

DATE: July 24, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Miller, Planning Director
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item J-4 a)
Proposed Proclamation from the City of Farmington Hills
Regarding PA 110 of 2006

The City of Farmington Hills has forwarded you a copy of a resolution, which its Council adopted, that is in opposition to some of the provisions of the new Michigan Zoning Enabling Act, PA 110 of 2006. Staff has reviewed their resolution and offers the following comments:

Joint BZA/Planning Commission Member – The City of Troy has had a member that serves on both the Board of Zoning Appeals and the Planning Commission for a very long time. Therefore this will not result in any changes in the City of Troy. That member in Troy attends a maximum of four meetings per month as opposed to the six-eight referenced in the Farmington Hills resolution.

BZA Appointments for Expired Terms – The City of Troy has policies and procedures in place to keep Council aware of expiring terms of members of all boards and committees so that appointments may be made in an efficient time frame. If the 30 day limitation poses a problem we could adjust the process to start earlier so that the appointment can be made within the time allotted.

Appeals of BZA Decisions – The new provisions do make it easier for a losing party to appeal a Circuit Court decision rendered on a BZA matter. We should note that this is a “two way street” and in some cases the appealing party may be the municipality. The previous requirements did not deny the right to appeal or reduce the chances of winning an appeal; it merely establishes a higher burden for the grounds for appeal.

Publication of Public Hearings – Staff has previously noted that the Act requires that notices of public hearings be sent to additional parties. Staff is working on effective methods to accomplish these tasks, both within the City and with our neighboring

communities. We are also reviewing costs associated with the additional requirements and will forward recommendations for changes to application fees if such are warranted.

Effective Date of Ordinance Amendments – Based upon current standard procedures Zoning Ordinance Amendments in Troy take effect ten days after the meeting at which Council takes action. The new language could push that minimum time to fourteen days. This could possibly pose a problem if there was an amendment that City Council wanted to take “immediate effect”. Recently, however, staff has recommended that Council include an effective date beyond the minimum ten day period in its resolutions so that all parties are clear as to the date that the new regulations would take effect.

There is very little current language in the Troy Ordinances that is in conflict with the new provisions of the Michigan Zoning Enabling Act. There are however some changes that are necessary so that the language would mirror the new requirements. The City Attorney’s office has prepared such changes and they are being forwarded to the Planning Commission at a future study meeting for ultimate recommendation to City Council.

Prepared by: Mark Stimac, Director of Building and Zoning