

AGENDA

Village of Shelby Planning Commission

Tuesday, June 15, 2021

Regular Scheduled Meeting – 6:30 P.M.



This meeting will be in-person at Shelby Village Hall
(218 N. Michigan Ave, Shelby, MI 49455)

Agenda Topics:

1. Call to Order:
2. Election of Officers:
3. Roll Call:
4. Pledge of Allegiance:
5. Approval of Minutes: May 18, 2021 **AR**
6. Public Hearings:
 - a. Section 3.19 Demolition Permits Text Amendment **AR**
7. Commission Administrative Business:
8. Reports:
9. Public Comment:
10. Member Discussion:
11. Adjournment:

AR- Action Requested
D- Discussion Item



Memorandum

Date: June 15, 2021

To: John Sutton, Chair, Shelby Planning Commission
Planning Commission Members

From: Brady Selner, Village Administrator

Subject: Section 3.19 (Demolition Permits) Text Amendment

Information:

Village Council recently passed a Right-of-Way Ordinance and ROW permit application/fee schedule. One of the items processed under this new permit is the discontinuation of water and sewer service in the demolition process. Typically, a demolition permit is only required by the local building department. Currently, a demolition permit is required by the Village of Shelby (through Section 3.19 in the Shelby Zoning Ordinance) as well as the Oceana County Building Department. I am recommending that the Planning Commission make a text amendment removing Section 3.19. This will correct the unnecessary redundancy in the demolition permitting process.

The Planning Commission must consider the text amendment based on the standards listed in Section 15.04(B). I have provided an analysis of Section 15.04(B). The Planning Commission is welcome to add, delete, or edit my analysis. Following the public hearing on the proposed changes, the Planning Commission will need to make a recommendation to be considered by the Village Council.

Supporting Documents:

Section 15.04(B) Analysis
Resolution 03-21

Motion by _____, seconded by _____, to pass Resolution 03-21, to send a favorable recommendation to the Village Council for the text amendment to Section 3.19 of the Village of Shelby Zoning Ordinance.

Section 15.04(B) Analysis

Section 15.04 AMENDMENT PROCEDURE

- A. After submission of the application and fee, amendments to this Ordinance shall be processed as provided in the Zoning Act.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the Legislative Body in consideration of amendments to the Zoning Ordinance:
 1. Text Amendment:
 - a. The proposed text amendment would clarify the intent of the Ordinance. **The proposed text amendment does clarify the intent of the Ordinance. The zoning ordinance is intended to regulate land use and not regulate building department functions.**
 - b. The proposed text amendment would correct an error in the Ordinance. **The text amendment corrects a redundancy in required permitting.**
 - c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan. **N/A**
 - d. The proposed text amendment would promote compliance with changes in other Community, County, State, or Federal regulations. **It is uncommon to have demolition permit language in a zoning ordinance. The Village of Shelby's Planning Consultant was not aware of any other clients that had this type of language in their zoning ordinance.**
 - e. In the event the amendment will add a use to a District, that use shall be fully consistent with the character of the range of uses provided for within the District. **N/A**
 - f. The amendment shall not result create incompatible land uses within a Zoning District, or between adjacent Districts. **N/A**
 - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items. **The proposed text amendment was initiated to correct a redundancy in the demolition permitting process. Removing this language will not change the requirement to pull a demolition permit with the Oceana County Building Department where all building code requirements will be enforced.**
 - h. As applicable, the proposed change shall be consistent with the Community's ability to provide adequate public facilities and services.

This amendment will not change the ability to provide adequate public facilities and services.

- i. The proposed change shall be consistent with the Community's desire to protect the public health, safety, and welfare of the Community. **The proposed is consistent with the Village's desire to protect the public health, safety, and welfare.**

**VILLAGE OF SHELBY
PLANNING COMMISSION
OCEANA COUNTY, MICHIGAN
(Resolution No. 03 -21)**

At a regular meeting of the Village of Shelby Planning Commission held on June 15, 2021, the following Resolution was offered for adoption by Planning Commission Member _____ and was seconded by Planning Commission Member _____:

A RESOLUTION RECOMMENDING ADOPTION OF THE PROPOSED VILLAGE OF SHELBY ZONING TEXT AMENDMENT TO THE VILLAGE COUNCIL.

WHEREAS, the Village of Shelby Planning Commission, pursuant to the provisions of the Village of Shelby Zoning Ordinance, initiated a text amendment to Section 3.19 of the Village of Shelby Zoning Ordinance on April 15, 2021; and

WHEREAS, Section 15 of the Village of Shelby Zoning Ordinance outlines the zoning text amendment process; and

WHEREAS, the Planning Commission, at its June 15, 2021, meeting found that the zoning text amendment met the standards listed under Section 15.04(B) of the Village of Shelby Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, the Village of Shelby Planning Commission, by a majority vote at a regularly-scheduled and duly-noticed meeting, held this 15th day of June 2021, grants a FAVORABLE RECOMMENDATION of the Zoning Text Amendment, attached as **Exhibit A**, to Section 3.19 of the Village of Shelby Zoning Ordinance.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

Respectfully submitted,

Dated: June 15, 2021

By: _____
Planning Commission Chairperson

EXHIBIT A

Tracked Changes

Section 3.19 ~~DEMOLITION PERMITS (Village Only)~~

~~No buildings shall be razed until a zoning permit has been obtained from the Zoning Administrator who may require a plot plan and performance bond in an amount set by the Legislative Body. This bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with any requirements of the Building Code, including, but not limited to, requiring all debris being eliminated from the site rather than being buried in a collapsed foundation, filling excavations, sealing wells or eliminating septic tanks, and proper termination of utility connections.~~

Clean Version

Section 3.19 (Reserved for Future Text)