



CITY COUNCIL REPORT

DATE: February 24, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Announcement of Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 235) – Article 3 – Submittal Requirements for Site Plan Review/Approval and Special Use Approval Applications

Background:

- A public hearing is scheduled for the March 23, 2009 City Council meeting.
- The Planning Commission held a public hearing for this item at the February 10, 2009 Regular meeting and recommended approval of ZOTA 235.
- The requirement for a full set of plans (including preliminary grading plans, preliminary elevations and preliminary floor plans) is excessive in some cases when the applicant proposes the reuse of an existing building, with no exterior site work.
- The proposed amendment provides the Planning Director with the authority to waive required site plan information for site plans, including special use approval applications, when the proposal involves limited exterior site work.
- Applications will continue to be routed for inter-departmental review.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve, deny or modify the proposed text amendment.
- No action required until the public hearing on March 23, 2009.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 235 City Council Public Hearing Draft.
2. Minutes from February 10, 2009 Planning Commission Regular meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
ZOTA 235

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment to Article III of Chapter 39

Article III of Chapter 39 of the Code of the City of Troy is amended to provide the Planning Director with the authority to waive required information for Site Plan Review or Special Use Approval applications, to read as follows:

03.40.00 SITE PLAN REVIEW / APPROVAL

03.43.04 For a Preliminary Site Plan Application involving the reuse of an existing building without any significant exterior or interior modifications, including an application required for Special Use Approval, the Planning Director may waive any of the Submittal Requirements listed in Section 03.43.01. The Planning Commission may request any of the waived information if it makes a finding that the information is needed to determine compliance with Zoning Ordinance requirements.

Section 3. 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 4. 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 5. Effective Date

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, MI, on the _____ day of _____, 2009.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

ZONING ORDINANCE TEXT AMENDMENTS

9. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 235)**
Article 03.00.00, Submittal Requirements for Site Plan Review/Approval and Special Use Approval Application Submissions

Mr. Miller briefly summarized the proposed zoning ordinance text amendment. He stated a revised draft version was distributed this evening that reflects a very minor revision in Section 03.43.04.

Mr. Vleck commented favorably on the proposed text amendment.

There was a brief discussion on the procedure of site plan review and approval with the implementation of the new text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2009-02-018

Moved by: Sanzica
Seconded by: Hutson

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 3, APPLICATIONS AND PROCEDURES, pertaining to submittal requirements for Site Plan Review/Approval and Special Use Approval Application submissions, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED

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