



CITY of NOVI CITY COUNCIL

**Agenda Item 5
September 22, 2014**

SUBJECT: Consideration of Ordinance 14-100.43 to amend the City of Novi Code of Ordinances Chapter 8, "Signs" Section 28-7, "Allowed in All Districts," Subsection (a)(11), in order to revise regulations relating to temporary signs installed in window areas. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development *UM*

CITY MANAGER APPROVAL: *PK*

BACKGROUND INFORMATION:

Current City Ordinance language allows business window signage of up to 25% of window area and requires that the signage be applied to the inside of the glass. Advancements in the development of materials and sign graphics production now allow vinyl and other signage applied to the outside of window glazing panels to withstand the effects of weathering and sunlight for extended periods of time without degradation, fading or loss of adhesion. In view of these advances and in response to inquiries and conversations with sign makers and business owners, staff brought the issue to the Ordinance Review Committee for discussion.

The current Ordinance also includes provisions limiting the duration of window signage as well as a required time period between displays. As permits are not required for window this category of signs, equitable enforcement would require staff to canvas the City daily to record installation of window signs and the track the number of days since removal of any previous sign. This provision has not been enforced, at least in the recent past. This issue was also brought before the Ordinance Review Committee for discussion.

Proposed Amendment:

The proposed amendment revises the Sign Ordinance language to allow window signage on either the interior or exterior of glazing and would delete entirely the message limitations and display period limits. The Ordinance Review Committee of City Council met on June 11, 2014 and recommended proceeding with the proposed amendments. The Committee also reviewed the proposed changes at their meeting of August 11, 2014 and recommended forwarding to the City Council for first reading and consideration.

RECOMMENDED ACTION: Approval of Ordinance 14-100.43 to amend the City of Novi Code of Ordinances Chapter 8, "Signs" Section 28-7, "Allowed in All Districts," Subsection (a)(11), in order to revise regulations relating to temporary signs installed in window areas. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-100-43

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 28, "SIGNS," SECTION 28-7, "ALLOWED IN ALL DISTRICTS," SUBSECTION (a)(11), IN ORDER TO REVISE REGULATIONS RELATING TO TEMPORARY SIGNS INSTALLED IN WINDOW AREAS.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 28, "Signs," Section 28-7, "Allowed in All Districts," Subsection (a)(11), of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 28-7. Allowed in all districts.

The following types of signs shall be allowed in all districts where the principal use to which they are related is permitted by appendix A, "zoning ordinance," as amended:

(a) No permit required:

(1) – (10) [unchanged]

(11) Business signs displayed in, on, or through building glass area, where such sign:

- a. Covers not more than twenty-five (25) percent of all the glass area of the frontage of the building premises displaying the sign;
- b. Open/closed signs, whose sole function is to indicate whether or not the business establishment is open or closed, may be displayed through building glass, one per each side of the building, and are not subject to subsections a—c above, but shall not exceed three and one-half (3) square feet in area and each thirty-six (36) inches in any dimension. Signs displayed through building glass area shall not be illuminated unless located at least fifteen (15) feet from any window, except that an open/closed sign may be illuminated.

(12) – (13) [unchanged]

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 ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the _____ day of _____, 2014.

Maryanne Cornelius, City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-100-43

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 28, "SIGNS," SECTION 28-7, "ALLOWED IN ALL DISTRICTS," SUBSECTION (a)(11), IN ORDER TO REVISE REGULATIONS RELATING TO TEMPORARY SIGNS INSTALLED IN WINDOW AREAS.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 28, "Signs," Section 28-7, "Allowed in All Districts," Subsection (a)(11), of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 28-7. Allowed in all districts.

The following types of signs shall be allowed in all districts where the principal use to which they are related is permitted by appendix A, "zoning ordinance," as amended:

(a) No permit required:

(1) – (10) [unchanged]

(11) Business signs displayed ~~through building in, on, or through building~~ glass area, where such sign:

a. Covers not more than twenty-five (25) percent of all the glass area of the frontage of the building premises displaying the sign;

~~b. Contains a message referring to current, temporary merchandising or promotional activities such as a sale; and~~

~~c. Is removed from the glass area not more than five (5) days after its first display. The same sign may not be displayed for a period of thirty (30) days from the date of such removal.~~

~~b.d.~~ Open/closed signs, whose sole function is to indicate whether or not the business establishment is open or closed, may be displayed through building glass, one per each side of the building, and are not subject to subsections a—c above, but shall not exceed three and one-half (3) square feet in area and each thirty-six (36) inches in any dimension. Signs displayed through building glass area shall not be illuminated unless located at least fifteen (15) feet from any window, except that an open/closed sign may be illuminated.

(12) – (13) [unchanged]

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 ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2014.

Maryanne Cornelius, City Clerk

ORDINANCE REVIEW COMMITTEE
June 11, 2014 | 5:00 p.m.
Mayor's Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:04 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Ordinance mowing administration charges

Mr. Cardenas began the discussion by explaining there were potential changes desired by the Community Development Department regarding the process of dealing with overgrown grass and noxious weeds. Mr. Boulard explained that currently a 15% administrative fee is added to the mowing expenses but the reality is that the City is spending much more than that. He said the most times a single property is cut has been twice in one year due to the timing issues related to noticing the property owner and the time it takes the grass to grow. He pointed out that in 2013 the City cut 35 privately owned lots a total of 59 times. He is proposing an administrative fee of \$45 per cut in addition to the mowing expenses.

Mayor Gatt said that seemed like a good idea. Member Wrobel agreed and added it wasn't necessarily about the costs but changing the behavior. Mr. Schultz explained that the City could collect the actual incurred expenses, but not more. Mr. Boulard confirmed the \$45 proposed fee was justifiable based on the actual expenses.

Member Mutch pointed out that the memo said the cost of mowing by the contractor actually went down from 2013. He added that the \$45 proposed fee was comparable to what a person would pay if they hired a contractor on their own. Mr. Boulard explained that the process of collecting the fees was that it is initially billed through Miscellaneous Receivables by the City of Novi and if it isn't paid, the fee gets collected via the tax bill.

Moved by Mutch, Seconded by Wrobel: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to increase the Ordinance Mowing administrative fee to \$45.00 per cut for any size parcel.

2. Proposed ordinance amendments for window signage

Mr. Cardenas discussed the issue of window signage and how technology has improved to provide better quality signage. Currently the ordinance allows 25% of a window to be covered by signage and it has to be on the inside of the window. Mr. Boulard said the proposed changes would eliminate an unenforced section of the ordinance regarding temporary time periods. The topic was brought forward because businesses have been placing signage on the outside of the window as opposed to the inside. It brought up the issue of maintenance due to weather and other variables. He said that maybe 100 businesses have their signage on the outside even though it isn't allowed under the ordinance.

Mayor Gatt questioned why it matters if the sign is on the inside or outside of a window. Mr. Schultz said it came down to aesthetics. Member Wrobel said he didn't see much of a difference. Member Mutch said it was more about the size of the signs. He felt as long as the sign is maintained; he had no problem with it being on the outside of a window. As long as the City continues to enforce the 25% rule, he said it should not matter if the signage is on the inside or outside the window.

Moved by Mutch, Seconded by Wrobel: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to remove the temporary time period reference in Section 28-7(1)(11)(b) and Section 28-7(1)(11) (c), as well as amend Section 28-7(1)(11)(a) to allow signage on the outside of a window.

3. Proposed ordinance amendment to address right of way obstructions

Mr. Cardenas explained that this topic was brought up in order to maintain clear sidewalks. The proposed change would allow the City to give notice to offenders similar to the noxious weeds process. Mr. Boulard said this fee would be the direct costs of having the contractor clear the right of way, with no additional administrative fee. He added that there are maybe four instances per year when this is a problem. The changes would address things like fallen branches and bushes blocking a path. It would not be used to clear crabapples from the sidewalk or prevent sprinklers from spraying the sidewalk.

Moved by Wrobel, Seconded by Mutch: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to add language to Chapter 21 Nuisances; Article II. Related to Property, Division 12 Obstructions to the public way with language approved by the City Attorney.

4. Proposed fee changes for arcade licenses

Mr. Cardenas explained that the current fee for an Arcade License is a base fee of \$210 plus \$10 per machine. The proposal is to remove the per machine fee. Mr. Schultz

explained that this was brought to the City Clerk's Office's attention after a FOIA was filed and the requestor indicated the fees were not justifiable. The Clerk's Office broke down the actual costs and discovered the costs incurred were actually over \$300; however the per machine charge did not seem relevant any longer.

Mr. Gatt said he would like to see how many of the businesses would see an increase to their fee and how many would see a decrease if the fee was changed to \$300. He then asked why the City is charging a fee at all when performing those inspections and processing the paperwork is part of the job to begin with.

Member Mutch asked what was accomplished by having these businesses renew on an annual basis. Mr. Boulard explained it gave the Community Development Department and Fire Department the opportunity to go into the business and confirm everything is up to code and safe for the public. Member Mutch said this section may be outdated. He asked if it made sense to continue licensing them. Mr. Boulard indicated it would take away an opportunity to inspect the premises to ensure public safety.

The Committee requested administration gather additional background information including how much businesses pay in Arcade License fees, what types of businesses are obtaining them, and any other relevant information.

5. Nuisance lighting

Mr. Cardenas explained this issue was brought forward because there have been a few complaints about light fixtures pointing downwards instead of up. There are no proposed changes; administration is just looking for confirmation from the Committee that the current process is acceptable.

Mr. Boulard explained that there are maybe six complaints on this issue throughout the year and most are because a light is pointing down creating a glare or causing distraction. The City is not going out performing inspections to check, these issues are complaint driven. He said when they hear about a problem with the lighting, they issue a violation notice to the property owner and give them ten days to correct the situation.

The Committee agreed that the current process is satisfactory and they see no reason for changes to the ordinance.

The meeting was adjourned at 6:18 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

ORDINANCE REVIEW COMMITTEE
August 11, 2014 | 5:00 p.m.
Mayor's Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:00 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from July 7, 2014

ORCM 14-08-03 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Ordinance Review Committee meeting minutes from July 7, 2014.

2. Review of Ordinance Amendments referred to Council
 - a. Temporary Signs Ordinance Amendment

Mr. Schultz said the strikethrough ordinance provided in the packet is a reflection of the Committee's discussion.

ORCM 14-08-04 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to temporary signage.

2. Review of Ordinance Amendments referred to Council
 - b. Right of Way Obstructions Ordinance Amendment

Mr. Schultz explained this topic came up previously to the Committee because some properties do not maintain the right of way.

ORCM 14-08-05 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to obstructions in Public Ways.

2. Review of Ordinance Amendments referred to Council
 - c. Mowing Ordinance administration charges

Mr. Schultz explained the proposed changes were discussed at a previous meeting but there was also the addition of changing the fee so that it was set by resolution instead of built into the ordinance. It also added wording so that non-subdivided parcels of land were included.

ORCM 14-08-06 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to the administrative fee for grass/weed mowing by the City on private property and to clarify the properties to which the requirements are applicable.

3. Possible changes to the Arcade License ordinance

Mr. Schultz explained that the Committee discussed this topic at the previous meeting. The question was whether they wanted to simply remove the licensing requirements or the entire ordinance. The Police Department had sent the opinion that Division I (Sections 4-61 through 4-66) was an important portion to leave in the ordinance mainly because it deals with person under the age of 18 on premises during school hours, on school days.

Member Mutch said he understood the Police Departments concerns but wondered if there was a better location in the Code to place those types of restrictions. Member Wrobel agreed.

Mayor Gatt asked why they would want to remove such language when the Police Department utilizes it. He felt they should leave that in and just remove the licensing portion. He directed staff to follow up on the topic to possibly locate another section of the Code where it would be a better fit.

ORCM 14-08-07 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council an ordinance amendment to remove Division 2, Arcade License and Division 3, Machine License from Chapter 4, Article III.

4. Possible Ordinance Amendments regarding Medical Marijuana

Mr. Schultz explained that since the Committee last met, there have been some potential developments in changes to the State Law. He added that without knowing when or how soon those potential changes could take effect, it may be too soon for the Committee to act on the topic. Mayor Gatt agreed that it may be foolish to move forward knowing the State Law could change in the near future.

Mr. Schultz clarified that they can't stop a person from growing marijuana for their own use if they have a medical marijuana card. The situation that might be able to be regulated is the caregiver situation, where they can grow up to 72 plants and have five patients. He added that the ordinance, if Council decides to put one in place, should

cover both the topic of growing marijuana as well as how dispensaries would be addressed.

The conversation briefly covered whether it should be allowed in a residential area or an industrial area. The general consensus was that it should be kept out of residential areas if possible, but the rest of Council has yet to weigh in on the topic.

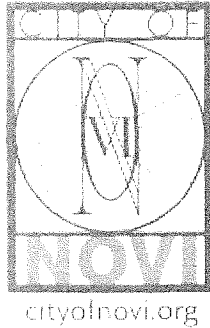
ORCM 14-08-07 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To postpone discussion on possible ordinance amendments regarding medical marijuana.

The meeting was adjourned at 5:40 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

MEMORANDUM

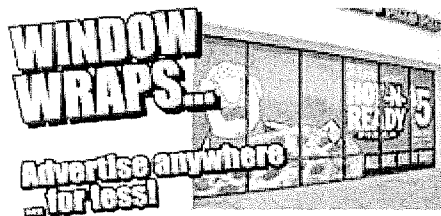


TO: Victor Cardenas, Interim City Manager

FROM: Charles Boulard, Community Development Director

SUBJECT: Proposed Ordinance Amendments for Window Signage

DATE: June 6, 2014



Following a number of recent conversations regarding exterior window signage with sign contractors, business owners and through the City Manager's Office this topic seems ripe for discussion.

Community Development staff have noted a plethora of new signage applied to the exterior of business windows including, but not limited to the new Concentra Urgent Care facility. As graphics technology has advanced more elaborate -- and more affordable -- see-through window and opaque signage is available to proprietors of small businesses.

Currently the Sign Ordinance provisions in the Novi City Code allow business window signage of up to 25% of the window area, and requires that it be on the **inside** of the glass. In addition to receiving inquiries and observing actual installations of vinyl lettering and graphic on the **exterior** of glazing, staff have received inquiries from new Town Center businesses to completely obscure the glass with "lifestyle graphics" and advertising.

While there has certainly been progress in the development of materials including weather resistant vinyl that would allow durable, fade resistant signage on the exterior of glass window panels, it is important to note that these signs are in **addition** to those otherwise allowed by right. While there are certainly examples of tasteful as well as less than attractive options for window signage on both the interior and exterior glazing throughout our community, I believe attempting to legislate aesthetics would not be a viable option. In that sense, continuing to limit window signage to the interior of the glass allows the extra advertising but with a uniform modestness afforded by the glass. The current Ordinance language is as follows:

Sign Ordinance Section 28-7(a)(11)

Business signs displayed **through** building glass area, where such sign:

- a. Covers not more than twenty-five (25) percent of all the glass area of the frontage of the building premises displaying the sign;

Related to this discussion, I am suggesting the removal of virtually unenforceable (and to my knowledge, never enforced) language regarding the **temporary time periods** in which window signs are allowed (see below). As permits are not required for these signs, the only way to effectively enforce these provisions would be to have staff canvas every business in the City on a daily basis as well as a tally of the content of each sign.

Sign Ordinance Section 28-7(a)(11)

- b. Contains a message referring to current, temporary merchandising or promotional activities such as a sale; and
- c. Is removed from the glass area not more than five (5) days after its first display. The same sign may not be displayed for a period of thirty (30) days from the date of such removal

Please let me know if I can be of further assistance or provide additional information.
Thank you