

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION

FROM: SARAH FLEMING, AICP
PLANNER

THROUGH: BARBARA MCBETH, AICP
COMMUNITY DEVELOPMENT DEPUTY DIRECTOR

SUBJECT: TEXT AMENDEMENT 12-100.42
CHAPTER 28: SIGNS

DATE: JULY 11, 2012

Community Development Department planning staff have undertaken an extensive review of ordinance text related to automotive –related uses. During this review it has come to the attention of staff that there are multiple references throughout the City of Novi Code of Ordinances to the terms "Gasoline" and "Gas" when referring to motor vehicle fuel and motor vehicle fueling stations.

While this language is still generally relevant, with the advent of emerging alternative fuel options such as Ethanol (E85), Electricity, Compressed Natural Gas (CNG), Biodiesel and others, this language does not sufficiently encompass the broad array of fueling options which are rapidly becoming available to the general public. Staff believes that it is important to proactively update the City of Novi Code of Ordinances in order to reflect these emerging alternate fueling options.

Of particular note is Chapter 28 of the City of Novi Code of Ordinances: Signs. Within this chapter there are multiple references to "Gas," "Gasoline" and similar, all of which can easily be updated to reflect a wider range of fueling options while maintaining the spirit, intent and substance of the ordinance.

RECOMMENDATIONS

In order to be proactive in addressing emerging alternative fuel products, staff recommends that all references to the terms "Gasoline," "Gas" and similar in Chapter 28 of the City of Novi Code of Ordinances be amended to read "Fuel," "Fueling" and similar, per the attached proposed ordinance amendment.

REQUESTED ACTION

Staff requests that Planning Commission hold the required public hearing on this request on July 11, 2012 and recommend approval of this proposed ordinance amendment (attached), forwarding any recommendation to City Council for reading and adoption.

Should Commissioners have questions regarding this request, please contact Sarah Fleming, Planner, Community Development Department at (248) 735-5631, or via email at sfleming@cityofnovi.org.

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-100.42

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES AT PART II, CHAPTER 28, SIGNS, TO UPDATE ORDINANCE LANGUAGE PERTAINING TO GASOLINE AND FUELING STATION USES IN ORDER TO ENCOMPASS NOT ONLY GASOLINE AS A FUEL, BUT ANY AND ALL CURRENT AND FUTURE ALTERNATIVE FUELS.

THE CITY OF NOVI ORDAINS:

Part I. That City of Novi Code of Ordinances, Part II, Chapter 28, Signs, Section 28-1, Definitions, is hereby amended to read as follows:

Sec. 28-1. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

~~Gasoline filling-Fueling~~ station means a space, structure, or building or part of a building for the retail sale or supply of motor fuels, lubricants, air, water, and other customary facilities and minor service for the installation of such commodities in or on such motor vehicle, but not including special facilities for the painting, major repair, or similar servicing thereof.

* * *

Part II. That City of Novi Code of Ordinances, Part II, Chapter 28, Signs, Section 28-5, Permitted according to district, is hereby amended to read as follows:

Sec. 28-5. - Permitted according to district.

The following types of signs, illuminated or unilluminated, shall be permitted in the following districts and in limited number, in accordance with the following regulations:

- (1) [unchanged]
- (2) *Area height and placement regulations:*
 - a. *Ground sign:*
 1. Area:
 - i. [unchanged]
 - ii. Where the business is a ~~gasoline filling-fueling~~ station, the maximum area of the sign shall be thirty (30)

square feet. Fuel pricing information is permitted only on the following percentages of the area of the sign:

If the ~~gasoline filling~~ fueling station is on a corner lot situated on two (2) or more thoroughfares, then fifty (50) percent may be allotted for fuel pricing information;

All other ~~gasoline filling~~ fueling stations are allotted twenty-five (25) percent.

iii. [unchanged]

2. – 3. [unchanged]

b. – g. [unchanged]

(3) – (4) [unchanged]

(5) *Changeable copy signs*: Changeable copy signs, as defined in this chapter, are permitted, subject to the following limitations:

a. [unchanged]

b. Such sign shall be permitted only for places of worship; schools; movie theatres and similar entertainment venues at which shows, performers, or entertainers change on a regular basis; restaurants; and recreational facilities at which events change on a regular basis. Subject to any other applicable requirements for such uses in this chapter, ~~gasoline station fuel~~ fueling station pricing signs as described in subsection 28-5(2).a.1 may utilize changeable copy.

c. – d. [unchanged]

Part III. That City of Novi Code of Ordinances, Part II, Chapter 28, Signs, Section 28-7, Allowed in all districts, is hereby amended to read as follows:

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) – (6) [unchanged]

(7) ~~Gasoline filling~~ Fueling stations only may display the following special signs which are deemed customary and necessary to their respective businesses:

a. Customary lettering or other insignia, on a ~~gasoline-fuel~~ pump consisting of the type and brand of ~~gasoline-fuel~~ sold, lead warning sign, and any other sign required by law and not exceeding a total of three (3) square feet on each pump. No permit shall be required.

b. A single non-illuminated double-faced sign per ~~gasoline-fuel~~ pump island, each of which shall not exceed four (4) square feet in area, may be placed on a ~~gasoline-fuel~~ pump island. Such sign may extend a maximum of two (2) feet above the pumps or fueling stations.

(8) – (13) [unchanged]

(b) [unchanged]

PART IV.

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 V.

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 VI.

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 VII.

Effective Date: Publication. Public hearing having been held hereon, 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 _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: