

CODIFIED ORDINANCES OF SHELBY
PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning

Chap. 1220. Development and Planning Commission.

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CHAPTER 1220
Development and Planning Commission

EDITOR'S NOTE: Provisions relating to the Development and Planning Commission are codified in Chapter 280 of the Administration Code.

TITLE FOUR - Land Development
Chap. 1240. Subdivision Regulations.

CHAPTER 1240
Subdivision Regulations

- 1240.01 General provisions.
- 1240.02 Definitions.
- 1240.03 Platting procedure and data required.
- 1240.04 Requirements for lots.
- 1240.05 Lot division.
- 1240.06 Separability.
- 1240.99 Penalty.

CROSS REFERENCES

- Approval of plats; street system - see M.C.L.A. §125.43
- Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. §125.44
- Approval or disapproval of plats; procedure; effect - see M.C.L.A. §125.45
- Development and Planning Commission - see ADM. Ch. 280

1240.01 GENERAL PROVISIONS.

(a) Short Title. This chapter shall be known and may be cited as the "Shelby Subdivision Ordinance."

(b) Purpose. The purpose of this chapter is to regulate and control the subdivision of land within the Village of Shelby, in order to promote the safety and good government of the Village and the general welfare of its inhabitants. These regulations are specifically designed to provide for orderly growth and harmonious development of the community, consistent with orderly growth policies; achieve individual property lots of maximum utility and livability; and insure adequate provisions for water, drainage, sanitary facilities and other health requirements.

(c) Legal Basis. This chapter is enacted pursuant to the statutory authority granted by the Subdivision Control Act of 1967, Act 288, P.A. 1967, as amended, and the general Village law, Act 3, P.A. 1895, as amended, authorizing the Village Council to adopt such other ordinances and make such other regulations for the safety and good government of the Village and the general welfare of its inhabitants as are not inconsistent with the general laws of the State of Michigan.

(d) Scope. This chapter shall not apply to any lot or lots forming a part of a subdivision created or recorded prior to the effective date of this chapter, except for the further dividing of such lots; nor is it intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except as the same may be specifically repealed, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants or other private agreements, or with restrictive covenants running with the land to which the Village is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Village, the provisions of this chapter shall control.

(e) Administration. The approval provisions of this chapter shall be administered by the Village Council.

(f) Schedule of Fees. The schedule of fees under this chapter shall be as follows:

For preliminary and final review of plat	\$25.00
For receiving application of lot division	10.00

(Ord. 136. Passed 1-29-73.)

1240.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated. The word "shall" is always mandatory and not merely directory.

(a) ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

(b) DEDICATION: The intentional appropriation of land by the owner to public use.

(c) IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision.

(d) LOT: A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(e) LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(f) LOT WIDTH: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

(g) OUTLOT: When included within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

(h) PARCEL OR TRACT: A continuous area or acreage of land.
(Ord. 136. Passed 1-29-73.)

1240.03 PLATTING PROCEDURE AND DATA REQUIRED.

(a) Preliminary Plats. The proprietor shall submit four copies of the preliminary plat to the Clerk of the Village. The fee provided for in this chapter for review of plats shall be deposited with the Village Clerk at the time of filing.

(b) Actions. Promptly upon filing, the Clerk shall forward one copy of the preliminary plat to the Shelby Development and Planning Commission for its review and recommendation. The Shelby Development and Planning Commission shall review the preliminary plat and make its recommendation within thirty days. Failure to do so within thirty days shall be deemed to be an approval of the tentative plat. The Village Council shall consider the preliminary plat at its next meeting following receipt of the recommendation from the Shelby Development and Planning Commission or following the expiration of the thirty-day period, whichever shall occur first, and the Village Council shall, within sixty days from the date of filing, tentatively approve and note its approval on a copy of the preliminary plat to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval.

(c) Conditions and Duration of Approval. Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned upon all requirements being met. Tentative approval shall confer upon the proprietor, for a period of one year from date of approval, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by a resolution of the Village Council.

(d) Additional Data. At the time of the submission of the preliminary plat, the proprietor shall submit in writing the following additional information and data:

(1) A statement of intended use of the proposed plat, such as single family residential, two family or multiple family residential, commercial, industrial, mobile home, or agricultural.

(2) If all or any part of the platted area is not to be served by public sewer and public water systems, a site report as described in the rules of the State Department of Public Health.

(3) If the area is to be served by public water and sewer systems, an accurate drawing showing existing storm and sanitary sewers and water mains and proposed storm and sanitary sewers and water mains, together with a statement showing the proposed specifications for the construction of the same and the method for financing the construction of same.

(4) If the area is to be served by public streets or highways, an accurate drawing of existing streets and highways and proposed streets and highways, together with a statement showing the proposed specifications for the construction of the same and the method for financing the construction of same.

(5) Two copies of the proposed protective covenants and deed restrictions or a statement in writing that none is proposed.

(e) Final Plats. The proprietor shall submit all copies of the final plat to the Clerk of the Village, together with the filing fee as required by the Subdivision Control Act. At its next regular meeting, or a meeting called within twenty days of the date of submission, the Village Council shall:

(1) Approve the plat if it conforms to all of the provisions of this chapter and said Act and instruct the Clerk to certify on the plat as to the approval of the Village Council, showing the date of the approval and, when required, the date of the approval of the Health Department as shown on the approved preliminary plat;

(2) Reject the plat, instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting of the Village Council, and return the plat to the proprietor; or

(3) Instruct the Village Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.

(Ord. 136. Passed 1-29-73.)

1240.04 REQUIREMENTS FOR LOTS.

(a) Lot Size. The lot width, depth and area shall not be less than the particular district requirements of the Village Zoning Code.

If such ordinance shall not provide for lot width, depth and/or area, then no lot shall be less than sixty-six feet wide, less than 100 feet deep or less than 12,000 square feet in area.

(b) Lot Lines. Side lot lines shall be essentially at right angles to straight streets and radial to curved streets.

(c) Width Related to Length. Narrow deep lots shall be avoided. The depth of a lot generally should not exceed two and one-half times the width as measured at the building line.

(d) Corner Lots. Corner lots shall have extra width to permit appropriate building setback from both streets or orientation to both streets.

(e) Uninhabitable Areas. Lands subject to flooding or otherwise deemed by the Village Council to be uninhabitable shall not be platted for residential purposes, or for uses that may in the judgment of the Village Council increase the danger to health, life or property or increase the flood hazard. Such land within a subdivision may be set aside for other uses, such as parks or other open space.

(Ord. 136. Passed 1-29-73.)

1240.05 LOT DIVISION.

The division of a lot in a recorded plat is hereby prohibited unless first approved by a resolution passed by a majority of the members of the Village Council meeting in any regular or special session thereof.

(a) The application for approval of a division of a lot within a recorded plat shall be in writing, shall set forth the reasons for the proposed division, shall accurately describe the proposed division, shall be signed by the owner or owners of the lot or lots involved and shall be filed with the Village Clerk along with the required filing fee.

(b) No lot in a recorded plat of the Village shall be divided into more than four parcels and the resulting divisions of said lots shall not be less in width or area than permitted by the provisions of this chapter or the Village Zoning Ordinance.

(c) In the event a lot shall be divided for the purpose of attachment to and use with an adjacent lot or parcel of land, the application for said division and the approval of such division shall so state and thereafter said part or portion of lot shall only be used with and deemed to be a part of the adjacent lot or parcel. The minimum width, depth and area requirements of this chapter and the Village Zoning Ordinance shall not in such case apply, provided that the resultant parcels are equal to or are larger than prior to the proposed lot division or meet the minimum width, depth and area requirements of this chapter and the Village Zoning Code.

(Ord. 136. Passed 1-29-73.)

1240.06 SEPARABILITY.

Should any section, clause or provisions of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part hereof, other than the part so declared to be invalid.

(Ord. 136. Passed 1-29-73.)

1240.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both, for each offense. Each day such violation shall continue shall be considered a separate offense. Nothing herein contained shall prevent the Village Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent a violation of this chapter.

(Ord. 136. Passed 1-29-73.)

TITLE SIX - Zoning
Chap. 1260. Zoning Ordinance.

CHAPTER 1260
Zoning Ordinance

1260.01 Adoption by reference.

1260.01 ADOPTION BY REFERENCE.

The Zoning Ordinance, adopted March of 2006, is enacted pursuant to the Township Zoning Act 184 of 1943 and the City and Village Zoning Act 201 of 1921, as amended. The Zoning Ordinance is hereby adopted and incorporated herein by reference as the Village zoning regulations.

