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OFFICE OF THE COUNCIL

**ELECTRONIC AGENDA PACKET FOR THE
PUBLIC HEARING MEETING OF
WEDNESDAY, DECEMBER 16, 2020
7:00 P.M.**

**The electronic agenda is compiled, produced and distributed
by the City Council Staff. (734) 466-2250**

The official documents are on file in the City Clerk's office.

AGENDA

Public Hearing of the Council of the City of Livonia Wednesday, December 16, 2020
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7:00 PM

* Due to COVID-19, Public Hearings will not be held in the City Hall Auditorium

You may connect on Zoom: <https://us02web.zoom.us/j/87333432528>

or by phone at (312) 626-6799, ID: 873 3343 2528

To participate, use the 'Raise Hand' button on Zoom or press *9 on your phone to be called on

AUDIENCE COMMUNICATION

- 1) **Petition 2020-09-06-02** submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

AUDIENCE COMMUNICATION

SUSAN M. NASH, CITY CLERK

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the City Clerk's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call (734) 466-2236 or email xd if you need assistance. **Council agendas are available on the City's website – www.ci.livonia.gov - under Government, City Council, Agendas.**



REPORT TO THE LIVONIA CITY COUNCIL

Planning

November 17, 2020

MEETING DATE

December 16, 2020

PREPARED BY

Stephanie Reece, Program
Supervisor, Planning

AGENDA ITEM

LANGUAGE CHANGE: Petition 2020-09-06-02 submitted by the City Planning Commission, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

BACKGROUND

on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

RECOMMENDATION

FISCAL CONSIDERATION

ATTACHMENTS

1. 2020-09-06-02_Nature Preserves_E-COUNCIL Pkt
2. PH121620 Petition 2020-09-06-02 (LANGUAGE CHANGE)

APPROVED BY

OFFICE OF THE CITY COUNCIL

COUNCIL MEMBERS

Kathleen E. McIntyre
President

Scott Bahr
Vice President

Rob Gjonaj Donovic
Jim Jolly
Brandon McCullough
Laura M. Toy
Cathy K. White



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November 19, 2020

To be announced at the City Council Regular Meeting of Wednesday, December 2, 2020

**A Public Hearing for the following item will be held
Wednesday, December 16, 2020
7:00 P.M.**

* Due to COVID-19, Public Hearings will not be held in the City Hall Auditorium
You may connect on Zoom: <https://us02web.zoom.us/j/87333432528>
or by phone at (312) 626-6799, ID: 873 3343 2528

To participate, use the 'Raise Hand' button on Zoom or press *9 on your phone to be called on

Petition 2020-09-06-02 submitted by the City Planning Commission, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

cc: Mayor, City Clerk (suggested publication 11/29/20), City Treasurer, City Attorney, Director of Planning & Economic Dev., City Assessor, City Engineer, Director of Public Works, Director of Finance and Director of Inspection

PLANNING COMMISSION

IAN WILSHAW, Chairman
GLEN W. LONG, JR., Vice Chairman
SAM CARAMAGNO, Secretary
DAVID BONGERO
ELIZABETH McCUE
CAROL A. SMILEY
PETER H. VENTURA



MAUREEN MILLER BROSNAN
MAYOR

MARK TAORMINA
PLANNING & ECONOMIC
DEVELOPMENT DIRECTOR

SCOTT O. MILLER
PLANNER IV

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November 12, 2020

Honorable Members of the City Council
City of Livonia, Michigan

Re: Petition 2020-09-06-02 – Nature Preserves

Dear Council Members:

At the 1,162nd Public Hearings and Regular Meeting held by the City Planning Commission on November 10, 2020, in the Livonia City Hall, the following resolution was unanimously adopted:

#11-58-2020 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on November 10, 2020, on Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, the Planning Commission does hereby recommend to the City Council that Petition 2020-09-06-02 be approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and

To: Honorable Members of the Council
Re: 2020-09-06-02 – Nature Preserves

November 12, 2020
Page 2

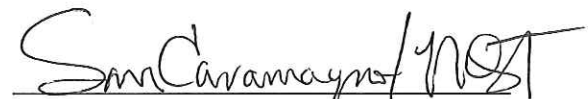
2. The proposed amendment is in the best interests of the safety and welfare of the community.

Very truly yours,

APPROVED FOR SUBMISSION

CITY PLANNING COMMISSION


Maureen Miller Brosnan, Mayor


Sam Caramagno, Secretary

cc: Mayor, Clerk, Law

DEPARTMENT OF PARKS & RECREATION

**PARKS AND RECREATION
COMMISSION**

MARK JOHNSON
CHAIRPERSON

PAUL CONDON
KATHERINE JOLLY
CATHY KEVRA
KEVIN SUMMERS

15100 HUBBARD
LIVONIA, MICHIGAN 48154-3586
(734) 466-2410 RECREATION DIVISION
FAX: (734) 466-2679

DENNIS K. WRIGHT
MAYOR

EDWARD DAVIS
SUPERINTENDENT



MEMO

TO: Mark Taormina, Planning Director
FROM: Ted Davis, Superintendent
RE: Zoning Review

Mark,

The Parks and Recreation Commission is asking that Planning take a few issues under consideration prior to 2020. These include: Nature Preserve Zoning Ordinance, review park properties to ensure proper zoning, rezoning of recent park acquisitions and rezoning of city owned property in Burton Hollow Subdivision.:

The Nature Preserve designation has the benefit of prohibiting altering the property, but with the non-motorized transportation plan, invasive species and forestry management, it has become clear that changing the ordinance to allow for trail construction and removal of materials is needed. Recent acquisitions such as Tatigian and Washington should have zoning changed to NP/PL from the current RUF and R designations. City owned land in Burton Hollow is deeded as a park but is zoned R should be changed to NP so encroachment concerns can be adequately addressed in the future. Finally, a comprehensive review of park zoning would be appreciated to ensure proper zoning as we move forward.

Please let me know how I can assist with these projects.

Thank you for your time and consideration.

TD

PETITION 2020-09-06-02

The undersigned, Ian Wilshaw, Chairman of the City of Livonia Planning Commission, does hereby certify that at the 1,161st Public Hearing and Regular Meeting of the City Planning Commission of the City of Livonia, held on October 6, 2020, via the Zoom Platform, at which time and place the following members of the Planning Commission were present: Glen Long, Sam Caramagno, Carol Smiley, Betsy McCue, Dave Bongero and Peter Ventura, the following resolution was unanimously adopted:

#10-53-2020

RESOLVED, that the City Planning Commission, pursuant to Section 23.01(b) of Ordinance #543, the Zoning Ordinance of the City of Livonia, as amended, does hereby establish and order that a public hearing be held to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

(Proposed ordinance amendment attached)

FURTHER RESOLVED, that notice of such hearing shall be given in accordance with the provisions of Section 23.05 of Ordinance #543, the Zoning Ordinance of the City of Livonia, as amended, and that thereafter there shall be a report and recommendation submitted to the City Council.

IN WITNESS WHEREOF, the undersigned has hereunto affixed his signature on this 7th day of October, 2020.

Ian Wilshaw, Chairman
City Planning Commission

Dated: October 7, 2020

APPROVED AS TO FORM

Department of Law

By: *Michael E. Krizan*

Date: 10/7/2020

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 4

Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City’s Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

October 27, 2020 Study Meeting:

This proposed text amendment seeks to expand the list of permitted uses within the City’s designated Nature Preserves. For good and obvious reasons, the NP District regulations are very protective of the natural environment. However, as currently written, the language could be interpreted in a way that would prohibit certain beneficial improvements, such as the management of invasive species or the construction of fully accessible pedestrian trails or paths. It is for these reasons that the Parks and Recreation Department is requesting that the language of the Uses Permitted section of the NP District regulations be modified to include additional improvements and activities under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk.

Following is the proposed language change (shown in *red*), as drafted by the City Law Department, that would be incorporated into Section 31.03 Uses Permitted:

Section 31.03 Uses Permitted. Section 31.03, as amended by Ordinance No. 2388, adopted 7-10-97. In all NP Districts, no land shall be used, in whole or in part, except for one or more of the following uses:

(a) Outdoor recreational uses such as:

- (1) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City’s nonmotorized transportation plan.
- (2) Appropriate forest management practices, including the removal of invasive plant or animal species deemed to be harmful or damaging to the health of existing or desired native plant or animal species, as well as introduction/reintroduction and/or promotion of native plant and animal species, all as determined by the Parks and Recreation Commission

PUBLIC HEARING

ITEM 4 Petition 2020-09-06-02 – Nature Preserves

Page 2

- (3) Hiking
- (4) Educational laboratories
- (5) Day Camping (overnight camping not permitted)

(b) Accessory uses, necessary or incidental to the principal uses listed above in (a).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

November 10, 2020 Public Hearing:

Approving Resolution: That the request to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, is hereby approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and
2. The proposed amendment is in the best interests of the safety and welfare of the community.

AN ORDINANCE AMENDING SECTION 31.04 (NP DISTRICT REGULATIONS) OF ARTICLE XXXI OF ORDINANCE NO. 543, AS AMENDED, KNOWN AND CITED AS “THE CITY OF LIVONIA ZONING ORDINANCE.”

THE CITY OF LIVONIA ORDAINS:

Section 1. Section 31 of Article XXXI of Ordinance No. 543, as amended, is hereby amended to read as follows:

Section 31.03 Uses Permitted. Section 31.03, as amended by Ordinance No. 2388, adopted 7-10-97. In all NP Districts, no land shall be used, in whole or in part, except for one or more of the following uses:

(a) Outdoor recreational uses such as:

- (1) Nature trails, including the construction of new trails and any improvements necessary to meet barrier-free design standards, where feasible, provided such improvements are consistent with the City of Livonia Five-Year Parks and Recreation Master Plan and the City’s nonmotorized transportation plan
- (2) Appropriate forest management practices, including the removal of invasive plant, insect or animal species deemed to be harmful or damaging to the health of existing or desired native plant, insect or animal species, as well as introduction/reintroduction and/or promotion of native plant and animal species, all as determined by the Parks and Recreation Commission
- (~~23~~) Hiking
- (~~34~~) Educational laboratories
- (~~45~~) Day Camping (overnight camping not permitted)

(b) Accessory uses, necessary or incidental to the principal uses listed above in (a).

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Proposed Zoning Ordinance Amendment

Section 31.02

Petition _____

Section 3. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

UNAPPROVED MINUTES

1

MINUTES OF THE 1,162nd PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, November 10, 2020, the City Planning Commission of the City of Livonia held its 1,162nd Public Hearings and Regular Meeting via Zoom Meeting Software.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7:00 p.m.

Members present: David Bongero Sam Caramagno Glen Long
 Betsy McCue Carol Smiley Peter Ventura (late)
 Ian Wilshaw

Members absent: None

Mr. Mark Taormina, Planning Director, Scott Miller, Planner IV, Stephanie Reece, Program Supervisor, and Debra Walter, Clerk-Typist were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the Petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #4 PETITION 2020-09-06-02 Nature Preserve Ord.

Mr. Caramagno, Secretary, announced the next item on the agenda, Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of

invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk.

Mr. Taormina: The purpose of this language amendment is to address some issues in the current ordinance. The suggested changes are at the request of the Parks and Recreation Commission. For obvious reasons, the NP District Regulations are very protective of the environment. However, as they are currently written, they could be interpreted in a way that would prohibit certain beneficial improvements, such as the removal of invasive species or constructing fully accessible barrier-free pedestrian trails and paths. For this reason, it is recommended that the permitted use section of Article XXXI be expanded to include these items. Any work would be under the direction of the Parks and Recreation Commission and the Parks and Recreation Department. It would also have to be consistent with the Master Parks and Recreation Plan and Livonia Bike Walk. We do have Mr. Ted Davis, Director of Parks and Recreation, on the call. With that, I would be happy to answer any questions you may have. Again, this was brought to us at the request of the Parks and Recreation Commission. Thank you.

Mr. Wilshaw: Are there any questions of the Planning Director? If not, Mr. Davis in our audience. I am going to give him the opportunity to introduce himself. Good evening. Mr. Davis.

Ted Davis, Director of Parks and Recreation. Thank you for placing this on the agenda this evening. As Mr. Taormina said very eloquently, this is a matter of housekeeping for us. The way the current NP District information is written, it is extremely limiting. So much so to the detriment of Nature Preserves, where we do not have the ability to remove invasive species, construct any trails, especially barrier-free trails, or do any Forest Management practices. The way the current NP designation is written, those are all in violation of that designation. So, this gives us some flexibility and allows us to take care of our Nature Preserves and ensure that they are going to be pristine for generations to come. I would be happy to answer any questions that the Planning Commission may have.

Mr. Wilshaw: Thank you, Mr. Davis. Do we have any questions from any of the Commissioners on this item? I don't see any questions for you. Is there anybody in the audience that wishes to speak for or against this item? If so, please click raise hand. I don't see

anyone in the audience wishing to speak to this either. With that, I think I can safely close the public hearing and ask for a motion.

On a motion by Long, seconded by McCue, and unanimously adopted, it was

#11-58-2020 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on November 10, 2020, on Petition 2020-09-06-02 submitted by the City Planning Commission on its own motion, pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to determine whether or not to amend Article XXXI – NP District Regulations, of the City of Livonia Zoning Ordinance No. 543, as amended, to expand the list of permitted uses under Section 31.03 to include beneficial forest management practices, such as the removal of invasive species, and selective trail construction in accordance with the City's Master Parks and Recreation Plan and nonmotorized transportation plan, Livonia Bike Walk, the Planning Commission does hereby recommend to the City Council that Petition 2020-09-06-02 be approved for the following reasons:

1. The proposed language amendment will allow certain beneficial improvements and activities to the City's Nature Preserves under the guidance of the Parks and Recreation Commission and consistent with the Master Parks and Recreation Plan and Livonia Bike-Walk, and
2. The proposed amendment is in the best interests of the safety and welfare of the community.