

# AGENDA

Village of Shelby Planning Commission  
Tuesday, November 9, 2021  
218 N. Michigan Ave.  
Shelby, MI 49455  
Regular Meeting – 6:30 P.M.



## Agenda Topics:

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Approval of Minutes: August 17, 2021, September 29, 2021, and October 27, 2021      **AR**
5. Public Hearings: None
6. Commission Administrative Business:
  - a. Zoning Ordinance Update – Site Plan Review and Special Land Use      **D**
7. Reports: None
8. Public Comment:
9. Member Discussion:
10. Adjournment:

**AR- Action Requested**  
**D- Discussion Item**

**VILLAGE OF SHELBY  
PLANNING COMMISSION  
Tuesday, August 17, 2021 at 6:30 P.M.  
MEETING PROCEEDINGS**



**1. CALL TO ORDER:**

The Village of Shelby Planning Commission Meeting was called to order at 6:34 P.M. by Planning Commission Chairman John Sutton.

**2. PLANNING COMMISSION CHAIRPERSON APPOINTMENT:**

Paul Inglis moved to elect Ross field as Chairperson of the Planning Commission.  
Seconded by: Samantha Near.

Voice Vote: All in favor.  
Motion Carried.  
Absent: Carey, Kelley, and Horton.

**3. ROLL CALL:**

Answering Roll Call: John Sutton, Samantha Near, Paul Inglis, and Ross Field.  
Staff Present: Village Administrator, Brady Selner.

**4. PLEDGE OF ALLEGIANCE:** All stood for the pledge.

**5. MINUTES:**

a.) June 15, 2021

Paul Inglis moved to approve the minutes of the Regularly Scheduled Planning Commission meeting of June 15, 2021 as presented.  
Seconded by: John Sutton.

Voice Vote: All in favor.  
Motion Carried.  
Absent: Carey, Kelley, and Horton.

**6. COMMISSION ADMINISTRATIVE BUSINESS:** Please Refer to the Report.

a.) Williams & Works – Zoning Ordinance Audit/Project Kickoff – Starting with the General Provisions, Andy Moore will bring them to the next meeting (General Provisions document).

**7. REPORTS:** Zoning Administrators Report:

Zoning Administrator, Brady Selner reported that Uncle Mike's Mechanic Shop recently closed, and he was approached by a potential buyer. The interested party would refurbish the building to design a manufacture circuit boards for LED based lighting solutions as well as other contract assembly services. Since the address is zoned R-2, Medium Density Residential, and the property has existed as a legal non-conforming use, Section 3.26 (B) of the Village of Shelby Zoning Ordinance is the applicable provision o determine the process for the potential new use mentioned above. If the interested party moves forward with the purchase of the building, a zoning permit for an administrative review will be required. Section 12.02(B) allows for administrative review for interior remodeling that does not change the building footprint or parking requirements. This process includes a \$25.00 zoning permit fee with a plot plan sketch of the property, building layout, and explanation of use (number of

employees, hours of operation, anticipated traffic, etc.).

**8. PUBLIC COMMENT:** No Public Comment.

**9. MEMBER DISCUSSION:** No Member Discussion.

**10. ADJOURNMENT:** Paul Inglis moved to adjourn the meeting at 8:30 P.M.  
Seconded by: John Sutton.

Voice Vote: All in favor.  
Motion Carried.  
Absent: Carey, Kelley, and Horton.

Planning Commission Meeting minutes are not official until approved at the next Regularly Scheduled Planning Commission Meeting of

Approved

\_\_\_\_\_  
Minutes Respectfully Submitted by Samantha Near, Secretary

\_\_\_\_\_  
Date



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Memorandum

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**Date:** November 5, 2021

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

**From:** Brady Selner, Village Administrator

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

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**Information:**

The Planning Commission will go through Chapter 12 – Site Plan Review and Chapter 14 – Special Land Uses. The specific standards for each special land use will be discussed at a future meeting. Since these sections are highly procedural, we will go over them without Andy Moore in attendance.

**Supporting Documents:**

Chapter 12 – Site Plan Review  
Chapter 14 – Special Land Uses

## CHAPTER 12. SITE PLAN REVIEW

### SECTION 12.01. PURPOSE AND INTENT

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

### SECTION 12.01. SITE PLAN REQUIRED

Site plan review and approval shall be required for all uses described in this Section before any change of use, excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development. Except as hereinafter provided, no building permit shall be issued for any building or use, reduction or enlargement in size, or other alteration of any building or change in use of any building, including accessory buildings, unless a site plan is first submitted and approved pursuant to the provisions of this Chapter.

- A. All uses in the following districts shall require site plan approval:
  - C1 Central Business District
  - C2 General Business District
  - IND Industrial district
- B. In the R1, R2, R3, and R4 districts, site plan approval shall be required for all uses other than single-family and two-family dwellings and their accessory structures, and uses such as home occupations, state-licensed residential care facilities (1-6 persons).
- C. Site plan review and approval shall be required for all special land uses, and for all developments, including all dwellings, to be located in a wetland as defined by the Michigan Department of Natural Resources (DNR) or the Michigan Department of Energy, Great Lakes, and Environment (EGLE), or within a 100-year Floodplain as determined by FEMA.
- D. Site plan review and approval by the Planning Commission shall not be required if the construction, alteration, or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review. In those cases, a zoning permit issued by the Zoning Administrator shall be required.

### SECTION 12.03. OPTIONAL SKETCH PLAN REVIEW

- A. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to inform the applicant of the acceptability of his proposed plans prior to incurring extensive

engineering and other costs that might be necessary for final site plan approval. Such sketch plans shall include the following:

1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
  2. Legal description, property parcel number, and street address of the subject parcel of land.
  3. Sketch plans showing tentative site and development plans.
- B. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the optional sketch plan review process.

### **SECTION 12.04. APPLICATION PROCEDURE**

A request for site plan review shall be made at least 30 days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following information:

- A. An application for site plan review consisting of the following:
1. A completed application form, as provided by the Village.
  2. Payment of a fee, in accordance with a fee schedule as determined by the Village Council.
  3. A legal description of the subject property.
  4. Ten copies and a PDF of the site plan, which shall include and illustrate at a minimum the following information:
    - a. Small scale sketch of properties, streets, and use of land within one-half mile of the area.
    - b. A site plan at a scale of not more than one inch equals 100 feet showing any existing or proposed arrangement of:
    - c. Existing adjacent streets and proposed streets.
    - d. Existing proposed lots.
    - e. Parking lots and access points.
    - f. Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills, and similar natural assets both on the subject property and within 100 feet of the property line.
    - g. Location of any signs not attached to the building.
    - h. Existing and proposed buildings.
    - i. Existing and proposed general topographical features including contour intervals no greater than two feet.
    - j. Present zoning of the subject property and adjacent property.

- k. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site.
  - l. Location and type of drainage, storm sewers, and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
  - m. A landscape plan in accordance with Section 13.03 of this Ordinance.
  - n. Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.
  - o. Detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height, and nature of illumination.
  - p. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
5. A narrative describing:
- a. The overall objectives of the proposed development.
  - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public, and/or private streets and drives and open spaces.
  - c. Dwelling unit densities by type, if applicable.
  - d. Proposed method of providing sewer and water service as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
- B. Modification of Requirements. The Zoning Administrator or Planning Commission may waive the submission of certain materials outlined in this Section 12.04 if such materials are determined to be not pertinent to the application.
- C. The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, hydrogeological studies, and/or market studies to aid in the evaluation of any site plan.

## **SECTION 12.05. ACTION ON APPLICATION AND SITE PLANS**

- A. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit one copy to each Planning Commissioner; one copy to the Fire Department and other review agencies when applicable, and retain one copy in the Village offices.

- B. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
- C. The Planning Commission or Zoning Administrator may hold a public hearing on any application site plan review, though it is not required. If held, notice of such hearing shall be provided in accordance with Section \_\_\_\_\_ of this Ordinance.
- D. After a public hearing, if held, and the receipt of all required materials, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and delivered to the applicant.

## **SECTION 12.06. SITE PLAN REVIEW STANDARDS**

In the process of reviewing a site plan, the Planning Commission shall consider the following:

- A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Village or the Oceana County Road Commission.
- B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. That as many natural features of the landscape shall be retained as practicable, particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D. That all provisions of this Ordinance are satisfied unless an appropriate variance has been granted by the Zoning Board of Appeals.
- E. That all buildings and structures are accessible to emergency vehicles.
- F. That a plan for erosion control, storm water discharge, utility connections, and similar provisions has been approved by the appropriate public agency.
- G. That the plan as approved is consistent with the intent and purpose of this Ordinance.

## **SECTION 12.07. APPROVED SITE PLANS**

- A. Site Plan Approval. A site plan shall be approved if it contains the information required by, and is in compliance with, the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Village and the other copy shall be retained by the applicant.



- B. Conformity to Approved Site Plans. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto that have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform to such approved plans, the approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.
- C. Duration of Approval. An approved site plan shall be valid for a period of two years after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for an additional one year period if one or more of the following conditions exist:
1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
  2. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
  3. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
  4. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
- D. An application for an extension of a site plan must be filed at least 60 days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Village, whichever is applicable.
- E. If a site plan expires pursuant to subsection 12.07 (C), above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Chapter.

## **SECTION 12.08. CHANGES TO APPROVED SITE PLAN**

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

- A. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping, and building size up to 10 percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
- B. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights

of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

### **SECTION 12.09. APPEALS**

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

### **SECTION 12.10. PERFORMANCE GUARANTEES**

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section \_\_\_\_ of this Ordinance.

## CHAPTER 14 – SPECIAL LAND USES

### SECTION 14.01. INTENT

This Ordinance contemplates the development of a variety of land uses within the Village's zoning districts. It is recognized that there are some land uses which, because of their unique characteristics, may only be appropriate in particular locations and under certain circumstances. Therefore, this Chapter provides a set of procedures and standards for these special land uses that require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards in this Chapter are designed to allow reasonable use of land for applicants while maintaining adequate protection of the health, safety, convenience, and general welfare of the Village of Shelby. For purposes of this Ordinance, all special land uses within each zoning district are subject to the conditions and standards of this Chapter.

### SECTION 14.02. APPLICATION PROCEDURES

The application for a Special Land Use shall be submitted and processed under the following procedures:

- A. Application. An application shall be submitted to the Zoning Administrator not less than 30 days prior to the next scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete, transmit it to the Planning Commission.
- B. Required Information. An application for a special land use shall be accompanied by the following documents and information:
  1. An application form that has been completed in full by the applicant.
  2. The payment of an application fee as established by the Village Council.
  3. A site plan as specified in Chapter 12, Site Plan Review.
  4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may include, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing State, County, or Local departments of public safety (police and fire), health, highways or roads, and/or environment.
- C. Public Hearing Required. Upon receipt of the materials required above, the Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with Section \_\_\_\_ of this Ordinance.
- D. Planning Commission Review. After the public hearing, the Planning Commission shall review the application for special land use, comments received at the public hearing, the site plan, and any other materials submitted in relation to the application. Within a reasonable time following the receipt of all materials, the Planning Commission shall approve, approve with conditions, or deny the special land use application, and

incorporate the basis for the decision into the meeting minutes. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Chapter and any other standards in this Ordinance applicable to the proposed special land use.

- E. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon the approval of the special land use by the Planning Commission. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward copies of the special land use permit to the applicant and to the Village Clerk.
- F. Performance Guarantee. In authorizing a special land use permit, the Planning Commission may require a performance guarantee pursuant to Section \_\_\_\_ of this Ordinance.
- G. Appeals. No decision or condition related to the special land use application shall be taken to the Zoning Board of Appeals.
- H. Amendments. Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a special land use may be made to an existing special land use permit with the approval of the Zoning Administrator.
- I. Transfers. The special land use permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to ensure the continued validity of the permit, inform the new owner of the land use permitted, and to ensure compliance with the terms and conditions of the approved permit.
- J. Re-Submission. No petition for special land use approval which has been disapproved may be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after learning of new and significant facts or conditions that may result in favorable action upon resubmission.
- K. Construction. A special land use approved pursuant to this Chapter shall either be under substantial construction, or operations exercising the permit shall have commenced, within one year after the date of approval.
- L. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with all terms and conditions of the permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
  - 1. If replaced or superseded by a subsequent permitted use or special land use.
  - 2. If the applicant or current owner of the property requests that the special land use permit be rescinded.
  - 3. If the special use is considered abandoned pursuant to Section 14.02 (M).
  - 4. If a building permit has not been obtained or if on-site development has not commenced within one year of approval of the special land use.

- M. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
1. The owner declares or otherwise makes evident his/her intent to discontinue such use.
  2. When the use has been replaced by a different use.
  3. The cessation of the permitted special land use for a period of one year or more.
- N. Violations. Any violation of the terms, conditions, or limitations of a special land use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder specifying the alleged violation(s) and holding a public hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

### **SECTION 14.03. SPECIAL LAND USE REVIEW STANDARDS**

- A. In addition to standards for specific special land uses contained in Section 14.04 below, the Planning Commission must find that the following general standards are met in order to approve a special land use:
1. The proposed special land use shall be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
  2. The proposed special land use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, lighting, noise, smoke, fumes, glare, or odors.
  3. The proposed special land use shall be generally consistent with the Village of Shelby Master Plan.
  4. The proposed special land use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
  5. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
  6. The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

- B. In approving a special land use, the Planning Commission may require additional conditions and safeguards. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 14.02 (14). Conditions imposed on a special land use shall be designed to:
1. Meet the intent and purpose of the Zoning Ordinance;
  2. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application;
  3. Ensure compliance with those standards;
  4. Protect the general welfare;
  5. Protect individual property rights; and
  6. Ensure that the intent and objectives of this Ordinance will be observed.

## **SECTION 14.04. SPECIFIC STANDARDS FOR SPECIAL LAND USES**

The specific and detailed standards of this Section are requirements that must be met by those uses listed in addition to the general standards of Section 14.03(1) and all other requirements of this Ordinance. Those specific uses designated in this Ordinance as special land uses shall also be subject to the requirements outlined below:

### **SECTION 14.04.01. SPECIFIC STANDARDS TBD**