

*Mr. Kaltsounis agreed with Mr. Hooper that the changes proposed made a lot of sense, and he moved the following, supported by Mr. Yukon.*

**MOTION** by Kaltsounis, seconded by Yukon, the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to amend Article 4 of Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to modify uses in the REC-I Regional Employment Center - Interchange districts and delete the B-4 Freeway Service Business District, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.

**A motion was made by Kaltsounis, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:**

**Aye** 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Yukon

*Chairperson Brnabic stated for the record that the motion had passed unanimously.*

**2016-0254**

Public Hearing and request for Ordinance Amendment Recommendation - an Ordinance to modify Section 84-4(a)(1) Property Maintenance Code, repeal Sections 84-16 of Chapter 84 Property Maintenance Code and 138-10.308 of Chapter 138, Zoning and adopt new Section 138-10.308 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to re-adopt regulations regarding Parking and Storage of Commercial and Recreational Vehicles, Equipment and Junk Vehicles in the Zoning Ordinance, repeal conflicting or inconsistent Ordinances and prescribe a penalty for violations, City of Rochester Hills, Applicant

*(Reference: Memo prepared by Sara Roediger, dated June 15, 2016 and draft Ordinance Amendment had been placed on file and by reference became part of the record thereof.)*

*Ms. Roediger noted that the Building Dept. and Code Enforcement had been asking for the proposed changes for a while. The regulations for commercial and recreational vehicles would be taken out of the Code of Ordinances and moved into the Zoning Ordinance. That would allow people to go to the Zoning Board of Appeals (ZBA) and request a Variance, rather than having to go to Circuit Court. The language had also been clean up somewhat - the Ordinance would read more in the positive rather than the negative. It had not been included, but she realized that the definitions of those vehicles also needed to be moved. She advised that the Ordinance had been drafted by City Attorney John*

*Staran.*

*Mr. Hooper indicated that he wished the Building Dept. was present to go over some things and add some light. There was a paragraph about military service, and he asked if that had been a huge issue in the City. Ms. Roediger said it had not, but that language had not been added; it was just being relocated. It was a current regulation in the Ordinance. They would delete the entire Section 84-16, except for that section, and it would be moved to parking and storage of vehicles in the Zoning Ordinance.*

*Mr. Hooper said that he understood that it was more appropriate for that section to be in the Zoning Ordinance, but he wondered if that would open the door to more Variance requests. He asked if staff could see a potential increase.*

*Mr. Anzek assured the members that the ZBA toed the line very well. They truly had to identify a hardship to allow a Variance. He did not think putting it in the Zoning Ordinance would open the door to more; it would just give Code Enforcement a better footing to enforce violations. It was a question of use, so he felt that it belonged in the Zoning Ordinance.*

*Mr. Reece commented that one person's junk was another person's treasure. He asked how the City defined a junk vehicle.*

*Ms. Roediger knew that Building could answer that better, but she believed it was defined as an unlicensed, inoperable vehicle. Mr. Reece asked if it was everything in paragraph one under section one that was junk. Ms. Roediger thought that it was somewhat discretionary, but she believed that was used for guidance. If something was rotting out and sitting on a cinder block, for example, it would be considered junk. Mr. Reece wondered about someone with an old vehicle that planned to restore it. In a lot of people's minds, that would be considered a junk vehicle, and he asked if that would fall into play.*

*Mr. Anzek maintained that Code Enforcement was very good at what they did, and they would work with a property owner and provide adequate time to either conceal a vehicle or have it moved somewhere where it was not a nuisance. It could also be covered.*

*Mr. Kaltsounis remarked that one Ordinance that gave him heartache regarded the sale of cars within 100 feet of a street. He asked what the violation would be for that offense, noting that he had gotten in trouble for*

it several times. Ms. Roediger said that the violation would be the same as others at \$500. Mr. Kaltsounis did not observe any details for violations. Mr. Anzek pointed out that section five carried a penalty clause for violations. Ms. Roediger said that it was standard for any zoning violation, whether it was a car for sale or an RV parked in the wrong place. Mr. Kaltsounis asked if that was a City applied offense or if it was ticketed by the Sheriff. Mr. Roediger explained that it was from Code Enforcement. Mr. Anzek believed that the \$500 amount was established by State law as a maximum.

Ms. Morita suggested that there might be a reason to keep the definitions in the Code of Ordinances as well as the Zoning Ordinance. Instead of removing them, she thought that they should be copied and placed into the Zoning Ordinance until it could be confirmed that they were not needed anywhere else. Mr. Anzek agreed that could be added as a condition to the motion.

Chairperson Brnabic opened the Public Hearing at 7:32 p.m. Seeing no one come forward, she closed the Public Hearing.

Hearing no further comments, Mr. Kaltsounis moved the following, seconded by Mr. Yukon:

**MOTION** by Kaltsounis, seconded by Yukon, the Rochester Hills Planning Commission hereby recommends to City Council approval of an Ordinance to modify Section 84-4(a)(1) Property Maintenance Code, repeal Sections 84-16 of Chapter 84 Property Maintenance Code and 138-10.308 of Chapter 138, Zoning and adopt new Section 138-10.308, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan to re-adopt regulations regarding parking and storage of commercial and recreational vehicles, equipment and junk vehicles in the zoning ordinance, repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations, with the following one (1) condition.

Condition:

1. That the Definitions in the application section of the Code of Ordinances remain and be added to the Zoning Ordinance.

A motion was made by Kaltsounis, seconded by Yukon, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Yukon