



**CITY OF NOVI CITY COUNCIL
DECEMBER 18, 2023**

SUBJECT: Consideration of Text Amendment 18.304 to amend Section 4.4, Home Occupations, of the Zoning Ordinance to update and clarify language pertaining to home occupations in the City. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development – Planning Division

BACKGROUND INFORMATION:

The Zoning Ordinance currently has language that limits home occupations and the effect that home occupations can have on the surrounding area. Staff and the City Attorney's office have been working on an ordinance amendment to modify the existing language governing home occupations in the City.

The amendments stemmed from a number of complaints about certain businesses that appeared to be operating out of residences, as well as through a request from the City Council to the Ordinance Review Committee (ORC) to explore potential changes to the Zoning Ordinance. On June 13, the ORC discussed drafting an ordinance amendment that would address the issue. The April 23 memo from the Community Development Department, in addition to the minutes from the June 13 ORC meeting, are included in this packet.

At the June 13 ORC meeting, Committee members expressed concern over enforcement of restrictions to home occupations. Staff responded to the concern, stating that an Ordinance officer would have to physically observe any ordinance infractions of new or existing home occupations. The meeting concluded with a commitment by staff and the City Attorney's office to come back to the ORC with a draft ordinance.

At the August 8 ORC meeting, the draft ordinance was brought before the committee members. Staff provided an overview of the additions to the text amendment, including enforcing against the renting of cars from a home, enforcing against the hosting of a dance studio with 15 students coming and going every hour, and enforcing deliveries to homes for home occupations being restricted to vehicles from Amazon, UPS, etc. After further discussion, the ORC made the motion to recommend the proposed amendments to the Planning Commission for comment and public hearing.

The proposed ordinance amendment builds on the current ordinance standards for home occupations and provides additional language for specific negative effects such as outside storage of products or equipment, and selling vehicles, landscape equipment or machinery, among others. A summary of the new sections are outlined below, with specific changes provided in the attached draft ordinance language.

Section 4.4 Home Occupations

- Section 4.4.1 (new) Home Occupation must be conducted by a full-time resident of the property
- Section 4.4.2 Signage or advertising
- Section 4.4.3 Conducted within the main building and no outside storage
- Section 4.4.4 No product sold to customers or visitors to the home
- Section 4.4.5 No parking in excess of that required for residence
- Section 4.4.6 (new) No objectionable noise, fumes, odor, dust, or electrical interference
- Section 4.4.7 (new) No rental or sale of autos, trucks, etc.
- Section 4.4.8 (new) No excessive traffic
- Section 4.4.9 (new) No excessive deliveries to the home

The Planning Commission held a public hearing on November 15th and forwarded a favorable recommendation to the City Council.

RECOMMENDED ACTION: Approval of Text Amendment 18.304 to amend Section 4.4, Home Occupations, of the Zoning Ordinance to update and clarify language pertaining to home occupations in the City, subject to further modifications as determined necessary by the City Manager's Office or City Attorney's Office. This motion is made because the ordinance amendment limits negative effects of some home occupations as requested by City Council. **FIRST READING**

DRAFT TEXT AMENDMENT 18.304: HOME OCCUPATIONS

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.304

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED, AT THE FOLLOWING LOCATIONS: ARTICLE 4 USE STANDARDS SECTION 4.4 "HOME OCCUPATIONS"

THE CITY OF NOVI ORDAINS:

Part I. That Article 4, Use Standards, of the City of Novi Zoning Ordinance is hereby amended in the following section:

Section 4.4 HOME OCCUPATIONS

In the RA, R-1, R-2, R-3, and R-4 districts, home occupations are permitted subject to the following regulations and any other applicable laws and regulations, including in this chapter:

1. The home occupation must be conducted by a full-time resident of the property and must be clearly incidental and subordinate to its use for residential purposes by its occupants
- ~~1.2.~~ There is no sign, advertising device, or other manifestation may be displayed on the inside of the dwelling so as to be visible through a window or glass area, or located on the exterior of the dwelling structure or within any yard area, which such sign, devise, or manifestation suggests or implies the existence of a home occupation
- ~~2.3.~~ The home occupation must be conducted wholly within the main building by the residents thereof. No outside storage of goods, products, supplies, equipment, or other materials associated with the home occupation is permitted.
- ~~3.4.~~ There is not involved. The home occupation shall not involve the keeping of a stock in trade and no article shall be sold or offered for sale from the home to customers or visitors to the home. Articles made in the home by the inhabitants thereof, may be delivered by the resident to markets off premises.
- ~~4.5.~~ The home occupations shall not be carried on to an extent so as to require parking in excess of that required for the residential structure in which it is located.
- ~~6.~~ The Any home occupation may not that creates objectionable noise, fumes, odor, dust, or electrical interference detectable to the normal senses off the premises, or create a hazard or a nuisance or more than normal residential traffic shall be prohibited.
7. Engaging in the sale, repair, storage, or rental of autos, trucks, recreational vehicles, boats or construction and landscape equipment or machinery is prohibited as a home occupation

8. Traffic generated by the home occupation shall not be more than would normally be expected in a residential neighborhood. The home occupation shall not serve more than four customers or clients at one time, and there shall be no more than two employees on the premises at any time, with a limitation of no more than ten customer or client trips per day.

5-9. Deliveries related to the home occupation shall be limited to package services (e.g., UPS, USPS, FedEx, Amazon, etc.). Deliveries may also be accomplished using the passenger vehicle of the resident(s) engaged in the home occupation.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2024.

JUSTIN FISCHER, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

DRAFT

PLANNING COMMISSION DRAFT MINUTES FROM NOVEMBER 15

Mike Duchesneau, 1191 South Lake Drive, relayed he totally supports the text amendment and is aware of at least three cases where someone could have used help through this process.

Seeing no one else, Chair Pehrson confirmed that there was no correspondence, closed the Public Hearing, and turned the matter over to the Planning Commission for consideration.

Member Lynch relayed his understanding is this started with someone who had a residence in an industrial zone and wanted to put up a pole barn. There were a lot of hurdles that they had to jump through. Some of the adjacent neighbors in industrial districts were worried that they were going to have an additional burden placed on them if residential expansion was allowed.

Based on the overview just presented by Planner Hill, the adjacent property owners who bought their property as Industrial can still use it as industrial and won't have an additional burden that we place on industrial sites next to residential. This basically removes some unintended consequences of our existing ordinance to allow somebody to in this case put up a pole barn in a residential area and not affect anybody. Member Lynch does not have an issue with the text amendment.

Member Becker inquired to staff, in looking at the annotated draft on page two, that Special Land Use will be the process to allow an existing non-conforming to change the footprint and do some expansion rather than other types of mechanisms. Planner Hill confirmed this is correct.

Member Verma had no comments.

Member Roney inquired, in reference to what Member Lynch relayed, that this amendment also will benefit the Gatsby property. Planner Hill confirmed this is correct. Member Roney is in support.

Chair Pehrson inquired, in reference to the second paragraph, would the amendment include a change of use of the venue or the installation as opposed to any kind of expansion. For example, if nothing is being changed relative to the building footprint, but if the use changes drastically from A-Z, is there any recourse in the wording for that to take place.

City Planner McBeth responded that this amendment was not intended for that, rather it was intended for uses that are currently existing and non-conforming and takes away the strict restriction that those uses cannot be expanded. It wasn't intended to allow other uses to make themselves non-conforming.

Chair Pehrson inquired regarding allowed repairs and maintenance without making physical changes, would that also include painting. For example, going from red to blue.

City Planner McBeth responded that typically the painting or maintenance of a building is permitted, whether it's an existing non-conforming use or not. Sometimes if it's a commercial building we'd be concerned about the color, so it might trigger the facade ordinance and we'll take a look at that to see.

Motion to recommend Text Amendment 18.303 for approval to City Council made by Member Lynch and seconded by Member Roney.

In the matter of Text Amendment 18.303 motion to recommend approval of the text amendment to City Council.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.303 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER RONEY.

Motion carried 5-0.

2. TEXT AMENDMENT 18.304

Public hearing of the staff-initiated request for Planning Commission's recommendation to the City Council regarding Text Amendment 18.304 to update and clarify language pertaining to home occupations in the City.

Planner Hill relayed the second text amendment involves a change in the ordinance concerning home occupations in the City. City Council requested the Ordinance Review Committee to explore potential changes after a number of complaints concerning certain home occupations. This text amendment was also introduced to the Planning Commission on September 27th.

The text amendment seeks to prevent unwanted nuisances caused by some home occupations. It prohibits outside storage of goods or products, the sale or storage of automobiles, trucks, recreational vehicles, and other similar items, traffic greater than normally expected in a residential neighborhood, and deliveries via large trucks other than Amazon, UPS, etc. These changes are in response to complaints and what has been noted by Ordinance officers.

The Planning Commission is asked to hold the public hearing for Text Amendment 18.304 and make a recommendation to City Council for approval or denial of the text amendment. Staff is available to answer any questions you may have.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, Chair Pehrson confirmed that there was no correspondence, closed the Public Hearing, and turned the matter over to the Planning Commission for consideration.

Member Lynch relayed he is glad that this amendment is being presented and will trust Staff with the proper verbiage. With more people having home businesses, we need to put some boundaries around how it affects the adjacent neighbors, and this accomplished that. Member Lynch does not have an issue with it.

Member Becker inquired to staff if this particular ordinance and the changes being considering would apply to things like in home childcare. Planner Hill responded that there are separate stipulations in the Ordinance for at home childcare.

Member Becker clarified his understanding that what qualifies as an occupation in a residence is where goods or services money is exchanged. Planner Hill confirmed this is correct.

Member Becker relayed when he was reading about no more than four customers or clients he wondered if it was childcare, who would be the client - the one person that drops off five children or the five children? Now understanding that is a whole different ordinance, he has no further questions.

Member Verma had no questions.

Member Roney had no questions.

Chair Pehrson relayed as he reads the amendment, it seems to be heavily weighted toward motor vehicle repair or storage. Does the amendment consider looking into the future, as far as home businesses and things that are allowed to be done now in the home? It seems to be narrow in scope toward such businesses as mechanics and repairs. Does it need to be expanded to include anything else? For example, a woodworking shop in a garage where noise would have to be limited for the neighbors.

To address Chair Pehrson's concern whether the amendment is too limited in scope, City Planner McBeth responded it is actually fairly broad. Some of the new words that are added were to address specific problems that have been identified and clearly call that out. Sometimes a broad ordinance referencing home occupations where employees are coming to a home to work, or customers are coming for stock and trade sales, can be interpreted in different ways resulting in disagreement about what the Ordinance means. In terms of the automotive repair and sale, and things like that, is a specific situation.

Chair Pehrson inquired relative to the enforcement of the four people in the business and such, how this would be enforced.

City Planner McBeth responded that is kind of the art and science of the Ordinance officers. They need to observe something that's in violation of the Ordinance. For example, they might get a complaint from the neighbor, but then our Ordinance officers must also be able to observe it themselves.

Member Becker added that what he really liked was the clarification in item number 4 referencing the keeping of a stock and trade and no article shall be sold or offered for sale from the home to customers or visitors to the home. Articles made in the home by the inhabitants therefore may be delivered to the resident or to markets off premises, so people aren't selling items out of their garage. Member Becker likes the narrowing that they could sell it, perhaps online, but then they have to get it to the customers, no one would be driving up and picking up items.

Motion to recommend Text Amendment 18.304 for approval to City Council made by Member Lynch and seconded by Member Becker.

In the matter of Text Amendment 18.304 motion to recommend approval of the text amendment to City Council.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.304 MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER.

Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. AUDI SERVICE CENTER JSP23-40

Consideration of Audi Service Center for Preliminary Site Plan and Stormwater Management Plan approval. The subject property contains 8.15 acres and is located in Section 24 of the City. The subject building is located behind the proposed Porsche building. The applicant is proposing to demolish a portion of the former Chrysler service center and renovate the existing building to result in an approximately 21,979 square foot building to serve as Audi's service center. Some parking lot and site improvements are also proposed.

Planner Hill relayed the proposed partial demolition and renovation of the former Chrysler service center is located behind the proposed Porsche site and current Infiniti dealership. The applicant is seeking to make the renovations to the building and parking lot to become a service center for the nearby Audi dealership. The site is approximately 8.15 acres and is located north of Ten Mile Road on the west side of Haggerty Road in Section 24 of the City.

The current zoning of the site is B-3 General Business, with adjacent zoning to the consisting of B-3 to the south and north and OS-1 Office Service to the south and west. Uses in the adjacent B-3 consist of the Audi dealership and a Mobil gas station, while the office uses consist of an orthodontist and law offices. To the east across Haggerty Road is the City of Farmington Hills, which also is designated as B-3 General Business zoning, including a strip mall and Ford dealership.

The Future Land Use map contemplates community commercial for this site and the adjacent B-3 zoned sites to the south and north, with the other adjacent sites within City limits contemplated for Community Office. Across Haggerty in Farmington Hills, the Future Land Use designation is non-center type business.

Natural features include the woodlands and wetlands to the west of the property, which are not proposed to be impacted.

The rendering shown on the screen is the proposed building footprint of the new service center, which will result in an approximately 21,979 square foot building. The parking lot and accessway is proposed to be reconstructed to align with the nearby Porsche site and to provide updated paving. For parking cars to be serviced or stored such as at an auto dealership or service center, bays of 25 spaces are provided if the required interior landscape area is provided. The applicant initially proposed 26 spaces but has committed to complying with the Ordinance for consecutive parking spaces.

LETTER FROM COMMUNITY DEVELOPMENT DEPARTMENT DATED APRIL 23, 2023

MEMORANDUM



TO: VICTOR CARDENAS, INTERIM CITY MANAGER
FROM: CHARLES BOULARD, COMMUNITY DEVELOP. DIRECTOR
SUBJECT: ZONING ORDINANCE HOME OCCUPATION PROVISIONS
DATE: APRIL 23, 2023

Background:

The City Council recently requested the Ordinance Review Committee (ORC) explore potential amendments to the Home Occupations language of the Zoning Ordinance. In support of The ORC effort the Code Compliance team has documented typical home occupation complaints throughout the City. While the recent issue was related to online vehicle rentals, past concerns and complaints have included the following:

- Group dance and martial arts lessons
- Landscape, plowing and lawn care businesses.
- Jet ski and boat repair
- Home meat sales including preparation of BBQ.
- Pet breeding
- Deck and construction contractors
- Excessive shipping deliveries, pickup and staging
- Hair salons

There is no question that inappropriate types or scales of home occupations can have a detrimental impact on the resents and desirability of neighborhoods, there is a rich history of home-based innovation and business start-ups in residential settings. Hewlett Packard, Mattel, Disney, Amazon, Microsoft, and Apple were all started in garages, Under Armour began in the founder's grandmother's basement, Tumbler and a host of software companies were started in apartments and on dining room tables. Dell expanded to a garage when it outgrew a dorm room.

There are also a number of other State and Federal provisions providing guidance to consider including but not limited to:

- Religious Land Use and Institutionalized Person Act (RLUIPA)
- MCL 125.3204 regarding instruction in craft or fine art as a home occupation
- MCL 125.1504b regarding bed and breakfast (owner occupied)
- MCL 125.3206 regarding residential use of property for adult foster care, childcare or residential treatment programs

Potential revisions:

The current Home Occupations section of the City of Novi Zoning Ordinance language reads as follows:

4.4 HOME OCCUPATIONS

In the RA, R-1, R-2, R-3 and R-4 districts, home occupations are permitted subject to the following regulations:

1. There is no sign, advertising device, or other manifestation displayed on the inside of the dwelling so as to be visible through a window or glass area or located on the exterior of the dwelling structure or within any yard area, which such sign, devise, or manifestation suggests or implies the existence of a home occupation.
2. The home occupation is conducted wholly within the main building by the residents thereof.
3. There is not involved the keeping of a stock in trade and no article shall be sold or offered for sale from the home. Articles made in the home by the inhabitants thereof may be delivered by the resident to markets off premises.
4. Home occupations shall not be carried on to an extent so as to require parking in excess of that required for the residential structure in which it is located.
5. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited.

Current and sample ordinances from local communities including Northville Township, Lyon Twp, Farmington Hills, Berkley, Canton Twp, Rochester Hills were compared along with Maricopa County, AZ, Ashland OR, Roanoke VA, Scott County MN, and the Vermont Land Use Collaborative.

Not surprisingly, many Ordinances share similar provisions, but there were also a number of potential opportunities for clarification and/or limitations identified and suggested for review:

- Maximum (4) customers or clients present at any time.
- Maximum (2) nonresident employees on premises at any time
- Maximum (10) customer or client trips per day
- Home occupation shall not be open to customers, clients, employees, or patrons before 8 am on weekdays, 9 am on weekends, nor after 8:30 pm on any day of the week.
- There shall be no outdoor storage of goods, products, equipment, or other materials associated with home occupation.
- Deliveries related to the home occupation shall be limited to package services (e.g., UPS, USPS, FED EX, Amazon) or utilization of the owners passenger vehicle.

- Requirement that the residence be occupied by the business owner.
- Prohibition of specific uses such as auto/boat/ recreational vehicle repair or maintenance, rental vehicles
- Bolster fume, noise, dust, glare, odor, fire hazard language

As with any Ordinance language, clear, easily communicated, interpreted, and verified expectations are of benefit for property owners as well as City staff and the Courts should formal enforcement be required. To this end the suggestions avoided language such as “that the average neighbor, under normal circumstances” or restrictions on percentage of interior floor area that would require interior entry for verification.

Please let me know if I can provide any additional information.

ORDINANCE REVIEW COMMITTEE MINUTES FROM JUNE 13

ORDINANCE REVIEW COMMITTEE
June 13, 2023 | 5:00 p.m.

Mayor Gatt called the meeting to order at 5:00 P.M.

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Member Crawford (Absent)

ALSO PRESENT: Thomas Schultz, City Attorney
Charles Boulard, Director of Community Development
Cortney Hanson, City Clerk

APPROVAL OF AGENDA:

Mayor Gatt removed item 3 regarding the City West Ordinance. This committee usually reviews existing ordinances, not new ones. He said there is a lot of concern from the public and he thought it would serve the public better if the full Council reviews the topic at a regular meeting.

ORCM 23-06-01 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the agenda as amended.

AUDIENCE COMMENT:

Khurram Abbas said he lives in Asbury Park and was interested in what this committee would do to address concerns regarding the City West Ordinance because a lot of residents have concerns related to setbacks and heights.

MATTERS FOR DISCUSSION:

1. Approval of minutes from July 12, 2021:

ORCM 23-06-02 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the Ordinance Review Committee meeting minutes from July 12, 2021.

2. Proposed amendments to the Zoning Ordinance related to home occupation.

Mr. Boulard said earlier this spring, Council requested that staff explore amendments to the zoning ordinance that regulate home occupations. We've had challenges with that during the spring. Staff looked at several ordinances from around the country and came up with several suggestions that are outlined in the memo. What they are looking for are measurable and easily enforced consistently that would improve interactions of home occupations and neighbors. Mayor Gatt asked how many complaints we get related to home occupations. Mr. Boulard said 2-4 a year. Mayor Gatt asked what those complaints centered around. Mr. Boulard said usually the intensity of the use. For example, there is a dance school run out of a home with 8-10 people dropped off for lessons and the parents wait for them. Another was renting vehicles through an app. He said staff identified a few options and went over them from the memo. Mayor Gatt asked how we would enforce this. Mr. Boulard said an ordinance officer would have to watch the house once if there was a complaint. There is no way to do it

City Attorney Schultz said a few things were added, some of which we specifically requested. Mayor Pro Tem Staudt said he heard complaints about item 2 and pointed out that it was already existing in the ordinance. Director Boulard said we do enforce that currently.

City Attorney Schultz said item 7 is new. This was to enforce against the renting of cars or repairing cars out of a home. He added that all communities enforce these types of ordinances on a complaint basis. Director Boulard explained that usually by the time a person is in violation of an ordinance, it's apparent and that causes complaints. He gave an example of a person who rented their property to people to store their boat on and have 8-10 boats on his property. It would not impact a homeowner storing their own boat.

City Attorney Schultz said item 8 is new as well and it's related to traffic coming and going from a home business. Director Boulard explained this would help us enforce against a home occupation, such as a dance studio, in a home that has 15 kids coming and going every hour.

City Attorney Schultz said item 9 is related to deliveries and explained the idea is to allow the size that people expect, such as Amazon, UPS, etc. It is specific to the home occupation aspect and not routine deliveries.

City Attorney Schultz spoke about items 3 and 4. Item 3 already stated the home occupation has to be in the main building and the proposed amendment is to have no outside storage of goods. Item 4 states that people can't come to your home to pick up something you made there; this was already existing. The new language simply clarifies it. Mayor Pro Tem Staudt said this was an item that needs to be discussed. City Attorney Schultz pointed out that this already existed in the ordinance. Mayor Gatt said unless it's something egregious, they wouldn't likely be complaints. Mayor Pro Tem Staudt said this started because of someone renting cars from their home and it became a nuisance. He suggested sending it to the Planning Commission for their remarks. There would be a public hearing, and everyone interested would have a chance to speak about this publicly.

ORCM 23-06-04 Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY:

To recommend the proposed amendments to the Zoning Ordinance related to home occupations to the Planning Commission for their recommendation and have this topic return to ORC.

The meeting was adjourned at 6:07 p.m.

Recorded by: Cortney Hanson
City Clerk

ORDINANCE REVIEW COMMITTEE MINUTES FROM AUGUST 8

ORDINANCE REVIEW COMMITTEE
August 8, 2023 | 5:00 p.m.

Mayor Gatt called the meeting to order at 5:00 P.M.

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Member Crawford

ALSO PRESENT: Victor Cardenas, City Manager
Thomas Schultz, City Attorney
Charles Boulard, Director of Community Development
Cortney Hanson, City Clerk

APPROVAL OF AGENDA:

ORCM 23-06-01 Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the agenda as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from June 13, 2023:

ORCM 23-06-03 Moved by Crawford, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve the Ordinance Review Committee meeting minutes from June 13, 2023

2. Proposed amendments to the Zoning Ordinance related to home occupation.

Director Boulard said staff was asked to look at the home occupation provisions of the ordinance. They looked at examples from other communities and considered which would allow us to limit the types of uses that get out of hand like rental cars and dance studios being run in homes. If there is a recommendation from this committee, the ordinance amendment would go to the Planning Commission.

Mayor Pro Tem Staudt said he received calls from residents about this asking if we don't enforce the ordinances we already have, why are we creating new ones. He provided a few examples of things that violate certain ordinances and questioned why the ordinance wasn't being enforced. He said the biggest question was do we enforce the existing ordinances. Director Boulard said they respond when there are complaints and when violations are reported or noticed by staff. Mayor Pro Tem Staudt pointed out that there is currently an ordinance on home occupations and these recommendations are simply adding to it. City Attorney Schultz said yes, things were added to address specific complaints and to clarify the existing ordinance. Mayor Pro Tem Staudt asked whether the covenants of an HOA or the City's Code of Ordinances take precedence. City Attorney Schultz said it's a matter of who can enforce it. The City can enforce it's own Code of Ordinances and the HOA can enforce it's own covenants.

without observing. Mayor Gatt said that's a difficult task and would make it a difficult ordinance to enforce if we pick some of them.

Mayor Pro Tem Staudt said his experience is different. He has 3 specific instances in a small area in his subdivision. One is a commercial sandwich maker that has deliveries by semi every week. It's in violation of ordinance and he was sure they were aware of it. Another is daily renting of vehicles. There is an app where you can rent a car from an individual. It's not a bad deal when its only 1 or 2 cars but what about 7 or 8. The complaints he heard was that there were so many vehicles, they were driving on neighbor's lawn, rentals being picked up at 1am, and using the schools as a pickup point. He said HOA has tried to do things about this in the past. He believes this is a bigger issue than we really know. He thought the neighbors didn't want to turn on each other and report people to the City. An issue he saw becoming a bigger issue is the regulation of temporary rentals of homes, like Airbnb's. Airbnb's are becoming a bigger issue. He's had 3-4 complaints about people who live next to rentals and people throwing parties. He wasn't sure the best way to deal with it. He didn't want staff to be sitting there watching this to track it. Local neighborhoods aren't meant to be rental car lots. We need to be prepared to deal with this as its going to be an ongoing issue.

Mayor Gatt asked if they were being asked to send something to council or just discuss the topic. Mr. Boulard said he wanted to present opportunities, if they thought some of these were worth pursuing, they would work with attorney to draft an amendment for them to see. Mayor Pro Tem Staudt asked if this was an issue in other communities; are they putting new ordinances in place? City Attorney Schultz said zoning ordinances in other communities have home occupation ordinances, but they are vastly different. He said the language probably hasn't been looked at in a while, but what was presented are good options. We might have to handle home occupation and the Airbnb topic separately. We are waiting for the state to pre-empt us from doing anything. It's kind of stalled. We've talked internally about what we might do. He said we'd come back with a draft ordinance for home occupation.

3. Discussion of a new zoning district: CW City West.

This item was removed from the agenda.

The meeting was adjourned at 5:22 p.m.

Recorded by: Cortney Hanson
City Clerk