

AGENDA

Village of Shelby Planning Commission
Tuesday, February 16, 2021
Regular Scheduled Meeting– 6:30 P.M.



VIA ZOOM ONLY

Public access to this meeting can be accomplished online by connecting to “Join a Meeting” at: www.zoom.us, then entering the meeting I.D. : 821 6994 1851 and password: 492421. See the “Zoom Participation Process” on the Shelby website for more details and instructions (www.shelbyvillage.com)

Agenda Topics:

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Approval of Minutes: January 14, 2021 and January 19, 2021 **AR**
5. Public Hearings:
 - a. Section 3.11 Text Amendment **AR**
 - b. 15 S. State Street Map Amendment **AR**
6. Commission Administrative Business:
7. Reports:
8. Public Comment (Go to Shelbyvillage.com for instructions):
9. Member Discussion:
10. Adjournment:

AR- Action Requested
D- Discussion Item



**VILLAGE OF SHELBY
PLANNING COMMISSION
Thursday, January 14, 2021 at 5:30 P.M.
SPECIAL MEETING PROCEEDINGS
Via Zoom**

1. CALL TO ORDER:

The Village of Shelby Planning Commission Special Meeting was called to order at 6:32 P.M. by Vice Chairman John Sutton.

2. ROLL CALL:

Answering Roll Call: Samantha Near, John Sutton, Paul Inglis, and Tim Horton.

Staff Present: Village Administrator

Absent: Tara Kelley

3. PLEDGE OF ALLEGIANCE: All stood for the pledge.

4. MINUTES: No minutes were approved during this meeting.

5. CITIZEN PARTICIPATION: No Citizen Participation.

6. OLD BUSINESS:

a.) Final Site Plan Review: Shelby Trails Apartments

The Planning Commission discussed the standards for the exterior side of the building containing brick.

The Planning Commission discussed fire safety to make sure the requirements are being met.

Tim Horton made a motion to approve the Final Site Plan, dated December 28, 2020, for the 6,938 square foot apartment building and related site improvements on the property identified in DWG. NO. A-28391-1, at 220 Walnut Street, Shelby, MI 49455, subject to the following conditions:

1. The applicant shall work with staff to submit a landscaping plan prior to construction.
2. The applicant shall work with staff to submit lighting specifications prior to construction.
3. The applicant shall obtain all necessary permits/licenses from the Oceana County Building Department and the State.
4. The applicant shall provide acceptable sign dimensional details to be reviewed by staff prior to construction.

Finding of Fact per Section 12.06:

The final site plan review for the Shelby Trails apartment complex does meet all applicable standards listed in Section 12.06 of the Village of Shelby Zoning Ordinance.

Seconded by Samantha Near.

Roll Call Vote:

Ayes: Horton, Near, Inglis, and Sutton.

Motion Carried 4-0.

Absent: Tara Kelley

7. NEW BUSINESS: None

8. ADJOURNMENT: Paul Inglis moved to adjourn the meeting at 5:55 P.M.
Seconded by: Tim Horton.

Roll Call Vote:

Ayes: Inglis, Horton, Near, and Sutton.

Motion Carried 4-0.

Absent: Tara Kelley.

Planning Commission Meeting minutes are not official until approved at the next Regularly Scheduled Planning Commission Meeting of January 19, 2021

Approved

Minutes Respectfully Submitted by Samantha Near/Secretary

Date



**VILLAGE OF SHELBY
PLANNING COMMISSION
Tuesday, January 19, 2021 at 6:30 P.M.
MEETING PROCEEDINGS
Via Zoom**

1. CALL TO ORDER:

The Village of Shelby Planning Commission Meeting was called to order at 6:35 P.M. by Vice Chairman John Sutton.

2. ROLL CALL:

Answering Roll Call: John Sutton, Paul Inglis, Tara Kelley, Samantha Near, and Tim Horton at 6:32pm.

Staff Present: Village Administrator Brady Selner and Village Fellow Emily Stuhldreher.

3. PLEDGE OF ALLEGIANCE: All stood for the pledge.

4. MINUTES:

a.) December 15, 2020

Paul Inglis moved to approve the minutes of the Regularly Scheduled Planning Commission meeting of December 15, 2020 as presented.

Seconded by: Tim Horton

Roll Call Vote:

Ayes: Inglis, Horton, Near, Sutton, Kelley.

Motion Carried 5-0.

5. CITIZEN PARTICIPATION:

6. PUBLIC HEARING:

a.) 2020 Village of Shelby Master Plan Public Hearing

Public Hearing was opened to discuss the 2020 Village of Shelby

Master Plan. No Public Comment

Public Hearing was closed at 7:15 P.M.

Members of the board further discussed the Future Land Use Map as it pertains to First Street. First Street located in the Village of Shelby is under commercial use in the Future Land Use Map, therefore meaning that any properties will have to sell as residential to be in accordance with the future land map use. The board discussed how this could be problematic in the future. There are only two operating businesses on First Street, and one is a residential home being used as a business. It was discussed that if the business owner wanted to sell the property in the future, it would cause problems

as she could only sell it as commercial, and not residential.

A Public Hearing for zoning district C2-R3 will be scheduled. The meeting for February 16, 2021 is being considered. The public notice will be going out on January 20, 2021.

A motion was made by Tara Kelley to approve resolution No. 01-21 stating that the Planning Commission approved the proposed Master Plan and recommends that the Village Council give final approval and adoption of the proposed Master Plan and recommends that the Village Council give final approval and adoption of the proposed Master Plan.

Seconded by: Tim Horton.

Roll Call Vote:

Ayes: Kelley, Horton, Inglis, Near, and Sutton.

Motion Carried

7. NEW BUSINESS:

a.) Proposed Text Amendment- Section 3.11

Notice for public hearing was not posted in time.

Paul Inglis made a motion to reschedule the public hearing to the February 16, 2021 Planning Commission meeting.

Seconded by: Tara Kelley

Roll Call Vote:

Ayes: Inglis, Kelley, Horton, Near, and Sutton.

Motion Carried: 5-0

8. ADJOURNMENT: Tim Horton moved to adjourn the meeting at 7:21 P.M.

Seconded by: Paul Inglis.

Roll Call Vote:

Ayes: Horton, Inglis, Kelley, Near, and Sutton. Motion Carried 5-0.

Planning Commission Meeting minutes are not official until approved at the next Regularly Scheduled Planning Commission Meeting of February 16, 2021

Approved

Minutes Respectfully Submitted by Samantha Near/Secretary

Date



Memorandum

Date: February 10, 2021

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

From: Brady Selner, Village Administrator

Subject: Section 3.11 Text Amendment

Information:

The Planning Commission has discussed updates to the Accessory Building Ordinance for the Village of Shelby at the November 17, 2020 and December 15, 2020 Planning Commission meetings. A public hearing was scheduled for the January 19, 2020 but was rescheduled for February 16, 2021. Below is a summary of the amendments to Section 3.11.

1. Allow two accessory buildings on any property.
2. Prohibit shipping containers as accessory storage structures.
3. Omit the provision regarding sheet metal siding on accessory buildings.
4. Limit the size of all accessory buildings to take up less than 30% of the required year yard for a residential building.

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
Section 3.11 with Tracked Changes
Updated Section 3.11 (Clean Version)
Resolution 02-21

Motion by _____, seconded by _____, to pass resolution 02-21, to send a favorable recommendation to the Village Council for the text amendments to Section 3.11 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 in that it provides the ability to have more than one detached accessory building without requiring the first accessory building to be used as a garage for vehicles. This makes it easier to have two accessory buildings, which in turn, will allow for more orderly development. Personal items can be stored in accessory buildings rather than sitting out in the yard.**
 - b. The proposed text amendment would correct an error in the Ordinance. **The text amendment includes corrections to the Ordinance.**
 - 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. **When evaluating this text amendment, other community zoning ordinances were considered. Many communities allow more than one detached accessory building on their properties subject to maximum square footage requirements.**
 - 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. **The amendment will not result in incompatible land uses within a Zoning District or between adjacent Districts. Although two accessory buildings will be allowed, the buildings will still be subject to applicable setbacks and maximum square footage standards. The primary goal of this amendment was to ensure residents could place sheds on their property.**

- 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 resolve a common request throughout the Village, that prior to the proposed amendment, was not able to meet Ordinance requirements. (Residents requesting zoning permits to place sheds on their property with existing accessory buildings that are not used as a garage for their vehicles)**
- 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.**

PROPOSED ACCESSORY BUILDING ORDINANCE (~~12/202~~/16/2021)

SECTION 3.11 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building unless a permit for a main building has also been secured for that lot.
- B. Attached accessory buildings and structures that are structurally part of the main building shall conform to the setback requirements of the main building.
- C. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- D. Detached accessory buildings in the ~~Village shall~~ Village shall be a minimum of five (5) feet from rear or side property lines and shall not be permitted in the front yard. Detached accessory buildings in the Township shall be set back fifty (50) feet from any property line.
- E. In the Township, accessory building(s) shall not be erected in any required front yard. In the Village, accessory buildings are not permitted in the front yard.
- ~~F. In the Village Residential Districts, accessory buildings shall be of residential construction and shall be compatible with surrounding residential homes. Sheet metal walls are prohibited on any accessory building larger than 200 square feet. Accessory buildings under two hundred (200) square feet are exempt (amended July 2007)~~
- ~~G.F.~~ In the Village, no more than **two (2) accessory buildings** ~~one (1) accessory building~~ shall be located on any parcel within any Zoning District. ~~, except that two (2) may be permitted when one (1) is a garage or other shelter for vehicles belonging to the residents.~~
- ~~H.G.~~ No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- ~~H.H.~~ Manufactured homes, semi-trailers, shipping containers, or other vehicles shall not be used as accessory storage structures.
- ~~J.I.~~ No accessory building shall occupy any portion of a required greenbelt or buffer in any District.
- ~~K.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.
- ~~L.K.~~ A zoning permit shall be secured prior to the placement of any accessory building.
- ~~M.L.~~ The maximum height of accessory structures in the Township shall be twenty four (24) feet.
- ~~N.M.~~ The total square footage of all detached accessory buildings associated with residential uses in the Village shall not exceed **thirty percent (30%) of the required rear yard and the restrictions shown in the following table:**

Minimum Lot Size	Maximum Square Footage (GFA)	Maximum Height (ft)
3,000 sq. ft.	384 sq ft (e.g. 16 x 24)	14
5,000 sq. ft.	672 sq ft (e.g. 24 x 28)	14
10,000 sq. ft.	864 sq ft (e.g., 24 x 36)	18
15,000 sq. ft.	1,080 sq ft (e.g. 30 x 36)	20
20,000 sq. ft.	1,200 sq ft (e.g., 30 x 40)	24
35,000 sq. ft.	1,600 sq ft (e.g., 40 x 40)	28
1 acres +	2,000 sq ft (e.g., 40 x 50)	28

PROPOSED ACCESSORY BUILDING ORDINANCE (2/16/2021)

SECTION 3.11 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building unless a permit for a main building has also been secured for that lot.
- B. Attached accessory buildings and structures that are structurally part of the main building shall conform to the setback requirements of the main building.
- C. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- D. Detached accessory buildings in the Village shall be a minimum of five (5) feet from rear or side property lines and shall not be permitted in the front yard. Detached accessory buildings in the Township shall be set back fifty (50) feet from any property line.
- E. In the Township, accessory building(s) shall not be erected in any required front yard. In the Village, accessory buildings are not permitted in the front yard.
- F. In the Village, no more than two (2) accessory buildings shall be located on any parcel within any Zoning District.
- G. No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- H. Manufactured homes, semi-trailers, shipping containers, 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. A zoning permit shall be secured prior to the placement of any accessory building.
- L. The maximum height of accessory structures in the Township shall be twenty four (24) feet.
- M. The total square footage of all detached accessory buildings associated with residential uses in the Village shall not exceed thirty percent (30%) of the required rear yard and the restrictions shown in the following table:

Minimum Lot Size	Maximum Square Footage (GFA)	Maximum Height (ft)
3,000 sq. ft.	384 sq ft (e.g. 16 x 24)	14
5,000 sq. ft.	672 sq ft (e.g. 24 x 28)	14
10,000 sq. ft.	864 sq ft (e.g., 24 x 36)	18
15,000 sq. ft.	1,080 sq ft (e.g. 30 x 36)	20
20,000 sq. ft.	1,200 sq ft (e.g., 30 x 40)	24
35,000 sq. ft.	1,600 sq ft (e.g., 40 x 40)	28
1 acres +	2,000 sq ft (e.g., 40 x 50)	28

**VILLAGE OF SHELBY
PLANNING COMMISSION
OCEANA COUNTY, MICHIGAN
(Resolution No. 02 -21)**

At a regular meeting of the Village of Shelby Planning Commission held on February 16, 2021 via videoconference pursuant to applicable emergency orders related to the COVID-19 pandemic, 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 provision of the Village of Shelby Zoning Ordinance, initiated a text amendment to Section 3.11 of the Village of Shelby Zoning Ordinance on November 17, 2020; and

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

WHEREAS, the Planning Commission, at its February 16, 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 16th day of February 2021, grants a FAVORABLE RECOMMENDATION of the Zoning Text Amendment, attached as **Exhibit A**, to Section 3.11 of the Village of Shelby Zoning Ordinance.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

Respectfully submitted,

Dated: February 16, 2021

By: _____
Planning Commission Chairperson

Exhibit A

SECTION 3.11 ACCESSORY BUILDINGS AND STRUCTURES

- A. Unless associated with a bona-fide agricultural operation, no accessory building shall be permitted on any lot which does not contain a main building unless a permit for a main building has also been secured for that lot.
- B. Attached accessory buildings and structures that are structurally part of the main building shall conform to the setback requirements of the main building.
- C. Detached accessory buildings shall be a minimum of ten (10) feet from any other building or structure.
- D. Detached accessory buildings in the Village shall be a minimum of five (5) feet from rear or side property lines and shall not be permitted in the front yard. Detached accessory buildings in the Township shall be set back fifty (50) feet from any property line.
- E. In the Township, accessory building(s) shall not be erected in any required front yard. In the Village, accessory buildings are not permitted in the front yard.
- F. In the Village, no more than two (2) accessory buildings shall be located on any parcel within any Zoning District.
- G. No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- H. Manufactured homes, semi-trailers, shipping containers, 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. A zoning permit shall be secured prior to the placement of any accessory building.
- L. The maximum height of accessory structures in the Township shall be twenty four (24) feet.
- M. The total square footage of all detached accessory buildings associated with residential uses in the Village shall not exceed thirty percent (30%) of the required rear yard and the restrictions shown in the following table:

Minimum Lot Size	Maximum Square Footage (GFA)	Maximum Height (ft)
3,000 sq. ft.	384 sq ft (e.g. 16 x 24)	14
5,000 sq. ft.	672 sq ft (e.g. 24 x 28)	14
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15,000 sq. ft.	1,080 sq ft (e.g. 30 x 36)	20
20,000 sq. ft.	1,200 sq ft (e.g., 30 x 40)	24
35,000 sq. ft.	1,600 sq ft (e.g., 40 x 40)	28
1 acres +	2,000 sq ft (e.g., 40 x 50)	28



Memorandum

Date: February 10, 2021

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

From: Brady Selner, Village Administrator

Subject: Zoning Map Amendment, 15 S. State Street

ACTION REQUESTED BY THE PLANNING COMMISSION	To review a zoning map amendment and to recommend approval or denial of the request to the Shelby Village Council.
PROJECT TYPE	Zoning Map Amendment
PROPERTY ADDRESS	15 S. State Street
PARCEL NUMBERS	046-502-005-50
ZONING DISTRICT	C-2
FUTURE LAND USE DESIGNATION	Traditional Residential - 2020 Master Plan
GENERAL LOCATION OF PROJECT SITE	The parcel subject to this rezoning request is on the southwest corner of First Street and S. State Street
APPLICANT NAME	Michael Allen

Request

The applicant is requesting to rezone the property located at 15 S. State St (parcel number 046-502-005-50) from C-2, General Business District, to R-3, Multiple Family Residential District.

Relevant Sections of the Zoning Ordinance and 2020 Master Plan

The future land use map has this property designated Traditional Residential. Compatible zoning districts with this future land use classification include R-2 and R-3. Overall, there are very slight differences in the R-2 and R-3 zoning districts. In R-2, multi-family dwellings are a special land use, while in R-3 they are permitted by right. In R-2, elderly housing is a special land use, while in R-3 they are permitted by right.



TRADITIONAL RESIDENTIAL

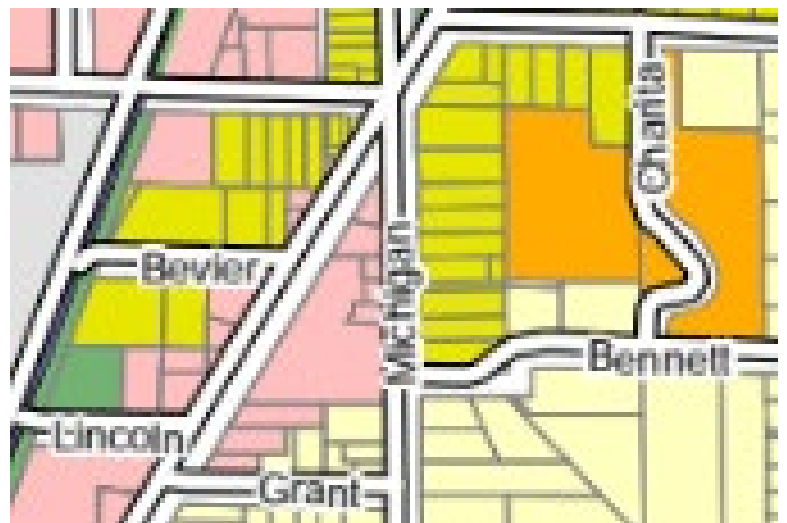
Similar to the Modern Residential designation, single family homes and related uses are the primary use in this future land use designation. However, neighborhoods in this designation are arranged in a traditional grid pattern that is characteristic of historic villages. Due to its proximity to downtown Shelby, this designation is intended to accommodate a higher residential density than the Modern Residential designation. This may include compatible two-family and multi-unit housing types, such as duplexes, townhouses, apartments, and condominiums. Small-scale neighborhood parks and limited commercial uses may also be present in this designation to serve the immediate population.

This designation generally accommodates a greater residential density than the Modern Residential designation and has an increased number of sidewalk connections to the downtown. Neighborhoods should be constructed of high-quality materials and future development should remain consistent with the traditional design, including front porches facing the street and relatively small setbacks that create a consistent streetwall with neighboring properties.

Primary Compatible Zoning Districts	Potentially Compatible Zoning District	Residential Density	Features
R-2, R-3	R-1, C-2	4-6 dwelling units per acre	Open community spaces, sidewalks, street trees, street lights, landscaping

MAP 5. FUTURE LAND USE

- Designation**
- Downtown
 - General Business
 - Industrial
 - Civic
 - Modern Residential
 - Traditional Residential
 - Multiple-Family Residential
 - Manufactured Home Park



Chapter 6 RR, R-1, R-2 AND R-3 RESIDENTIAL DISTRICTS

SECTION 1.01 INTENT AND PURPOSE

The regulations of these Districts are intended to encourage a suitable environment for a variety of residential densities, and compatible supportive recreational, institutional, and educational uses. The intent of the Districts is to protect residential areas from the encroachment of uses that are not appropriate to a residential environment.

SECTION 1.02 TABLE OF USES

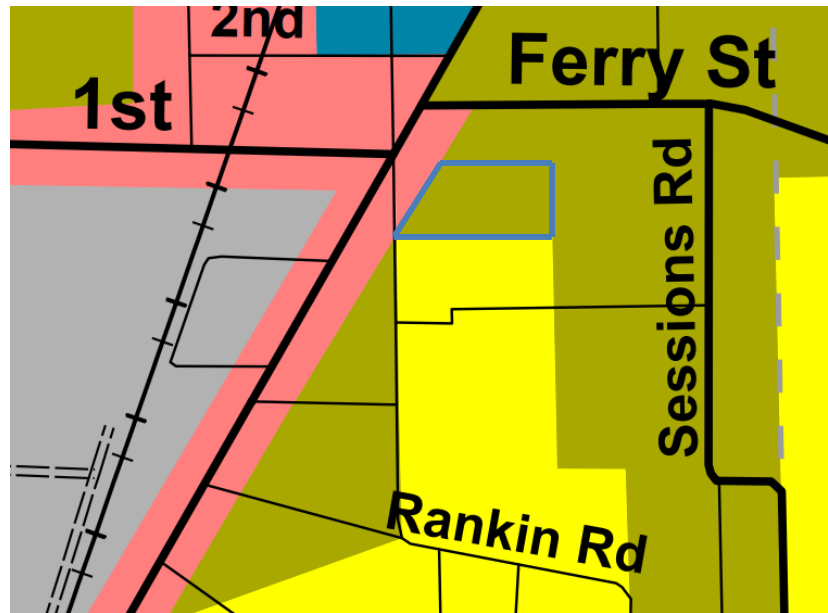
The following abbreviations apply to the Table of Uses for the RR Rural Residential; R-1, Low Density Residential, R-2, Medium Density Residential, and R-3, Multiple Family Residential districts:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Chapter 11 are met.
- NP: Not Permitted: The use is not permitted in the District.

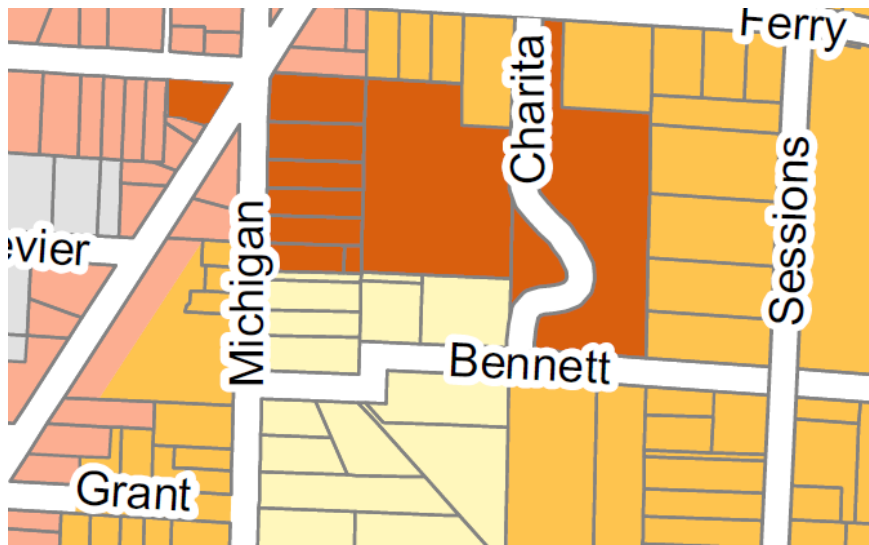
Table 6-1: Table of Uses		RR	R-1	R-2	R-3
Accessory Uses	Accessory structures and uses as defined in Chapter 2 and subject to Section 3.11	P	P	P	P
	Home occupation subject to Section 3.24	P	P	P	P
	Group day care home	SLU	SLU	SLU	SLU
	Bed and breakfast establishment	SLU	SLU	SLU	SLU
Residential Uses	State licensed residential facility, family care facility.	P	P	P	P
	State licensed residential facility Small Group Home Care Facility	SLU	SLU	SLU	SLU
	State licensed residential facility Large Group Home Care Facility	NP	NP	SLU	SLU
	Family day care home	P	P	P	P
	Multiple family dwelling	NP	NP	SLU	P
	Two-family dwelling	NP	NP	P	P
	Elderly housing	NP	NP	SLU	P
	Single family detached dwelling	P	P	P	P
Open space development	SLU	SLU	SLU	SLU	

Table of Uses		RR	R-1	R-2	R-3
Institutional Uses	Convalescent or nursing home	NP	NP	SLU	SLU
	Elementary, middle and high school (private)	SLU	SLU	SLU	SLU
	Cemeteries	SLU	SLU	SLU	SLU
	Place of religious worship	SLU	SLU	SLU	SLU
	Hospital	NP	NP	SLU	SLU
	Golf course or country club	SLU	SLU	NP	NP
Non-Residential Uses	Agricultural operation including general farming, truck farming, fruit orchard, nursery, greenhouses, and usual farm buildings but excluding intensive livestock operations	P	NP	NP	NP
	Campgrounds, public or private, including travel trailer parks	SLU	NP	NP	NP
	Horse riding stable, horse breeding stable	SLU	NP	NP	NP
	Home-based business	SLU	NP	NP	NP
	Public and utility service buildings, not including storage yards	SLU	SLU	SLU	SLU
	Park, playground or community center	P	P	P	P
	Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources	SLU	NP	NP	NP
	Utility substation, transmission line and switching station	SLU	SLU	SLU	SLU
	Wireless communication towers not exceeding 75 feet in height wholly owned and used by a federally licensed amateur radio station operator.	P	P	P	P
	Wind energy conversion systems (WECS)	SLU	NP	NP	NP

Adjacent Land Uses



The primary land use surrounding this property are single-family homes (North and West on First Street) and (East on Michigan Ave). There are some commercial uses (CarQuest and the Hospital) also on the east side of S. State Street. The zoning map above is different from the hard copy of the zoning map located at Village Hall. The “blue” outlined portion of the map above is zoned Multiple Family Residential (R-3) on the map in the office. I will note that the unofficial map (copied below) has the R-3 zoning classification out to Michigan Ave. Also, I have updated the unofficial zoning map below to show the proposed change.



Review Process

The zoning map amendment process is described in Section 15.03 and Section 15.04 of the Village of Shelby Zoning Ordinance. The Planning Commission must consider this request based on Section 15.04(C)(1-4).

SECTION 15.03

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.
 - b. The proposed text amendment would correct an error in the Ordinance.
 - 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.
 - d. The proposed text amendment would promote compliance with changes in other Community, County, State, or Federal regulations.
 - 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.
 - f. The amendment shall not result create incompatible land uses within a Zoning District, or between adjacent Districts.
 - 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.
 - h. As applicable, the proposed change shall be consistent with the Community's 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.
- C. Map Amendment (Rezoning): In making its recommendation to the Legislative Body, the Planning Commission shall consider the following criteria:
 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Shelby Community Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area. **The Future Land Use map has this property designated for Traditional Residential. Compatible zoning districts for this future land use designation include R-2 and R-3.**
 2. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed Zoning District shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts. **The potential uses allowed in the proposed Zoning**

District are compatible with the surrounding uses, much of the surrounding property has existing homes.

3. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting. **The rezoning would not have any impact on the existing infrastructure. The existing infrastructure is adequate for any uses in either R-2 or R-3.**
 4. Other factors deemed appropriate by the Planning Commission.
- D. Consideration of Amendment by the Legislative Body: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Legislative Body may modify the proposed amendment or adopt it as presented by the Planning Commission.

Recommendation/Suggested Motion

Subject to any new and compelling information discovered at the Planning Commission meeting, I am recommending that the Planning Commission recommend approval of the zoning map amendment from C-2 to R-3. The surrounding land use is compatible with the R-3 zoning classification and the recently adopted future land use map has this property designated as “traditional residential” which names R-3 as a compatible zoning district. Additionally, the Village of Shelby will be updating the rest of the zoning map soon. The result of the zoning ordinance update will include updating the zoning map to coincide with the future land use map. This means the surrounding property will be rezoned to R-2 or R-3 upon completion of the zoning ordinance rewrite.

Motion by _____, seconded by _____, to pass resolution 03-21, sending a favorable recommendation to the Village Council for the zoning map amendment for 15 S. State Street.

Supporting Documents:

- Zoning Application
- Applicant Written Request
- Unofficial Zoning Map
- Parcel Map
- Resolution 03-21
- Exhibit A



Planning & Zoning Application

218 N. Michigan, Shelby, Michigan 49455
 Ph: 231-861-4401 Fax: 231-861-7449
 E-mail: administrator@shelbyvillage.com

Select one or more of the items below, fees must be paid in full before any action can be taken. Items requiring Planning Commission action must be heard at a Public Hearing, published at applicants expense before action can be taken.

<input type="checkbox"/>	Residential additions, Detached Garage, Swimming Pool Permit \$25.00	<input type="checkbox"/>	Site Plan Review by Zoning Admin. \$25.00
<input type="checkbox"/>	Demolition (Razing), residential - \$50.00 + \$500.00 escrow		Items below require Planning Commission Review. Applicant must supply 11 copies of plans to the commission.
<input type="checkbox"/>	Demolition (Razing), Commercial - \$100 + performance Bond equal to demo cost	<input type="checkbox"/>	Commercial / Industrial Site Plan Review - \$300.00
<input type="checkbox"/>	Special Meeting – Actual cost of PC or Council wages	<input type="checkbox"/>	Special Use Permit - \$300.00
<input type="checkbox"/>	Variance - \$25.00 + Publication & any other cost	<input type="checkbox"/>	PUD - \$300.00
<input type="checkbox"/>	Ordinance Interpretation – Actual cost, min.\$500.00, excess refunded/returned	<input type="checkbox"/>	PUD - Amendment - \$300.00
<input type="checkbox"/>	Fence, Shed, Deck, Pad, Foundation, Wall & Overhang Signs permit- \$10.00	<input type="checkbox"/>	Zoning Amendments - \$250.00 + actual cost of Publication & Legal fees
<input type="checkbox"/>	Basic zoning compliance permit for structures not listed \$25.00	<input type="checkbox"/>	Rezoning - \$300.00

Applicant Information:

Applicant is the: Owner Lessee Contractor/Architect

Name: Michael R. Allen Organization: _____
 Address: PO Box 157, Shelby MI 49455 City/State/Zip: _____
 Phone (H): 231-301-5516 Cell Phone: _____
 Email: doublestrfun2@gmail.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate:

Signature: Michael R. Allen Date: Oct. 23, 2020

Access Permission

I hereby grant permission for members of the Village of Shelby (Planning Commission) (Zoning Board of Appeals) (Village Council) (Staff) to enter the property described below (or as described in the attachments) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)
 Signature of Owner: Michael R. Allen Date: 10/23/2020

Address/Location of Subject Property: 15 S. State St., Shelby MI 49455

Current Zoning & Use of Subject Property: Commercial - office

If the applicant is not the owner of the property, complete the following:
 Owner's Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____ Signature: _____

Site Plan:

Attach additional pages if necessary.

Fees: All fees shall be paid in full prior to the scheduling of any reviews, meetings or hearings. All fees are non-refundable. The only refund exception is, if the Village has incurred no cost prior to the refund request. If the Village of Shelby has incurred any cost on behalf of the above request, only the unused portion of the fee will be refunded.

Escrow funds; If an escrow fee is required, the Village of Shelby Planning Commission shall determine the amount to be deposited with the Village Clerk. Funds shall be placed into a non-interest-bearing account and shall be used to pay any necessary expense resulting from the applicant's application. All unused escrow funds shall be refunded to the applicant upon Village Council approval.

*****PLEASE ALLOW 5 BUSINESS DAYS FOR REVIEW AND APPROVAL BY ZONING ADMINISTRATOR*****

If application is for a variance, please attach one (1) copy of your site plan. If application requires Planning Commission review, please attach eleven (11) copies of a completed site plan and drawings.

TO BE COMPLETED BY VILLAGE

Date application received and accepted: _____

Receipt Attached: Yes No **Staff:** _____

Meeting Date (if applicable): _____

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.

VILLAGE OF SHELBY

218 N MICHIGAN AVENUE

SHELBY, MI 49455

Receipt: 150079096

10/27/20

Page

Cashier: TREASURER

Received Of:

The sum of: \$300.00

ZONING ZONING PERMIT & FEES

300.00

Total 300.00

Balance Due

TENDERED:

CHECKS

17920

300.00

Signed: _____

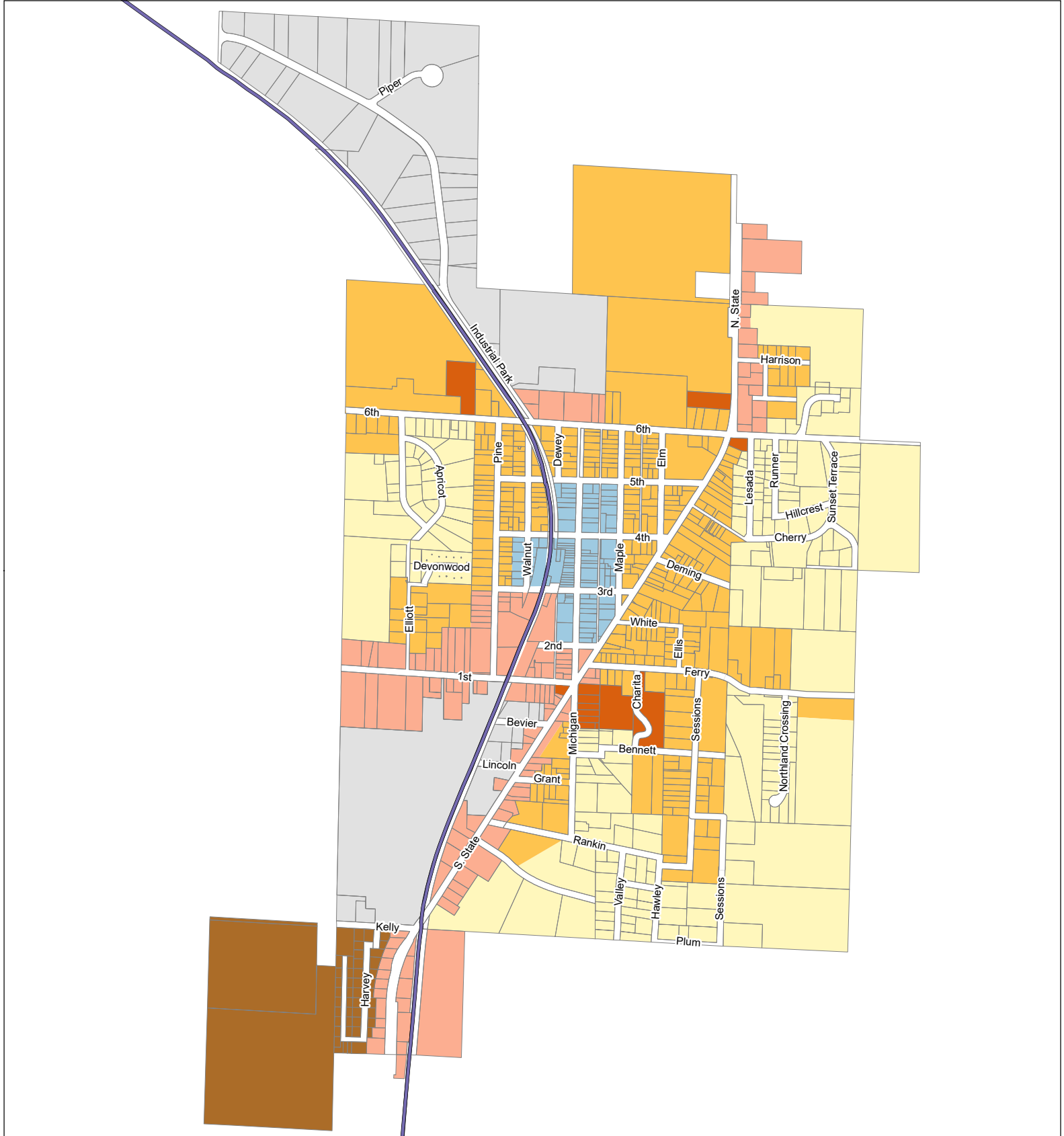
I, Mike Allen, request that the zoning change I am requesting be to R3.

Please let me know if you have any questions,

JANUARY 18, 2021 date:

Mike Allen

A handwritten signature in cursive script that reads "Michael R. Allen". The signature is written in black ink and includes a long horizontal flourish extending to the right.



Map 5

UNOFFICIAL Zoning Map

Village of Shelby, MI

williams&works
engineers | surveyors | planners

- DISTRICT**
- 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

1 inch = 0.25 miles

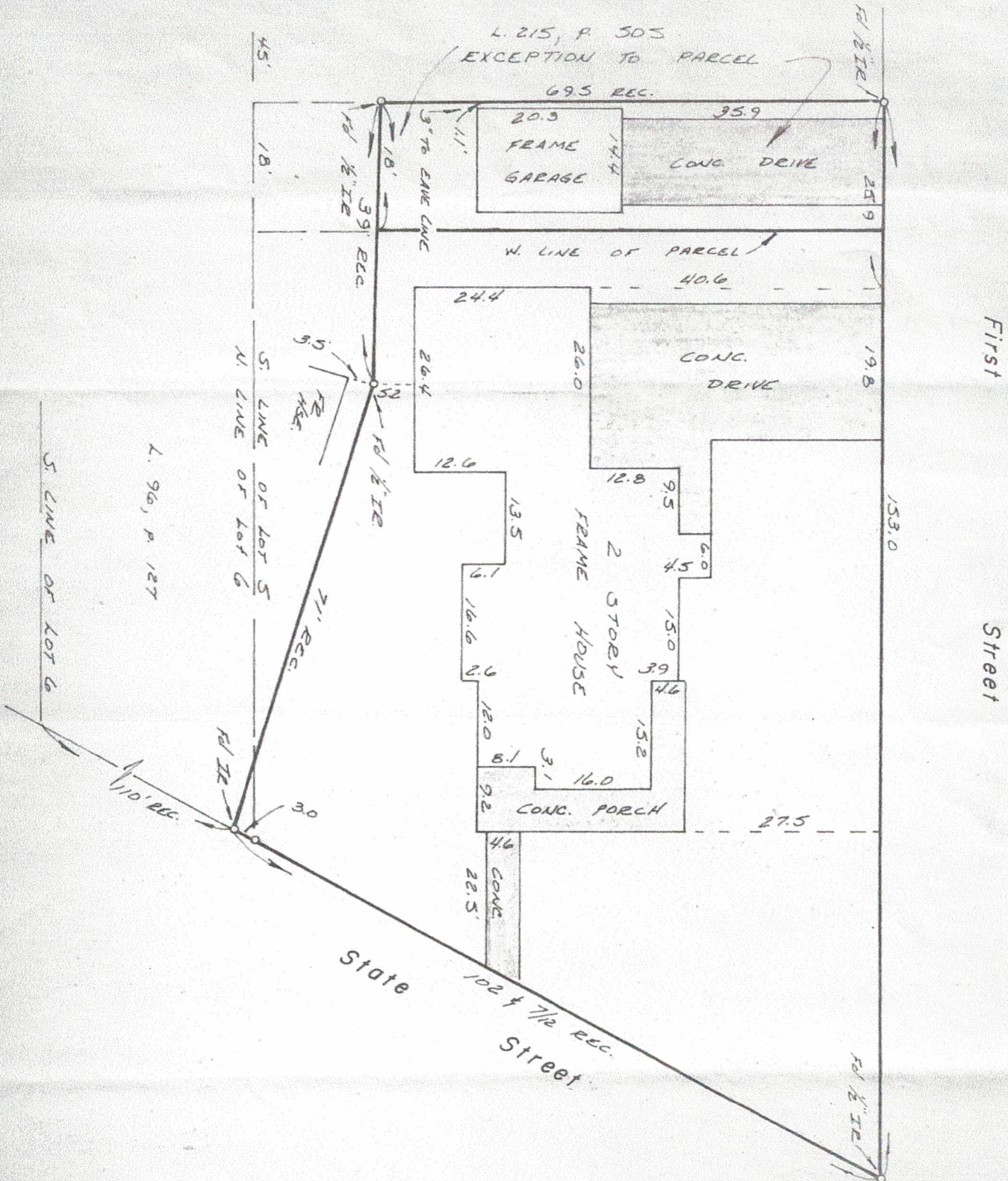
0 0.125 0.25 0.5 Miles

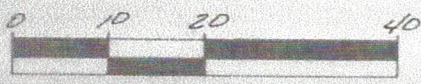
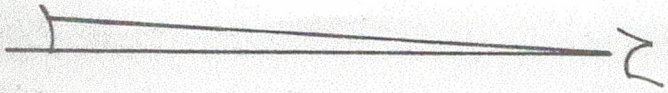
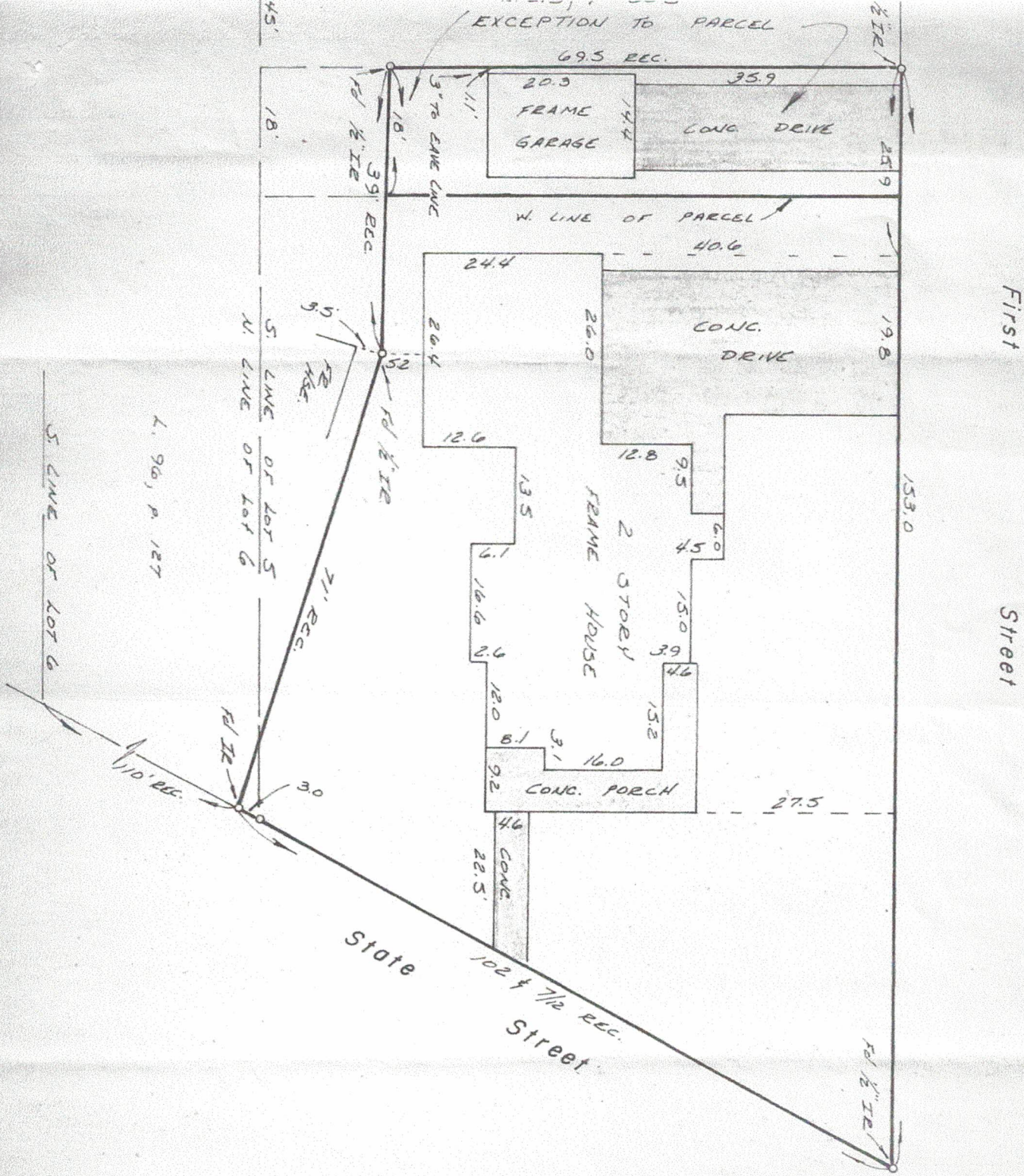


MORTGAGE

INSPECTION

Part of Lot 5 and Lot 6 of Block 2 of the Plat of the Village of Shelby, Oceana County, Michigan.





SCALE: 1" = 20 ft.

REVISED: July 23, 1984 - EXCEPTION TO PARCEL

FOR
Waterfield Mortgage Co.

J. RANDOLPH HEPWORTH, RLS
R. R. 2 WAYNE AVE

COMPLETED
May 25, 1984

108 NO. 11075

**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 February 16, 2021 via videoconference pursuant to applicable emergency orders related to the COVID-19 pandemic, 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 MAP AMENDMENT TO THE VILLAGE COUNCIL.

WHEREAS, Michael R. Allen, pursuant to the provisions of the Village of Shelby Zoning Ordinance, submitted an application for a zoning map amendment on October 23, 2020, for a change from General Business District (C-2) to Multiple-Family Residential District (R-3); and

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

WHEREAS, the Planning Commission has received a report from Brady Selner (Village of Shelby Administrator) dated February 10, 2021; and

WHEREAS, the Planning Commission, at its February 16, 2021, meeting found that the zoning map amendment request met the standards listed under Section 15.04 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 16th day of February 2021, grants a FAVORABLE RECOMMENDATION of the Zoning Map Amendment, for the property described in **Exhibit A**, 15 S. State Street, property number 046-502-006-50, for a zoning map amendment from General Business District (C-2) to Multiple Family Residential District (R-3).

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

Respectfully submitted,

Dated: February 16, 2021_____

By:

Planning Commission Chairperson

Exhibit A

PROPERTY INFORMATION

Property Assessed To:

ALLEN MICHAEL R & KAROLINE L
PO BOX 157
SHELBY, MI 49455

Prop #: 64-046-502-005-50

School: 64080

Prop Addr:

Legal Description:

15 FIRST ST WD844076 WD843774 WD-L2012P5628 PART TO 005-60 IN 1985 BEG
AT NE COR LOT 5, TH W TO N & S LI 3 IN W OF W SI GARAGE, TH S 69 1/2 FT,
TH E 39 FT, TH SE 71 FT, TH NE 102 7/12 FT TO POB EXC E 18 FT OF W 63 FT
THOF BLK 2 VILLAGE OF SHELBY.