

15.000

**ZONING ORDINANCE  
VILLAGE OF SHEPHERD, MICHIGAN  
chap. XII of code eff. Oct. 3, 1963**

An Ordinance to amend Ordinance A, the Shepherd Code, by adding a new Chapter, which new Chapter shall be designated as "Chapter 12, ZONING", of said Code.

15.010

**THE VILLAGE OF SHEPHERD ORDAINS:  
ARTICLE 1  
PURPOSE OF ORDINANCE AND INTERPRETATION**

15.011

Sec. 101.1 **PURPOSE.**

This Ordinance is adopted in order to establish various zoning districts in the Village of Shepherd, County of Isabella, State of Michigan; to define the boundaries of said zoning districts and determine the number, shape and area of said zoning districts; to encourage, regulate or prohibit the use of land for agriculture, residence, industry and trade in said zoning districts; to limit or designate the location, height, number of stories and size of dwellings, buildings and structures that may hereafter be erected, altered or moved; to regulate, limit and designate the specific uses for dwellings, buildings and structures which may hereafter be erected, altered or moved; to provide for, designate, regulate or limit the area and dimensions of yards and other open spaces; to provide for, require, designate and regulate the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to provide for, limit, regulate and designate the maximum number of families which may be housed in buildings, dwellings and structures hereafter erected, altered or moved; to provide a plan designated to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to avoid overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to uphold and enhance the zoning district, its peculiar suitability for use, to conserve property values; to uphold the general and appropriate trend and character of land, building and population development; to provide a method of administration and enforcement of this Ordinance; to provide penalties for violations of the provisions of this Ordinance; to provide against conflicts with other laws, ordinances or regulations; to repeal all ordinances inconsistent herewith; to divide the Village of Shepherd into zoning districts of such number, shape and area as hereinafter described.

(chap. XII of code eff. Oct. 3, 1963)

15.012

Sec. 101.2 **INTERPRETATION.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare.

(chap. XII of code eff. Oct. 3, 1963)

15.030

**ARTICLE 2  
ZONES**

15.031

Sec. 102.1 **ZONES ESTABLISHED.**

A. For the purposes of this Ordinance the Village of Shepherd is hereby divided into the following districts: Agricultural, R-1, R-2, R-3, C-1, C-2, C-3, and Industrial.

B. The boundaries of said zones, shown upon the map attached hereto and made a part of this Ordinance, reference to which is hereby made, are hereby established, said map being designated "Zoning Map, Village of Shepherd, Isabella County - Michigan," and said map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.  
(chap. XII of code eff. Oct. 3, 1963)

C. AN ORDINANCE TO AMEND THE ZONING MAP OF ZONING ORDINANCE NUMBER A,

THAT BEING IS NUMBER 15.031, IT IS HEREBY ORDAINED BY THE PEOPLE OF THE VILLAGE OF SHEPHERD:

Section 1: That Zoning Ordinance Number A, that being OS Number 15.031 is hereby amended as follows:

a. Zone the following described property from A (Agricultural) to R-1 (Residential):

Commencing on the East-Westerly Line, 1457.63 feet West of the East Section line of Section 17 of Coe Township; thence North 1191.8 feet; thence East 901.4 feet; thence North 149 feet; thence East 556.23 feet; thence South 1340.8 feet to the East-West 1/4 line; thence West to the point of beginning.

EXCEPT Southland Subdivision which is currently zoned R-1 (Residential).

b. That the Zoning Map be corrected to reflect the change in subsection a. above.

This Ordinance shall take effect thirty (30) days after its final passage by said Village Council of the Village of Shepherd. Introduced and read the 21st day of March , 1988.  
Passed, ordained and ordered published this 21st day of March 1988.

**15.032**

Sec. 102.2 **INTERPRETATION OF BOUNDARIES.**

A district boundary is the line separating two different kinds of use districts. Whenever the district boundary is not shown on the "Zoning" map, to be on a street, lot line, property line, or to be an extension of any of the foregoing lines, the boundary will be determined by dimensions shown thereon.

(chap. XII of code eff. Oct. 3, 1963)

**15.050**

**ARTICLE 3  
DEFINITIONS - TERMS DEFINED**

Sec. 103.1 For the purpose of this Ordinance certain terms are herewith defined as follows:

Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "building" includes any structure other than a boundary fence or wall; the words "used" and "occupied" include the words "arranged, designed or intended to be" used or occupied; the word "shall" is always mandatory and not merely directory. Terms not herein defined shall have the meanings customarily assigned them.

**Accessory Building:** An accessory building is a subordinate building or portion of main building the use of which is incidental to that of the main building or to the use of the premises.

**Alley:** An alley is a public thoroughfare which affords only a secondary means of access to abutting property.

**Boarding House:** A boarding house is a building other than a hotel where lodging, or meals and lodging for three (3) or more persons are served for compensation.

**Building:** A building is a structure, having a roof supported by columns or walls, for shelter, support or enclosure of persons, animals or chattels; and when supported by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

**Cul-de-sac:** A dead end street which has been provided with a turn around at the closed end.

**Dwelling:** A dwelling is any building or portion thereof which is designed or used exclusively for residential purposes.

**Dwelling, Private:** A private dwelling is a building designated for or occupied by but one family alone.

**Dwelling, Two Family:** A two family dwelling is a building designed for or occupied by two families alone.

**Dwelling, Multiple:** A multiple dwelling (apartments) is a building or portion thereof occupied or designed for occupancy by more than two families.

**Family:** Any number of individuals customarily living, cooking and eating together as a single housekeeping unit on the premises.

**Frontage:** Frontage is the distance along the front lot line. In the case of a corner lot, frontage is deemed to be the distance along the shortest lot line which abuts upon a street.

**Garage, Community:** A community garage is a space or structure or series of structures for the storage of motor vehicles or trailers having no public shop or service therewith, for the use of two or more owners or occupants of property in the vicinity.

**Garage, Private:** A private garage is an accessory building or structure or part of a principal building with a capacity for not more than three motor vehicles, for storage only.

**Garage, Public:** A public garage is a space or structure for storage and either or both the repairing and refinishing of motor vehicles.

**Gasoline Filling Station:** A structure or structures and space combined, used solely for either or both the sale and installation in or upon motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as washing, wiping, cleaning and waxing, and in connection with which there is no repair or refinishing of motor vehicles except that the repair of tires or charging of batteries shall be excluded.

**House Trailers and/or Mobile Homes.** House trailers and/or mobile homes mean any structure or dwelling which was originally manufactured as a house trailer or mobile home; a house trailer or mobile home shall not change its character as a house trailer or mobile home, for purposes of the Zoning Ordinance of the Village of Shepherd, by any change or alteration to its wheels, running gear, hitch, or other parts required for mobility, or shall its character as a house trailer or

mobile home be changed by attachment to existing or new structures nor by attachment by foundation or otherwise to real estate.  
(chap. XII of code eff. Oct. 3, 1963; amend. by ord. no. 103.1 eff. June 5, 1966)

**Lot:** A lot is a piece or parcel of land occupied or to be occupied, by a building and its accessory buildings, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place. A lot may be a lot not existing of record.

**Lot, Corner:** A corner lot is a lot of which two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135) degrees.

**Lot, Interior:** A lot other than a corner lot is an interior lot.

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

**Lot Line, Front:** In all platted subdivisions, the front lot line shall be the platted front line of the lot. In parcels of property facing on a highway or road, described by metes and bounds, and particularly descriptions starting from the middle of the road or highway, the front lot line of the parcel shall be the dividing line between the right-of-way of the road or highway, and in computing area of a parcel of land described by metes and bounds that part of the parcel used for public highway and road purposes shall be excluded in arriving at the front lot line and also in determining the size of the parcel of land or lot.

**Lot, Through:** An interior lot having frontage on two parallel or approximately parallel streets.

**Nonconforming Use:** The lawful use of a building or premises existing at the time of adoption of this Ordinance, or amendments thereto, which use does not conform with the regulations of the district in which it is located.

**Place:** An open, unoccupied space dedicated to purposes of access for abutting property.

**Porch, Not Enclosed:** A platform attached to a building and covered by a roof supported by columns or piers of moderate widths, the openings between such supports may be fitted with open wire cloth screens, but not by any material interfering to a greater extent with the passing of light and air. If a balustrade, skirting or rail is built around the exterior edge of an otherwise open porch extending into the setback area, such balustrades, skirting or rail shall not be higher than 30 inches above the porch floor.

**Porch, Enclosed:** An enclosed porch is any porch with frame or masonry exterior walls to a point 30 inches or more above the floor, and the remainder of the opening to the ceiling enclosed with glass or window construction of any type.

**Story:** A story is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there are no floors above it, then the space between such floor and the ceiling next above it. Any story lying more than fifty percent by volume below the highest level of the adjoining ground shall not be counted as a story.

**Story, Half:** A half-story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five percent of the floor area of the story immediately below it.

**Street:** A street is a public or private thoroughfare or way, more than thirty feet in width unless designated otherwise.

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

**Village:** All references to “Village” or “the Village” shall have reference to the Village of Shepherd, Isabella County, Michigan.

**Yard, Front:** A front yard is an open space “tending the full width of a lot between a building and the front lot line unoccupied and unobstructed from the ground up. The depth of a front yard shall be determined by the shortest distance, measured horizontally, between any part of a building, exclusive of such parts hereinafter specified, and the front lot line.

**Yard, Rear:** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and also unobstructed from the ground upward, except as hereinafter specified for accessory buildings. The depth of a rear yard is the minimum distance between any part of a principal building and the rear lot line, measured horizontally.

**Yard, Side:** An open space between the building and the side lot line extending from the front yard to the rear yard, unoccupied and unobstructed from the ground up, except as hereinafter specified. The width of a side yard is the shortest distance between any part of a building and nearest side lot line.

(chap. XII of code eff. Oct. 3, 1963)

15.070

**ARTICLE 4  
GENERAL PROVISIONS**

15.071

**Sec. 104.1 ZONING AFFECTS EVERY STRUCTURE AND USE.**

From and after the passage of this Ordinance, no building, structure, or premises shall be used, nor shall any building be erected or enlarged except in conformity with the regulations herein specified for the district in which it is located.

(chap. XII of code eff. Oct. 3, 1963)

15.072

**Sec. 104.2 CONTINUING EXISTING USES.**

The lawful use of a building or premises existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof.

(chap. XII of code eff. Oct. 3, 1963)

15.073

**Sec. 104.3 NONCONFORMING USES.**

A. No building or premises containing a nonconforming use shall hereafter be extended or altered unless such altered or enlarged parts shall conform to the provisions of this Ordinance for the district in which it is located, except with special authorization of the Board of Appeals.

B. No nonconforming use, if discontinued for more than six months, or changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use, except with special authorization of the Board of Appeals.

(chap. XII of code eff. Oct. 3, 1963)

**15.074**            **Sec. 104.4 NONCONFORMING USE SUBSTITUTION.**

The Building Inspector may issue a certificate of occupancy for any change in use when the proposed use is more restricted than the legal nonconforming use it is proposed to replace, provided applicable yard and area requirements are met. In the event the proposed use is one which has the same district classification as the legal nonconforming use it is proposed to replace, the Building Inspector may only issue a certificate of occupancy upon authorization of the Board of Appeals.

(chap. XII of code eff. Oct. 3, 1963)

**15.075**            **Sec. 104.5 RESTORING UNSAFE BUILDINGS.**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or any state official having jurisdiction in the case.

(chap. XII of code eff. Oct. 3, 1963)

**15.076**            **Sec. 104.6 RESTORATION OF A BUILDING.**

Nothing in this Ordinance shall prevent the restoration of a building or structure destroyed less than an amount equal to two hundred (200) percent of the assessed value of the property as shown on the tax rolls of the Village Assessor at the time of such destruction by fire, explosion, act of God, or act of the public enemy, subsequent to the passage of this Ordinance; or shall prevent the continuance of the use of such building, structure or part thereof, as such existed at the time of such impairment of such building, structure or part thereof. (chap. XII of code eff. Oct. 3, 1963)

**15.077**            **Sec. 104.7 PENDING APPLICATIONS FOR BUILDING PERMITS.**

Nothing herein contained shall prevent the completion of any structure, building or part thereof for which a building permit has been granted before the passage of this Ordinance and which shall be started within thirty days from passage of the Ordinance, provided however, that any building started under a permit granted previous to the passage of this Ordinance shall be carried forward to completion, and if construction shall at any time be stopped for a period of ninety (90) days or more, a new permit shall be required that will come under all the provisions of this Ordinance.

(chap. XII of code eff. Oct. 3, 1963)

**15.078**            **Sec. 104.8 REAR DWELLING PROHIBITED.**

No building in the rear of a principal building either residential or commercial, on the same lot shall be used for residential purposes, except for domestic employees of the owners or of the tenants of the principal building.

(chap. XII of code eff. Oct. 3, 1963)

**15.079**            **Sec. 104.9 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.**

On all lots in the residential districts one accessory building may be built not exceeding twelve (12) feet, plate height, in height and not occupying more than thirty (30) percent of the rear yard, provided side yard requirements are not encroached upon. On corner lots, the accessory building shall not be closer to the lot line next to the side street than the setback line established for homes in the district, except in the case of a garage permission may be granted by the Board of Appeals because of the corner lot being too narrow to give practical depth.

(chap. XII of code eff. Oct. 3, 1963)

**15.080** Sec. 104.10 **REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING.**

No lot areas shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance. No yard or open space provided about any building for the purpose of complying with the provision of this Ordinance shall be considered as providing a yard or open space for any other building; and no yard or open space on adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

(chap. XII of code eff. Oct. 3, 1963)

**15.081** Sec. 104.11 **LOTS RUNNING THROUGH A BLOCK.**

In any residential district a through lot shall have a front yard, as hereinafter provided for its particular zone, along each street lot line.

(chap. XII of code eff. Oct. 3, 1963)

**15.082** Sec. 104.12 **FENCES IN RESIDENTIAL DISTRICTS.**

In front yards and side yards of corner lots next to side streets fences shall not be constructed with a height exceeding four (4) feet above grade. In all other yard areas fences shall not exceed a height of six (6) feet above grade.

(chap. XII of code eff. Oct. 3, 1963)

**15.083** Sec. 104.13 **LOT AREAS.**

In residential districts no lot areas shall be so reduced or diminished, after the passage of this Ordinance, that the yards or other open spaces shall be smaller than prescribed for the particular district in question nor shall the area of any lot be reduced below the minimum requirement herein established.

(chap. XII of code eff. Oct. 3, 1963)

**15.084** Sec. 104.14 **PORCHES AND OTHER PROJECTIONS.**

Porches, fire escapes, outside stairways, platforms, balconies and other projections shall be considered as part of the building and not as part of the yards. This provision shall not apply to chimneys, cornices, belt courses, sills, pilasters, and ornamental features projecting not more than eighteen (18) inches into any required yard. Eaves may project not more than thirty (30) inches into any required yard. Uncovered porches, terraces, steps and similar structures not extending above the ground floor level may extend into minimum front and rear yards a maximum of ten (10) feet. Nothing in this paragraph shall prevent subgrade structures or uses.

(chap. XII of code eff. Oct. 3, 1963)

**15.085** Sec. 104.15 **PORCHES - CHANGE IN STATUS.**

The owner of a residence having an open porch in the front yard that he wishes to convert into a closed porch that will not conform to the setback line established for the district should submit his application, in writing, to the Board of Appeals together with consent signed by the property owners on that side of the street for two (2) lots in both directions in which the residence to be so remodeled is situated.

(chap. XII of code eff. Oct. 3, 1963)

**15.086** Sec. 104.16 **PROHIBITED DWELLINGS.**

A. Quonset type dwellings are prohibited.

B. House trailers or mobile home type dwellings or buildings are prohibited, except in a licensed trailer camp. It is the intention of Village Council that this Section shall prohibit the use, from the effective date hereof, of mobile homes or house trailers as either permanent or temporary dwellings; but that this Ordinance should not be read to prohibit the replacement of mobile homes or house trailers already in use as dwellings with new such mobile homes or house trailers; and further, that this Ordinance shall not prohibit parking or garaging of camping equipment whether self-propelled or otherwise used exclusively for recreational purposes and not as either permanent or temporary dwellings.

C. No basement dwellings shall be permitted. No basement shall be used as a temporary dwelling during the time a home is being constructed.  
(chap. XII of code eff. Oct. 3, 1963; amend. by ord. no. 104.16(B) eff. Jan. 27, 1974)

**15.087** Sec. 104.17 **TEMPORARY STRUCTURES.**

Temporary buildings for use incidental to construction work shall be removed promptly upon completion or abandonment of the work.  
(chap. XII of code eff. Oct. 3, 1963)

**15.088** Sec. 104.18 **ACCESSORY BUILDINGS.**

Accessory buildings such as garages shall not be erected in advance of the principal building without a special permit to be issued by the Board of Appeals.  
(chap. XII of code eff. Oct. 3, 1963)

**15.089** Sec. 104.19 **CORNER LOT SETBACKS.**

Corner lots in recorded plats shall not be split to have the houses face in any other direction than was originally intended, without permission of the Board of Appeals. Permits for building houses on split corner lots will not be issued by the Building Inspector without specific instructions from the Board of Appeals.  
(chap. XII of code eff. Oct. 3, 1963)

**15.090** Sec. 104.20 **MOVING.**

Any dwelling, structure or building shall not be moved or placed within any district prior to the issuing and granting of a building permit.  
(chap. XII of code eff. Oct. 3, 1963)

**15.091** Sec. 104.21 **STREET REQUIREMENT FOR NEW PLATS.**

No unplatted area shall be platted or divided until such time as streets are dedicated and laid out, to conform with adjoining platted property, if any, and approved by the Village Planning Commission and Village Council.  
(chap. XII of code eff. Oct. 3, 1963)

**15.092** An Ordinance to Amend the Zoning Ordinance for the Village of Shepherd, Michigan, Chapter 12 of Code effective October 3, 1963 by adding a new section which new section

shall be designated as oS No. 15. 092 et seq'being Section 104.2 2 of Chapter 12 of the Code effective January 24, 1990.

