

## CITY of NOVI CITY COUNCIL

Agenda Item D  
January 26, 2009

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.233, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Subsection 2516 "Site Plan Review" and Subsection 2520 "Exterior Building Wall Façade Materials;" in order to provide for administrative approval of façade waivers when existing non-conforming facades are upgraded. **Second Reading**

**SUBMITTING DEPARTMENT:** Community Development Department - Planning <sup>Bau</sup>

**CITY MANAGER APPROVAL:** 

### BACKGROUND INFORMATION:

As a part of the Community Development Department's on-going efforts to improve customer service and to streamline the development and redevelopment process in Novi, the City's Planning Staff has reviewed Sections 2516 and 2520 of the Zoning Ordinance regarding administrative review of façades. During this review, Staff identified two minor ordinance modifications that could help reduce the processing time for an applicant proposing a non-conforming modification to an existing façade that was previously approved by the Planning Commission with a Section 9 waiver, while protecting the interests of the citizens of Novi.

The proposed amendment would allow for administrative approval where the applicant is only proposing revisions to an approved non-conforming façade that previously received a Section 9 waiver. Approval of proposed façade revisions would be subject to the following conditions:

- The proposed façade changes are equally or more compliant with the material requirements of Section 2520; and
- In the opinion of the City's Façade Consultant, the proposed façade is consistent with the overall project design, consistent with the previously granted Section 9 waiver and will generally enhance the visual quality of the project.

The ordinance currently allows for administrative approval of façade changes only when the proposed facade complies with all ordinance requirements including the facade material requirements of Section 2520. The proposed modifications are to Sections 2516.1.c(10) and 2520.9.

Planning staff is generally in support of the proposed ordinance amendments as recommended by the Planning Commission since revising a facade seldom has substantial issues, and reducing the processing time may encourage more reinvestment in commercial properties.

On December 10, 2008, the Planning Commission held a public hearing on the proposed amendment and took action to recommend approval of the text amendment. The draft minutes to that meeting are attached.

On January 5, 2009, the City Council approved the first reading of the text amendment without further comment. City Council is asked to approve the second reading on January 26, 2009.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.233, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 25, General Provisions, Subsection 2516 "Site Plan Review" and Subsection 2520 "Exterior Building Wall Façade Materials;" in order to provide for administrative approval of façade waivers when existing non-conforming facades are upgraded. **Second Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**ADMINISTRATIVE APPROVAL OF FAÇADE WAIVERS  
AMENDMENTS  
"STRIKE-THROUGH" VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -233

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, GENERAL PROVISIONS, SECTION 2516 SITE PLAN REVIEW AND SECTION 2520 EXTERIOR BUILDING WALL FAÇADE MATERIALS; IN ORDER TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF FAÇADE WAIVERS WHEN EXISTING NON-CONFORMING FACADES ARE UPGRADED.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2516, Site Plan Review (All Districts) and Section 2520, Exterior Building Wall Façade Materials are hereby amended to read as follows:

**Article 25, General Provisions**

**Sec. 2516. Site Plan Review (All Districts).**

1. - a.-b. [unchanged]

c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:

(1)-(9) [unchanged]

(10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance, or the proposed facade revision receives an administrative Section 9 facade waiver per the requirements of Section 2520.9.

(11) [no change proposed]

d.-e. [unchanged]

2.- 8. [unchanged]

**Sec. 2520. Exterior Building Wall Facade Materials.**

1.-8. [unchanged]

9. *Facade Waiver.* When a particular building design and the materials and colors or combination of materials and colors proposed to be used in the exterior walls are found by the Planning Commission to be in keeping with the intent and purpose of this Section, but may differ from the strict application of Section 2520.2 and the Schedule Regulating Facade Materials of this Section (e.g., use of new materials not covered in the Facade Materials Schedule), the Planning Commission may waive the requirements of this Section. When a waiver is requested under this subsection, the drawings shall be accompanied by a more definitive description of the building design consisting of a written design statement which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area. When necessary the Planning Commission may as part of its review request the report and recommendation from a consulting architect as to the proposed waiver, and may establish a fee for this report.

A facade waiver may be granted administratively by the Community Development Department when a facade alteration is proposed for an existing facade that previously received a Section 9 facade waiver by the Planning Commission, when the following conditions apply:

- (a) The site plan meets the eligibility requirements of Section 2516.c for administrative review;
- (b) The City's facade consultant has determined that the proposed facade is consistent with the overall project design and the previously granted Section 9 facade waiver and, in the opinion of the City's facade consultant, it is determined that the proposed modifications will generally enhance the visual quality of the project; and
- (c) The City's facade consultant has determined that the proposed facade is equally or more conforming with the material requirements of the Schedule Regulating Façade Materials of this Section.

If during administrative review, the Community Development Department determines that the changes or modifications proposed may significantly impact the site or adjacent areas, the Section 9 facade waiver request will be forwarded to the Planning Commission for action.

10.- 14. [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 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
DAVID LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**ADMINISTRATIVE APPROVAL OF FAÇADE WAIVERS  
AMENDMENTS  
“CLEAN” VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -233

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, GENERAL PROVISIONS, SECTION 2516 SITE PLAN REVIEW AND SECTION 2520 EXTERIOR BUILDING WALL FAÇADE MATERIALS; IN ORDER TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF FAÇADE WAIVERS WHEN EXISTING NON-CONFORMING FACADES ARE UPGRADED.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2516, Site Plan Review (All Districts) and Section 2520, Exterior Building Wall Façade Materials are hereby amended to read as follows:

**Article 25, General Provisions**

**Sec. 2516. Site Plan Review (All Districts).**

1. - a.-b. [unchanged]

c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:

(1)-(9) [unchanged]

(10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance or the proposed façade revision receives an administrative Section 9 façade waiver per the requirements of Section 2520.9.

(11) [no change proposed]

d.-e. [unchanged]

2.- 8. [unchanged]



## Sec. 2520. Exterior Building Wall Facade Materials.

1.-8. [unchanged]

9. *Facade Waiver.* When a particular building design and the materials and colors or combination of materials and colors proposed to be used in the exterior walls are found by the Planning Commission to be in keeping with the intent and purpose of this Section, but may differ from the strict application of Section 2520.2 and the Schedule Regulating Facade Materials of this Section (e.g., use of new materials not covered in the Facade Materials Schedule), the Planning Commission may waive the requirements of this Section. When a waiver is requested under this subsection, the drawings shall be accompanied by a more definitive description of the building design consisting of a written design statement which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area. When necessary the Planning Commission may as part of its review request the report and recommendation from a consulting architect as to the proposed waiver, and may establish a fee for this report.

A façade waiver may be granted administratively by the Community Development Department when a façade alteration is proposed for an existing façade that previously received a Section 9 façade waiver by the Planning Commission, when the following conditions apply:

- (a) The site plan meets the eligibility requirements of Section 2516.c for administrative review;
- (b) The City's façade consultant has determined that the proposed façade is consistent with the overall project design and the previously granted Section 9 façade waiver and, in the opinion of the City's façade consultant, it is determined that the proposed modifications will generally enhance the visual quality of the project; and
- (c) The City's façade consultant has determined that the proposed façade is equally or more conforming with the material requirements of the Schedule Regulating Façade Materials of this Section.

If during administrative review, the Community Development Department determines that the changes or modifications proposed may significantly impact the site or adjacent areas, the Section 9 façade waiver request will be forwarded to the Planning Commission for action.

10.- 14. [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.

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**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.

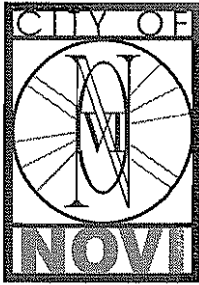
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
DAVID LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**DRAFT EXCERPTS**  
**PLANNING COMMISSION MINUTES**  
**December 10, 2008**



cityofnovi.org

# PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI

Regular Meeting

18.233 Façade Ordinance Update Excerpt

Wednesday, December 10, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

## CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

## ROLL CALL

**Present:** Members, Victor Cassis David Greco, Andrew Gutman, Brian Larson, Michael Meyer, Mark Pehrson, Wayne Wrobel

**Absent:** Members Brian Burke (excused), Michael Lynch (excused)

**Also Present:** Steve Ruple, Community Development Director; Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; John Freeland, Woodland Consultant; Doug Necci, Façade Consultant; Kristin Kolb, City Attorney

## PUBLIC HEARINGS

### ZONING ORDINANCE TEXT AMENDMENT 18.233

The Public Hearing was opened on Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance Article 25, General Provisions, Section 2516 Site Plan Review and Section 2520 Exterior Building Wall Façade Materials, In order to provide for administrative approval of façade waivers when an applicant proposes only to upgrade an existing non-conforming façade that previously received a Section 9 Façade Waiver by the Planning Commission.

Planner Mark Spencer said that the City's Planning Staff has reviewed Sections 2516 and 2520 of the Zoning Ordinance regarding administrative review of façades. Staff identified two minor Ordinance modifications that could help reduce the processing time for approval of a modification to an existing façade that was previously approved with a Section 9 Waiver.

The amendment would allow administrative façade waivers be granted on proposed revisions to non-conforming façades that previously received a Section 9 Waivers when the proposed modification is equal or more conforming to the material requirements in Section 2520 and when, in the opinion of the City's Façade Consultant, the proposed façade is consistent with the overall project design and will generally enhance the visual quality of the project.

Mr. Spencer added that revising a façade seldom has substantial issues, and reducing the processing time may encourage more reinvestment in the City's commercial properties. The Rojo Mexican Restaurant that was recently approved by the Planning Commission is an example of one request that could have been approved administratively under this Ordinance amendment.

No one from the audience wished to speak and no correspondence was received so Chair Pehrson closed the Public Hearing.

Member Wrobel asked the Façade Consultant, Doug Necci, whether he had any comments to add. Mr. Necci said he had nothing more to add, per se. This amendment will expedite the process without significantly compromising the quality of the façades at all. It is a good suggestion and he supported the amendment.

Member Greco understood that from a technical perspective the change doesn't make much of a difference. He asked whether visually, a façade proposed under this language may be so significantly different that a recommendation for approval from the Consultant may not align itself with what the Planning Commission might have approved. He recalled the Rojo façade was quite a change; he said there was no doubt about it, the façade review is about opinion. However, the Planning Commission is charged with doing its job, and he wanted to ensure that it isn't reducing its responsibility if in fact this review should be their responsibility, which is to make sure that things are appropriate. The engineers could potentially approve everything, but the Planning Commission members volunteer their time to ensure that decisions are made in the best interest of the community. Are there situations where façades that fall under this language could be vastly different?

Mr. Necci said that a façade revision is usually a minor change to the previously approve façade. The Rojo request was to repaint the EIFS and add a stone masonry gateway. It puts a responsibility on him to have an eye for things that would be objectionable and certainly, if he saw something askew, he would recommend the request go before the Planning Commission. The key phrase in this amendment is, "...the façade change must be equal or better than what was already approved – an improvement to the design." He will be watchful of this, and he has the prerogative to send a façade to the Planning Commission if he finds that this statement has been violated.

Moved by Member Meyer, seconded by Member Gutman:

**ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.233 RECOMMENDATION MOTION  
RELATING TO FAÇADE APPROVALS MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:**

**In the matter of Zoning Ordinance Text Amendment 18.233 relating to Section 2516 Site Plan Review and Section 2520 Exterior Building Wall Façade Materials, motion to approve recommendation to City Council for an Ordinance to amend Ordinance 97-18 as amended, the City of Novi Zoning Ordinance Article 25 General Provisions, Section 2516 Site Plan Review and Section 2520 Exterior Building Wall Façade Materials, in order to provide for administrative approval of façade waivers when an applicant proposes only to upgrade an existing non-conforming façade that previously received a Section 9 Façade Waiver by the Planning Commission. The Site Plan must meet the eligibility requirements for Section 2516.c for administrative review, and the City's Façade Consultant will have determined that the proposed façade is consistent with the overall project design and the previously granted Section 9 Façade Waiver. In the opinion of the City's Façade Consultant, he will have determined that the proposed modifications will generally enhance the visual quality of the project. The City's Façade Consultant will also have determined that the proposed façade is equally or more-conforming with the material requirements found in the schedule regulating façade materials in the Ordinance. *Motion carried 7-0.***