



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: March 1, 2023

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 257) – Places of Worship

The attached draft zoning ordinance text amendment is related to the regulation of places of worship in the City of Troy. The attached memo explains the proposed revisions.

The City of Troy is obligated to comply with the Stipulation and Order to Resolve Motion for Additional Relief (see attached). This Order relates to settlement of the Adam case (Civil Action No. 19-cv-12736).

Specifically, the Order required the City to take the following actions:

- “Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to § 4.21: **“ON 3/18/2022 A FEDERAL COURT RULED THAT PLACES OF WORSHIP ARE PERMITTED AS OF RIGHT IN THE CF DISTRICT”**”. This requirement was met (see attached).
- “Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to §§ 6.21(E)-(F): **“ON 3/18/2022 A FEDERAL COURT RULED THAT §§ 6.21(E)-(F) ARE UNENFORCEABLE”**”. This requirement was met (see attached).
- “Within seven (7) days of the signature date on this Order, Troy shall prominently place the following statement on its website: “On 3/18/2022, a federal court ruled that Zoning Ordinance §§ 6.21(E)-(F) are unenforceable against any religious assembly or institution and ruled that Zoning Ordinance § 4.21 permits places of worship as of right in the Community Facilities district. The City must abide by the Court’s order.”” This requirement was met (see attached).
- “Troy’s administrative officials shall recommend that the Troy Planning Commission and the Troy City Council approve a text amendment to the Zoning Ordinance that shall repeal the provisions of §§ 6.21(E)-(F) that impose 50-foot setbacks for all yards for places of worship and prohibit parking within those yards and which shall amend § 4.21 to allow places of worship as a permitted use in the CF zoning district. Within two (2) weeks of the signature date on this Order, Troy shall initiate the process to enact said amendment in accordance with the Michigan”. The attached draft provisions comply with these requirements.



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CITY COUNCIL AGENDA ITEM

A draft text amendment was prepared by Carlisle/Wortman Associates, Inc. with input provided by the City Attorney and Community Development Director. The Planning Commission held a public hearing for this item on January 10, 2023 and recommended approval by a vote of 8-1.

A public hearing is scheduled for March 13, 2023.

Legal Review

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.

Attachments:

1. Stipulation and Order to Resolve Motion for Additional Relief.
2. Verbiage added to Section 4.21 and 6.21 of Chapter 39 Zoning Ordinance.
3. Verbiage added to City website.
4. Memo prepared by Carlisle Wortman Associates, Inc.
5. Minutes from January 10, 2023 Planning Commission Regular meeting.
6. City Council Public Hearing Draft ZOTA 257.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 19-cv-12736
)	Hon. Nancy G. Edmunds
v.)	Mag. Judge David R. Grand
)	
)	
CITY OF TROY, MICHIGAN)	
)	
Defendant.)	

**STIPULATION AND ORDER TO RESOLVE
MOTION FOR ADDITIONAL RELIEF**

The United States and the City of Troy (“Troy”) (together, the “Parties”), through this Stipulation and Proposed Order, agree to the following:

1. The United States’ Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e) – ECF No. 57 – is withdrawn without prejudice.

2. Troy’s administrative officials shall recommend that the Troy Planning Commission and the Troy City Council approve a text amendment to the Zoning Ordinance that shall repeal the provisions of §§ 6.21(E)-(F) that impose 50-foot setbacks for all yards for places of worship and prohibit parking within those yards and which shall amend § 4.21 to allow places of worship as a permitted use in the CF zoning district. Within two (2) weeks of the signature date on this Order, Troy shall initiate the process to enact said amendment in accordance with the Michigan

Zoning Enabling Act, MCL 125.3101, *et seq.*, and Article 16 of the Troy Zoning Ordinance and shall make every effort to ensure that there are no delays in the process.

3. Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to §§ 6.21(E)-(F): **“ON 3/18/2022 A FEDERAL COURT RULED THAT §§ 6.21(E)-(F) ARE UNENFORCEABLE”**.

4. Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to § 4.21: **“ON 3/18/2022 A FEDERAL COURT RULED THAT PLACES OF WORSHIP ARE PERMITTED AS OF RIGHT IN THE CF DISTRICT”**.

5. Within seven (7) days of the signature date on this Order, Troy shall replace any public facing version of Troy’s Zoning Ordinance (on its website or otherwise) with the annotated copies.

6. Within seven (7) days of the signature date on this Order, Troy shall prominently place the following statement on its website (https://troymi.gov/departments/city_attorney/code_table_of_contents.php#outer-79): “On 3/18/2022, a federal court ruled that Zoning Ordinance §§ 6.21(E)-(F) are unenforceable against any religious assembly or institution and ruled that Zoning

Ordinance § 4.21 permits places of worship as of right in the Community Facilities district. The City must abide by the Court's order.”

7. Troy shall maintain its Zoning Ordinance and website consistent with Paragraphs 3-6 unless and until it approves and enacts the zoning amendment or a similar amendment with the same substantive provisions as described in Paragraph 2.

8. If Troy fails to approve and enact the aforesaid zoning amendment or a similar amendment with the same substantive provisions as described in Paragraph 2 within five (5) months of the signature date on this Order, the United States may renew its Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e) or move the Court to impose any remedy authorized by law or equity, including, but not limited to, findings of contempt, an order requiring specific performance, or an award of any damages, costs, and reasonable attorneys' fees that may have been occasioned by Troy's failure to perform. Troy agrees to waive all affirmative defenses, including the statute of limitations, when responding to any such motion. The Parties also agree that venue in this Court is appropriate.

SO ORDERED.

Dated: November 23, 2022

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

For Plaintiff the United States:

DAWN N. ISON
United States Attorney
Eastern District of Michigan

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

SAMEENA SHINA MAJEED
Chief

/s/ Shannon Ackenhausen
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Dated: November 23, 2022

For Defendant City of Troy:

/s/ with consent of Allan Motzny
Lori Grigg Bluhm (P46908)
Allan T. Motzny (P 37580)
City of Troy City Attorney's Office
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3320
MotznyAT@troymi.gov

Dated: November 23, 2022

SECTION 4.21 SCHEDULE OF USE REGULATIONS

- A. In all Districts, no **building** or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.
- B. The Schedule of Use Regulations identifies uses as follows:
 1. "P" identifies uses permitted as of right.
 2. "S" identifies uses requiring special approval.
 3. "A" identifies accessory uses.
 4. "NP" identifies uses not permitted.

ON 3/18/2022 A FEDERAL COURT RULED THAT PLACES OF WORSHIP ARE PERMITTED AS OF RIGHT IN THE CF DISTRICT

Uses	Districts															
	R-1A through R-1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P	
Residential																
One-family dwellings	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Two-family dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
One-family attached dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Home occupations	A	A	A	A	A	A	NP	A	A	A	NP	A	NP	NP	NP	NP
Multiple-family dwellings (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Multiple-family dwellings (9+ stories)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Multiple-family dwellings (on upper floors only in a mixed-use building)	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	P	NP	NP	NP	NP
Senior assisted/independent living	S	S	P	P	NP	S	NP	P	P	P	NP	P	NP	NP	NP	NP
Live/work units	NP	NP	P	P	NP	NP	NP	P	P	P	NP	P	NP	NP	NP	NP
Bed and breakfast	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation																
Publicly owned and operated parks, parkways, and recreational facilities	P	P	P	P	P	P	NP	P	P	P	P	P	P	NP	NP	NP
Golf courses	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP	NP	NP	NP
Swimming pool clubs	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP	NP	NP	NP
Institutional																
Primary/secondary schools	S	S	S	S	S	P	NP	P	P	P	P	P	P	NP	NP	NP
Places of worship	S	S	S	S	S	S	NP	P	P	P	P	P	P	NP	NP	NP
Publicly owned/operated office and service facilities	S	S	S	S	S	P	NP	P	P	P	P	P	P	P	P	P
Convalescent centers	NP	NP	S	S	NP	P	NP	P	P	P	P	P	NP	NP	NP	NP
Fine and performing arts facilities	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	S	NP	NP	NP	NP

- C. The site shall have frontage on and primary access to a [major](#) or [minor arterial](#).
- D. Buildings of greater than the maximum height allowed in the District in which a [place of worship](#) is located, may be allowed provided that the [front](#), [side](#) and [rear yards](#) are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. [Front](#), [side](#) and [rear yard](#) setbacks shall be a minimum of fifty (50) feet.
- F. Parking shall not be permitted in the required [yards](#) adjacent to any public [street](#) or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped [open space](#).
- G. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public [street](#).

ON 3/18/2022, A FEDERAL COURT RULED THAT §§ 6.21(E)-(F) ARE UNENFORCEABLE

SECTION 6.22 POST-SECONDARY SCHOOLS

- A. All ingress and egress from said site shall be directly on to a [major arterial](#).
- B. No [building](#) shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.
- C. Off-street parking areas shall be located at least fifty (50) feet from any residential property line.
- D. Those [buildings](#) to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in [Section 13.02.B](#).

SECTION 6.23 PRIMARY/SECONDARY SCHOOLS

- A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.

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City Attorney

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On 3/18/2022, a federal court ruled that Zoning Ordinance Sections 6.21(E)-(F) are unenforceable against any religious assembly or institution and ruled that Zoning Ordinance Section 4.21 permits places of worship as of right in the Community Facilities district. The City must abide by the Court's order.

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Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

To: Troy Planning Commission
Brent Savidant, AICP

From: Ben Carlisle, AICP

Date: December 27, 2022

RE: Places of Worship

The City has recently resolved the remaining issues with the Department of Justice and settled its case with ADAM Community Center that involved the Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA protects individuals, houses of worship, and other religious institutions from discrimination in zoning and land regulations. RLUIPA prohibits zoning and land regulations that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. RLUIPA is not a blanket exemption from zoning laws. However, RLUIPA prohibits a local government from applying zoning laws or regulations in a way that:

- a. Substantially burdens religious exercise without a compelling justification pursued through the least restrictive means;
- b. Treats religious uses less favorably than nonreligious assemblies and institutions;
- c. Discriminates based on religion or religious denomination; or
- d. Totally or unreasonably restricts religious uses in the local jurisdiction.

With regards to land use regulations, the most common RLUIPA violation is placing land use regulations on religious institutions that do not apply to similar nonreligious places of assembly and institutions. Nonreligious assemblies and institutions in the City Zoning Ordinance include libraries, theaters, assembly halls, concert halls, halls for private clubs, recreational clubs and centers, fraternal order halls, lodge halls, civic organizations, unions and membership halls, schools, and government buildings.

We took a comprehensive view of the Zoning Ordinance and recommend specific zoning amendments. For this memo, each proposed amendment has three parts: A) the ordinance section number, page number, and existing ordinance language; B) details outlining the proposed text amendment and explanation as to why the amendment is warranted; and C) proposed amended language. Removed text is ~~struck through~~ and proposed new text is **red** and underlined

Amendments:

1. **A. Section 4.21: Schedule of Use Regulations:** Currently, the Schedule of Use table requires that places of worship are a Special Use in the Community Facility District. Similar nonreligious assembly uses such as primary / secondary schools, fine and performing arts Facilities, post-secondary schools are permitted uses.

B. Issue: Treating religious uses less favorably than nonreligious assemblies and institutions by requiring them to obtain a Special Use could be subject to challenge under RLUIPA. By making places of worship a permitted use in the Community Facility District treats the use in a similar manner to other assembly uses.

C. Proposed Amendment:

Make places of worship a “permitted use” in the Community Facility District.

Uses	R-1	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Places of Worship	S	S	S	S	S	S P	NP	P	P	P	P	P	P	NP	NP
Primary / Secondary Schools	S	S	S	S	S	P	NP	P	P	P	P	P	P	NP	NP
Fine and Performing Arts Facilities	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	S	NP	NP	NP
Post Secondary Schools	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	NP	NP
Health Fitness Center	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Indoor Commercial Recreation	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Private Clubs, Fraternal Organization, and Lodge Halls	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	NP	NP	NP
Theaters and Places of Assembly	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	S	S	NP	NP

2. **A. Section 6.21: Places of Worship:** Section 6.21 establish specific use standards for Places of Worship. Standards include access, setback, and parking location requirements.

B. Issue: There are specific use standards that are applied to places of worship that are not applied to similar assembly uses.

- Specific use standards for a place of worship require that *facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property.* This requirement does not apply to other similar assembly uses. Furthermore, the requirement that the

incidental facilities are used in a manner “which is consistent with residential zoning and compatible with adjacent residential property” may be deemed subjective and difficult to quantify.

- A place of worship is required to meet a 50-foot setback along all property lines. This requirement does not apply to other similar assembly uses. Furthermore, people today are worshiping in different ways and in different locations than previously. Traditional places of worship were often large free-standing buildings on larger lots, where the 50-foot setback was easy to meet. Modern places of worship are done in smaller spaces, in office parks, commercial strip centers, and other retrofit locations. The 50-foot setback provision severely restricts these non-traditional worship locations and reuse and retrofitting of existing buildings cannot often meet the 50-foot setback.
- Parking is not allowed between a place of worship building and a street, and in any yard adjacent to residential. Again, this requirement does not apply to other similar assembly uses. Furthermore, these parking restrictions for places of worship severely restrict non-traditional worship locations. We suggest replacing this language by allowing parking in front, side, and rear yards with a required 20-foot landscaped setback. This language is consistent with parking requirements for similar uses.
- A place of worship must have frontage and access to a major or minor arterial. This standard is consistent with similar assembly uses such as schools. However, there may be instances where a place of worship is able to locate on a non-arterial street and such use can mitigate negative impacts such as traffic, noise, and hours of operation. We suggest adding language that allows the Planning Commission the ability waive this requirement as part of the site plan review process.

Outlined below are proposed amendments to ensure consistency of regulations with other like assembly uses.

C. Proposed Amendment:

SECTION 6.21 PLACES OF WORSHIP

- A. All religious activities shall take place in a fully enclosed building except as may be approved by the City.
- B. ~~Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property.~~ Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools, convents, and others shall meet all requirements of this Ordinance for such uses.
- C. The site shall have frontage on and primary access to a major or minor arterial. In residential districts, this requirement may be waived by the Planning Commission if the applicant is able to demonstrate that impacts such as but not

limited to traffic, parking, noise, and hours of operations, do not negatively impact adjacent properties.

1. Parking is permitted in front, side, and rear yards provided there is compliance with the landscape requirements of Section 13.02.
 2. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. ~~Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.~~
- F. ~~Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings.~~

I look forward to discussing this memo at your upcoming meeting.



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

ZONING ORDINANCE TEXT AMENDMENT

5. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 257)**
 – Places of Worship

Ms. Dufrane introduced proposed revisions to the Zoning Ordinance relating to places of worship because of a Zoning Board of Appeals litigation decision. She stated a Federal District Court Judge made known that portions of Sections 4.21 and 6.21 of the Zoning Ordinance are not enforceable as written. Ms. Dufrane emphasized the proposed revised text is not a directive from the Court but that the proposed revisions were drafted by the administration after a comprehensive review.

There was discussion, some comments related to:

- Proposed revisions as relates to the protection of residentially zoned properties; i.e., parking, setbacks, frontage and access to major or minor arterial roads.
- Zoning Ordinance definition of places of worship.
- Charge of the Zoning Administrator to interpret the Zoning Ordinance.
- Intent is to apply similar treatment to both religious institutions and nonreligious places of assembly and institutions.

Ms. Perakis stated she is not personally prepared this evening to recommend the text revisions as proposed.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2023-01-003

Moved by: Faison
 Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 4 and 6 of Chapter 39 of the Code of the City of Troy, which includes provisions related to places of worship, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Discussion on the motion on the floor.

Chair Lambert said he is happy the City came forth with language that both eliminates some of the discriminatory language in the City’s Zoning Ordinance and at the same time protects the residential areas that might be impacted.

Vote on the motion on the floor.

Yes: Buechner, Faison, Fox, Hutson, Krent, Lambert, Malalahalli, Tagle
No: Perakis

MOTION CARRIED

CITY COUNCIL PUBLIC HEARING DRAFT
CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendments

Chapter 39 of the Code of the City of Troy is amended as follows:

Amend Section 4.21 Schedule of Regulations to read as follows: (Underlining and Strikeout Denotes Changes)

Uses	R-1	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Places of Worship	S	S	S	S	S	<u>S</u> P	NP	P	P	P	P	P	P	NP	NP
Primary / Secondary Schools	S	S	S	S	S	P	NP	P	P	P	P	P	P	NP	NP
Fine and Performing Arts Facilities	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	S	NP	NP	NP
Post Secondary Schools	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	NP	NP
Health Fitness Center	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP	NP	NP
Indoor Commercial Recreation	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP	NP
Private Clubs, Fraternal Organization, and Lodge Halls	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	NP	NP	NP
Theaters and Places of Assembly	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	S	S	NP	NP

Amend Section 6.21 to read as follows: (Underlining and Strikeout Denotes Changes)

SECTION 6.21 PLACES OF WORSHIP

- A. All religious activities shall take place in a fully enclosed building except as may be approved by the City.
- B. ~~Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning~~

~~and compatible with adjacent residential property.~~ Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools, convents, and others shall meet all requirements of this Ordinance for such uses.

- C. The site shall have frontage on and primary access to a major or minor arterial. In residential districts, this requirement may be waived by the Planning Commission if the applicant is able to demonstrate that impacts such as but not limited to traffic, parking, noise, and hours of operations, do not negatively impact adjacent properties.
1. Parking is permitted in front, side, and rear yards provided there is compliance with the landscape requirements of Section 13.02.
 2. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. ~~Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.~~
- F. ~~Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings.~~

Section 3. Repeal

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 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect, and any such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2023.

Ethan Baker, Mayor

M. Aileen Dickson, CMC, City Clerk