

Present: Planning Commission: Chairperson Ostrowski; Vice-Chairperson Westerlund;
Members: Borowski, Copeland, Drummond, Grinnan, Ruprich, and Stempien

Council: President Peddie; Members: George, Hrydziuszko, Mueller, and Nunez

Absent: Council: President Pro-Tem Abboud and Mooney
Planning: Wilensky

Also Present: Planning and Zoning Administrator, LaPere

Chairperson Ostrowski called the joint Planning Commission and Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Westerlund, second by Stempien, to approve the agenda as published.

Motion passed.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

RECAP OF 2018

The Planning Commission approved four signs in the Village, held five site plan hearings, and adopted bylaws. They formed subcommittees who did work on the development of an amendment to the fence ordinance, another developed lot coverage maximums, and a third worked on zoning compliance permits. A subcommittee was formed to study backyard chickens and pass their findings along to Council, one was also formed to research options with the recent ballot proposal passing that allows recreational marijuana.

MASTER PLAN ACTION ITEMS - PRIORITIZATION

Westerlund suggested a full overhaul of the Zoning Ordinance as opposed to changing it in parts.

Borowski stated the development of a Planned Unit Development (PUD) would assist with the development of the Southfield Corridor and other potential development.

Drummond would like to see the Village establish sidewalks throughout, opening pedestrian use.

Grinnan believes a focus on the enforcement of ordinances is necessary.

Copeland agrees with an ordinance clean up and would like to see a tree ordinance passed.

Stempien wants to see accommodations for sidewalks, cottage housing development, and the walkability index.

ZONING ORDINANCE UPDATES

a. Site Plan review process

The process for site plan review is item Z3 of Master Plan Actions and is identified as a short term priority. The Master Plan notes need for updates to incorporate Redevelopment Ready Best Practices, to incorporate graphics and tables to aide process, and to review current procedures to ensure process is clear and concise for applicants, etc. Some items listed, including updating forms and annual review of fee schedule have already been implemented. Other areas of improvement, such as notification deadlines, submittal processes, etc. need to be reviewed and formally updated in the ordinance. Administration and Attorney will draft updates to these sections for review.

b. Conflicting Sections

1. 22.08.090 and 22.08.130.

Administration is aware of two sections with conflicting requirements for the minimum distance between buildings on adjacent properties, Sections 22.08.090 and 22.08.130. Upon reviewing the file of the various amendments to the Zoning Ordinance, Section 22.08.090 is the original language in place dictating spacing between residences tied to the minimum setback requirements of the Zone District. Section 22.08.130 was drafted and adopted by Council in response to concerns about spacing between homes during Zoning Ordinance updates that occurred in 2007. There was no reference to the existing language in the discussion recorded in the meeting minutes, therefore Administration is assuming that it was an oversight to create additional language. In addition, the language in Section 22.08.130 conflicts with setback requirements and effectively imposes greater setback standards than the adopted minimums of 22.24. Furthermore, strict interpretation of the language "...within 15 feet of any structure..." could result in significant nonconformity throughout the Zone Districts identified in that section as our ordinance defines a structure as "Anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground." Section 22.04 Definitions further defines accessory structures and gives examples as children's playhouse or play equipment. Based on discussion at the meeting the language was drafted, it does not appear the intent was to prohibit a residence where the abutting property may have a swing set less than 15 feet away, therefore Administration is proposing we eliminate Section 22.08.130 and review the language of 22.08.090 to ensure it meets the needs of protecting public safety and welfare. Administration and Attorney will draft proposed updates to these sections.

c. Principal Uses and Special Land Uses

1. O – Office
2. B – Business
3. Single Family Residential

The various sections of the Zoning Ordinance which address principal and special land uses by Zone District are dated and updates to those sections is identified as item Z10 in Master Plan Action Items. A majority of the language is from the last Zoning Ordinance overhaul, which took place in 1985. There have been some minor updates in the interim, for example, added exterior storage for gas stations in 2012, and added language about in-home child care in 1991. However, the uses do not address many modern commercial activities and do not reflect changes to state statute that have occurred, such as updates to regulations on in-home childcare facilities and the public school exemption from local zoning.

d. Parking regulations

The review of parking standards is item Z11 in the Master Plan Action Items and the last review and update to our parking regulations was in 2000. Periodically, the typical uses and associated parking regulations need review to ensure our ordinance requirements are in line with current needs.

e. Compliance with State regulations

1. Childcare facilities
2. Sign ordinance
3. Notification deadlines

The sections that regulate in-home childcare facilities were last updated in 1991. Current statutory language (MZEA) regulating in-home child care facilities was last updated in 2006 and we need to ensure our ordinance matches requirements by the state.

The Supreme Court Case, *Reed v. Town of Gilbert*, impacted all sign ordinances throughout the Country. Administration and Attorney will review current language to ensure it complies with content neutral requirements and draft updates as needed.

Sections that enumerate notification deadlines for Special Land Use requests and the Zoning Board of Appeals should match the state regulations for those actions. The MZEA was updated in 2006, and notification deadlines in our ordinance do not match statutory requirements. While the notifications are being sent in accordance with state regulations, it is important our ordinance language matches for clarity and consistency to the reader who may be unaware. Administration and Attorney will draft updates to these sections.

f. Outside storage in Residential Zone Districts

At the study session held in January, Council identified outside storage regulations as an area that needed clearer regulations to aide enforcement action for both wood storage and vehicle storage. Administration and Attorney were asked to begin drafting language relative to those topics and will prepare draft language for review.

g. Chickens

The topic of whether there is Council and Village wide support to modify the Ordinance to allow the keeping of farm animals, specifically chickens, is ongoing.

h. Marijuana Ordinance

Administration and Attorney will draft ordinance language opting-out of commercial activities.

i. Planned Unit Development (PUD) Ordinance

Creating a Planned Unit Development ordinance is item Z2 in the Master Plan Action items list, with stated priority of short-term goal. The Village's current cluster ordinance was last updated in 1992. Attached is a description of goals and benefits of PUD and cluster developments prepared by the Michigan Planning Association. Tremont is the most recent development that occurred under the Village's cluster development option. Updating the language to meet anticipated development patterns to provide the Village with flexibility and

protection is essential to retain the character of the Village and encourage positive development and redevelopment in the community.

j. Rezoning Standards

Village does not have clear, enumerated standards for approving rezoning or conditional rezoning requests. This is an item Z7 and Z8 in the Master Plan Action Items as mid-term priority, by 2020. These are powers that are granted to the Village by the MZEA but officials should have clear standards by which they make the decision to approve or deny any such requests. Administration has seen an increase in inquiries about rezoning opportunities, especially for existing institutional uses.

All of Council supports PUD, updates to the ordinance, and the tree ordinance redraft. There is limited support for chickens, but more research needs to be done on the scope of resident support.

Both the Commission and Council agree that change should be considered related to business permitting, but do not want to put into place restrictions that limit or strain the relationship between the Village and business owners who give back to the community. It is important to consider long term visions for what the Village can grow into.

PUBLIC COMMENTS

Christina Delpizzo, Birwood, is looking to open an in-home childcare to meet a demand that exists in the Village. She would like to see updates to the ordinance to reflect State allowances and mandates.

David Moore believes the Council and Commission need to better develop the vision for the Village; is the goal to preserve what exists or develop and change. He also thanked LaPere for all her assistance in regard his questions.

ADMINISTRATION COMMENTS

None.

COMMISSIONERS COMMENTS

All the Commissioners thanked members of Council for attending the joint meeting and all of the collaboration being done.

Drummond would like more consideration given to a tree survey, tree plantings, and a revision to the tree ordinance. He believes that decisions related to the marijuana laws need to be made swiftly. He encourages Council to review decisions made by the Commission pointing out that split votes are often an indicator of conflict of decisions. He reiterated that the decision made related to Detroit Country Day was their failure to show all the modifications to the site on the initial site plan.

Grinnan and Copeland echoed Drummonds dissatisfaction with Detroit Country Day.

Westerlund wholly supports the need for a PUD ordinance.

COUNCIL COMMENTS

All of Council thanked the Commission for their work on some difficult issues this past year.

George would like the Commission subcommittees to attend the Council meetings when issues are discussed to help Council better understand the goal and process by which they come to their decisions for recommendation. He would also like to see further discussion on sidewalks, inspection processes, and full-time code enforcement.

Motion by Borowski, second by Westerlund, to adjourn the meeting at 9:42 p.m.

Motion passed.

George Ostrowski
Planning Commission Chairperson

Lee Peddie
Council President

Chris Wilson
Village Clerk

Elizabeth Lyons
Recording Secretary