of one additional dustless off-street parking space shall be provided on the lot containing the ADU, in addition to parking required for the primary dwelling.
3. The property owner must occupy either the principal dwelling or the ADU.
4. The ADU shall be connected to public water and wastewater systems where such systems are available or required pursuant to applicable Village ordinances. If connected to a private well and septic system, such systems must be approved by the Oceana County Health Department.
5. If the ADU is connected to a public sewer system, it shall comply with all applicable regulations, including, but not limited to, the payment of additional

service charges and/or connection fees as determined by the Village pursuant to the adopted Ordinances of the Village.

6. Neither the principal dwelling nor the ADU shall be utilized for short-term rental purposes.

D. Deed Restriction Required

1. Before obtaining an occupancy permit, the property owner shall file with the zoning administrator a declaration of restrictions that shall be recorded with the Oceana County Register of Deeds containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - a. The zoning permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - b. The ADU is restricted to the approved size.
 - c. The ADU shall not be sold separately from the principal dwelling.
 - d. All above declarations shall run with the land and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the ADU.

E. Existing Accessory Dwelling Units

1. ADUs in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to applicable provisions of Section 3.26 of this Ordinance.

SECTION 3.20. ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this Section is to exempt actions regarding essential services from the application of this Ordinance. Significant structures associated with essential services and proposed within a residential district may be referred to the Planning Commission as to architecture, landscaping, and screening suitable to the neighborhood.

SECTION 3.21. STORAGE AND PARKING OF RECREATIONAL VEHICLES

- A. Within the R1 and R2 district districts, the outdoor storage or parking of RVs, boats, and trailers of any kind shall be permitted only in accordance with this section. The provisions of this section do not apply to vehicles regularly utilized in the conduct of a profession, occupation, or business such as work trucks, vans, and similar commercial vehicles with a capacity of one and one-half (1½) tons or less.

- B. The storage or parking of trucks of more than one and one-half (1½) tons capacity such as dump trucks, cement mixers, and semi-trucks and trailers is prohibited in residential districts.
- C. The outdoor storage of recreational vehicles, boats, and trailers shall be regarded as a permitted accessory use in the R1 and R2, districts, if such storage conforms to the provisions of this section.
- D. Such outdoor storage may be permitted within the rear yard or side yard, provided all stored material is placed no closer than three (3) feet from a side or rear lot line, and further provided that such storage does not prevent clear access between the front and rear yards of the lot for a person on foot.
- E. Such storage may occur in a front yard, provided that all stored material is placed on an improved surface (asphalt, concrete, asphalt millings, etc.) and that recreational vehicles and equipment are not located within 20 feet of the street or sidewalk, whichever is nearer.
- F. The open storage of disassembled or component parts for any vehicle of any type is prohibited.
- G. Any recreational vehicle or boat stored outdoors shall be the property of the occupant.
- H. Inoperable, unlicensed, or unregistered vehicles, boats, trailers, motorcycles, and vehicle parts shall only be stored in a completely enclosed structure.
- I. Recreational vehicles shall not be used as a dwelling unless authorized under Section 3.16 (B, 2-3) of this Ordinance.

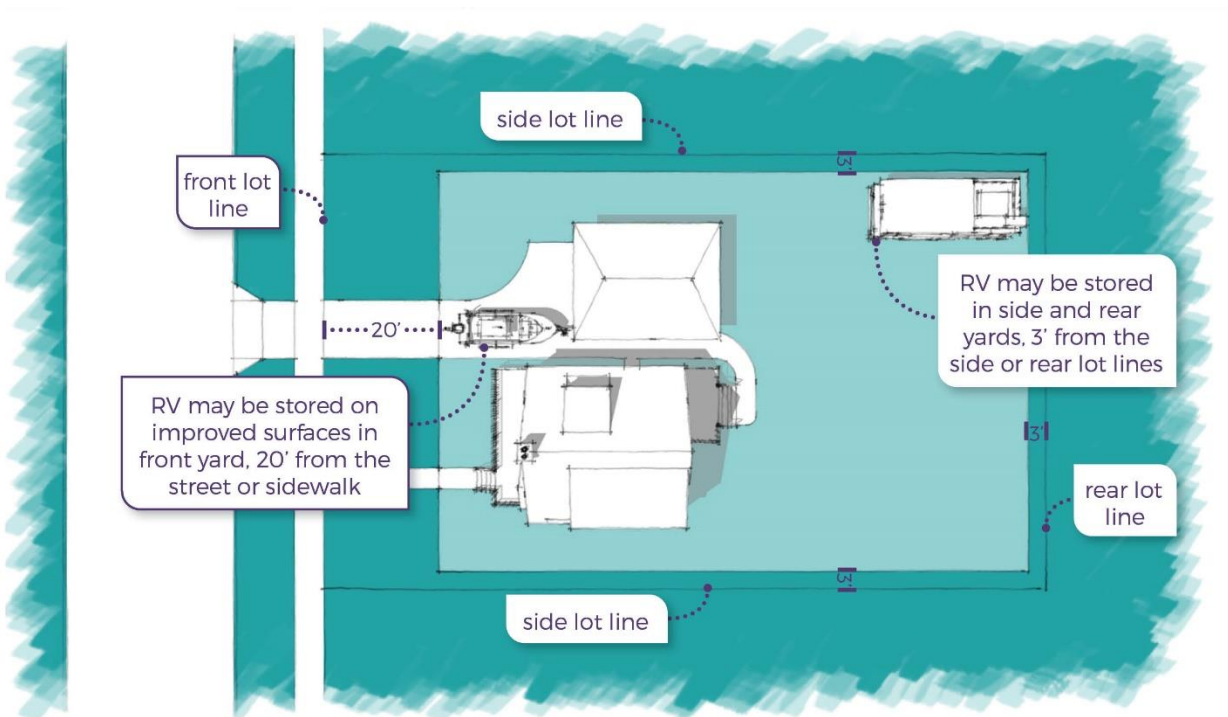


Figure 3.9. STORAGE AND PARKING OF RECREATIONAL VEHICLES

SECTION 3.22. RESERVED ADD TO BLIGHT/POLICE POWER ORD.

SECTION 3.23. KEEPING OF ANIMALS

The keeping of animals shall be regulated by Section 610.03 of the codified Ordinances of the Village of Shelby.

SECTION 3.24. HOME OCCUPATIONS

- A. Permit Required. All home occupations shall be registered with the Zoning Administrator on a form provided by the Village and may require a fee as determined by the Village Council. The registration form shall be accompanied by such information as is necessary to demonstrate compliance with this Section.
- B. No person other than the resident occupants shall be engaged in the home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or in an accessory building. If conducted within the dwelling unit, the home occupation shall not, in any case, exceed a total floor area of twenty five percent (25%) of the gross floor area of the dwelling unit.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign as permitted by Section [REDACTED]. The permitted sign shall be located on the same property as the home occupation and shall not be permitted within any street right-of-way.
- E. No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products related to the home occupation or those goods actually produced on the premises.
- F. Any traffic generated by the home occupation shall not be so great as to cause adverse effects within or upon the surrounding neighborhood. Parking areas for a home occupation shall be located off street and outside the required yard areas.
- G. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 3.25. RESERVED

SECTION 3.26. NONCONFORMITIES

- A. General Provisions

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
3. A lawful use of land or structure which is under construction at the time of adoption of this Ordinance may continue establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Section.
4. On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done in on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the building or structure as it existed on the effective date or amendment of this Ordinance, shall not be altered or increased except in compliance with this Article.
5. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted.

B. Nonconforming Uses

1. No part of any nonconforming use shall be moved unless the movement eliminates or reduces the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

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

C. Nonconforming Buildings and Structures

1. The expansion of a nonconforming structure may be permitted provided that the addition complies with this Ordinance and does not increase the nonconformity.
2. In the event any nonconforming building or structure shall be damaged by fire, wind, or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed sixty (60) percent of the replacement value as determined by the Building Inspector. If the cost of restoration exceeds sixty (60) percent of the replacement value as determined by the Building Inspector, the building or structure shall only be rebuilt in conformance with all provisions of this Ordinance.

3. A nonconforming building or structure shall not be moved in whole or in part except when the moving eliminates or reduces the nonconformity.
4. If any nonconforming building or structure is altered or modified to eliminate, remove, or reduce any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.

D. Nonconforming Lots of Record

1. A nonconforming lot may be used for the purposes for which it is zoned, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any main building on the lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.
2. Combination of Nonconforming Lots
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 - (1) Are in common ownership.
 - (2) Are adjacent to each other or have continuous frontage.
 - (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
 - b. Parcels meeting the provisions of subsection 2, a, above, shall be combined into a lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

SECTION 3.27. PRIVATE STREETS PROHIBITED

Private streets are not permitted in the Village of Shelby.

SECTION 3.28. RESERVED

SECTION 3.29. FARM MARKETS

- A. Farm markets may be permitted in the C-1 district subject to the following conditions:

1. Farm markets shall comply with all applicable Health Department and Liquor Control Commission regulations. Areas accommodating the sales of prepared foods and beverages shall be maintained in a clean and sanitary condition at all times.
2. The area of land used for the farm market, as well as associated parking and loading areas, shall be designed to provide adequate drainage and maintained in good condition at all times. The Planning Commission may require means to minimize dust travel, including paved surfaces and paved parking.

SECTION 3.30. UNCLASSIFIED USES

The Planning Commission may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the district.

In reaching such a finding, the Zoning Administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter, and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with the intent of the district and other permitted and special land uses. If the Zoning Administrator determines that such use is similar to the uses permitted by special use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation to consider such use as sufficiently similar to permitted or special land uses within the district and the approval standards that should be used to evaluate the proposed use.

Where a proposed use of land or use of building is not contemplated or specified by this ordinance or where the Zoning Administrator has a question as to the appropriateness of a use, which, although permitted, involves other features, which were not contemplated or specified by this ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this ordinance, or that it involves features, which were not contemplated or specified herein, such use shall be prohibited. Nothing in this Section shall be construed to prohibit a future amendment of this Ordinance to provide for a land use that may be currently excluded.

SECTION 3.31. DUMPSTER AND REFUSE CONTAINMENT

- A. Applicability. All dumpsters and refuse containers for all uses other than single-family and two-family dwellings and their accessory uses shall be contained within a dumpster enclosure. All such uses districts developed or expanded after the effective date of this Ordinance shall comply with the provisions of this Section.
- B. Location of dumpster enclosures.
 1. Dumpsters shall be at least 15 feet from any building and in a location that is clearly accessible to the servicing vehicle. Dumpsters and dumpster structures shall not

be located in any required front yard, nor upon any easement, public or private. Overhead utility lines must be taken into consideration when locating a dumpster structure.

2. Dumpsters and dumpster structures shall be situated so as not to interfere with the access to any designed parking spaces, fire lanes, or roadways. Further, the space used by dumpster and dumpster structures shall not be included in the calculations for establishing the required minimum parking spaces.

C. Design of dumpster enclosures.

1. Dumpsters shall be screened on three sides with a decorative masonry wall or solid wood fencing, not less than six feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides. The gate shall be constructed in such a manner as to be lockable in both the open and closed positions. A cyclone-type wire fence may be used for the gate provided that the fencing is screened with decorative slats interlaced in the fencing so as to provide sufficient screening. The minimum inside dimensions of this structure shall be 12 feet by 12 feet (Fig. 13.09).
2. Dumpsters shall be placed on a concrete pad which shall be a minimum of eight inches in thickness and have an apron and a joint shall separate the apron. Bollards, having a minimum outside diameter of four inches and extending a minimum of 42 inches above and below grade, shall be installed on both sides of the dumpster enclosure opening to prevent damage to the screening wall or fence. A minimum of two such bollards shall be installed across the back wall of the enclosure a minimum of two feet from the back wall and shall be installed in such a manner as to have an expansion joint separating the bollards from the remainder of the slab.

D. The Zoning Administrator may authorize a departure from the standards of subsections B-C above upon concluding that compliance is impractical or otherwise not feasible.

E. Maintenance and servicing of dumpster enclosures.

1. Dumpsters and dumpster structures shall be kept clean and maintained in good repair.
2. Dumpster capacity shall be large enough to accommodate the garbage and refuse generated by the property.
3. Dumpsters and other refuse containers shall only be serviced by licensed persons approved by the Village Council.

SECTION 3.32. SMALL SCALE SOLAR ENERGY SYSTEMS

Applicability. This section applies to any system of small-scale solar energy collector systems within the Village. This section does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and a height of less than five (5) feet above the ground, nor does this section apply to utility-scale solar energy collector systems, which are regulated in Section _____. Nothing in this section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

A. General requirements.

1. Permit Required. No small-scale solar energy collector system shall be installed or operated except in compliance with this section. A zoning permit shall be obtained from the Zoning Administrator prior to the installation of a small-scale solar energy system. All small-scale solar energy systems shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code, the Electrical Code, and the manufacturer's specifications.
2. Applications. In addition to all other required application contents as listed in Section _____, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review by the Zoning Administrator.
3. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads or private roads.
4. Installation.
 - a. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable village and state requirements.
 - b. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Village prior to installation.
5. Power Lines. On-site power lines between solar panels and inverters shall be placed underground.
6. Abandonment and Removal. A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. Following the abandonment of a solar energy collector system, the following standards are applicable:
 - a. The responsible party may reinstate the system up to six (6) months after the system is declared abandoned if the Village is given substantial evidence of the responsible party's intent to maintain and reinstate the operation of that system.
 - b. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.

- B. Building-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions.
1. Maximum Height. Building-mounted solar energy collectors shall be attached directly to the building and shall not be taller than the peak of the building to which they are attached.
 2. Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- C. Ground-Mounted Solar Energy Collectors. These systems are permitted in all zoning districts subject to the following conditions.
1. Rear and Side Yards. The unit may be located in the rear yard or the side yard and shall be subject to the setbacks for accessory buildings.
 2. Front Yard. The unit may be located in the front yard only if located not less than one hundred fifty (150) feet from the front lot line.
 3. Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
 4. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained as to not block access to solar collectors.
 5. Maximum Number.
 - a. Residential uses. There shall be no more than one (1) ground-mounted solar energy collector per principal building on a lot.
 - b. Commercial, and Industrial uses. There shall be no limit to the number of ground-mounted solar energy collectors on a lot.
 6. Maximum Size.
 - a. Residential uses. There shall be no more than one percent (1%) of the lot area, up to one thousand five hundred (1,500) square feet, of collector panels on a ground-mounted solar energy collector system.
 - b. Agricultural, Commercial, and Industrial uses. There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a Utility Scale Solar Energy Systems is approved pursuant to Section _____.
 7. Maximum Height. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
 8. Minimum Lot Area. One (1) acres shall be the minimum lot area to establish a ground-mounted solar energy collector system.
 9. Screening. Screening shall be required in cases where a ground-mounted solar energy collector impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
 10. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not regularly exceed the power consumption demand of the principal and accessory land uses on

the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses.

SECTION 3.33. ACCESS MANAGEMENT

- A. The standards of this section shall apply to all uses for which site plan review and approval is required according to Chapter _____,
- B. In reviewing a site plan, the Village may:
1. Require service drives;
 2. Limit the number of driveways for a lot;
 3. Require that parking areas on adjacent lots be connected;
 4. Require driveways for adjacent lots be shared;
 5. Require driveways on opposite sides of a street be directly aligned or have proper offsets; and
 6. Require the closing, relocation, or redesign of a driveway or access point.
- C. Number of Driveways.
1. General Access: Unless otherwise warranted or required in the opinion of the Village, access to any street or for an individual lot, or access to any street from contiguous lots under the same ownership, shall be limited to a single two-way driveway.
 2. Additional Driveways: For a lot with frontage on a street of more than three hundred (300) feet, an additional driveway may be allowed for each additional three hundred (300) feet frontage, provided that driveways meet the spacing standards of this section.
- D. Dual Frontage: Where Lots have dual frontage on both a higher and lower classification of roadway (i.e. State Street or Michigan Avenue and another village street) access shall be provided from the lower classification roadway. If the lot has a minimum of three hundred (300) feet of frontage, additional access may be allowed if the access meets the spacing standards of this section.
- E. Shared Driveways. In cases where shared driveways are proposed or required, the shared driveway shall be constructed as nearly as practical to straddle the common property line. A written easement and maintenance agreement, to be approved by the Village, shall be provided and legally recorded with the Oceana County Register of Deeds that allows traffic to travel across one (1) lot to access another, and to access the street.
- F. Service Drives and Parking Lot Connections.
1. Where a proposed parking lot is adjacent to an existing parking lot, there shall be a vehicular connection between the two parking lots where possible, as determined by the Village.
 2. Lots may be required to include a rear yard service drive, especially where connection to a second street is available.

3. If a lot with an established commercial use is divided to allow for an additional commercial use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this section are met. The original and the additional commercial use shall have adjoining connected parking lots and may be required to construct a connecting rear yard service drive.
- G. Construction of Service Drives. Service drives shall have a minimum width of twenty four (24) feet, measured from face to face of the curb, with an approach approved by the Village engineer.
1. The geometrics of rear yard or front yard service drive intersections with streets shall be approved by the Village or MDOT, as applicable.
 2. Service drives shall have a minimum of fifty (50) feet of stacking space or throat length for entering and exiting vehicles at the intersection of the service drive and the street.
 3. Parking shall generally be prohibited along service drives. However, one (1) way or two (2) way service drives designed with additional width for parallel parking may be allowed if such traffic studies demonstrate that such parking will not significantly affect their safety or operation. Perpendicular or angled parking along either side of a designated service drive shall be prohibited.
 4. Directional Signs and pavement markings may be required to help promote safe and efficient circulation. The property owner(s) shall be required to maintain all pavement markings and signs. All directional signs and pavement markings shall conform to the standards contained in the current "Michigan Manual of Uniform Traffic Control Devices."
- H. Curb Radii. Driveways shall be designed with at least twenty five (25) feet radii where primarily passenger vehicle traffic is expected.
1. Driveways shall be designed with at least thirty five (35) feet radii where primarily truck vehicle traffic is expected.
 2. Where necessary, a site plan shall illustrate proposed circulation patterns on a site to ensure safe movement of vehicular traffic, trucks, and delivery vehicles.
- I. Acceleration, Deceleration and Bypass Lanes. Acceleration, deceleration, and/or left turn bypass lanes may be required, as determined by the Village or MDOT.

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	
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	SLU	
Elderly housing		SLU	P				
Existing single family homes					P	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	
Indoor theaters					P	P	
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	
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	
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	
Retail establishments under 10,000 square feet GFA					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 sales						SLU	
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)	1,200 sq. ft.

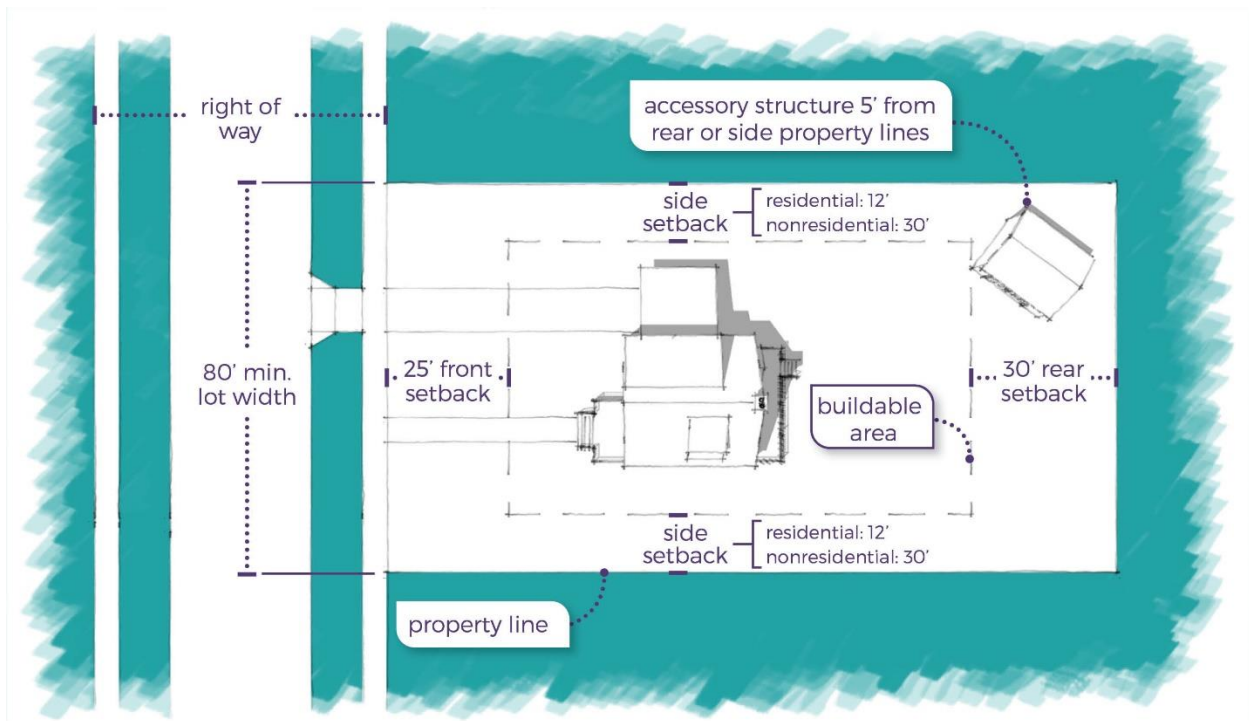


Figure 6.1. R-1 SITE DEVELOPMENT REQUIREMENTS

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. Add non-residential use standard?
Minimum Width	Single Family: 65 ft. Two Family: 100 ft. Add non-residential use standard?
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 Family: 1,200 sq. ft. Two Family: 1,000 sq. ft. per unit Add multiple family standards?

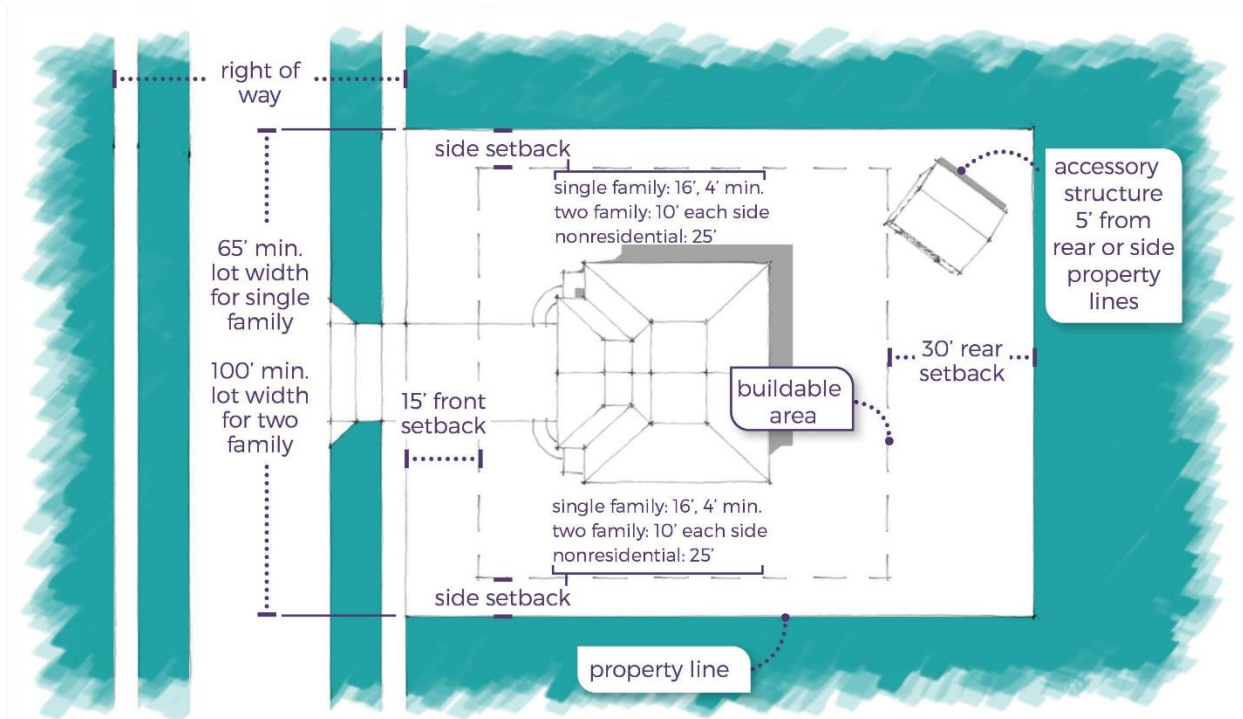


Figure 7.1. R-2 SITE DEVELOPMENT REQUIREMENTS

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 plus 3,000 sq. ft. of lot area per dwelling unit
Minimum Width	150 ft.
Maximum Lot Coverage	40%
Width to Depth Ratio	1:3
Minimum Front Yard Setback	30 ft.
Minimum Side Yard Setback	25 ft.
Minimum Rear Yard Setback	40 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Unit Floor Area (UFA)	<p>Single and two-family dwellings: 1,200 square feet per dwelling unit</p> <p>For multiple family dwellings:</p> <p>1-bedroom apt.: 650 sq. ft.</p> <p>2-bedroom apt.: 750 sq. ft.</p> <p>3-bedroom apt.: 900 sq. ft.</p> <p>Over 3 bedrooms: 100 sq. ft. additional for each bedroom over 3</p>

Add single and two family standards (smaller setbacks/lot sizes)?

Minimum Area - addition of 3,000 sq. ft. of lot area per dwelling unit seems high and not conducive to the density described in this chapter. Remove? Or replace with greenspace requirement if that is the intent.

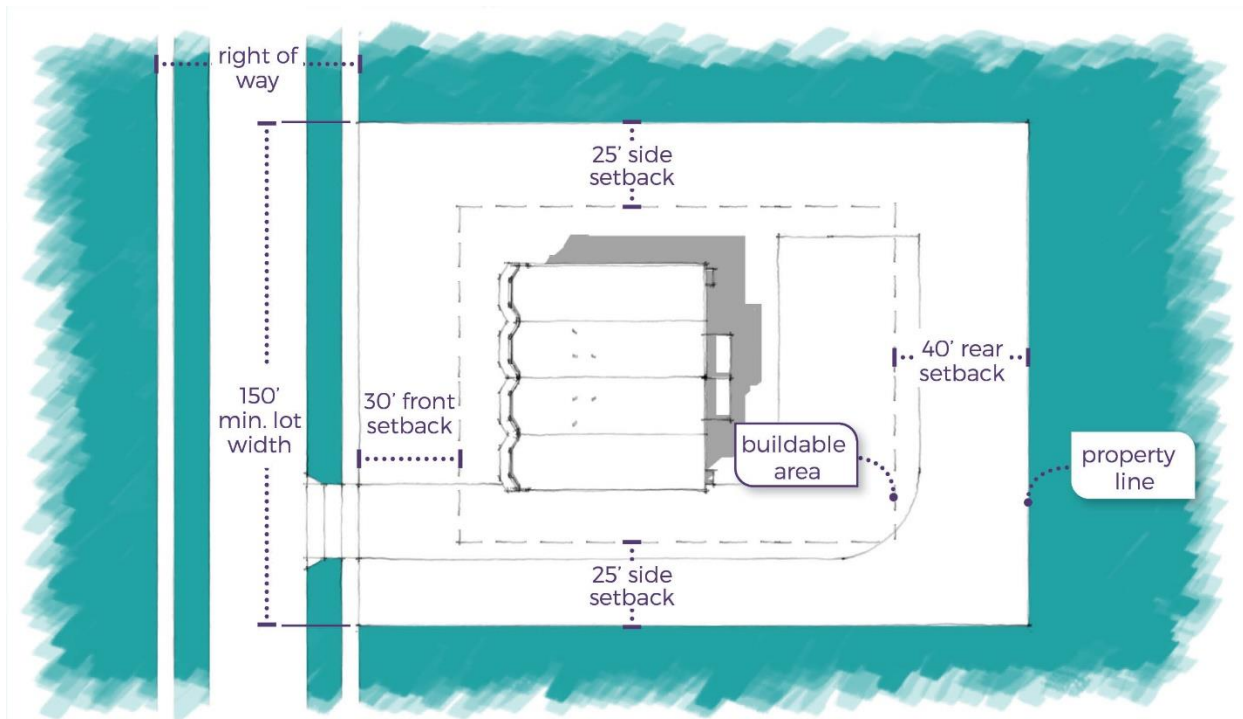


Figure 8.1. R-3 SITE DEVELOPMENT REQUIREMENTS

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. Existing single family homes.
 6. Farm markets.
 7. Financial institutions
 8. Fraternal or social club or lodge
 9. Indoor theaters.
 10. Laundromats.
 11. Personal service establishments. **include health club in definition**
 12. Professional offices.
 13. Residential above retail/office.
 14. Restaurants
 15. 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
Width-to-Depth Ratio	1:3
Maximum Lot Coverage	90%
Minimum Front Yard Setback	Must align with other existing structures
Minimum Side Yard Setback	0 ft.
Minimum Rear Yard Setback	0 ft.
Maximum Building Height	50 ft.
Minimum Building Height	35 ft. and 2 stories, or match adjacent buildings

Width-to-depth ratio for many downtown businesses exceeds the 1:3 ratio. May consider deferring to the act (4:1) for this district or delete it entirely.

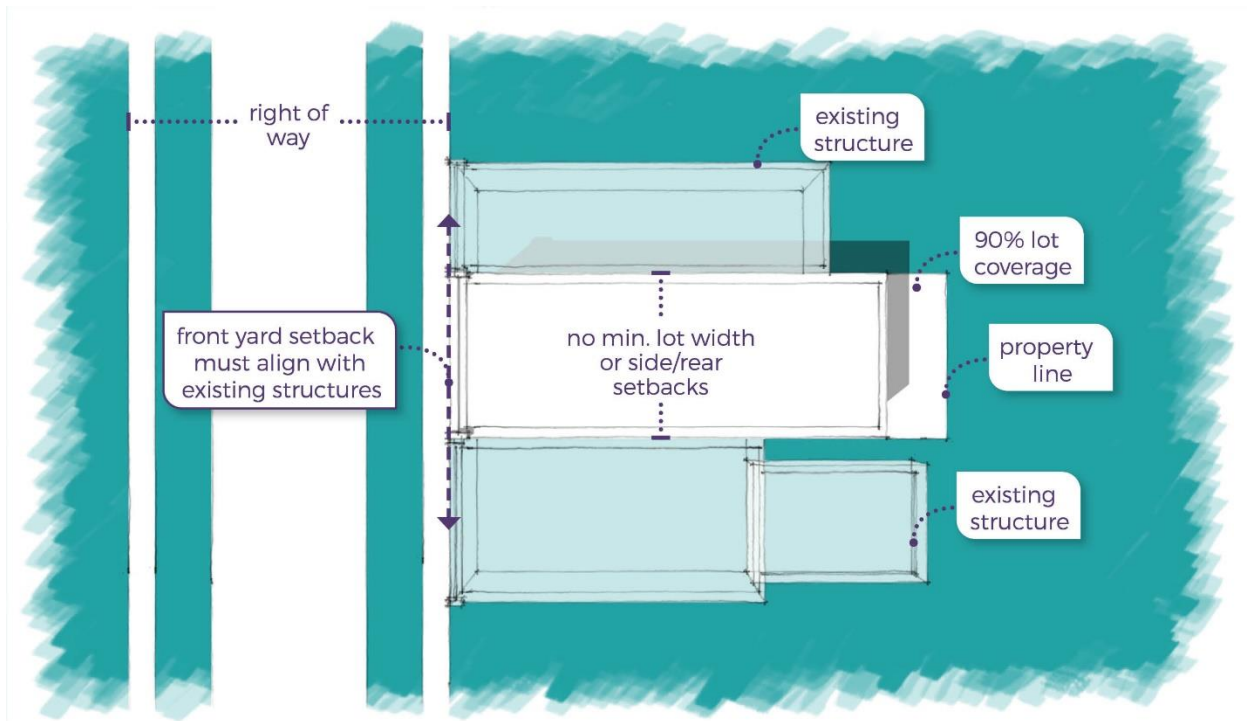


Figure 10.1. C-1 SITE DEVELOPMENT REQUIREMENTS

- 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. The applicant shall use quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the Shelby Community.
 2. Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
 3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
 4. The first floor of commercial buildings facing a road shall be comprised of ten (10%) minimum of clear glass or a percentage established by the Planning Commission.

5. Any side of a building facing a road should be covered with, or constructed of, at least fifty percent (50%) of the following materials:
 - a. Brick.
 - b. Decorative concrete block.
 - c. Cut stone.
 - d. Logs.
 - e. Other materials approved as part of the site plan.
6. In the Village, sheet metal may be used as an acceptable outdoor wall covering, with a Special Use Permit.
7. In Shelby Village, architectural features of the buildings shall include details and ornaments such as archways, colonnades and cornices.
8. Building walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents or trees.
9. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color.
10. 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. Commercial day care centers.
3. Existing single family homes.
4. Financial institutions
5. Fraternal or social clubs or lodges.
6. Indoor theaters.
7. Laundromats.
8. Medical offices.
9. Personal service establishments.
10. Professional offices.
11. Retail establishments under 10,000 square feet GFA.
12. Vehicle repair, minor.
13. 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. Places of public assembly.

4. Bus passenger stations.
5. Catering establishments.
6. Commercial storage warehouses.
7. Contractor's offices.
8. Convalescent or nursing homes.
9. Permitted uses containing drive-through facilities
10. Private schools.
11. Hospitals.
12. Hotels/motels.
13. Kennels, commercial.
14. Mortuary or funeral homes.
15. Trucking terminals.
16. Open air businesses.
17. Public and utility service buildings.
18. Recreation facilities, indoor.
19. Recreation facilities, outdoor.
20. Permitted uses involving the outdoor display or storage of merchandise or equipment.
21. Retail establishments 10,000 square feet GFA and greater.
22. Vehicle repair, major.
23. Vehicle sales.
24. Vehicle service station.
25. Vehicle wash establishment.
26. Veterinary clinic.
27. 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	20,000 sq. ft.
Minimum Width	80 ft.
Minimum Depth	120 ft.
Width-to-Depth Ratio	1:3
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

Can't meet the 3:1 width to depth ratio using the minimum lot width. May consider increasing the minimum lot width to 85' or reduce minimum lot area to 19,200 sq.ft.

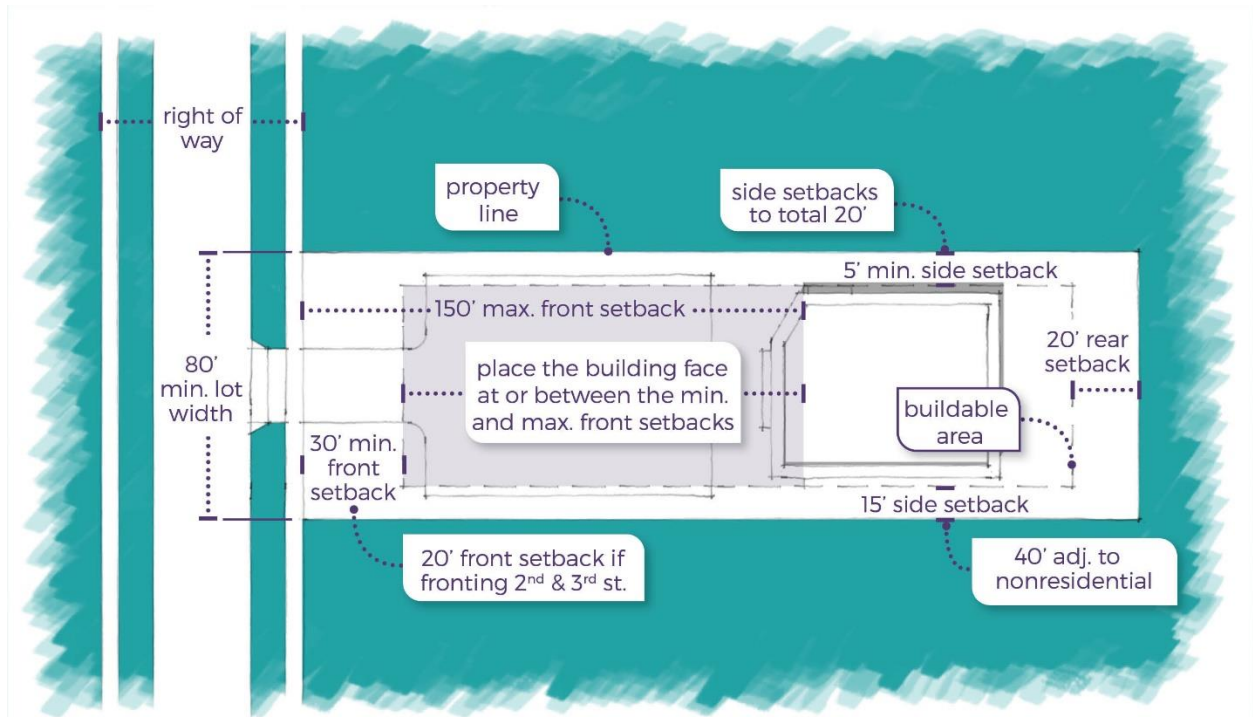


Figure 11.1. C-2 SITE DEVELOPMENT REQUIREMENTS

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. Commercial storage warehouses.
 3. Contractor's yards.
 4. Freight and logistics establishments.
 5. Lumberyards.
 6. Printing and publishing establishments.
 7. Public and utility service buildings.
 8. Research, development, and laboratory facilities.
 9. Vehicle repair establishments, minor and major.
 10. Vehicle wash establishments.
 11. Veterinary clinics.
 12. Water supply and treatment facilities.
 13. 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. Trade or industrial schools.
7. Warehouses.
8. Waste treatment facilities.
9. 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	Industrial park: 20,000 sq. ft. Everywhere else: 1 acre
Minimum Width	150 ft.
Minimum Depth	200 ft.
Width-to-Depth Ratio	1:4
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.

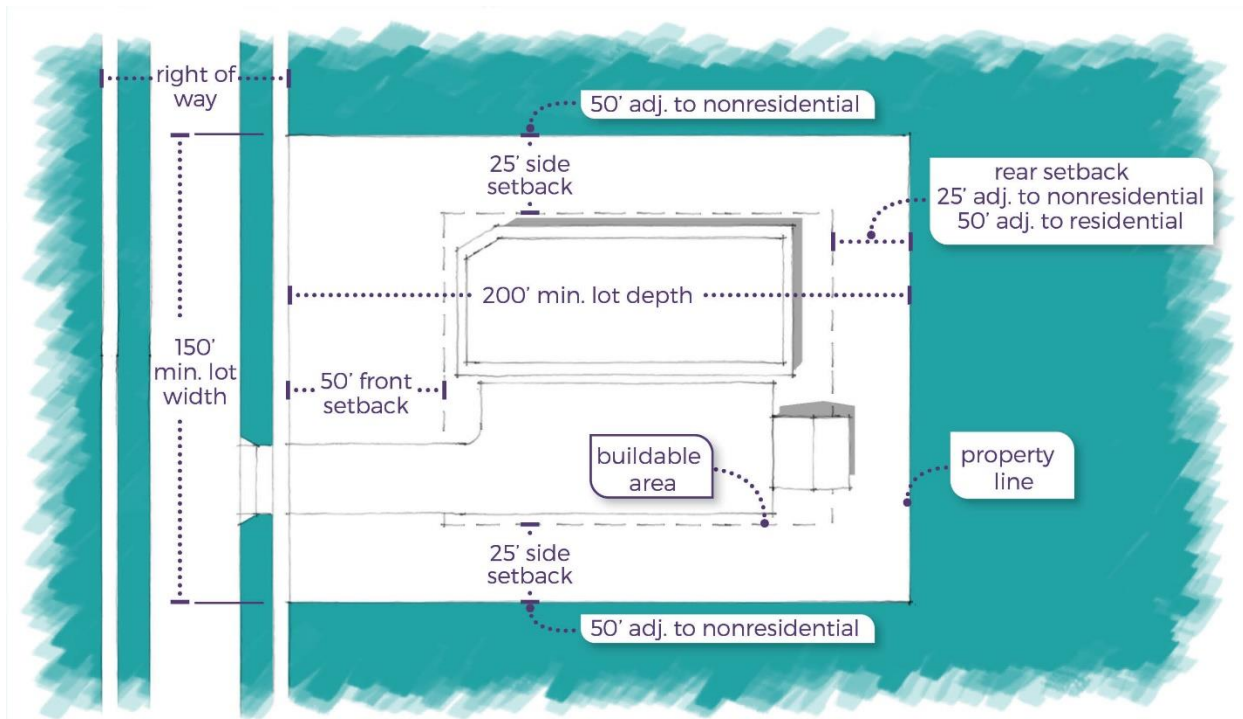


Figure 12.1. IND SITE DEVELOPMENT REQUIREMENTS

DRAFT 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

