

# MEMORANDUM



TO: Members of the Planning Commission

THROUGH: Barbara McBeth, AICP, Community Development

FROM: Mark Spencer, AICP, Planner *Mark Spencer*

SUBJECT: Text Amendment 18.233

DATE: November 12, 2008

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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.

Staff identified two minor ordinance modifications that could help reduce the processing time for an applicant proposing to modify an existing façade that was previously approved with the Planning Commission granting a Section 9 waiver, while protecting the interests of the citizens of Novi.

The proposed amendment would allow for administrative façade waivers where the applicant is only proposing revisions to a non-conforming façade that previously received a Section 9 waiver and the proposed modification is equal or more conforming to the material requirements listed in the Schedule Regulating Façade Materials in Section 2520. The proposed modifications are to Sections 2516.1.c(10) and 2520.9.

The ordinance currently allows for administrative approval of façade changes when the proposed facade complies with all ordinance requirements. Revisions to a facade that was previously approved with a Section 9 waiver from the Planning Commission would have to comply completely with the material requirements of Section 2520 to obtain administrative approval. These amendments would permit administrative approval of revised facades previously approved with a Section 9 waiver provided they 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 and the previously granted Section 9 waiver and it will generally enhance the visual quality of the project.

Staff notes that revising a facade seldom has substantial issues, and reducing the processing time may encourage more reinvestment in commercial properties.

The Rojo Mexican Bistro at Twelve Mile Crossing at Fountain Walk for façade revision only project (ZCM 08-57) that went before the Planning Commission on November 5, 2008 is an example of a façade revision that would be eligible for administrative review if this proposed amendment is adopted. The Twelve Mile Crossing at Fountain Walk project was originally approved with a Section 9 waiver, the proposed façade is more compliant with the Schedule Regulating Materials than the approved façade and the City's façade consultant stated in his review that the "...design is consistent with the overall project and will generally enhance the visual quality of the project."

A draft strike-through version of the proposed amendment is attached for review. Please feel free to contact the Community Development Department if there are any questions about the attached materials. At its November 19<sup>th</sup> meeting, the Planning Commission is asked to set a public hearing for December 10, 2008 at which time the Commission will formally review the proposed amendment and make a recommendation on it to City Council.

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.

## **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.