



## CITY COUNCIL ACTION REPORT

DATE: March 9, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services  
R. Brent Savidant, Acting Planning Director

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment (File Number ZOTA 239) –  
Amendment to Articles 4, 28 and 40, Used Automobile Sales Facility, Automobile  
Auction and Commercial Vehicle Sales Facility in M-1

The Planning Commission held a public hearing on this item at the February 9, 2010 Regular meeting and recommended approval of the proposed text amendment.

The Planning Commission initiated this item in an attempt to improve reuse potential and marketability for underutilized property in the M-1 Light Industrial Zoning District.

The proposed text amendment introduces three different types of used automobile sales establishments to the M-1 district: used automobile sales facilities, automobile auctions and commercial vehicle sales facilities. The uses are permitted subject to special use approval, with specific approval standards for each.

Approved as to form and legality:

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Lori Grigg Bluhm, City Attorney

Attachments:

1. ZOTA 239
2. Minutes from February 9, 2010 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 239

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 4 of Chapter 39

Article 4 of Chapter 39 of the Code of the City of Troy is amended to provide a definition for the term “automobile auction”, to read as follows:

04.20.12A    AUTOMOBILE AUCTION – A facility where automobiles are offered for sale to persons who competitively bid on the vehicles offered for sale.

Section 3. Amendment to Article 28 of Chapter 39

Article 28 of Chapter 39 of the Code of the City of Troy is amended to permit used automobile sales, automobile auctions and commercial vehicle sales in the M-1 District, subject to Special Use Approval, to read as follows:

28.30.12    Used automobile sales, subject to the following:

1. The outdoor display of banners, flags, balloons or similar promotional items is not permitted.
2. The sales office shall be located on-site within a permanent building.
3. The sale of commercial vehicles shall be limited to pick-up trucks and passenger/cargo-style vans.
4. All vehicles sold shall be in operable condition.
5. The exterior display of vehicles or exterior automobile storage shall not be permitted within the required front yard.
6. To prevent a concentration of similar uses, a used automobile sales facility shall not be located within 1,500 feet of another used automobile sales facility, automobile auction or commercial vehicle sales facility. Distance shall be measured from lot line to lot line using a straight line. This shall not preclude more than one such use being located on the same site as part of a single facility.

28.30.13 Automobile auctions, subject to the following:

1. Sales of new and used automobiles are permitted.
2. The outdoor display of banners, flags, balloons or similar promotional items is not permitted.
3. The exterior display of vehicles or exterior automobile storage shall be permitted within the side and rear yards only.
4. The sale of commercial vehicles shall be permitted.
5. All vehicles sold shall be in operable condition.
6. Auctioneering and sales activities shall be conducted within the principal building.
7. To prevent a concentration of similar uses, an automobile auction facility shall not be located within 1,500 feet of another automobile auction facility, used automobile sales facility or commercial vehicle sales facility. Distance shall be measured from lot line to lot line using a straight line. This shall not preclude more than one such use being located on the same site as part of a single facility.

28.30.14 Commercial vehicle sales, subject to the following:

1. Sales of new and used commercial vehicles are permitted.
2. The outdoor display of banners, flags, balloons or similar promotional items is not permitted on the property.
3. No exterior display of vehicles or automobile storage shall be permitted in the required front yard.
4. All vehicles shall be in operable condition.
5. To prevent a concentration of similar uses, a commercial vehicle sales facility shall not be located within 1,500 feet of another commercial vehicle sales facility, used automobile sales facility or commercial vehicle sales facility. Distance shall be measured from lot line to lot line using a straight line. This shall not preclude more than one such use being located on the same site as part of a single facility.

Section 4. Amendment to Article 40 of Chapter 39

Article 40 of Chapter 39 of the Code of the City of Troy is amended to provide a parking standard for "automobile auctions".

40.21.44.A Automobile Auctions

One (1) for each five hundred (500) square feet of auction area plus one (1) per employee on the largest working shift.

## **Section 5. 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 6. 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 7. 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 \_\_\_\_\_, 20\_\_\_\_.

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Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC  
City Clerk

**PUBLIC HEARING**

5. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 239)** – Amendment to Articles 4, 28 and 40, Used Automobile Sales in M-1 (Light Industrial) District

Chair Hutson recused himself from discussion and vote on this item.

[Chair Hutson exited meeting. Vice Chair Maxwell chaired the meeting.]

Mr. Savidant briefly reviewed the proposed amendment. He said the proposed text amendment would permit three new types of used automobile sales establishments in the M-1 (Light Industrial) zoning district.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED****Resolution # PC-2010-02-008**

Moved by: Edmunds

Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Articles 4, 28, and 40 of Chapter 39 of the Code of the City of Troy, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (5)

**MOTION CARRIED**

[Chair Hutson returned to chair the meeting.]