



CITY COUNCIL ACTION REPORT

DATE: June 8, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 238) –
Article 28 – Social Service Facilities in M-1

The Planning Commission held a public hearing for this item at the April 28, 2009 Special/Study meeting and recommends approval of ZOTA 238.

City Management discussed this item with a person interested in utilizing a vacant industrial building for a social service agency. Presently social service agencies are considered assembly uses and therefore are permitted by right in the B-2 and B-3 zoning districts; they are not permitted in the M-1 Light Industrial District. Many vacant industrial buildings are suitable for reuse as social service facilities. Permitting social service agencies in M-1 improves marketability and potential reuse for industrial properties. The draft text amendment prohibits overnight stay in social service facilities in M-1.

City Management recommends approval of ZOTA 238.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. ZOTA 238 City Council Public Hearing Draft.
2. Minutes from April 28, 2009 Planning Commission Special/Study 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 238

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 IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended to add a definition for Social Service Agency, to read as follows:

04.20.131A SOCIAL SERVICE FACILITY: A facility operated by an organization which provides products and services for citizens, including but not limited to training, counseling, health, or the distribution of food or clothing.

Section 3. Amendment to Article XXVIII of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to permit social service facilities by Special Use in the M-1 District, to read as follows:

28.00.00 ARTICLE XXVIII M-1 LIGHT INDUSTRIAL DISTRICT

28.30.12 Social service facilities, subject to the following:

 A. Overnight stay is not permitted.

Section 4. 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 5. 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 6. 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

PUBLIC HEARINGS

8. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 238) - Social Service Agencies in M-1**

Mr. Miller summarized the item.

Chairman Schultz opened the Public Hearing.

There was no one present who wished to speak.

Chairman Schultz closed the Public Hearing.

There was some general discussion on the item.

Resolution # PC-2009-04-039

Moved by: Vleck

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends approval of ZOTA 238 to City Council.

Yes: All present (6)

Absent: Edmunds, Sanzica, Strat

MOTION CARRIED