

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
April 10, 2023

Chairperson Majoros called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, April 10, 2023.

ROLL CALL

Present: Crutcher, Kmetzo, Majoros, Mantey, Westendorf, Waun
Absent: Perrot
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Kevin Christiansen; Recording Secretary Bonnie Murphy, Brian Belesky, Director of Media Specialist, Brian Golden, Media Specialist; Beth Saarela, City Attorney

APPROVAL OF AGENDA

MOTION by Crutcher, seconded by Waun, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. March 13, 2023 Minutes

MOTION by Kmetzo, seconded by Crutcher, to approve the items on Consent Agenda.
Motion carried, all ayes.

DISCUSSION AND SCHEDULING OF PUBLIC HEARING – PROPOSED CITY OF FARMINGTON CODE OF ORDINANCE TEXT AMENDMENT: CHAPTER 25, SIGNS

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a discussion and a request to schedule a Public Hearing for a proposed City of Farmington Code of Ordinance Text Amendment regarding signs. The proposed amendment would amend the existing provisions of Chapter 25 of the City of Farmington Code of Ordinances, Signs. A copy of the proposed draft ordinance is attached with your staff packet for this evening. This item is before you after the city staff, city administration, city management and several department heads convened over a period of time looking at changes that are necessary to the City of Farmington Sign Ordinance, Code of Ordinances, Chapter 25, Signs, due to some changes as a result of some legal action, some Federal Court case action that has resulted in the need for the City to make adjustments to our sign code. With that, you should have received in a separate mailing a copy of a confidential memorandum from the City Attorney and that memorandum really laid out what the circumstances are, the existing conditions, our sign

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regulations, the court case that really is impacting our sign regulations here in the City of Farmington, but all sign regulations, whether it's at a local level or other levels and not just here in Farmington, Oakland County, Michigan, but nationally because it's a U.S. Court Case, it's a Federal case.

So, with that, Mr. Chairman, I think what might be most prudent would be for me to turn this back over to you, the City Attorney, Beth Saarela, is here this evening and she and I have had conversations regarding this item and she is prepared to answer questions and we are prepared to have a discussion this evening regarding changes. And certainly the other part of this item this evening is a request to schedule a public hearing and I'll turn it back over to you, Mr. Chair.

Majoros said it sounds like we'll get an overview again and we'll have a public hearing, I suppose, when we make that motion. I would ask the City Attorney for a summary of what we read just to give us the highlights and perhaps reminder of what's before us.

City Attorney Beth Saarela stated I think the main point of this whole amendment is that really the sign ordinance can't do anything to regulate content of signs. You can't distinguish between for sale signs, business signs, you know, you have to look at it just as this is a sign, it doesn't matter what it says. You can look at public health, safety and welfare issues, but mainly by number of signs, the materials they're made out of, safety on the site, lighting, so flashing, changing messages, moving parts, where it can be located as far as being portable or being fixed, really just the physical characteristics of the sign. You can't really judge colors, you can't judge what it says, can't distinguish that you can have more of this type of sign as far as what the message is, as far as it takes away consideration of what type of sign and focuses on where you put it, how you put it there and the size of it, how does that impact the surroundings from an esthetic perspective, from a safety perspective, really that's the main point of this whole change, especially with the Supreme Court Case allowing time, space and manner regulations. So, looking at the proposed ordinance, going through, it's a lot obviously, they have a preamble here of what they're trying to accomplish, and not developing nuisance conditions. So, with all that being said there are generalizations here at the beginning, your definitions, what type of sign, what the shape of sign means, you'll see by looking at the definition they're more towards the physical characteristics of the sign.

Majoros stated essentially does it sound as though based on the Supreme Court decision, we've got that background, if this new language in the ordinance is enacted, what does the city potentially lose the ability to regulate signs, does the city lose any ability to approve, what would be a pre/post condition.

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Saarela replied it will sort of work the same way. Someone will come in for a sign permit, districts are still regulated about how many signs you can have, where can they be, what size are they, how do you determine that size, so that's still the same in that way.

Christiansen stated I may be able to clarify a little bit which is probably the first question to ask is does this change the city's ability to regulate signs and/or the way that we are regulating signs. We have regulated signs, we currently are regulating signs and as we would like to continue to regulate signs, so that's a great question that you're asking. But to clarify, my experience with our sign ordinance has been many, many years and on a daily basis. And I can tell you after working with the City Attorney and then meetings with city management and administration, department heads as I indicated earlier in the initial discussion of this item tonight. Chapter 25 is not looking to be completely revamped and changed. Chapter 25, Signs, is being modified because of the U.S. Supreme Court case and as a result as the City Attorney explained, there are certain modifications that are necessary so that our current ordinance remains compliant. So, what you have here is a draft that still is Chapter 25 and it still has the same intent in terms of signage through the City of Farmington, and the signs that are permitted and the number of signs, location of signs, how all that has been part of the City's sign code for a very long time and is looking to continue to be. And then the other part is the administration of this chapter of the sign regulations is looking to still be the same, administered here in the City of Farmington through a permit process that is overseen by the Planning and Building Department, and it is something with signs as they always have and continue to and are intended to continue to require in certain circumstance, different types of permits for them to come to fruition. So, sign permit, construction permit, number of signs, placement of signs, how that construction all takes place, there are specific requirements for signs in terms of how they're constructed and the code requirements, illuminated signs have to be electrical code requirements and other sorts of things, placement of signs, where they're placed on buildings, how they are placed, if they're monument or ground signs, the number of signs, etc., that's all intended to remain the same. So, that's not looking to be revamped. What is looking to be modified are the provisions here that differentiate between signs. So we have signs as defined that were specific to certain types of signs, a certain type of business sign, a certain type of a directional sign, a political sign, a real estate development sign, an advertising sign for something in particular, all of that differentiation is being eliminated to basically provide sameness as the court case is requiring, yet the basic premise of our sign ordinance is intended to still be the same. So I hope that clarifies a little bit, the City Attorney can jump in if I'm off on this a little bit because we've looked at this extensively and so really the exercise here is taking our current sign ordinance and modifying it, revamping it, to be compliant in light of the U.S. Supreme Court case.

Majoros stated I guess the question is how much of our sign ordinances, because the distinction seems to be between content and noncontent, and I think there's probably very little argument for basically we've got good things in place to handle that, right, but what

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did we have in our sign ordinance before that was giving us the ability to moderate content based designs, because that's what we're essentially mirroring in this new stuff. I don't think any of us are arguing the sign, if it's for a temporary thing, has to be up for so many days or this sort of size, the logistics, the operational piece of it, but it feels like it's the content piece that we have to change language to give us I guess or the inability to regulate that and Christiansen replied that's correct.

Christiansen stated in our sign ordinance, I can tell you, our practice was always looking at signage and intending to remain content neutral, our ordinance is structured that way. What it is not structured as is being a type of sign neutral, we differentiate between types of signs, that's really what the change here for us is. Content neutral being, whatever the name you want to call your business, whatever the identification of whatever the entity is that is requesting a sign, be it a business or be it a nonbusiness, maybe it's institutional and it's a church, maybe it is another type of activity or event or something, content is not to be considered and typically it wasn't anyways. You can use symbols, you can use letters, you can use colors, you can use many kinds of graphic and the City Attorney can correct me if I'm wrong, the only thing you can't do is use something that would be unacceptable, such as vulgar language, you can't use that, that's the only thing we're going to be looking at as we move forward. So, in light of that I don't believe it's going to change a lot of what we have done, again, numbers and types and locations, and all of that height, and how signage is physically distributed throughout the community for the various interests that want to have signage, I think it's just going to be a matter again our ordinance is going to have the same exact structure differentiating between types of signs, that's really it.

Commissioner Kmetzo asked when the Notice goes out for the public for the Public Hearing, how much information will be provided identifying what the difference from the original Section 25 to the new Section 25.

Christiansen replied that's a great question and what we do when there is an ordinance change is we identify what the Public Hearing is for, we identify the section of code or ordinance that it's for, we then make a copy of that available and it will be available hard copy and it will be available online for people to take a look at. We don't include the entire and I want to say I'm looking at the number of pages, it's probably about 60 pages, we won't include all those pages but we will have specific reference to the document to Chapter 25, all the changes what you see before you in this draft will be available again to everybody, they can come into City Hall and look at that or they can certainly look at it online, look at an electronic copy, they're welcome to ask questions, certainly we'll take anybody's concerns or interest and certainly they can participate in the Public Hearing when it is scheduled.

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Kmetzo said they will be able to identify which specific sections of Section 25 are going to be amended and Christiansen replied yes.

Commissioner Westendorf asked if there is a strikes and bolds version of this document to make it clear that this was removed, this was added because that would be incredibly helpful.

Saarela replied that's not how it was done and Christiansen stated Chapter 25 will not change in our Code of Ordinances, in our codified code which is Municode, you go to the City of Farmington website and you go to the Clerk's office or Planning and Building, and you go to City of Farmington Code of Ordinances and in the Code of Ordinances you go to Chapter 25, that's the current sign section, that will remain the same and it will still be there and it's still on file and on record here. So, hard copy here at City Hall, and electronic copy on the City website and then this draft will be available as well. There is the ability to have both documents in hand, whether it's looking at the hard copy or looking at them electronically.

Majoros replied understood and that's how many pages, sixty, let's just be honest, that's a tall order for any citizen or to be honest ourselves. It's a lot of work. So, we'll give it the old college try but within those sixty pages there's probably three or four things that will matter. And what we would ask for is some demonstration or recognition of the significance of where the changes are that matter because I highly doubt anyone is going to read two versions of sixty and try to compare them and find Waldo.

Crutcher asked if the changes we're talking about lines that were changed or was the whole thing rewritten and Saarela replied we've rewritten some when you get into the definitions. You're looking at placement, size, number, you're not looking at this is a political sign, this is a religious sign, this is an event sign.

Crutcher said to clarify we're not looking at the old ordinance as we changed these words, we're just changing it to this and Saarela replied it works the same way and Crutcher stated there isn't really a line-by-line comparison.

Christiansen stated the major are of change is definitions, it's completely different language than what you see today, and that the current ordinance differentiates between types of signs, this does not. This basically defines not types of signs, this is more a definition section that identifies signs and how they're configured, constructed, what they represent, an air activated sign, an animated, an awning, so it's really the construction thereof or the material type of just the actual physical nature of the sign versus the purpose.

Majoros stated if the whole intention of this is to become content neutral then we're not really changing the types of signs, the definition of a sign, we're not changing page 29 all signs shall be maintained in a condition of good repair, peeling or missing paint, I guarantee that wasn't rewritten, I guarantee it.

Saarela replied I think what happened here someone else in our office who is doing all of these for all communities, so I think there's more of a standard version that every community is using and with that in mind our office went through the lawsuit and made sure that the version we're giving all of our clients meets the criteria of that Supreme Court case, so everybody is getting a similar version of ordinance. So, we did not look at what you, we said this is what works under the Supreme Court case and will stand up if someone challenges you for violating their freedom of speech rights under this case. There will be variations between communities under subsections if you look towards the end there's a particular subsection that allows for specific criteria for the Grand River Corridor, some additional restrictions on numbers, so you're going to have subsections that will vary between communities.

Kmetzo said just to summarize, assuming then that the original Section 25, any reference to scrutiny of content, any language in that Section, all of those were eliminated from this new Section 25 and Saarela replied correct, we wouldn't have included that.

Majoros said assuming then when we get it, we will read it them through that filter, but I really don't think that content cleansing is going to have an impact on maintenance requirements and other stuff in here.

Christiansen stated the overall intent of the sign chapters, Chapter 25, that is still the same, the same types of signs, the same number of signs, the same placement of signs, the same administrative process, that's not intended to change with this draft. So, I think that's something to keep in mind, that we're not looking to revamp, you're not going to see an array of new signs, but you're going to certainly have through the process really more administrative and permitting than anything else. We need to make sure that we're staying in step with the Federal Court case and following what now we have to in terms of content. I can tell you, too, if you look at the definitions, the interesting thing is even some of these graphics are our current graphics. This page I have up on screen right now, these are current graphics that are in our ordinance right now. So, we have maintained some semblance of what is still the base, the framework. But you know if there's an interest in pinpointing any particular items, we certainly can do that, we'll have a period of time between now and if you so choose to schedule a public hearing we can lay some of that out for you, but the way for anybody to be prepared is to look at both instruments, both chapters and that's an exercise we can always undertake, too, if you're so inclined and that's side by side going through and looking at every page if you wanted

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to do that. But again, direction on what's before you, the urgency is in light of the court case we need to become compliant and that's where we're at right now.

Westendorf stated from current to draft, the number of signs, the size of signs, the way the sign area is calculated, all of those things are still the same and Christiansen replied that's correct.

Majoros confirmed that the action is to move to schedule the public hearing for the next Planning Commission meeting and Christiansen replied that it should be set for the June meeting to allow ample time for the Grand River Corridor Authority and the DDA and to make sure everyone has a chance to weigh in administratively and with the Boards and Commissions, too.

Majoros opened the floor for a motion.

MOTION by Crutcher, supported by Kmetzo, to schedule a Public Hearing for the proposed City of Farmington Code Ordinance Text Amendment, Chapter 25, Signs, for the June 12, 2023 Planning Commission meeting.

Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen provided an update on current development projects stating that the streetscape is moving along since reclosure with the anticipated reopening in June if weather permits. The Maxfield Training Center is still moving forward and City Council is working with consultants and Robertson Brothers Homes and should be before Council in May or June. Nothing has moved forward with the PUD for the American Legion at this time. Paramount Health Care is waiting for submittals as well as a couple other properties along Grand River. Panera Bread is now Kyma and Savvy Sliders will be coming soon as they are taking applications for employment.

Crutcher asked for an update with the property behind the A & W and Christiansen replied nothing has moved forward.

Mantey inquired about the Heights Brewery and Christiansen replied they are working with City administration with respect to regulations and building and constructions permits, easements and once those are finalized they can repurpose interior and build it out to their use.

PUBLIC COMMENT

None heard

PLANNING COMMISSION COMMENT

None heard.

ADJOURNMENT

MOTION by Crutcher, supported by Waun, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Secretary