

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
MAY 18, 2023, 8:00 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Chair Countegan at 8:00 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Grant, Mantey, Trafelet, Varga

Commissioners Absent: Stimpson, Ware

Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as submitted.

MOTION passed by voice vote.

REGULAR MEETING

A. ZONING TEXT AMENDMENT 2, 2023

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to include definition of “shipping container,” amend existing definition of “building,” and to include new subsection addressing use of off-site-built enclosures as accessory buildings or uses

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2 and 34-5.1.1

City Planner Perdonik introduced draft Zoning Text Amendment 2, 2023, which is intended to clarify the city's zoning regulations relative to the use of shipping containers and similar offsite built enclosures as accessory buildings on both a temporary and permanent basis within commercial, industrial and residential zoning districts.

The Planning Commission discussed the draft amendment at the March 16, 2023 meeting in some detail but ultimately passed a motion tabling it.

The draft amendment is a response to concerns raised by City Council, a high volume of inquiries coming into the Planning Office regarding placement of shipping containers in a variety of areas, and observations by City staff and others that the use of shipping containers and similar structures for storage, often on a permanent basis, has become increasingly common throughout the City, including within residential neighborhoods. Photographs in the packet illustrate some examples of shipping containers being placed on residential and commercial properties.

In response to the March 16 meeting discussion, City Planner Perdonik offered the following:

- Staff will not be administering a formal approval process for the draft ordinance relative to residential properties. The ordinance is meant to serve as a basis for complaint-driven enforcement activities in providing a clock – a starting date as well as an end date after which enforcement, possibly including a citation, can go forward.
- In order to clarify the City’s intent, the draft language had been revised, removing the reference to the approval of the zoning supervisor.
- There have been some egregious cases and the City has received complaints relative to shipping containers placed on residential lots.
- Staff will work with non-compliant homeowners on a one-to-one basis, and the zoning text amendment will give staff a backdrop for enforcement when enforcement is needed.
- During construction, a property owner is allowed to have a POD or other container on site for the duration of the construction, as long as a permit has been granted for that construction.

The Commission discussed whether to set a 30 or 60 day time frame, after a City inspector has noticed/confirmed that there is a shipping container on site. Either time limitation would be acceptable. At the end of the time period an extension can be granted by staff if circumstances so warrant.

Staff Planner Perdonik said that there were not many ordinances in the State that dealt with this emerging issue, and Farmington Hills’ ordinance would probably be used by other municipalities as they developed their own ordinance language.

MOTION by Trafelet, support by Brickner, that Zoning Text Amendment 2, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, “Zoning,” Article 2.0, “Definitions,” to add a definition of “Shipping Container” and revise the definition of “Building,” and to amend Article 5.0, “Site Standards,” Section 34-5.1, “Accessory Building and Structures,” to include new Subsection 34-5.1.1.H addressing the use of offsite built enclosures as accessory buildings or uses, be set for public hearing for the Planning Commission’s next available regular meeting agenda.

Motion passed unanimously by voice vote.

B. ZONING TEXT AMENDMENT 3, 2023

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend Zoning Ordinance to revise definition of “motel”

ACTION REQUESTED: Set for public hearing

SECTIONS: 34-2.2

City Planner Perdonik explained that Zoning Text Amendment 3, 2023 was drafted by the City Attorney’s Office at the direction of the City Manager in response to concerns from City Council. The draft amendment is intended to strengthen the City’s zoning regulations regarding short-term rental of residential homes, which is not a permitted use. The proposed amendment revises the existing definition of “motel” in such a way as to more clearly include short-term rentals of residential homes. This approach is based on Michigan case law which focuses on the definition of “motel” and the limitation of motels to nonresidential zoning districts as a means of prohibiting them in residential districts. Under the Zoning Ordinance, motels are restricted to the B-3, General Business, and ES, Expressway Service zoning districts; therefore, if a home is used in a manner which fits within the definition of “motel,” such use would only be permitted if such home is within a B-3 or ES District.

This ordinance supports staff's efforts to regulate and enforce against short term rentals in residential neighborhoods.

City Attorney Schultz further explained that the ordinance was based on a case that upheld the right of a community to regulate short term rentals, via the definition of "motel."

Board discussion:

- Short term rentals in residential neighborhoods brought certain enforcement issues.
- Neighbors generally oppose short term rentals in their neighborhoods, as short term rentals can bring loud parties, and more or less constant movement of strangers in and out of the neighborhood. In many cases short term rentals have the ability to destabilize an entire neighborhood.
- There have been egregious cases in Farmington Hills that are currently in the enforcement process.
- The draft ordinance will give staff more of a foundation for their enforcement efforts.
- Commissioner Mantey said he supported this request being set for a public hearing; he did not, however, know how he would vote on the issue itself.

MOTION by Brickner, support by Trafelet, that Zoning Text Amendment 3, 2023, which proposes to amend the Farmington Hills Code of Ordinances, Chapter 34, "Zoning," Article 2.0, "Definitions," to revise the definition of "motel" as provided in the draft amendment, be set for public hearing.

Motion passed unanimously by voice vote.

APPROVAL OF MINUTES April 20, 2023 Special Joint Meeting, and April 20, 2023, Public Hearing/Regular Meeting

MOTION by Brickner, support by Aspinall, to approve the April 20, 2023 Special Joint Meeting minutes and the April 20, 2023, Public Hearing/Regular Meeting minutes as submitted.

Motion passed unanimously by voice vote.

PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENTS

Commissioner Mantey said he would be leaving for Oslo Norway tomorrow to participate as the US representative at the World Association for Waterborne Transport Infrastructure (PIANC) annual meeting. He had held the position of US representative for 20 years.

Commissioner Grant reported on her recent trip to South Africa, and her safari experience while there.

Commissioner Varga reported on her recent business trip to Austin TX, to attend the Data Center Build Conference. Austin's character had changed significantly since the last time Commissioner Varga was there, about 10 years ago, and the experience helped her understand the importance of updating the Master Plan and participating in other planning for Farmington Hills.

ADJOURNMENT

MOTION by Trafelet, support by Grant, to adjourn the meeting at 8:39pm.

MOTION passed unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem