

SPECIAL/JOINT MEETING AGENDA
~CITY COUNCIL AND PLANNING COMMISSION~

March 28, 2005 at 7:30 PM
Police/Fire Training Facility
4850 John R, Troy, Michigan
(248) 457-4841

CALL TO ORDER

ROLL CALL

City Council:

Mayor Louise Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
Dave Lambert
Jeanne M. Stine

Planning Commission:

Gary Chamberlain
Lynn Drake-Batts
Larry Littman
Robert Schultz
Fazlullah M. Khan
Thomas Strat
Mark Vleck
David Waller
Wayne C. Wright
Howard Wu

- | | | |
|-----|---|-----------------|
| [1] | Options for Regulating Attached Garages, and Accessory Structures | 7:30 – 8:45 PM |
| | Break | 8:45 – 8:55 PM |
| [2] | Options for Regulating Commercial Vehicles | 8:55 – 10:15 PM |
| | Public Comment | |
| | Adjourn | |

Respectfully submitted,

John Szerlag, City Manager

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@ci.troy.mi.us <<mailto:clerk@ci.troy.mi.us>> at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Date: March 23, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Mark Stimac, Building and Zoning Director
Mark Miller, Planning Director

Subject: AGENDA ITEM – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, pertaining to Accessory Buildings and Definitions and Provisions – Joint City Council and Planning Commission Special Meeting March 28, 2005

SUMMARY

City Council adopted a resolution at the December 6, 2004 meeting that referred this item back to the Planning Commission, with the desire to quickly resolve the large attached garage issue within the zoning ordinance. The specific issues identified in City Council's resolution include garage door height, number of detached buildings, greenhouses and footprint ratios of attached accessory structures. It appears that both the Planning Commission and City Management agree to a foot print ratio of 75% and therefore, garage door heights are at issue. The desired outcome of this Joint Meeting is to find common interests and determine the appropriate zoning ordinance amendments that address the following issues:

- Foot print ratio of accessory structures
- Accessory structure/garage door maximum height

The Planning Commission has developed a consensus regarding the issues related to greenhouses and the number of detached buildings. Eventually, the Planning Commission will have to conduct a public hearing and submit a recommendation to City Council.

City Council scheduled a joint meeting with the Planning Commission. The purpose is to identify the interests of City Council and provide direction to both the Planning Commission and City Management. These interests will be used in the process of formulating a proposed ZOTA 215-A that addresses size and footprint of accessory structures, garage door heights and related issues. An interest-based approach will utilize John Szerlag, City Manager, as a moderator and Peggy Clifton, Human Resource Director, as the moderator's assistant. Then City Council, Planning Commission and City Management will provide input

through this approach. City Management will be represented by Nino Licari, City Assessor; Doug Smith, Real Estate and Development Director; Mark Stimac, Building and Zoning Director; and Mark F. Miller, Planning Director.

BACKGROUND

In response to the construction of a large attached accessory structure, City Council adopted a resolution on October 4, 2004 which authorized the Planning Commission and City Management to address accessory structures and neighborhood compatibility within the R-1A through R-1E Zoning Districts, addressing size, use and compatibility. City Council requested that the Planning Commission forward a recommendation to City Council in the fastest time period possible. City Management developed an operational definition of compatibility as an issue related to size and use of accessory structures. Therefore, compatibility of accessory structures was addressed in proposed zoning ordinance text amendments, through the traditional regulatory methods: height, size, setbacks and use.

City Management engaged Richard Carlisle, City Planning Consultant, to assist in preparing the zoning ordinance text amendments. Mr. Carlisle prepared an initial draft that served as a working draft for City Management and the Planning Commission. This item was discussed at the October 26, 2004 and November 2, 2004 Planning Commission Special/Study Meetings. City Management recommended dividing ZOTA 215 into three separate items to be considered separately but concurrently. These items are Accessory Buildings Definitions and Provisions (ZOTA 215-A), Commercial Vehicle Definitions (ZOTA 215-B), and Commercial Vehicle Parking Appeals (ZOTA 215-C). The Planning Commission held a public hearing on the three separate items on November 9, 2004, and recommended approval of ZOTA 215-A (Accessory Buildings Definitions and Provisions). Furthermore, the Planning Commission tabled ZOTA 215-B and ZOTA 215-C to provide additional time for further review.

On December 6, 2004, City Council conducted a public hearing regarding ZOTA 215-A, accessory buildings and definitions. Both City Management and the Planning Commission submitted a recommended ZOTA 215-A. The two proposed versions of ZOTA 215-A were identical, with one exception. The Planning Commission's version included a maximum garage door height restriction of eight (8) feet.

City Council adopted a resolution at the December 6, 2004 public hearing that referred ZOTA 215-A back to the Planning Commission. The resolution referenced specific consideration to; "garage door height, foot print ratios, further rationale of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses."

The Planning Commission discussed ZOTA's 215-A, B and C at the following special/study meetings: January 1, 2005; January 25, 2005; February 22, 2005 and March 1, 2005. At the February 22, 2005 Planning Commission special/study meeting, John Szerlag, City Manager, moderated an interest-based approach to identify the interests of both the Planning Commission and City Management in relation to accessory structures/garage door heights. A Planning Commission majority maintained the opinion that an 8-foot height limit should be included in a recommendation to City Council, while City Management maintained the opinion that there should not be a specific limit on accessory structures/garage door heights. The purpose of the study session was to identify interests and further determine if there could be a unified recommendation. Unfortunately, a unified recommendation was not formulated.

In addition the Planning Commission conducted public hearings at the following regular meetings: February 8, 2005 and March 8, 2005. The Planning Commission has not adopted a recommended ZOTA 215-A, B or C.

SUMMARY OF ZOTA 215-A

The proposed ZOTA reorganizes the existing text and improves the definitions, which helps with clarification. The proposed text restricts the size of attached accessory buildings to 75% of the ground floor living area or six hundred square feet, whichever is greater. This is a reasonable approach to limiting the size of attached accessory structures, as the minimum 600 square foot size is equivalent to a 2-½ car garage.

Detached accessory structures are limited to no more than two per parcel and are further limited in area to 450 square feet plus two percent of the lot area. The combined floor area of all detached accessory structures shall not exceed the ground floor footprint of the living area of the dwelling or 600 square feet, whichever is greater. City Management and the Planning Commission finds this to be a reasonable restriction on detached accessory buildings, as the minimum size of 600 square feet provides for a 2-½ car garage.

A new category of building called accessory supplemental buildings was created to provide regulations on buildings used for hobby or recreational purposes. The provisions restrict the number to three, and total size not to exceed 200 square feet of accessory supplemental buildings. The area of accessory supplemental buildings is counted toward the total area of detached accessory buildings.

The Planning Commission's initial recommendation for both attached and detached accessory buildings restricted the maximum door height to eight (8) feet. City Management found this to be unnecessarily restrictive. For example, a recreational vehicle owner who can legally park a vehicle within an accessory building may be required to request a variance from the door height requirement from the BZA.

Attachments:

1. Interest based discussion, February 22, 2005, Planning Commission meeting
2. Vehicle height comparisons
3. Garage size in relation to house size (by percentage)
4. Regulation of garage height and setbacks in neighboring communities
5. Regulation of garage size in neighboring communities
6. City Council minutes, December 6, 2004
7. Summary of comments, City Council meeting, December 6, 2004

Prepared by Mark F. Miller

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February 22, 2005 Planning Commission Meeting
Interest Based Discussion
ZOTA 215-A Garage Door Heights

Planning Commission	City Management	City Council
Preserve residential character/neighborhood compatibility.	Consistency of the Zoning Ordinance, it is legal to park commercial vehicles in garages.	Zoning Ordinance permits commercial vehicles indoors in residential areas. City does not regulate garage door heights.
Board of Zoning Appeals approval of garage doors greater than 8 ft. in height, including a public hearing for neighborhood notification.	An 8 ft. garage door height limitation creates a practical difficulty, but the Board of Zoning Appeals does not have standards to approve a variance. The variance should be based upon unique characteristics of property.	Recreational vehicles are permitted on residential properties, inside and outside.
Storage of commercial vehicles and materials in residential areas.	Neighborhood compatibility with the Zoning Ordinance limitations.	City Council resolution to Planning Commission cited garage door heights.
ZOTA 215 A, B and C be considered for approval as a package of amendments.	If door heights are regulated, the structure can be built without a door, but includes an opening.	Outdoor storage of vehicles in M-1 Light Industrial Zoning District includes potentially 500 spaces.
7 ft. garage doors are the standard residential garage doors.	Concerning ZOTA 215 A, B and C package; commercial vehicle definitions amendment will be difficult to find consensus, therefore difficult to approve. For this reason, City Management recommended dividing the ZOTA into three amendments.	
Minority Opinion		
Hard to enforce		
Forcing out labor class and there is a need for them.		
10 ft. for recreational vehicles (although research shows 12 ft. is needed).		

VEHICLE HEIGHT COMPARISONS

Class A Motor Homes

Year / Make / Model	Exterior Height
2005 Winnebago Journey 32T	11'7"
2005 Winnebago Vectra 36RD	11'8"
2005 Winnebago Adventurer 33V	11'5" – 11'8"
2005 Winnebago Sightseer 29R	12'1"
2005 Winnebago Voyage 31W	12'2" – 12'3"
2005 Gulfstream Crescendo 8356	11'10"
2005 Gulfstream Independence 8320	11'10"
2005 Gulfstream Endura 6316	11'10.5"
2005 Georgie Boy Bellagio 3750 DS	12'1"
2005 Georgie Boy Landau 2450 DS	11'6"

Class C Motor Homes

Year / Make / Model	Exterior Height
2005 Winnebago Aspect 23D	7'11.2"
2005 Winnebago Winnie 27P	11'8"
2005 Winnebago Minnie Winnie	11'8"
2005 Gulfstream Endura 6316	11'10.5"
2005 Gulfstream Conquest 6211	11'4"
2005 Coachmen Santana C 293 DS	11'2"
2005 Coachmen Concord 225 RK	10'3"

Travel Trailers

Year / Make / Model	Exterior Height
2005 Coachmen Captiva 249QRBG	9'2"
2005 Coachmen Cascade	9'4" – 10'2"

5th Wheel Trailers

Year / Make / Model	Exterior Height
2005 Coachmen Adrenaline XLV	12'3"
2005 Coachmen Somerset (all)	12'2"
2005 Coachmen Chaparral FW (all)	11'6" – 11'8"

SUV's/Vans/Trucks

Year / Make / Model	Height
2005 Hummer H-1	77" (6.42')
2005 Hummer H-2	79.2" (6.6') With rack: 81.7" (6.8')
2005 Hummer H-3	81.7" (6.8')
2005 GMC Savannah/Cargo	82" (6.83')
2005 Dodge Sprinter/Passenger	93.1" (7.75')
2005 Dodge Ram	74" (6.17')
2005 Ford Excursion	76.6" (6.38')
2005 Ford F-250	76.5" (6.38')
2005 Ford F-350	76.7" (6.39')
2005 Ford E-150	81.2" (6.77')
2005 Ford E-350	84.6" (7.05')

GARAGE SIZE IN RELATION TO HOUSE SIZE (BY PERCENTAGE)

Range of % Covered	Count	% of Total	Total Sq Ft House	1st Fl Sq Ft House	Gar 1 Sq Ft	Gar 2 Sq Ft	Total Gar Sq Ft	Garage Sq Ft % of 1st Fl Sq Ft	Percentile
All Garages (Attached, Detached, and NO Garages)									
0%	709	3.07	1,014,111	871,372	0	0	0	0.00	3.07
> 0 - 25%	2,838	12.28	6,895,541	5,811,965	1,289,736	2,821	1,292,557	22.24	15.35
> 25% - 50%	17,905	77.50	39,273,545	26,961,227	8,944,788	34,000	8,978,788	33.30	92.85
> 50% - 66.7%	1,130	4.89	1,683,231	1,261,170	675,023	34,062	709,085	56.22	97.74
> 66.7% - 75%	218	0.94	295,843	233,376	147,858	17,036	164,894	70.66	98.69
> 75% - 100%	211	0.91	324,252	248,205	160,297	52,063	212,360	85.56	99.60
> 100% - 125%	64	0.28	97,570	74,516	56,523	24,662	81,185	108.95	99.88
> 125% - 150%	15	0.06	23,847	17,781	13,311	10,202	23,513	132.24	99.94
> 150% - 175%	7	0.03	10,213	8,818	7,398	6,382	13,780	156.27	99.97
> 175% - 200%	2	0.01	1,982	1,641	2,614	371	2,985	181.90	99.98
> 200% - 225%	0	0.00	0	0	0	0	0	0.00	99.98
> 225% - 250%	2	0.01	2,165	2,165	3,300	2,016	5,316	245.54	99.99
> 250% - 275%	0	0.00	0	0	0	0	0	0.00	99.99
> 275% - 300%	1	0.00	205	190	528	0	528	277.89	100.00
> 300% - 325%	0	0.00	0	0	0	0	0	0.00	100.00
> 325% - 350%	0	0.00	0	0	0	0	0	0.00	100.00
> 350% - 375%	0	0.00	0	0	0	0	0	0.00	100.00
> 375% - 400%	1	0.00	1,320	930	3,600	0	3,600	387.10	100.00
Totals & Averages	23,103	100.00	49,623,825	35,493,356	11,304,976	183,615	11,488,591	32.37	

Attached Garages & NO Garages - Only									
0%	709	3.47	1,014,111	871,372	0	0	0	0.00	3.47
> 0 - 25%	2,732	13.36	6,696,716	5,634,160	1,255,302	200	1,255,502	22.28	16.83
> 25% - 50%	16,200	79.25	36,920,482	24,825,883	8,128,964	25,343	8,154,307	32.85	96.08
> 50% - 66.7%	556	2.72	989,109	670,003	349,260	24,811	374,071	55.83	98.80
> 66.7% - 75%	95	0.46	152,612	113,663	65,638	14,574	80,212	70.57	99.27
> 75% - 100%	101	0.49	193,545	144,375	78,496	45,573	124,069	85.94	99.76
> 100% - 125%	30	0.15	56,045	42,885	25,133	21,421	46,554	108.56	99.91
> 125% - 150%	10	0.05	18,740	14,256	8,749	10,202	18,951	132.93	99.96
> 150% - 175%	5	0.02	7,437	6,512	4,993	5,182	10,175	156.25	99.98
> 175% - 200%	2	0.01	1,982	1,641	2,614	371	2,985	181.90	99.99
> 200% - 225%	0	0.00	0	0	0	0	0	0.00	99.99
> 225% - 250%	2	0.01	2,165	2,165	3,300	2,016	5,316	245.54	100.00
> 250% - 275%	0	0.00	0	0	0	0	0	0.00	100.00
> 275% - 300%	0	0.00	0	0	0	0	0	0.00	100.00
> 300% - 325%	0	0.00	0	0	0	0	0	0.00	100.00
> 325% - 350%	0	0.00	0	0	0	0	0	0.00	100.00
> 350% - 375%	0	0.00	0	0	0	0	0	0.00	100.00
> 375% - 400%	0	0.00	0	0	0	0	0	0.00	100.00
Totals & Averages	20,442	100.00	45,038,833	31,455,543	9,922,449	149,693	10,072,142	32.02	

Detached Garages - Only									
0%	0	0.00	0	0	0	0	0	0.00	0.00
0 - 25%	106	3.98	198,825	177,805	34,434	2,621	37,055	20.84	3.98
> 25% - 50%	1705	64.07	2,353,063	2,135,344	815,824	8,657	824,481	38.61	68.06
> 50% - 66.7%	574	21.57	694,122	591,167	325,763	9,251	335,014	56.67	89.63
> 66.7% - 75%	123	4.62	143,231	119,713	82,220	2,462	84,682	70.74	94.25
> 75% - 100%	110	4.13	130,707	103,830	81,801	6,490	88,291	85.03	98.38
> 100% - 125%	34	1.28	41,525	31,631	31,390	3,241	34,631	109.48	99.66
> 125% - 150%	5	0.19	5,107	3,525	4,562	0	4,562	129.42	99.85
> 150% - 175%	2	0.08	2,776	2,306	2,405	1,200	3,605	156.33	99.92
> 175% - 200%	0	0.00	0	0	0	0	0	0.00	99.92
> 200% - 225%	0	0.00	0	0	0	0	0	0.00	99.92
> 225% - 250%	0	0.00	0	0	0	0	0	0.00	99.92
> 250% - 275%	0	0.00	0	0	0	0	0	0.00	99.92
> 275% - 300%	1	0.04	205	190	528	0	528	277.89	99.96
> 300% - 325%	0	0.00	0	0	0	0	0	0.00	99.96
> 325% - 350%	0	0.00	0	0	0	0	0	0.00	99.96
> 350% - 375%	0	0.00	0	0	0	0	0	0.00	99.96
> 375% - 400%	1	0.04	1,320	930	3,600	0	3,600	387.10	100.00
Totals & Averages	2,661	100.00	3,570,881	3,166,441	1,382,527	33,922	1,416,449	44.73	

**REGULATION OF GARAGE HEIGHT AND SETBACKS IN
NEIGHBORING COMMUNITES**

City	Are Garage doors regulated in the Zoning Ordinance	Garage Height and Setback Regulations
Royal Oak	No	Max ht with 3' setback from property line 13' Mid Pt Max ht with 5' setback from property line 15' Mid Pt
Auburn Hills	No	Attached Max. Ht. 25' Mid Pt Detached Max. Ht. 14' Mid Pt.
Sterling Heights	No	Attached 25' Mid Pt Detached 15' Mid Pt (rear yard only)
Southfield	No	Attached Max.25' Mid Pt Detached Max.15' Mid Pt
Clinton Twp	No	Attached Max. Ht. 14' Mid Pt. Detached Max. Ht. 35' Mid Pt.
Grand Rapids	No	Attached Max. Ht. 35, Mid pt. Detached Max. Ht. 14'
Farmington Hills	No	Attached Max. Ht. 30' Mid Pt. Detached Max. Ht. 14' Mid Pt.
Ann Arbor	No	Attached Max. Ht. 14' Mid Pt. Detached Max. Ht. 21' Mid Pt.
Birmingham	No	Garage width can not exceed 50% of house width Max. Width of garage dr. 8', 2 car garage 8' ea. dr. separated Detached 2 car garage can be 16' wide Max. Bldg. Ht. 22' to highest pt.
Bloomfield	No	Attached Max. Ht. 30' to Mid Pt. 30% lot coverage Detached. Cannot exceed 50% of house floor area, Max. Ht. 14' Mid Pt. Ask for comments from home owners association. Rear yard only
West Bloomfield	No	Attached 35' Mid Pt. Detached 16' Mid Pt.
Rochester Hills	No	Attached Max. Ht. 25' Detached Ht. 14'

Note: No Communities contacted regulated garage door height.

Source: Telephone Calls to Communities 2/21/05 and 3/2/05

REGULATION OF GARAGE SIZE IN NEIGHBORING COMMUNITES

City	Garage Area Regulations
Royal Oak	Both Detached & Attached: 10% of lot area, not to exceed 800 s.f., limit of one detached accessory building per lot (cannot have detached garage and shed)
Auburn Hills	Attached: Subject to yard regulations Detached: Rear yard only Both Detached & Attached: Cannot exceed ground floor area of main building and cannot occupy more than 25% of a required rear yard plus 20% of any non-required rear yard
Sterling Heights	Attached: Must meet setbacks and lot coverage, no size restrictions Detached: Lots of ¼ ac. or less only one garage, attached or detached, is permitted and cannot exceed 700 s.f., Lots of more than ¼ ac. and less than ½ ac. not more than 2 garages permitted and total sq. footage of all detached accessory bldgs. cannot exceed 1000 s.f. Lots ½ ac. or more for each additional ¼ acre or portion thereof an additional 200 s.f. of accessory bldg. shall be permitted total sq. footage of all detached accessory bldgs. shall not exceed 2000 sq. ft. Cannot exceed lot coverage requirements
Southfield	Both Detached & Attached: total floor area of all accessory buildings on any parcel shall not exceed 10% of lot OR the gross floor area of ground floor of principal bldg. whichever is less
Clinton Twp.	Attached: Must meet setbacks and lot coverage, no size restrictions Detached: Rear yard only, cannot exceed 650 s.f. OR 50% of floor area of principal dwelling OR 2% of lot area, whichever is greater and cannot exceed 25% of rear yard, the total combined floor area of all detached accessory bldgs. cannot exceed 2500 s.f.
Grand Rapids	Both Detached & Attached: Lot 11,000 s.f. or less 624 s.f. max., Lots 11,000 to 22,000 s.f. 832 s.f. max., and lots greater than 22,000 1200 s.f. max.
Farmington Hills	Both Detached & Attached: Combined floor area cannot exceed 60% of the ground floor area of the house OR 750 s.f. whichever is larger
Ann Arbor	Attached: Must meet setbacks and lot coverage, no size restrictions Detached: Rear yard only, min. 3 ft. from side and rear lot lines, cannot exceed 35% of req'd rear open space
Birmingham	Attached: No size restrictions , must meet 30% footprint requirement and must meet req'd setbacks Detached: Rear yard only, at least 3 ft. from any lot line, the lesser of 10% of the lot area or 750 s.f. (total for all detached structures)
Bloomfield Twp.	Attached: No size restrictions, must meet setbacks and lot coverage Detached: Rear yard only, cannot exceed 50% of the ground floor area of the main bldg. and cannot occupy more than 25% of a required rear yard plus 20% of any non-required rear yard, min. 16 ft. setback from side and rear lot line,
West Bloomfield Twp.	Attached: No size restrictions, must meet setbacks and lot coverage Detached: Up to 600 s.f. OR ½ of 1 st floor area whichever is greater
Rochester Hills	Attached: Cannot exceed 100% of the 1 st floor living area Detached: Cannot exceed 25% of rear yard, On lots < 2 ac accessory structures cannot exceed a total area of 720 s.f.; On lots 2ac and larger accessory structures are permitted an additional 200 s.f. per additional acre or fraction thereof provided the total shall not exceed the floor area of the main building or 1520 s.f. whichever is less.
Livonia	Both Attached & Detached: on properties of < ½ ac. max. 660 s.f. and cannot exceed req'd lot coverage; on properties of ½ ac. or larger max. 720 s.f. and cannot exceed req'd lot coverage, if there are no other accessory structures on the property and where and all lot coverage and yard requirements are met then attached garages can go to 900 s.f.

C-1 Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2004-12-611

Moved by Beltramini

Seconded by Stine

RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

City Council and Public Comments re: ZOTA 215A – Accessory Structures

City Council Meeting - Monday, 12/6/05

Prepared by L. Fitzpatrick, Assistant to the City Manager

Note: These are not verbatim of minutes. The purpose of this document is to provide a summary of the general discussion that took place.

8:12 PM Presentations by Miller, Stimac

DE: Will last section create non-conformance among existing buildings?

MS: Yes, would be legal non-conforming.

Stine: Question about # of detached structures on a parcel

MS: Up to 5

Stine: Rationale for not addressing height of garage door?

Stimac: Concern over *legal* recreation vehicle conflicting with door size (legal to store on site, but precluded from parking in doors)

Stine: Can't we put a limit on the size of the door? Like a 10 ft limit; I just don't want to see a 14 ft height. I think a 10 ft door would accommodate anything.

8:37 to 8:40 PM: Presentation by Carlisle

LS: Inquiry re: practicality of such an ordinance given varying house types and styles in City. The requirements have been drafted re:

1. Size of lot
2. Footprint of home

No matter what, entitled to 600 sq ft

Stine: re: input personally received from residents –

- 1) Limiting garage to half size of ground floor living area is extremely restrictive; why not go to 100% size of house?

DE: Re: 450 sq ft plus 2% total lot area – what about houses with bonus room on top of garage?

MS: House height for attached garage

DE: How is the footprint for living area calculated? A 3000 sq ft ranch vs. a Colonial with living area – 3 level

MS: Footprint for living area (where living space contacts ground) = footprint
“Outside wall to outside wall” where it is attached to the ground

CB: re: the 2% to add on, what does it include?

MS: The total of all accessory buildings cannot exceed footprint of living structures

RB: re: 1 vs. 2 stories – “ground floor footprint of living area” is confusing language

MS: our concern was what to include; i.e., a 2nd floor that overhangs a garage

MM: At Planning Commission, they did not want to include basements...that is why we use the term "living area"

DL: half of my living area is below ground; half is above – what part is included in living area?

MS: provides bldg code definition of basement

CB: What is the reason behind looking at footprint of house?

3,000 sq ft ranch vs. 3,000 sq ft colonial

Seems backward – ranch takes more space

MS: re: massing of structures on site – trying to match overall site accessory bldg to main building

CB: Why are we limiting # of accessory buildings on site now?

MS: it is relatively rare to see someone propose more than 2

No, not every bldg will be compliant and not every request will comply; but we believe the proposed changes will accommodate most;

And if requests do exceed, there is always the ZBA option

DE: re: hardship to getting a variance –

Example: family with 7 drivers and 7 vehicles – would that be considered a hardship for a variance?

MS: It could – (mentions house size requirements, too – larger family, larger house)

9:03 PM – Public Hearing – 4 people signed up to speak

RICHARD MINNICK

- By simply redefining Attached Structure...I think hundreds of homes will become non-conforming (references photos he submitted) – I don't think passing them [photos] on the street that they look non-conforming
- Concern b/c it imposes restrictions on what I can do in the future and possible negative impact on re-sale value
- It is more fair to base it on total sq ft
- I question how you can really tell size; discriminates against colonials and homes that do not have a basement (i.e. no storage so have to use garage for storage of mechanical equipment, etc.)
- Another unintended consequence is that people build more detached - this is not as aesthetically pleasing
- The definition of attached accessory bldg seems to be ambiguous
 - What if it is heated, etc? Then not classified as attached access. Structure
- Proposed size much too restrictive

RICHARD HUGHES

- Comment re: limiting public comment time
- Send this back to the Planning Commission; let them take 6 months to 1 yr to decide

- I did not see anyone on Planning Commission who wanted to bring this to City Council now.
- Accessory buildings are not attached buildings; should be called “addition attached”
- Let Planning Commission work on this for 6 months

VICTOR LENIVOV

- This is unreasonable
- Discriminates against old subs, larger lots; will not impact homes built in last 40 yrs
- Will impact 1-2 acre lots
- Don't discriminate against small businesses – allow for some commercial use with size limit

TOM KRENT

- 1) Object to size limitation – too restrictive; references photos submitted
- 2) Do not restrict garage door height to 8 ft; make a 10 ft door limit

References his packet of suggestions – use and compatibility issues; have Planning Commission review before Bldg Dept can approve

>>> Issue of incorporating businesses into residential areas – Planning Commission must review

9:24 PM 10-minute recess

COUNCIL DISCUSSION

RB: 3 concerns

- 1) With attached structures I agree with the Planning Commission that there should be some height restriction on the door
 1. 12' and 14' doors are not normal residential doors
 2. We should craft language for the most “usual” circumstances
 3. I propose that in C, on page 4 – “shall not exceed 10 feet.”
- 2) 405602
 - Uncomfortable including greenhouse in this section b/c it was defined as an accessory supplemental building – should be stricken and put in 405603
- 3) Re: # of buildings and Lenivov's concern – we should craft the ordinance for the most “usual” circumstances (re: lot size); however, we should ask the Planning Commission to some ratio; i.e., ½ for a ranch; 1 1/3 for a split level, etc.

Stine: Concur with Beltramini's suggestions

LS: Concerns about:

- 1) Neighborhood Notification: but got question answered by staff;

ZBA requirements cover notification

- 2) How does this fit in with current and future homes and lots in Troy? We are considering it carefully so that it will work best for everyone.
Stine: If it is being returned to Planning Commission, I ask that Krent's material be given to them.

DE: Generally speaking existing buildings with large garages, none of those previous ones were a problem (same size as house). The new garage that is 6-8Xs bigger than the house was the problem.

I think we should be roughly 1.5Xs the living area of the dwelling with requirements for matching [materials] because pre-fabricated materials generally do not match the house where virtually all existing large garages do match the home with the exception of the one new one.

And, as several people have said, with home businesses on the rise, not just with large commercial vehicles, but with having a pick-up truck an everyday vehicle, or families with multiple vehicles, car collectors, I'd like to see us look at 1.5 to 2Xs the living area of the dwelling.

As far as the garage door – 10' may be too restrictive for some vehicles on the market – sites new pickup truck vehicle being marketed – I have some information from Mark Vleck re: conversion vans. I am thinking more along the 12' guideline. I do not want to make an owner of a legal vehicle have to get a variance as a course of action for owning a readily available vehicle.

[MS calls on DL]

DL: I would concur with the comments that have been made up to this point with a couple exceptions.

Garage door height is something I am concerned with as well – want to look at 10, 11 or 12' – at what would be appropriate with the predominant vehicles on the market today.

The 2nd concern I have is that when we originally went to Planning Commission and staff to address the issue of the garage on Alpine; I wanted to make sure we were preparing a narrowly crafted ordinance to address that situation...not going on a fishing expedition to manage any other potential problems that might be out there; so I do have concerns that the limits on accessory supplemental buildings needs to be on this at this time – at the speed at which we would like to address this issue.

MS: I should indicate as a follow-up to your statement that we do not craft an ordinance based on one situation. It should apply to the whole community. The one situation did alert us to something we want to look at...we do need to be cognizant of the fact that ordinance changes should meet the standard of applying to the majority of the community; we do have the BZA for appeals. The

Planning Commission and the staff did a good job in working on the things we wanted to look at. I was hopeful we could vote tonight; however, with 2 council members not present and with the suggestions given tonight ...I am looking for a resolution from one of the Council Members. RB makes motion:

Resolution #2004-12-611

Moved by Beltramini

Seconded by Stine

*RESOLVED, That Zoning Ordinance Text Amendment (ZOTA 215A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions, be **REFERRED** to the Planning Commission for further discussions, with specific consideration given to the garage door height, foot print ratios, further rational of the number of detached buildings, and that staff make the changes as requested in regard to greenhouses.*

Yes: All-5

No: None

Absent: Broomfield, Howrylak

Timeframe discussed – agreed that the issue would be brought back “in February.”

Szerlag: For clarification – all comments made by City Council and the ones from the audience be put in synopsis and sent to the Planning Commission.

What will also be helpful is to have a sense what ratio is preferred –

RB: I believe there is some documentation on what is aesthetically pleasing and I would start there. What is aesthetically pleasing; an aesthetically pleasing ratio – start with looking at floor plans of some homes, sample subdivisions – I believe Mark Stimac has those – that is where I would start and see what is reasonable and aesthetic.

Szerlag: What we can also do is computer generate how the actual ratios would look for a Colonial and a Ranch.

DE: I think the ratio has a lot to do with the width and how much you see. Being double deep and looking just like the house looks very different than one that is 6 cars wide. The layout ties into this.

MS: We are looking at what has already been built in Troy but also look at what will be built in the future. We need to be cognizant of all of that. And, I am sure the Planning Commission was. When it is passed, it should be practical for use and that is our goal here tonight.

Stine: There is one thing that bothers me and I do not know how you address it – that is, how you can make it “bulkier,” rather than a long extension – if there is a way to leave a greater area in the backyard. A greater ratio of open space rather than extending far into the backyard and not having the bulk up front. I do not know how to explain what I mean...

LS: has to do with the design and the yard and the architecture itself...

*Called the question on the above resolution
Moved onto next item.*

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\cc & public comments re zota 215 12-6-05.doc

DATE: March 22, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas Smith, Real Estate and Development Director
Mark Miller, Planning Director
Mark Stimac, Director of Building and Zoning

SUBJECT: Options on Commercial Vehicles for Discussion
Joint City Council/Planning Commission Meeting

One of the topics proposed for the joint meeting between the City Council and the Planning Commission on March 28, 2005, are revisions to the Zoning Ordinance provisions as they relate to the storage of commercial vehicles on residential property. There are a number of options or directions that could be discussed.

Among the options are:

- Make no changes from the current text
- Transfer the authority of appeals on commercial vehicle storage to the Board of Zoning Appeals
- Modify criteria for approving variances requiring all four of the conditions be met
- Move the provisions for the storage of commercial vehicles out of the Zoning Ordinance and into a separate "police power" ordinance, similar to Chapter 48 Litter and Chapter 88 Nuisances
- Allow administrative approvals of renewals of commercial vehicle variances
- Eliminate the ability for appeals of the commercial vehicle storage provisions
- Change the definition of commercial vehicles
- Restrict indoor storage of commercial vehicles

These options may be developed individually or in some combination. Attached is a thorough history of the past actions that have led to the current text of the Zoning Ordinance relating to commercial vehicles, prepared by the City Attorney's office. With the use of the interest based approach to problem solving that you propose to facilitate at the meeting, we hope to receive some direction on which of the options to proceed with so that the staff and Planning Commission can proceed with the steps necessary for implementation.

Attachment: Commercial Vehicle Zoning Ordinance History

Prepared by: Mark Stimac, Director of Building and Zoning



TO: Members of the Troy City Council
Members of the Troy Planning Commission
FROM: Lori Grigg Bluhm, City Attorney *LB*
Allan T. Motzny, Assistant City Attorney *AM*
DATE: March 16, 2005
SUBJECT: ZOTA 215C – Article 43.74.00, Article 40.65.02, and Article 44.00.00, Pertaining to Commercial Vehicle Parking Appeals

A joint City Council/ Planning Commission meeting has been scheduled for March 28, 2005.

At this meeting, accessory structures will be discussed. In addition, our Planning Consultant, Dick Carlisle, has recommended a review of our current commercial vehicle provisions, which are integrally related to the accessory building provisions.¹ Since the City Council has also expressed a desire to transfer the commercial vehicle appeals process to the Board of Zoning Appeals, the amendment of this process could also be addressed at this time. Our office has therefore researched the history that led to our current provisions, as well as the applicable law.

CURRENT COMMERCIAL VEHICLE APPEAL PROVISIONS

Currently, our ordinances prohibit outdoor parking of commercial vehicles in residentially zoned districts.² However, one pick-up truck³ or a passenger/cargo style van⁴ is permitted as of right on a residential property. Troy has also implemented a commercial vehicle procedure, where a person can appeal to the City Council for a variance to allow a commercial vehicle to be parked outdoors in a residential district.⁵ If approved, an applicant could have relief from the outdoor parking of commercial vehicle prohibition for a maximum period of two years, but the relief may be extended for a similar period.⁶ Under this process, the City Council can grant relief with respect to the type, character, or number of commercial vehicles that may be parked outdoors in residential

¹ This letter is attached as Exhibit A.

² Chapter 39, Section 40.66.00

³ Chapter 39, Section 4.20.33

⁴ Chapter 39, Section 4.20.34

⁵ Chapter 39, Sections 44.02.00 to 44.02.03

districts.⁷ However, prior to granting such relief, an applicant needs to meet one of four specified criteria before an appeal may be granted.⁸

HISTORY AND ORIGIN OF COMMERCIAL VEHICLE APPEALS IN TROY

For your deliberations, it may be helpful to review the origin of the commercial vehicle ordinance, and the amendments that have occurred along the way. The process started in December 1990, when City Council requested the Planning Commission consider an amendment to the zoning ordinance regarding outdoor storage in residential districts. According to the Planning Commission minutes,⁹ the amendment was being considered in response to complaints about recreational vehicles and boats in front of residences. Although the Planning Commission tabled the matter until February 12, 1991, Matt Pryor sent a letter to City Council discouraging any amendment of Section 40.65.05 that would limit the location or the extent of parking of commercial vehicles in residential districts.¹⁰ Pryor expressed his belief that many people in the City of Troy were opposed to any further restrictions for commercial vehicles. Pryor also apparently submitted a petition to the Planning Department that was signed by 150 people, and was in opposition to the contemplated restrictions on commercial vehicles in residential districts. At the conclusion of the

⁶ Chapter 39, Section 44.02.03

⁷ Chapter 39, Section 44.02.03

⁸ Chapter 39, Section 44.02.02, which states: Actions to grant appeals as set forth in the preceding Section shall be based on at least one of the following findings by the City Council: (A) The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer); (B) Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle; (c) A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be construed or modified to accommodate the subject commercial vehicle; (D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

⁹ A copy of the December 11, 1990 Planning Commission Minutes is attached as Exhibit B.

¹⁰ A copy of the December 1990 letter is attached as Exhibit C.

Planning Commission's public hearing on February 12, 1991,¹¹ the Planning Commission recommended an amendment.¹² This proposal allowed outdoor parking in a residential area for a maximum of one commercial vehicle, as long as it didn't exceed a carrying capacity of two tons. Although the Planning Commission briefly discussed regulations of the indoor storage of commercial vehicles, this was not pursued, in light of the existing regulations that controlled the size of accessory buildings.

Additional information was provided on February 14, 1991, in a memorandum from City Manager Frank Gerstenecker¹³ and in a March 15, 1991 memorandum, where City staff prepared a proposed revision that separated the commercial vehicle parking provisions from the outdoor storage provisions in residential districts.¹⁴ In July of 1991, City Council took action on the proposed amendment and adopted the following with respect to commercial vehicles:

04.20.32 COMMERCIAL VEHICLES: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS: Outdoor parking of not more than one commercial vehicle with a rated capacity not to exceed one ton is permitted.

City staff had difficulty in enforcing the allowable "one ton capacity,"¹⁵ As a result, the ordinance was revisited in October 1993. Although the Planning Commission reviewed an

¹¹ These February 12, 1991 Planning Commission minutes are attached as Exhibit D, and are erroneously dated February 12, 1990.

¹² Attached as Exhibit E

¹³ Attached as Exhibit F

¹⁴ Attached as Exhibit G

¹⁵ Exhibit H is a memo from Larry Keisling that goes into further detail

alternative proposal submitted by Matt Pryor¹⁶ they rejected this proposal, and recommended that City Council amend the ordinance as proposed by City staff.¹⁷

Before the December 1993 City Council hearing on this proposed amendment, Pryor lobbied for an alternative amendment.¹⁸ In addition to Pryor's letters, the City Council also received other letters concerning commercial vehicle regulations.¹⁹ Based on the various proposals and letters received, it appears City staff prepared a proposed amendment to Section 40.66.00 that included the Planning Commission's proposal, but also incorporated some of Pryor's recommendations.²⁰ Upon reviewing the revised draft, the Planning Commission members sent a December 7, 1993 letter to City Council, expressing their concerns about the draft that incorporated Pryor's suggestions. At their December 20, 1993 meeting, instead of taking action on the proposed commercial vehicle amendment, the City Council referred the item back to the Planning Commission "to consider the inclusion of an appeal process."²¹

The Planning Commission fulfilled its duty to consider the inclusion of an appeal process (January 25, 1994 and a public hearing on February 8, 1994). The Planning Commission expressed concern, however, that such an appeal process would reduce the effectiveness of the recommended ordinance text and potentially facilitate the deterioration of residential areas. Accordingly, the Planning Commission recommended: "no action be taken as to the establishment

¹⁶ Attached as Exhibit I

¹⁷ This proposal, attached as Exhibit J, eliminated the one-ton capacity vehicle, and replaced it with an allowance for one pick-up truck or one passenger/cargo style van on a residential lot.

¹⁸ Pryor's communication to City Council, as well as his more detailed letter to area residents, is attached as Exhibit K. Specifically, he wanted an amendment that would allow larger commercial trucks and vans, as long as they were parked indoors or in back of the front of the face of the house. He also proposed a special use requirement be allowed for vehicles over a certain size based on adequate screening and landscaping.

¹⁹ Copies of these letters are attached as Exhibit L.

²⁰ The public hearing notice with the City staff's recommendations is attached as Exhibit M.

²¹ City Council Minutes of December 20, 1993, attached as Exhibit O.

of an appeal process in relation to the recommended Ordinance language regarding "Outdoor Parking of Commercial Vehicles in Residential Districts".²²

City Council considered the matter at its March 28, 1994 meeting, and adopted the predecessor of our current ordinance, which included a commercial vehicle appeal process.²³ There were some recommendations made at the table. For example, there was a motion to allow Council to grant appeals with respect to the "number" of vehicles. This was approved, and allowed in addition to appeals related to the "type and character" of commercial vehicles.

At its May 9, 1994 meeting, City Council again amended the commercial vehicle appeal procedure, to allow an appeal if only one of the four required criteria was present (The criteria are found in Section 44.02.02). Previously, the ordinance required all four criteria to be satisfied before an appeal could be granted. In addition, City Council also eliminated the word "maximum" from Section 44.02.03, which set forth the time period for which an appeal could be granted.²⁴ The Planning Commission minutes for March to May 1994 do not reflect any formal discussion of amendments to the zoning ordinance. The current commercial vehicle ordinances essentially mirror the version of May 9, 1994.

LEGAL ANALYSIS

A review of the history of the commercial vehicle ordinance was important, since we had some concerns about how this use variance process came into being. Under zoning law, variances fall within one or two broad categories: Use variances and dimensional variances (or non-use variances).²⁵ Use variances permit a use of the land that the zoning ordinance otherwise proscribes. Non-use variances are not concerned with the use of land, but rather, with changes to a

²² Resolution is incorporated in memo of February 15, 1994, and attached as Exhibit P.

²³ The ordinance amendment is attached as Exhibit Q.

²⁴ A copy of the May 9, 1994 amendment is attached as Exhibit R.

structure's area, height, and setback. The commercial vehicle ordinance does not fall within the dimensional variance category, and therefore the use variance law must be analyzed. Although Section 5 of Michigan's City and Village Zoning Act²⁶ authorizes cities to grant use variances, there are limitations to the grant of such a use variance. For example, the statute requires that a use variance must be approved by a two-thirds vote. In addition, the Michigan Court of Appeals has held that a use variance should not be granted unless the Board of Zoning Appeals can find, on the basis of substantial evidence, that the property cannot reasonably be used in a manner consistent with existing zoning.²⁷ The City of Troy's zoning ordinance does not currently allow other types of use variances. In fact, Section 43.72.00 (B) of the ordinance provides a variance must not "permit the establishment of a prohibited use as the principle use within a zoning district".

In light of Troy's failure to comply with the stringent use variance requirements, there is an argument that the commercial vehicle regulations are actually police power regulations, rather than zoning regulations that must fall into either a use variance or a dimensional variance. The February 12, 1991 Planning Commission minutes contain a statement from former City Attorney Peter Letzmann that opines that the commercial vehicle regulations are actually police power regulations. The distinction as to what constitutes a police power regulation as opposed to zoning regulation is ambiguous. In *Square Lake Hills Condominium Association*,²⁸ the Michigan Supreme Court classified an ordinance limiting the number of boats that could be parked or launched and/or docked adjacent to separate frontages as a police power regulation, rather than a zoning ordinance. The

²⁵ *National Boat Land, Inc. v Farmington Hills Zoning Board of Appeals*, 146 Mich. App 380, 387; 380 NW2d 472 (1985)

²⁶ MCL 125.585

²⁷ *Puritan-Greenfield Improvement Association v Leo*, 7 Mich. App 659, 673; 153 NW2d 162 (1967)

²⁸ *Square Lake Hills Condominium Association v Bloomfield Township*, 437 Mich 310; 471 NW2d 321, 323 (1991)

court in that case distinguished zoning regulations from police power regulations by defining a zoning ordinance as a regulation of the use of land and buildings according to districts, areas, and location. Since the regulation in question did not fall within the Court's definition of a zoning ordinance, the Court held the regulation was a police power regulation and the procedural guidelines established by zoning statute were not applicable. Similarly, in *Adams Outdoor Advertising*,²⁹ the Michigan Supreme Court determined that an ordinance regulating signs and billboards was a police power ordinance (not a zoning ordinance). As a result, the sign/billboard ordinance was not subject to non-conforming use analysis that is normally applied to zoning regulations. In contrast, there are two Michigan Court of Appeals cases that appear to support the argument that commercial vehicle ordinances for residentially zoned properties are zoning regulations which are subject to the state zoning statutes. In *Independence Township*³⁰, the Michigan Court of Appeals held that a defendant had established a zoning non-conforming use, when he parked his dump truck on property prior to the enactment of an ordinance limiting commercial parking in residential areas to trucks weighing less than 10,000 pounds. Likewise, in *Charter Township of Breitung*,³¹ the Michigan Court of Appeals ruled that an individual who parked his stake truck on his residential property had established a vested and non-conforming use that was allowed, even though the municipality subsequently passed an ordinance that excluded the parking and storage of commercial vehicles in residential areas. In both of these cases, the commercial vehicle provisions appeared in the zoning chapter. Similarly, Troy's commercial vehicle ordinance is located in Chapter 39, the zoning ordinance, which is further support for the classification as a zoning use variance, rather than a police power ordinance.

²⁹ *Adams Outdoor Advertising v City of East Lansing*, 463 Mich 17, 22; 614 NW2d 634 (2000),

³⁰ *Independence Township v Eghigian*, 161 Mich App 110, 118; 409 NW2d 743 (1987)

³¹ *Charter Township of Breitung v Zeeb*, unpublished opinion per curiam of the Court of Appeals decided May 19, 2000 (Docket No. 219336)

We hope that this analysis is helpful to your deliberations. If we can provide additional research or information for your deliberations, please let us know.



Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

July 30, 2004

John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mr. Szerlag:

You have asked for my opinion regarding a course that the City may take on the regulation of accessory garages in residential districts. On the basis of my review of the Ordinance, along with the background material provided to me by your staff, it is both appropriate and necessary for the City to modify the current approach to the regulation of accessory garages.

When regulating accessory garages of any kind, primary issues of consideration should be size, compatibility and use. I would also preface my recommendations are based in the belief that regulations do not have to be overly complex to be effective. To illustrate various points, I have included examples.

Size

The traditional manner of regulating accessory garages is size (i.e., square footage and height). As Section 40.55.00 Accessory Building and Structures has been applied, there is no size restriction on attached accessory structures other than occupied area of the rear yard. There are further restrictions on detached accessory structures, limiting them to 600 square feet or one half of the ground floor area of the residence.

In the instance of attached garages, a restriction on size would also be reasonable. Generally, communities limit the size of attached garages to a specific square footage (see Independence Township) or on the basis of the ground floor area of the dwelling (see Novi).

I prefer the latter approach, but not necessarily the Novi Ordinance. It seems quite reasonable to prevent a garage from being larger than the dwelling to which it is supposed to be accessory. A simple limitation that the attached garage cannot exceed the ground floor area of the residence would be effective.

Mr. John Szerlag
July 30, 2004

In addition, you may also wish to consider allowing larger detached accessory structures based upon the size of the lot (see Orion Township). Again, it would seem reasonable that larger lots could accommodate larger accessory buildings.

Use

Use is always problematic. Once a structure is built, it is difficult to regulate what occurs inside. However, it is important to remember that accessory uses and, the structures which accommodate them, must be incidental and subordinate to the principle residential use.

One of the reasons why exceptionally large attached garages are built in Troy is the ambiguous restrictions on the parking of commercial vehicles in residential districts. While Section 40.66.00 restricts the outdoor parking of commercial vehicles, it does not restrict indoor parking of large commercial vehicles. To store such a vehicle also requires that the vehicle be driven through the neighborhood, creating a nuisance to residents and creating a safety problem, especially for children. In general, the continued presence of large commercial vehicles is inconsistent with the intent of the R-1A through R-1E Districts, and with the longstanding policy in Troy of protecting neighborhoods. Therefore, I would also suggest that the City re-evaluate the approach towards the parking of commercial vehicles in residential areas (See Orion).

I would also suggest the City reconsider the appellate procedures set forth in Section 44.02.00 for commercial vehicles that currently are heard before City Council. It is unusual for a City Council, a legislative body, to be put in the position to hear appeals on regulations it has passed. In addition, the standards set forth in Section 44.02.02 seem to be weighted more in favor of the applicant rather than providing protection to the neighborhood and public health, safety and welfare.

Compatibility

For now, I would advise the City to address the compatibility issue in the traditional ways; size, height, bulk, and setbacks. Attempting to regulate the types of materials becomes overly complicated and is likely to raise objections.

I hope this is helpful to you and Council in your deliberations. As always, I would be happy to attend a meeting to discuss this issue.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP, AICP

RKC: lh

225-05-2401

REZONING PROPOSALS AND TEXT AMENDMENTS

6. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outside Storage in Residential Districts

Mr. Keisling explained that the City Council has referred to the Planning Commission a proposed amendment to the text of the Zoning Ordinance related to "Outdoor Storage in Residential Districts" (Sections 40.65.00 - 40.65.05 of the Zoning Ordinance). This text relates primarily to the storage or parking of various kinds of vehicles, boats, etc., on residential property. Complaints have been received regarding the placement of such items located behind the front setback line of residential properties, but still in front of at least a portion of a residence. The original intent of the proposed amendment was, therefore, to require that such vehicles or items be placed behind any and all portions of the principal building facing any front yard. Stated in another way, this provision would preclude the placement of such vehicles or items between any portion of the principal building and any street frontage. In the case of corner lots, the majority of which require front yard setbacks along their side street yards, this provision would preclude the placement of such items throughout the total length of the yard along the side street.

Mr. Keisling further explained that, shortly after referring this initial proposal to the Planning Commission, the City Council also referred a request to consider limiting the location or extent of parking of "commercial vehicles", as now provided for in Section 40.65.05. Some residents have suggested that the location of such vehicles be restricted, or that the time period for their parking in residential areas be limited. In response to this inquiry, an expanded proposed text amendment was prepared which now involves Section 40.65.05, and includes a proposed definition for "Commercial Vehicles".

Mr. Keisling noted that, after extensive discussion at the December 4 Study Meeting, the Commission members present favored a much more restrictive approach in relation to the question of Outdoor Storage in Residential Districts. The proposal at that time was to prohibit such storage in all "Required Yards", as well in those additional areas facing any front yard, as addressed in the original proposal. It was Mr. Keisling's opinion that a restriction of this type would preclude any outdoor storage of the type indicated on over 90% of the residential sites in Troy. If a more restrictive approach is desired, he would prefer one which would limit this type of storage to rear yards, rather than a prohibition from all required yards. As to the question regarding the parking of "Commercial Vehicles", some of the Commission members indicated that the "one ton rated capacity" approach was obsolete. It was suggested that action on at least this portion of the text should be tabled for further study.

The Public Hearing was declared open.

John Vanhout of 1425 W. South Boulevard explained that his home was on a one acre lot, and that he had a detached garage and barn. He owned a boat which was kept 120 feet from the road, and was 200 feet from any neighbor. He was opposed to any more-restrictive ordinance. Matt Pryor of 6892 Coolidge reviewed his life-long history in Troy, and indicated his opposition to any more-restrictive ordinances. He said that he had contacted approximately 150 people, and that only two of them had seen the advertisement for this Public Hearing in the Somerset Gazette. He felt that, if homeowner's associations had restrictions such as those proposed, they should enforce their own deed restrictions, rather than having more-restrictive ordinances adopted by the City. He later suggested that some of the current ordinances be made less restrictive. Fred Synk of 5769 Faircastle, vice president of the Northfield Hills Homeowner's Association, stated that they were generally in favor of amending the ordinance, particularly in relation to the "commercial vehicle"

Plan
12/11/90

language. He then presented pictures of a 30' limousine parked in a drive in their subdivision, which they felt was improper. He felt that this resident was violating the deed the deed restrictions but noted that the Association did not have an adequate budget to pursue litigation. He asked for a 25' limit on commercial vehicles and noted that the deed restrictions were established by the subdivision developers, and they could not be changed for another 15 years.

In response to questions from the Commission, Mr. Letzmann indicated that the City Council had requested that the Commission consider restrictions on the length and weight of commercial vehicles, as well as the question of a time limit on the parking of same. He confirmed that the City could not enforce private deed restrictions.

John Wisniewski of 884 Vanderpool stated that he had stored a trailer on his property throughout his 40 year residency. He noted that the City had allowed some homes to be built on the backs of lots, and that under that situation, there would be no place available for the storage of boats, trailers, etc. He was concerned that those on large lots would have an opportunity which those on small lots would not have. Ted Halsey of 663 Vanderpool said that the proposed ordinance would not affect him, but he felt that many other residents would be negatively affected, and that the ordinance should not be changed. If the City wishes to be more restrictive, he felt that they should provide a storage lot for recreational vehicles, etc. Bill Kennis of 249 Hurst was present and indicated that he was representing the Council of Troy Homeowners Associations. They had not as yet had an opportunity to review the proposal. He has a camper which he keeps in his yard. He felt that it was important to have good standards, and that residents should have the right not to look at unkempt vehicles. In this regard he noted an antique fire truck which was kept in his subdivision that has not been renovated. Bill Barth of 1590 Rockfield said that the ordinance would not affect him, but he also felt the City should provide an area for people to park their recreational vehicles. Carl Silk, Jr. of 149 E. Maple expressed concern about the potential loss of freedom. Al Cairo of 6887 Beach Road stated that he lived across from a City Park where some items were stored outside. He inquired as to how the ordinance would affect the storage of his pop-up camper. Leonard Tillard of 5620 Houghten explained that the trees on his 100' x 300' lot did not allow him to store his boat in the back yard. He felt that it should be the responsibility of the homeowners to be good neighbors, and that it was not necessary to change the ordinance. Ed Sova of 1349 Key West indicated that he was not affected, but that he was opposed to the proposal. Walter Schmitt of 3923 Boulder opposed any further restrictions, and indicated that he has four vehicles, including pick-up trucks, which could probably be classified as commercial vehicles. Mr. Letzmann noted that pick-up trucks could be licensed as passenger vehicles. Paul Kain of 198 Aspinwall confirmed that the present restrictions as to where a pick-up truck or permitted commercial vehicle might be parked on a residential parcel are no different than those related to the parking of a passenger vehicle. Kim Westenbarger of 4216 Eleanor explained that she had just ordered a 35' travel trailer, and had recently built a \$15,000 garage and \$10,000 concrete driveway to hide her husband's roofing truck. She noted the current ordinances restricting the size of garages or accessory buildings in relation to the size of the house. She further felt that a 48 hour restriction would not be long enough to permit her to unload her trailer. She also noted that she drives a Bronco and sells Mary Kay cosmetics, and felt that the City was trying to force blue collar self-employed individuals out of the community. Ivan Johnson of 6100 Windrush felt that the residents had not received adequate notification. He has a 1 1/4 acre corner lot and had parked his motor home on that lot for several years before being advised by a City Inspector that he was parked improperly. He felt that the existing ordinance is fine and should not be changed.

The meeting recessed at 9:40 P.M. and reconvened at 9:50 P.M.

Mario Valente of 1656 Rockfield inquired as to the definition of commercial vehicles, in relation to the towing vehicle which he must keep at his residence. He thought that his tow truck, although rated as 1 ton, might in fact have a 1 1/4 ton capacity. Ralph Miller, of Coolidge Road and Dennis Pawlowski of 2355 Garry Street also opposed an ordinance change. Bob McComb of 191 Habrand inquired as to the number of complaints which the City receives in relation to the storage of recreational vehicles or boats.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Storrs and Mr. Wright indicated that they were not ready to act upon this question. Mr. Wright commented on his experience with homeowners associations. He felt that the City is a fine place in which to live, but that the City Council should not get involved in enforcement of deed restrictions. He noted that developing proper language for an ordinance of this type is very difficult, and that, unfortunately, everyone is not a good neighbor. In response to a question from the audience, Mr. Letzmann indicated that the City Council's referrals were based on complaints related to the storage of a recreational vehicle in front of a portion of a residence, and the parking of a commercial limousine on a residential driveway.

Moved by Wright

Supported by Chamberlain

RESOLVED, that action on the Zoning Ordinance Text Amendment related to Outdoor Storage in Residential Districts and the parking of Commercial Vehicles in residential areas, that would amend Sections 40.65.00 - 40.65.05 of the Zoning Ordinance, be tabled until the February 12, 1991 Regular Meeting for further study.

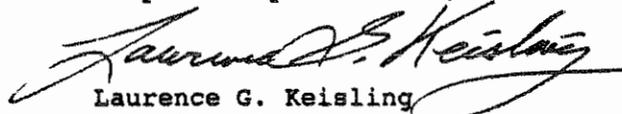
Yeas: All Present (8)

Absent: Ethier

MOTION CARRIED

The meeting was adjourned at 10:15 P.M.

Respectfully submitted,


Laurence G. Keisling
Planning Director

LGK/eb

Dec. 1990

To the Troy City Council:

Recently a public meeting was held by the City Planning Commission. At the request of the Troy City Council, the Planning Commission was to publicly set forth and address a proposed amendment to the zoning ordinance regarding outdoor storage as published in the Troy Somerset Gazette (the City of Troy's paper of record). Added to the agenda, without the benefit of public notification, was a discussion on further limiting the parking of commercial vehicles.

In opening remarks, Mr. Keisling noted that the Commission members present favored a far more restrictive approach regarding residential outdoor storage than established in the proposal, as published.

My purpose in writing, is that I do not feel that the published minutes of that meeting fully represent all that was said and took place.

Unmentioned in those minutes was that some 50-60 people attended, opposing any further restrictive ordinances.

Unmentioned, was a petition produced by myself, signed by 57 different households, opposing the passage of any further restrictive ordinances on residential property use. Only one individual I spoke with declined to sign the petition.

The Planning Commission's minutes did not clearly show that a city-wide ordinance was being considered due to only two written complaints.

Fred Synk (vice president of Northfield Hills Homeowner's Assoc.) stated that the Association budget was inadequate to enforce its' deed restrictions. What he did not disclose, was that a petition had been passed throughout the entire subdivision in an attempt to free up funds to litigate against the owner of a limosine violating the subdivision's charter. Only a small number of signatures were obtained. I was told by a party involved that only nine people signed (to be distinguished from nine households).

Responding to concern that many residents were already in violation of the city's limit of one commercial vehicle per residence, city attorney Letzmann noted that pick-up trucks could be licensed as passenger vehicles. In doing so, I would like to point out that owners must sign a sworn statement that they will not carry anything in the back of such vehicles, pretty much eliminating any imaginable reason for owning such a vehicle.

I am deeply concerned that out of over 150 people contacted by myself, only 2 were aware that further restrictive ordinances regarding residential property use were being considered by the City of Troy. Equally disturbing, the actual agenda covered a far wider scope than that which was published. Hopefully, future minutes will be more thorough.

Sincerely,

Matt Pryor

Matt Pryor

6892 COOLIDGE

828-9453

EXHIBIT C

C-2

This parcel acquisition process was delayed due to the inability to vacate the total width of the adjacent Chopin Street right-of-way, as the owner of the property to the south extending to Maple Road was not willing to convey the necessary additional Maple Road right-of-way. The City Council has now taken action to vacate just the north half of the 50 foot wide Chopin Street right-of-way abutting this site. The south half of this right-of-way will be temporarily closed, until such time as it is acquired by the abutting owner to the south in the course of completing the vacation process. With the completion of this partial vacation, the present petitioner was able to complete the purchase of the City-owned remnant parcel, and now controls the total 1.36 acre site.

Mr. Keisling stated that a revised site plan has now been submitted, indicating the construction of a 12,050 square foot building. Access to this site is now indicated to be by way of a single driveway from Birchwood Street, although an easement has been retained in conjunction with the partial Chopin Street right-of-way vacation in order to enable the placement of a joint driveway within that right-of-way at such time as such might be desired or required in the future. All applicable Ordinance requirements are complied with, with the exception of the building and parking area setbacks from the remaining south half of the Chopin Street right-of-way. The petitioners have applied to the Board of Zoning Appeals for a variance in relation to these setbacks, which would otherwise be required to be 50 feet. At such time as the abutting south half of the Chopin Street right-of-way is vacated in this area, setback variances will no longer be necessary. Mr. Keisling noted that, although this procedure is typically not followed, it was recommended that the Planning Commission take action on this site plan, subject to conformance with all applicable Ordinance requirements. This action, in this case, would require either the granting of the setback variances by the Board of Zoning Appeals or revision of the plan. As it is expected that the need for these variances will be only temporary, the Planning Department saw no problem with proceeding in this manner in this case. Conditional approval of this site plan was, therefore, recommended.

Ari Leibovitz was present on behalf of the petitioners. He reviewed the history of his involvement with various property assemblies and development in the John R Garden Subdivision. Mr. Wright inquired as to the nature of the use proposed in view of the large amount of office area indicated, and the potential difficulty which semi-trailers might have entering and exiting the site. Mr. Leibovitz explained that the use would primarily involve the training and rehabilitation of people who have had severe head injuries. Low-intensity manufacturing activities would occur on the site as a part of the training in order to enable these people to re-enter the work force. Although the parking provided would accommodate the office/training area indicated, the parking demand will be relatively low as many of the people will not be able to drive to the site on their own.

Moved by Melaragni

Supported by Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 12,050 square foot industrial building on a 1.36 acre M-1 zoned parcel at the southwest corner of John R and Birchwood is hereby granted. With this action, it is recognized that it will be necessary for the Board of Zoning Appeals to consider temporary setback variances in order to enable the plan to proceed in the manner indicated.

Yeas: All Present (6)

Absent: Ethier, Reece
Chamberlain

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

8. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outdoor Storage and Commercial Vehicle Parking in Residential Districts

Mr. Keisling explained that action on this matter was tabled for further study following an initial Public Hearing at the Regular Meeting of December 11, 1990. The proposal came about as result of requests from the City Council that the Planning

Plan
2/11/91
EXHIBIT D

Commission consider two types of amendments to the Zoning Ordinance provisions related to "Outdoor Storage in Residential Districts" (Sections 40.65.00 - 40.65.05). The initial referral related primarily to the parking of various kinds of vehicles, boats, etc., on residential property. Complaints have been received regarding the placement of such items located behind the front setback line of residential properties, but still in front of at least a portion of a residence. The original intent of the proposed amendment, and that which is now presented for consideration, is to require that such vehicles or items be placed behind any and all faces of the principal building facing any front yard. Stated in another way, this provision would preclude the placement of such vehicles or items between any portion of the principal building and any street frontage.

Mr. Keisling noted that the second referral considered limiting the location or extent of parking of "commercial vehicles", as now provided for in Section 40.65.05. Some residents suggested that the location of such vehicles be restricted, or that the time period for their parking in residential areas be limited. The City Council requested that consideration also be given to restrictions on the length or size of such vehicles.

Mr. Keisling explained that the Ordinance text as now presented reflects the latest discussion of these matters by the Planning Commission. The text related to outdoor storage is the same as that previously proposed by the City staff. There have been some comments to the effect that this text does not clearly indicate the areas from which outdoor storage is to be restricted. In order to clarify this matter, further detail verbiage changes were recommended for Section 40.65.02, and a diagram was prepared indicating the areas where outdoor storage is prohibited. The original Public Hearing notice did not include any proposed language related to the parking of commercial vehicles, or the suggested commercial vehicle definition. The text as now presented for this Public Hearing reflects the proposals as most recently discussed by the Commission, including the language indicating that it is the "outdoor" parking of such vehicles which is controlled by this Ordinance. Presumably more than one commercial vehicle within the permitted carrying capacity limit would be permitted if the vehicle is parked indoors. The Building Department advises that, up to this point, they have interpreted this text to limit the number of commercial vehicles to be parked to one (1) regardless of whether that vehicle is outdoors or in a garage. On this basis, the text should be revised to delete the term "outdoor", and language should be added which will clarify the direction that the parking of just one (1) commercial vehicle will be permitted.

Mr. Keisling noted that, earlier in the day, a petition had been submitted containing over 150 signatures in opposition to the proposed amendments. This petition in fact indicated that the provisions related to the parking of commercial vehicles should be made less restrictive. It was the opinion of the Planning Department that the proposed text as now presented is reasonable, and that no further liberalizing of the text should be considered.

Mr. Wright noted that the Ordinance presently controls the size of accessory buildings such as garages and barns. He saw no problem including the term "outdoor" in relation to the provisions controlling the parking of commercial vehicles.

Mr. Keisling presented a diagram indicating the general locations where the Zoning Ordinance prohibits outdoor storage on residential parcels.

The Public Hearing was declared open.

In answer to a question from Steve Novosel of 2195 Vermont, Mr. Storrs noted that, although the Commission had previously been considering more-restrictive Ordinance language, the present proposal would permit storage behind any face of a home facing any front yard. Ken Muenk of 1092 Shadow Drive was present on behalf of the Shallowbrook Homeowner's Association. He noted that they have deed restrictions prohibiting outside storage of any kind. He favored more-restrictive Ordinance provisions than those presently in effect. Matt Pryor of 6892 Coolidge stated that he had spoken to 400 people (200 households) and had a petition representing 198

households. This petition opposed any more-restrictive Ordinance provisions related to outside storage and commercial vehicle parking. The petition suggested that the ability to park commercial vehicles should relate to the size of the property, and that the current one-ton commercial vehicle limit be increased to 1 1/4 tons. He noted that the text had been drastically changed from that which was considered at the December Public Hearing. He further inquired as to why the proposed January 22 Study Meeting was not held. He suggested that previously-permitted outdoor storage should be "grandfathered" if the Ordinance is made more restrictive. He also questioned the language in the proposed Commercial Vehicle definition, indicating that it was so broad that it could include anything that was transported, even groceries for personal use. Bill Rudell of 4235 Coolidge stated that he owned 2 trucks, which had commercial plates, but were not used for commercial purposes. Noting his nine-year Traffic Committee experience, he expressed concern as to the lack of notification of the various meetings at which this matter was being discussed. He felt that the City was discriminating against business people who preferred to use a truck rather than a car as their private vehicle, and that no further restrictions should be enacted. Fred Synk of 5769 Faircastle was present on behalf of the Northfield Homeowner's Association. He felt that the Commission had attempted to address Mr. Pryor's concerns. He wanted additional language in the definition of commercial vehicles which would restrict vehicles such as the 30' limousine which has been of concern in their subdivision. Al Liebrecht of 4857 Hubbard favored the Ordinance proposal in order to clarify the current language and to facilitate enforcement. He felt that the Ordinance could be even stronger. He noted that deed restrictions and covenants were worthless unless they were actively enforced by property owners. Sam Thompson of 1918 Stoney Cove, treasurer of the Council of Troy Homeowners Associations, said the Council was proud of the various life styles available in the City. He felt that more restrictions were necessary in relation to semi-trailers and 30' limousines. Jim Groesbeck of 2044 Virginia stated that he had 3 trucks parked in back of his house and had previously received authorization from the City for this storage in relation to his business. He felt that people such as himself should be "grandfathered-in" in the event of adoption of a more restrictive Ordinance.

In answer to Mr. Melaragni's question, Mr. Letzmann explained the difference between various types of Ordinances, and noted that this Ordinance would be considered a "police power ordinance". Non-conforming storage or vehicle parking could, therefore, not be "grandfathered-in".

John Diefenbaker of 5697 Wright Street inquired as to how the proposed Ordinance would affect his corner lot location. Mr. Keisling noted that the proposed restriction in relation to outside storage would be no different than the present requirements as enforced by the Building Department. Bob Miller of 2356 E. Long Lake asked if there would be any different requirements in relation to larger residential parcels. He confirmed that, if he purchased a lawn tractor for gardening on his own property, it would not be considered a commercial vehicle. Ivan Johnson of 6100 Windrush noted that, with the present language, a large corner lot would potentially have the smallest area available for storage. He stated that they had deed restrictions in the Charnwood Subdivision, and he did not feel that it was the responsibility of the City to enforce them. Richard Hughes of 3252 Louis felt that the proposed ordinance discriminated against the older areas of the City.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Storrs apologized for the misunderstanding in relation to the scheduling of the January Study Meeting. He felt that, at this point, the Commission could table action for further study, or could recommend a text to the City Council, with some slight changes. Mr. Wright noted the need to have an Ordinance which would cover the total City, and protect new as well as long-term residents. Mr. Melaragni concurred, and indicated that the City should not enforce private subdivision restrictions. He further noted that commercial license plates on a vehicle does not necessarily make it a "commercial vehicle". Mr. Starr commented that the primary objectives are to maintain residential areas in a residential character, and to make the Ordinance as

understandable and enforceable as possible. Mr. Lepp stated that the intention is to protect the investment of all residents. He felt that the "grandfathering" approach would not be practical. Some of the Commission members felt that the time limits related to outdoor storage in residential districts should be extended one additional day, and that the term "commercial" should be added to the Commercial Vehicle definition so that one of the phrases would read " - - - or for the commercial transportation of goods, wares or merchandise, - - -".

Moved by Storrs

Supported by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Zoning Ordinance provisions related to outdoor storage and commercial vehicle parking in residential districts be amended in accordance with the text as presented on this date, and as amended by this motion, in order to clarify, update, and improve the standards and controls related to these activities. The text proposal should be revised as follows:

1. Section 40.65.00 - change "48 hours" and "72 hours" references to "72 hours" and "96 hours", respectively.
2. Section 40.20.32 - add "commercial" to the phrase "transportation of goods, wares or merchandise, - - -".

Yeas: All Present (6)

Absent: Ethier, Reece
Chamberlain

MOTION CARRIED

The meeting was adjourned from 10:10 to 10:20 P.M.

9. PUBLIC HEARING - PROPOSED REZONING - South of I-75, North of Northfield Parkway - Section 8 - R-1T to CR-1

Mr. Keisling explained that a request has been submitted for the rezoning of a 1.61 acre portion of the Manor Homes of Troy condominium development site, from the present R-1T (One Family Attached-Residential) classification to the CR-1 (One Family Residential-Cluster) classification. This parcel lies in the north central portion of the condominium site, immediately abutting the south right-of-way line of I-75. The petitioners have made this request in order to enable the construction of 5 single-detached homes within this development, which was originally planned to include 4-unit attached building groupings. They are apparently proposing this modification in construction format in order to improve home sales in this area. They have further indicated that the homes proposed for construction will be of the same size and quality as those which have been constructed to date.

Mr. Keisling noted that, in the course of investigating, with the petitioners, ways in which individual detached units could be constructed in this area, it was determined that the R-1T District provisions were not set up for development such as that proposed, involving variable or flexible side yards and limited street frontage. Single detached units constructed in this District would have to have a minimum of 20 feet between units, and would require the designation of parcels at least equal in size to R-1C lots. The approach by which a series of yard or frontage variances could be considered was also felt to be improper. The petitioners have, therefore, requested this rezoning, recognizing that the density available in the subject area will be just 3.1 units per acre, as compared to the 6.7 units per acre factor applicable in the present R-1T District. (The Manor Homes of Troy development was originally proposed to be built at approximately 4.5 dwelling units per acre.) The Planning Department saw no problem with the application of CR-1 zoning within this development area. Approval of this request was, therefore, recommended.

Andy Coden of Biltmore Properties was present along with Ray Carr and Frank Bronzetti of Estate Builders on behalf of the petitioners. Mr. Coden stated that their proposal would result in reduced residential density in this area. They have had some

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(As Recommended by Planning Commission)

Amend Section 40.65.00, and Succeeding Sub-Sections, as follows:
(Underlining, other than Section Titles, denotes changes.)

- 40.65.00 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS:
The outdoor storage or parking of any airplane, antique or racing automobile, boat, float, trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of any type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than ~~forty-eight (48)~~ seventy-two (72) hours ~~in~~ within any ninety-six (96) hour time period in all Residential Districts, except where expressly permitted by other provisions of this Chapter. unless Storage of the above vehicles and/or equipment is permitted for a period greater than seventy-two (72) hours if the following minimum conditions are met:
- 40.65.02 All such vehicles or equipment shall be placed within a completely enclosed building or located behind ~~the front face of the principal building~~ any and all faces of the principal building facing any front yard, but not closer than three (3) feet to any side or rear lot line.
- 40.63.03 Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- 40.65.04 Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.
- 40.65.05 Outdoor parking of not more than one Commercial Vehicle ~~of a rated capacity not to exceed one ton~~ is permitted. However, in no instance shall a Commercial Vehicle having a carrying capacity in excess of two (2) tons be permitted to be parked or stored in a Residential District.

Amend Section 04.20.32 to read as follows:

- 04.20.32 COMMERCIAL VEHICLE:
Commercial Vehicle includes all motor vehicles used for the transportation of passengers for hire, or constructed and used for commercial business or service, or for the commercial transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon.

Re-number present Sections 04.20.32 and 04.20.33 to become Sections 04.20.33 and 04.20.34, respectively.

February 14, 1991

TO: The Honorable Mayor and City Council

FROM: Frank Gerstenecker, City Manager

SUBJECT: Proposed Zoning Ordinance Text Amendment, Storage of Commercial and Recreation Vehicles

This issue brought forth a lot of citizen participation at the Planning Commission meeting February 12th. It was also the subject of discussion at the February 13th meeting of the Council of Troy Homeowners Associations (COTHA).

Generally, the flavor of those discussions at the Planning Commission meeting indicated much displeasure with proposed amendments to the ordinance to cause added restrictions. You may recall that the Planning Commission members first embarked upon a path of added restrictions by suggesting that the storage of such vehicles be prohibited in any of the required setback areas in residential districts. This brought forth much heated discussion by the owners of such vehicles and the Commission, after much deliberation, reached a compromise recommendation for your consideration (copy attached).

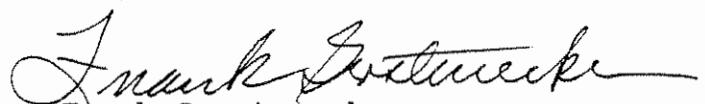
At the COTHA meeting on Wednesday, February 13th, some members indicated concern for the possibility that the ordinance had been recommended in a form less restrictive than that in effect before the matter was taken into consideration and deliberation by the Planning Commission. Some of the COTHA members also indicated that their neighborhoods have need for closer regulations than unplatted areas.

Larry Keisling is still drafting his report and recommendation giving all of the background. I expect him to finish this work for submission in your agenda packets of Friday, February 22nd.

Because of the widespread concern in the community for this issue, I am providing an advance copy.

Larry Keisling and Gary Shripka still are attempting to obtain manufacturers information which will permit them to better classify ". . . commercial vehicle(s) having a carrying capacity in excess of two (2) tons . . ." As you can see, these definitions and classifications remain foggy.

Respectfully submitted,


Frank Gerstenecker
City Manager

FG/sa

EXHIBIT F

C-10

March 15, 1991

TO: Frank Gerstenecker, City Manager

FROM: Laurence G. Keisling, Planning Director

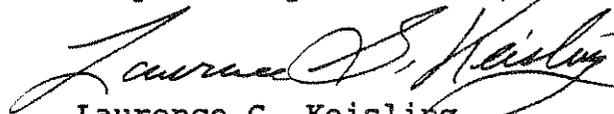
SUBJECT: Separation of "Commercial Vehicle Parking" Provisions
from "Outdoor Storage" Provisions in Residential
Districts

In my previous memorandum of February 20, 1991, I summarized the considerable discussion and the Public Hearings which have occurred in relation to the proposed Zoning Ordinance Text Amendments dealing with outdoor storage of various kinds of vehicles, boats, etc., on residential property, as well as the provisions dealing with the parking of Commercial Vehicles in Residential Districts. In the course of many discussions of these matters, it has become clear that many people are confusing the two types of restrictions or provisions which are being discussed. The provisions related to the parking of Commercial Vehicles discuss only the carrying capacity or gross vehicle weight of such vehicles, along with their definition, and contain no restrictions as to where on a residential parcel these vehicles can be parked. On the other hand, the locational criteria relate only to the outdoor storage or parking of items such as boats, trailers, motor homes, etc.

In an effort to clarify this matter, I am recommending that, as the City Council continues to consider these matters, they do so on the basis of a further revised text which would separate the outdoor storage provisions from those related to commercial vehicle parking. In this regard, the proposed series of Zoning Ordinance Text Amendments, including the recommendations previously made by staff, would read as indicated on the attached page dated March 14, 1991.

The separation of subjects as indicated in this text will hopefully help to make future discussions of this matter more effective. Please advise as to any further information or assistance which I might provide regarding this proposal.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eb

copies: John Szerlag, Assistant City Manager
Gary Shripka, Chief Building Inspector
Peter Letzmann, City Attorney

EXHIBIT G

C-2

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(As Recommended by City Staff)

Amend Section 40.65.00, and Succeeding Sub-Sections, as follows: (Underlining, other than Section Titles, denotes changes.)

- 40.65.00 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS:
The outdoor storage or parking of any airplane, antique or racing automobile, boat, float, trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of any type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than ~~forty eight (48)~~ seventy-two (72) hours ~~in~~ within any ninety-six (96) hour time period in all Residential Districts, except where expressly permitted by other provisions of this Chapter, unless Storage of the above vehicles and/or equipment is permitted for a period greater than seventy-two (72) hours if the following minimum conditions are met:
- 40.65.02 All such vehicles or equipment shall be placed within a completely enclosed building or located behind ~~the front face of the principal building~~ any and all faces of the principal building facing any front yard, but not closer than three (3) feet to any side or rear lot line.
- 40.63.03 Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
- 40.65.04 Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.
- ~~40.65.05 Parking of not more than one Commercial Vehicle of a rated capacity not to exceed one ton is permitted.~~
- 40.66.00 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS
Parking of not more than one Commercial Vehicle, within or outside of a building is permitted on a residential lot or parcel. However, in no instance shall a Commercial Vehicle having a Gross Vehicle Weight Rating in excess of five (5) tons be permitted to be parked or stored in a Residential District. The Gross Vehicle Weight Rating is the total maximum weight of the vehicle, it's equipment, passengers and cargo.

Amend Section 04.20.32 to read as follows:

- 04.20.32 COMMERCIAL VEHICLE:
Commercial Vehicle includes all motor vehicles used for the transportation of passengers for hire, or constructed and used for commercial business or service, or for the commercial transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon.

Re-number present Sections 04.20.32 and 04.20.33 to become Sections 04.20.33 and 04.20.34, respectively.

October 20, 1993

TO: Frank Gerstenecker, City Manager

FROM: Laurence G. Keisling, Planning Director

SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outdoor Parking
of Commercial Vehicles in Residential Districts

In July of 1991, the City Council adopted amendments to the text of the Zoning Ordinance which included a definition for the term "Commercial Vehicle", and modification of the provisions related to the parking of commercial vehicles in Residential Districts, resulting in the present Ordinance language, as follows:

04.20.32 COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS
Outdoor parking of not more than one commercial vehicle of a rated capacity not to exceed one ton is permitted.

The purpose of this Ordinance language continues to be the avoidance of incompatible uses in residential areas, and thus the support of continuing property maintenance efforts in order to assure sound and stable residential areas.

The Building Department has experienced continuing difficulty in the enforcement of these provisions, particularly in relation to the interpretation of the "one ton rated capacity" language. In an effort to improve these provisions, the staff has concluded that a preferable approach would be to prohibit the outdoor parking of commercial vehicles in Residential Districts, with the exception of two types of commercial vehicles, a "commercial vehicle: pick-up truck", and a "commercial vehicle: passenger/cargo style van". The proposed Ordinance language includes definitions for these two types of commercial vehicles, and for the sake of clarity, it is proposed that pictures of the two types of vehicles involved will be included in the Zoning Ordinance text. It is hoped and intended that this clear and concise language will be readily enforceable, and will thus achieve the objectives of this portion of the Zoning Ordinance.

The enclosed proposed Zoning Ordinance Text Amendment, as updated to August 31, 1993 is that which was included in the advertisement for the Planning Commission's October 12, 1993 Public Hearing. The City Council, at their Regular Meeting of October 4, 1993, referred to the Planning Commission for consideration an alternate proposal related to this subject, as presented by Councilman Pryor. The Commission also received a previous memorandum on this subject from Mr. Pryor to the Council members. Copies of these communications are also enclosed. This alternate proposal involves a limitation on size, and proposes screening of such vehicles in some instances.

The Planning Commission considered these proposals, in conjunction with a Public Hearing, at their Regular Meeting of October 12, 1993. Many residents from the community were present at that hearing. Rather than attempt to summarize or repeat the comments received at that time, I am enclosing an excerpt from the minutes of that meeting, including the Public Hearing on this subject.

At the close of the Public Hearing, the Commission discussed the proposed Ordinance language, and the alternative referred by the City Council. Mr. Chamberlain felt that the alternative proposal would not be relevant to most residential sites in the City. Even though size limits were suggested, he felt that the screening proposals suggested would cause other problems such as safety problems. Some of the Commission members indicated that they saw no problem with the inclusion of club cab or dual wheel pick-up trucks. Mr. Starr noted that "grandfathering" would be impossible. In discussing the proposed visual screening, several Commission members felt that screening per se would not be feasible, and that the size limits suggested were excessive. The Commission basically concluded that the proposed Ordinance language as advertised was preferable, with a potential modification to clarify the inclusion of windowless vans, and vehicles such as club cab or crew cab pick-up trucks. The following resolution was then adopted recommending a modified Zoning Ordinance Text Amendment:

Moved by Wright

Supported by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Zoning Ordinance provisions related to the outdoor parking of commercial vehicles in Residential Districts be amended, in accordance with the language included in the advertisement for this Public Hearing, subject to the inclusion of more illustrations or descriptive language to clarify the inclusion of "club cab and crew cab" pick-up trucks, and windowless vans among the permitted types of commercial vehicles. This amendment will help to clarify the related Ordinance provisions, and thus to better support efforts to assure sound and stable residential areas throughout the City.

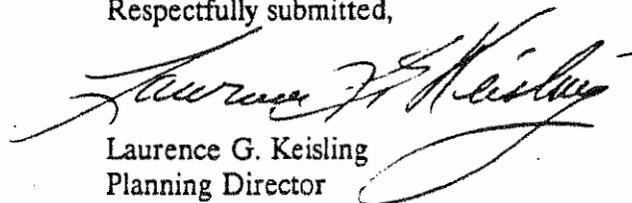
Yeas: All Present (8)

Absent: None

MOTION CARRIED

After discussing the proposals and concerns raised by the Planning Commission with Gary Shripka, we have concluded that a text amendment encompassing their concerns would include a reference to the potential inclusion of "extended cabs or crew cabs" within the proposed "Commercial Vehicle: pick-up truck" definition, and the modification of the picture accompanying the "Commercial Vehicle: passenger/cargo-style van" definition to indicate a windowless van. The enclosed form of the proposed Zoning Ordinance Text Amendment, now updated to October 12, 1993, includes these modifications, and is now, therefore, recommended for adoption.

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh

copies: John Szerlag, Assistant City Manager
Gary Shripka, Chief Building Inspector
Peter Letzmann, City Attorney

13. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Keisling explained that in July of 1991, the City Council adopted amendments to the text of the Zoning Ordinance which included a definition for the term "Commercial Vehicle", and modification of the provisions related to the parking of commercial vehicles in Residential Districts, resulting in the present Ordinance language:

04.20.32 **COMMERCIAL VEHICLE:** Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

40.66.00 **OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**
Outdoor parking of not more than one commercial vehicle of a rated capacity not to exceed one ton is permitted.

The purpose of this Ordinance language continues to be the avoidance of incompatible uses in residential areas, and thus the support of continuing property maintenance efforts in order to assure sound and stable residential areas.

Mr. Keisling stated that the Building Department has experienced continuing difficulty in the enforcement of these provisions, particularly in relation to the interpretation of the "one ton rated capacity" language. In an effort to improve these provisions, the staff has concluded that a preferable approach would be to prohibit the outdoor parking of commercial vehicles in Residential Districts, with the exception of two types of commercial vehicles, a "commercial vehicle: pick-up truck", and a "commercial vehicle: passenger/cargo style van". The proposed Ordinance language includes definitions for these two types of commercial vehicles, and for the sake of clarity, it is proposed that pictures of the two types of vehicles involved will be included in the Zoning Ordinance text. It is hoped that this clear and concise language will be readily enforceable, and will thus achieve the objectives of this portion of the Zoning Ordinance. The proposed Zoning Ordinance Text Amendment, as updated to August 31, 1993 as a result of discussion in previous Planning Commission Study Meetings, was recommended for adoption.

Mr. Keisling explained that the City Council, at their Regular Meeting of October 4, 1993, referred to the Planning Commission for consideration an alternate proposal related to this subject, as presented by Councilman Pryor. The Commission also received a previous memorandum on this subject from Mr. Pryor to the Council members. This proposal involves a limitation on size, and proposes screening of such vehicles in some instances.

The Public Hearing was declared open.

Don Townson, treasurer of the Council of Troy Homeowners Associations, was present and stated that the COTHA board supports the proposal as advertised for this Public Hearing. Interest was, however, expressed in the potential of "grandfathering" or permitting the continued presence of multiple commercial vehicles on a property, where such is presently occurring, and might be needed by the family. Mr. Townson did not feel that there was a need for screening, and he further felt that the proposed tree screen approach would not be feasible. In answer to Ms. Palazzolo's question, he stated that COTHA involved 40-50 subdivision associations, including approximately 4,000-5,000 homes.

Earl Cannon of 2521 Kingston in the Buckingham Woods Subdivision, supported the amendment as advertised. He noted that his association was not represented in COTHA. He felt that the proposal presented by Mr. Pryor would be unworkable on most residential lots, and that potential rear yard parking locations would still be quite visible by many neighbors.

Ron Ezell of 281 Norwich expressed concern about the flyer which had been distributed, referring to commercial vehicles such as his as "big ugly trucks". He felt that the pictures in the proposed text did not properly represent commercial vehicles, as they did not include windowless vans and items such as caps on pick-up trucks. He felt that vehicles should not be a source of discrimination against individuals in the community. On the other hand, he felt that common sense and courtesy would generally restrict a high level of commercial vehicle parking in a residential area.

Warrington
Rec'd 10-4-93
Referred by City Council
to Planning Comm.

Our ordinance should require that all trucks and vans of a commercial nature (having non-standard boxes or equipment attached to them) be parked indoors or in back of the front face of the house - as is currently required for all other unsightly vehicles (such as trailers, boats, etc.). We should also consider a special-use landscaping requirement for vehicles over a certain size. For example:

Commercial vehicles over 7 feet in height or 20 feet in length shall be screened on three sides by either:

- i) A building of greater height;
- ii) An evergreen screen matching the height of the vehicle at the time of planting, with no more than 18 inches between the foliage at the time of planting
- iii) A 50' distance from the set-back

In no case shall outdoor parking be allowed for commercial vehicles exceeding 11 feet in height or 30 feet in length.

This presents a visual cure for a visual problem. This approach is consistent with all other situations in which we seek to keep one type of use from conflicting with another.

Matt Fryor

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Outdoor Parking of Commercial Vehicles in Residential Districts

Amend Section 40.66.00 of the Zoning Ordinance to read as follows:

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS
~~Outdoor parking of not more than one commercial vehicle of a rated capacity not to exceed one ton is permitted.~~
Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exception:

A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:

1. A Commercial Vehicle: Pick-up Truck, as defined in Section 04.20.33;

(or)

2. A Commercial vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34.

Amend the text of the Ordinance by adding the following definitions:

04.20.32 COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.
(Existing)

04.20.33 COMMERCIAL VEHICLE: PICK-UP TRUCK:
A light truck manufactured with an open body, low sides, and a tailgate. (See Figure A).



Figure A

04.20.34 COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN:
An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout (See Figure B).

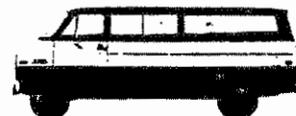


Figure B

Re-number present Sections 04.20.33, 04.20.34, 04.20.35 and 04.20.37 to become 04.20.35, 04.20.36, 04.20.37 and 04.20.38, respectively.

Mayor Stine and Fellow Council Members:

Improving technology will ensure that weight/capacity ratios will constantly change in vehicles. While light division trucks range from GVW's of 4,000 to 14,000 (almost all of which have carrying capacities in excess of one ton), any of these pick-up trucks can be fitted with a variety of bed types (pick-up, dump box, cube van). The real issue is size. Not use. Not weight. - Large ugly trucks.

Our ordinance should require that all trucks and vans in excess of a certain size be parked indoors or in back of the front face of the house - as is currently required for all other unsightly vehicles (such as trailers, boats and etc.). Equally, we should consider a special-use requirement for vehicles over a certain size. For example:

Vehicles taller than 7 feet or longer than 20 feet shall be screened on at least three sides by either:

- i) A building of greater height
- ii) An evergreen screen 6 feet in height at the time of planting and with no more than 18 inches between the foliage at the time of planting
- iii) A 50' distance from the nearest set-back

This presents a visual cure for a visual problem. I think this approach presents a sensible solution to this dilemma. In the absence of a hidden agenda, it is only logical that a visual problem should have a visual solution.

- Matt Fryor

DEAR NEIGHB R,

John Szarlang

We have a problem. Some people are abusing the situation here in Troy by parking big ugly trucks in front of their homes where their neighbors are forced to look at them.

Simply passing laws making it illegal for anyone (good and bad neighbors alike) to park work trucks at their homes and putting people out of work is not a rational solution. This is a visual problem and should be solved with a visual cure. Rather than simply cutting off someone's arm because of an ugly tatoo, why not tell them to cover it up?

Our ordinance should require that all trucks and vans of a commercial nature (having non-standard boxes or equipment attached to them) be parked indoors or in back of the front face of the house - as is currently required for all other unsightly vehicles (such as trailers, boats, etc.). We should also consider a special-use landscaping requirement for vehicles over a certain size. For example:

Commercial vehicles over 7 feet in height or 20 feet in length shall be screened on three sides by either:

- A) A building of greater height; OR
- B) An evergreen screen matching the height of the vehicle at the time of planting, with no more than 18 inches between the foliage at the time of planting; OR
- C) A 50' distance from the set-back (set-backs vary but are usually an min. of 50 in front, 10 on side yards and 30 from back property lines).
- D) In no case shall a vehicle taller than 11 feet or longer than 30 feet be parked on res. property

This presents a visual cure for a visual problem. It is consistant with other situations in which we seek to keep one person's property use from conflicting with another. Most important of all, it is not in the least vague, overly broad or abiguous. Therefore, it is easily enforceable (it requires only a tape measurer).

As far as the actual details of this approach, only the actual parameters need be debated:

- 1) At what size should it be illegal to park a work vehicle out front?
- 2) At what size should it be illegal to park a work vehicle at all?
- 3) Should we replace the word OR with the word AND between "B" and "C" above relating vehicle size to property size? You can't keep a horse on a 40 foot lot, but it is reasonabe on an acre.

You may wish to attend the Planning Commission meeting at City Hall on Oct. 12 7:30 P.M. to provide your input. They will be considering their own proposal (attached) and I have asked them to consider this as well. The version currently under their consideration does not consider the rights of those who drive work vehicles to and from their homes, is ambiguous and is overly-broad. Let's find a rational solution to this problem. Feel free to call me at 828-4453.

Your neighbor,

Matt Pryor

* ALSO, A MEMBER OF YOUR CITY COUNCIL.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Outdoor Parking of Commercial Vehicles in Residential Districts

Amend Section 40.66.00 of the Zoning Ordinance to read as follows:

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS
~~Outdoor parking of not more than one commercial vehicle of a rated capacity not to exceed one ton is permitted.~~
Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exception:

- A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:
 - 1. A Commercial Vehicle: Pick-up Truck, as defined in Section 04.20.33;
 - (or)
 - 2. A Commercial vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34.

Amend the text of the Ordinance by adding the following definitions:

04.20.32 COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

(Existing)

the height should not exceed the lot or the Co

04.20.33 COMMERCIAL VEHICLE: PICK-UP TRUCK:
A light truck (manufactured) with an open body, low sides, and a tailgate. (See Figure A).



Figure A

BEDS ON ALL PICK UPS ARE "OPTIONS" NOT AUTOMATICALLY MANUFACTURED WITH THE VEHICLE

04.20.34 COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN:
An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout (See Figure B).

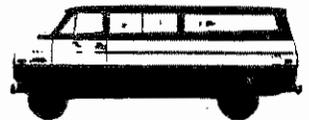


Figure B

Re-number present Sections 04.20.33, 04.20.34, 04.20.35 and 04.20.37 to become 04.20.35, 04.20.36, 04.20.37 and 04.20.38, respectively.

* *SIZE IS A LEGITIMATE ISSUE - NOT SHAPE OR COLOR OR WINDOWS ETC.*

10-12-93
JLAK
PH-10-12

October 10, 1993

Hon. Jeanne Stein
Mr. Matt Pryor
Mr. John Stevens
Mr. Henry Allemon
Mr. Randy Husk
Mr. Robert Gosselin
Mr. Tony Pallotta
Troy City Hall
500 W. Big Beaver Road
Troy, MI 48084

Dear Council Members:

There is an important amendment to be proposed to Ordinance No. 40.66.00 regarding outdoor parking of commercial vehicles in residential districts on Tuesday, October 12, 1993, at 7:30 p.m. This amendment as proposed by the Planning Commission further restricts the current Ordinance by limiting the vehicle's size and appearance.

As a taxpayer, I heartily endorse this amendment. I believe the above-mentioned amendment will help clarify the current Ordinance and will ensure the high-quality appearance of Troy's residential areas. In no way do I believe this amendment will cause loss of employment to any Troy homeowner.

I understand there is another amendment being proposed to the current Ordinance that is quite vague in that it does not limit the size of the commercial vehicles and involves unworkable landscaping in residential areas for "screening". This second amendment mentioned in this paragraph is totally unacceptable to me as a taxpayer as it would deteriorate my property value and the overall appearance of our beautiful City.

Sincerely,

Suzanne Fortune
John & Susan

John & Susan Fortuna

3311 Medford
Troy, MI 48084

Les & Lynne Nursey
2542 Wexford Ave
Troy, MI 48084

October 11, 1993

Dear Sir/Madam,

We agree with the Troy
City Planning Commission in its
proposal to limit the size of
vehicles that may be parked in
residential areas.

Yours Faithfully

Les & Lynne Nursey

Les & Lynne Nursey
2542 Wexford Ave
Troy, MI 48084



City Council
City Planning Commission
500 W. Big Beaver
Troy
MI 48084

3035 Newport Court
Troy, MI 48084
December 6, 1993
(810)643-6653

DEC 08 1993

CITY MANAGER'S
OFFICE

Mayor Jeanne Stine and members of the City Council
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mayor Stine and City Council:

Recently the Planning Commission recommended approving a proposal to amend section 40.66.00 of the Zoning Ordinance, Chapter 39, in relation to the outdoor parking of commercial vehicles in residential districts. Now it is up to you to decide whether or not to impose this unjust law on the people of Troy. I strongly urge that you do not.

I see this whole issue as a matter of property owners' rights. Ideally, the city should take the stand of "if you don't bother anyone else, you can do whatever you want on your property". But, of course, this issue does bother a lot of people. In the most dramatic example of recent memory, Harry Javens was sent to jail for parking a truck in his driveway. Although the idea of jail time for a person parking the wrong type of vehicle in his driveway is absolutely absurd, that whole fiasco shows that something is greatly wrong.

About two years ago, the City took steps that were supposed to clarify matters greatly on this issue. It did, until the City decided that the ordinance wasn't strong enough. Whereas the ordinance stated that "parking of not more than one commercial vehicle of a rated capacity not to exceed one ton is permitted", the City decided to interpret that as meaning that any truck or van that can carry more than one ton is unacceptable. This means that just about any commercial truck can't be parked in a residential district, because more than one ton can be crammed into it. For example, I have a Dodge Dakota that once carried 2100 pounds! That's a half-ton truck. Something is definitely wrong. I maintain, however, that it isn't the ordinance; it is the Building Department because they can't understand the current law.

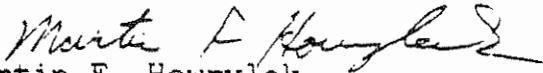
If this text amendment is passed, it will be the deathnell for the blue collar small businessman (landscapers, lawn care professionals, painters, carpenters, etc.) in the City of Troy. Ideally all of these people would like to have a large warehouse or be able to rent a piece of property from where to run their businesses; but when you're talking to a guy that only makes \$20,000 or so each year and is trying to build up his business there is no room on the bottom line. He is forced to run the business out of his house, and to store his trucks and equipment there, too. It's the only way he can survive. Many have been doing it for years, able to find loopholes in the ordinance. Others survive because the neighbors don't care about all of the equipment parked in the front driveway. This is the way it should be.

The best action that the City can take, aside from keeping the current ordinance, would be to get rid of the section all together. Ideally, this sort of subjective law would be governed by deed restrictions. Otherwise, you lay the groundwork for regulating the color of houses and cars, the type of cars that can be parked outside, and other ridiculous things that would further

A-3(c)

violate the right of the property owner.

Sincerely,


Martin F. Howrylak

CITY OF TROY

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, December 20, 1993 at 7:30 p.m., or as soon thereafter as the agenda will permit to consider a proposal to amend the following portions of the text of the Zoning Ordinance, in relation to the Outdoor Parking of Commercial Vehicles in Residential Districts:

Amend Section 40.66.00 of the Zoning Ordinance to read as follows:

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exceptions:

- A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:
 1. A Commercial Vehicle: Pick-up Truck, as defined in Section 04.20.33;
 - (or)
 2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34.
- B. As an alternative to the limitations expressed in Section A above, the outdoor parking of one (1) commercial vehicle may be permitted on a residential lot or parcel if all of the following criteria are met:
 1. Maximum vehicle length of thirty-two (32) feet. Maximum vehicle height of eleven (11) feet.
 2. The vehicle must be parked behind the front face of the principal building, and located at least thirty-five (35) feet from any residentially-used property. The vehicle shall further be screened on three (3) sides by a building of greater height than the vehicle, or an evergreen tree screen at least eight (8) feet in height at the time of planting, with no more than eighteen (18) inches between the foliage of the trees at the time of planting. If the vehicle is located fifty (50) feet or more from abutting residentially-used property, the above described screening is not required.

C. Variations from the commercial vehicle parking provisions covered in Section B above may be considered by the Planning Commission in accordance with the Special Use Approval process as described in Section 03.30.00 of this Chapter. In considering and acting on such requests, the Planning Commission may impose those requirements which they feel will be necessary in order to assure that the proposed outdoor parking activity will not negatively impact adjacent residential properties.

04.20.33 COMMERCIAL VEHICLE: PICK-UP TRUCK:

A light truck, including one with an "extended cab" or a "crew cab", manufactured with an open body, low sides, and a tailgate. (See Figure A).



Figure A

04.20.34 COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN:

An enclosed truck manufactured with an unified body permitting unobstructed passenger movement throughout (See Figure B).

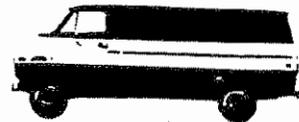


Figure B

Re-number present Sections 04.20.33, 04.20.34, 04.20.35 and 04.20.37 to become 04.20.35, 04.20.36, 04.20.37 and 04.20.38, respectively.

You may express your opinion by writing this office or by attending the Public Hearing.

If written objections are filed by the owners of twenty percent of the land within one hundred feet of the proposed rezoning, it will require a two-thirds vote of the City Council to enact the rezoning.

Kenneth L. Courtney
City Clerk

December 7, 1993

Hon. Mayor Jeanne M. Stine
Members of the Troy City Council
City of Troy
500 West Big Beaver
Troy, MI 48098

Dear Mayor Stine and Members of the Council:

We are writing to express our concern over the proposed zoning ordinance text amendment regarding outdoor parking of commercial vehicles in residential districts to be considered at your December 20, 1993, meeting. While we understand that the Planning Commission merely recommends ordinance language and that the Council has final authority on such matters, past practice has been for the Council to make only minor changes or to refer the matter back to the Planning Commission if they are in total disagreement with the Planning Commission's recommendation. In this particular case the language being considered has had additions made to it which completely change the intent of the proposed ordinance.

The Planning Commission spent considerable time in study sessions before conducting its public hearing on this subject. At our public hearing the overwhelming majority of those in attendance spoke in favor of a more restrictive ordinance. Language similar to the more liberal provisions in Sections B and C of your proposed ordinance was considered and rejected, much to the approval of those in attendance at our meeting. To now add language similar to that which we rejected to the ordinance being considered certainly appears to subvert the wishes of the general public and could cause a serious credibility problem for both the Council and the Planning Commission. The date chosen for the hearing on this matter before the Council could add to this credibility concern for Council. Although we understand that public hearing dates occur strictly as a result of when Council receives an item for consideration, many people could view the choice of December 20th as an attempt to hear this item at a meeting with low public turnout since most people will be very busy with holiday parties and other pre-holiday activities at this time.

If the majority of the Members of the City Council want to consider the additional language we would suggest that it be considered as a separate amendment from that proposed by the Planning Commission and that both amendments be considered at a meeting held on a date more conducive to a large public turnout.

Respectfully yours,

Troy Planning Commission



 Jay Chumbley
 Wayne Wright
 Dennis Krone
 James E. Leece
 Walter A. Stinson
 John J. Moyner
 David T. Walker
 Barbara Palazzolo
 1/3h
 A-2(4)

EXHIBIT N

A Regular meeting of the Troy City Council was held on Monday, December 20, 1993, at City Hall 500 W. Big Beaver. The meeting was called to order by Mayor Jeanne M. Stine at 7:35 p.m.

The Invocation was given by Rev. Thomas Barbret of the Lutheran Church of the Master and the Pledge of Allegiance to the Flag was given.

PRESENT: Jeanne M. Stine, Mayor
Council Members
Henry W. Allemon
Robert M. Gosselin
Randall J. Husk
Anthony N. Pallotta
John R. Stevens

ABSENT: Matt Pryor

EXCUSE COUNCILMAN PRYOR

Resolution #93-1157
Moved by Pallotta
Seconded by Allemon

RESOLVED, That Councilman Pryor be excused due to illness.

Yeas: All-6
Absent: Pryor

MINUTES

A-1

Resolution #93-1158
Moved by Pallotta
Seconded by Allemon

RESOLVED, That the minutes of the regular meeting of December 13, 1993 be approved.

Yeas: All-6
Absent: Pryor

PUBLIC HEARINGS

Proposed Zoning Ordinance Text Amendment - Outdoor Parking of Commercial Vehicles in Residential Districts A-2

Resolution #93-1159
Moved by Pallotta
Seconded by Gosselin

RESOLVED, That this item is referred to the Plan Commission to consider the inclusion of an appeal process.

Yeas: Gosselin, Pallotta, Stevens, Stine
Nays: Allemon, Husk
Absent: Pryor
Motion Passed

Sign Variance - D.O.C. Eyeworld, 510 W. Fourteen Mile Road A-3

Resolution #93-1160
Moved by Pallotta
Seconded by Gosselin

WHEREAS, Section 8, Paragraph B of Chapter 78 provides ... "the Troy City Council has the power to grant specific variances from the requirements of this Chapter upon a showing that:

- 1) The variance would not be contrary to public interest or general purpose and intent of this Chapter.
- 2) The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and

February 15, 1994

77310
FEB 15 94
C. [unclear]

TO: Frank Gerstenecker, City Manager

FROM: Laurence G. Keisling, Planning Director

SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT - Appeal
Procedure for Outside Parking of Commercial Vehicles in Residential
Districts

Following a Public Hearing at their Regular Meeting of December 20, 1993, the City Council referred to the Planning Commission a proposal to consider the establishment of an appeal process related to the proposed Zoning Ordinance Text Amendment they previously recommended regarding "Outdoor Parking of Commercial Vehicles in Residential Districts". (A copy of the Planning Commission's recommendation as developed in conjunction with the Public Hearing at their October 12, 1993 Regular Meeting is enclosed.)

Pursuant to the City Council's request, a Public Hearing was established for the Planning Commission's Regular Meeting of February 8, 1994 in order to consider the potential establishment of an appeal process. In preparation for this hearing we prepared the enclosed proposed Ordinance language, which would be an addition to Article XLIV (City Council Appeals). This Article presently provides only for the City Council's function as an appeal body in relation to off-street parking requirements. The proposed revision to present Section 44.01.00 is intended to clarify the fact that the City Council's appeal function in relation to parking requirements relates to the numerical requirements, rather than to locational or dimensional questions.

The proposed appeal process language related to Outdoor Parking of Commercial Vehicles begins by indicating that appeals may be considered in relation to the "type or character of vehicle permitted", and not in relation to the number of vehicles to be permitted outdoors on residential sites. The language then goes on to include proposed procedural requirements and necessary findings to be made by the City Council, as well as a proposed two year approval period.

The Planning Commission considered this proposal at their Study Meeting of January 25, 1994 Meeting, and then again in conjunction with a Public Hearing at their Regular Meeting of February 8, 1994. After reviewing the proposed language, and discussing the effect of same, it was generally their feeling that there should not be an appeal process related to this type of Ordinance control, other than the typical appeal direction available through the Circuit Court. They were concerned that such an appeal process would reduce the effectiveness of the recommended Ordinance text, and thus potentially facilitate the deterioration of residential areas. They thus adopted the following resolution:

Proposed Zoning Ordinance Text Amendment
Appeal Procedure for Outside Parking of
Commercial Vehicles in Residential Districts
February 15, 1994

Moved by Starr

Supported by Reece

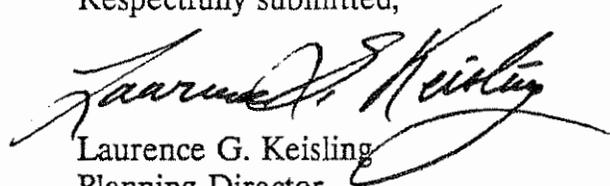
RESOLVED, that the Planning Commission hereby recommends to the City Council that no action be taken as to the establishment of an appeal process in relation to the recommended Ordinance language regarding "Outdoor Parking of Commercial Vehicles in Residential Districts", as such an appeal process is not necessary, and would serve to reduce the effectiveness of the recommended Ordinance text related to the Outdoor Parking of Commercial Vehicles in Residential Districts.

Yeas: All Present (7)

Absent: Wright, Kramer

MOTION CARRIED

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/eh

copies: John Szerlag, Assistant City Manager
Peter Letzmann, City Attorney
Gary Shripka, Chief Building Inspector

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 158th amendment to Chapter 39 of the Code of the City of Troy.

Section 2.

The following sections are renumbered and shall be known as may be cited as:

<u>OLD</u>	<u>NEW</u>
04.20.33	04.20.35
04.20.34	04.20.36
04.20.35	04.20.37
04.20.37	04.20.38

Section 3.

Chapter 39 is hereby amended by the addition of Section 04.20.33 which shall read as follows:

04.20.33 COMMERCIAL VEHICLE: PICK-UP TRUCK:

A light truck, including one with an "extended cab" or a "crew cab", manufactured with an open body, low sides, and a tailgate. (See Figure A).



Pickup



Crew Cab



Extended-Cab

Figure A

Section 4.

Chapter 39 is hereby amended by the addition of Section 04.20.34 which shall read as follows:

04.20.34 COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN:

An enclosed truck manufactured with an unified body permitting unobstructed passenger movement throughout. (See Figure B.)

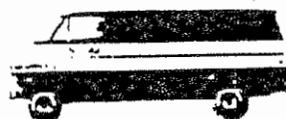
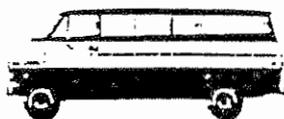


Figure B

Section 5.

Section 40.66.00 is hereby amended to read as follows:

40.66.00 OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

Outdoor parking of commercial vehicles is prohibited in Residential Districts, with the following exception:

A. The outdoor parking of one (1) commercial vehicle of one of the following two types is permitted, for each dwelling unit on a residential lot or parcel:

1. A Commercial Vehicle: Pick-up Truck, as defined in Section 04.20.33;

(or)

2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Section 04.20.34.

Section 6.

Article XLIV is hereby amended to read as follows:

44.00.00 ARTICLE XLIV CITY COUNCIL APPEALS

44.01.00 APPEALS: OFF-STREET PARKING

An appeal may be made to the City Council by any person or entity affected by a decision of the Building Inspector regarding off-street parking requirements, as set forth in Section 40.21.01 through 40.21.83. The appeal shall be made by filing with the Building Inspector an application for hearing before the City Council specifying the grounds for appeal. The Building Inspector shall transmit to the Council all documents relating to the appeal.

44.02.00 APPEALS: OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

An appeal may be made to the City Council by any person or entity affected by a decision of the Chief Building Inspector in relation to the type or character of vehicle permitted to be parked outdoors in Residential Districts, in accordance with the provisions of Section 40.66.00 of this Chapter. The appeal shall be made by filing with the Building Department an application for hearing before the City Council specifying the grounds for appeal. The Chief Building Inspector shall transmit to the City Council all documents relating to the appeal.

44.02.01 Actions to grant appeals as set forth in the preceding Section shall be based upon the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer)
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

44.02.02 The City Council may grant appeals in relation to the type, character, or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar maximum period.

44.03.00 All other provisions regarding appeals to the Board of Zoning Appeals in Article XLVIII shall be followed by the applicant and the City Council in reviewing appeals under this Article.

Section 7. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 8. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 9. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 10.

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, March 28, 1994.

Jeanne M. Stine, Mayor

Kenneth L. Courtney, City Clerk

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 159th amendment to Chapter 39 of the Code of the City of Troy.

Section 2.

Section 44.02.02 is hereby renumbered to become 44.02.03 and shall read as follows:

44.02.03 The City Council may grant appeals in relation to the type, character, or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Section 3.

Section 44.02.01 is hereby renumbered to become 44.02.02 and shall read as follows:

44.02.02 Actions to grant appeals as set forth in the preceding Section shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer)
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

Section 4.

Chapter 39 is hereby amended by the addition of Section 44.02.01 which shall read as follows:

44.02.01 Upon receipt of the Appeal Application from the Chief Building Inspector, the City Council shall by resolution establish the date of the Public Hearing which date shall respect the following requirements:

- A. All owners of property within 150 feet of the property proposed to be the site for parking of such vehicle shall be notified by U. S. Mail, and
- B. Said notice shall be postmarked no less than 14 days before the date of the Public Hearing.

Section 5. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 7. Severability Clause

Should any work, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

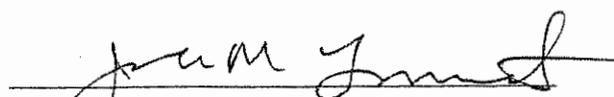
Section 8.

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, Michigan, on Monday, May 9, 1994.



Jeanne M. Stine, Mayor



John M. Lamerato, Deputy Clerk