

**MINUTES  
CITY OF FARMINGTON HILLS  
PLANNING COMMISSION REGULAR MEETING  
FARMINGTON HILLS CITY HALL – COMMUNITY ROOM  
June 9, 2016, 7:30 P.M.**

Chair Rae-O'Donnell called the Planning Commission meeting to order at 7:30 p.m. on June 9, 2016.

Commissioners Present: Blizman, Fleischhacker, Mantey, McRae, Orr, Rae-O'Donnell, Schwartz (8:37 pm), Stimson (7:35 pm)

Commissioners Absent: None (1 vacancy)

Others Present: Staff Planner Stec, City Attorney Schultz, Planning Consultants Arroyo and Tangari

**APPROVAL OF AGENDA**

**MOTION by Fleischhacker, support Blizman, to approve the agenda as published.**

**Motion carried 8-0.**

**REGULAR MEETING**

**A. Discussion of Sign Regulations**

Planning Consultant Arroyo led the discussion of sign regulations, utilizing documents distributed to the Planning Commission:

- Sign Definitions Amended: Clearzoning Draft June 5, 2016
- Farmington Hills – Amended Sign Standards: Clearzoning Draft June 5, 2016
- What is LRV Light Reflectance Value? Source: <http://thelandofcolor.com/lrv-light-reflectance-value-of-paint-colors/>
- Window Frame Lighting: Clearzoning Draft June 5, 2016

Planning Consultant Arroyo explained that the decision in the Supreme Court case of Reid vs. the City of Gilbert was compelling virtually every municipality in the country to re-examine their sign ordinances, Farmington Hills included. Sign ordinances now had to be as content-neutral as possible. Clearzoning had been working with City staff and attorneys, and this evening they were presenting a rough draft of an attempt to incorporate the new concepts into the sign ordinance.

Planning Consultant Arroyo said that City Council wanted to see the direction the amended sign standards were taking before the Planning Commission took this to a public hearing. Process would therefore include a presentation to City Council in study session after tonight's review. The amended sign standards would then come back to the Planning Commission, and when the Commission was ready, the standards would be set for public hearing. After the Planning Commission public hearing, the standards would go to City Council for adoption.

**Sign Definitions Amended**

Planning Commission Arroyo reviewed the document *Sign Definitions Amended*. He pointed out that the amended definitions were streamlined, as signs could no longer be called out by content. Content-based regulation meant that a sign had to be read in order to know what kind of sign it was. This was no longer permitted, i.e., signs could no longer be labeled by content: non-accessory, real estate development, directional, political, etc. – all these labels could no longer be used. All temporary signs would be treated the same. All permanent signs would also be treated the same.

As Planning Consultant Arroyo reviewed the changes as listed in *Sign Definitions Amended*, round table discussion included:

- The implications of allowing flags and insignias of any government to be displayed in connection with commercial promotions; this was different than the current ordinance, where such displays were prohibited. The section in the Code that regulated flags should be reviewed. In any event, government flags would not be defined as signs under any ordinance.
- Question: Why were paper and cardboard materials not included in the definition of banner? Some paper was very durable. Answer: Most paper and cardboard materials were not durable enough to be considered banner material.
- Question: What was the difference between a sign and a piece of art, as applied to walls? Answer: Some communities regulated murals separately. The critical phrasing was “for the purpose of making anything known.” If the art’s purpose was to call attention to a business, it was theoretically enforceable, although this was also sometimes litigated.
- Real estate “for sale” signs would be considered temporary signs.

#### Amended Sign Standards

As Planning Consultant Arroyo reviewed the document *Amended Sign Standards*, round table discussion included:

- The substitution clause permitted changing out a message within a sign’s parameters. For instance, a commercial sign could be changed to an opinion sign with no permit required.
- A clear purpose and intent statement was included. This section was important should the ordinance be challenged.
- Regarding 1.C. *Protect Aesthetic Quality of Districts and Neighborhoods*, the phrase: “preventing intrusion of commercial messages into non-commercial areas” was not content based because (1) this was part of the intent, not the actual regulation, and (2) the intent was met by the size of signs allowed, not the content. Still, perhaps there was a better way of saying this.
- Internal signs that could not be seen from the road or a residential property would not be regulated.
- Window signs did not require a permit now; this would stay the same. Window signs would still be limited to 25% of window coverage.
- Section 2 *General Regulations* B.ii.d. required that any banner mounted on a building must have a permit. Question: Would this include banners on private residences?
- Signs would not have time limits. Question: Regarding this, how would temporary signs differ from permanent signs? Would this lead to a proliferation of signs? Answer: In residential districts, signs defined as permanent would be very small. Temporary signs would include political signs; these needed to be somewhat larger than the small permanent signs. Again, sign regulations could not be content-based, so whatever size was allowed would include commercial messages as well as opinion messages.
  - The consensus was that a duration limit for temporary signs should be included, if possible. Perhaps signs would be required to be moved once a year, for instance.
  - The classic definition of a permanent free-standing sign was a sign that was permanently affixed to the ground.
- Even though A-frame signs were prohibited currently and under the amended standards, subdivisions used them for association meetings, for instance. Restaurants with outdoor seating liked to use A-frame signs for menu listings. If A-frame signs were permitted, they could be required to be pulled in at night.
- Fig. 5.5.1: The graphic *Sign Area Calculation Guidelines* said that ascenders and decenders could extend up to 12 inches beyond the sign area. This should be changed to a percentage of the main sign, so that a 3” sign could not have a 12” extension.
- The prohibition for “signs designed to flutter or move with the wind” included machine-blown balloon signs, festoons, etc.

- Question: Regarding 2.F. *Illumination*, how was “glare” determined? Answer: This was a subjective term that could be applied to exposed sources of illumination or highly reflective surfaces.
- Regarding 3.A. *Freestanding Signs*, ii, a freestanding sign zone was established no closer than 5 feet to the right of way line and no further than 25 feet from the right of way line. A graphic would be included to demonstrate how this zone was calculated.
  - This was a more permissive ordinance than the current regulation, which required permanent signs be 15 feet from the right of way line.
  - Some properties on Grand River were unique, and might be eligible for ZBA variances.
  - Properties with marginal access drives needed to be specifically addressed.
  - The location of the freestanding sign zone supported the intent of the ordinance to provide for property identification.
- Regarding 3.A. *Freestanding Signs*, iii, new language regarding the number of permitted signs was added. One primary sign and two secondary signs were allowed, with a cumulative total of allowed square footage for all allowed signs.
  - Perhaps “secondary signs” should be defined in the definitions section.
  - Regarding iii.e., “one freestanding sign is permitted,” perhaps churches or other non-residential uses in RA and RC Districts that were located on corners should be allowed 2 signs. One way to do this was to say that paragraphs “c.” and “d.” applied.
  - Daycares would fall under this “non-residential” use category.
- A table, 5.5.3.A.iv. *Maximum Size and Height of Freestanding Signs*, was included.
- 3.A. *Freestanding Signs*, vi, regulated minimum letter and number height as related to posted roadway speeds.
- A brief discussion was had regarding the nonconforming monument sign at Westbrook Shopping Center on the south side of 13 Mile Road west of Orchard Lake Road.
- 3.A. *Freestanding Signs*, vii: A bonus square foot area was offered if the sign met certain quality standards.
- 3.A. *Freestanding Signs*, viii applied to electronic signs.
  - Question: Paragraph a. prohibited electronic display areas in any RA or RC District. What about churches, private schools, etc.? Some churches already had electronic signs. Answer: Perhaps such signs could only be on major and secondary roads and not be visible from neighboring residences.
  - Paragraph b. regulated brightness to 0.3 footcandles above ambient light conditions, with measurement distances provided in table form.
  - Sign displays had to remain static for 30 seconds and the change had to be instantaneous – no scrolling, etc.
- 3.A. *Freestanding Signs*, x, applied to billboards in LI-1 Districts that bordered the I-696, I-275/I96 or M-5 freeways. The amendment proposed to change the allowed sign to be 30 feet in height and 360 square feet in area. Currently 20-foot tall signs with 200 square feet in area were allowed, but a recent ZBA case had permitted the larger sign with dimensions as proposed in the new ordinance language.
  - Whether or not to allow two electronic signs on a single property was discussed. Perhaps a limit could be placed so that only one sign on a property could be electronic.
  - It came out in discussion that the larger sign allowed via ZBA variance was justified by its unique location near a curve in the freeway; also the applicant in that case had removed an older deteriorating sign in another location.
  - The consensus seemed to be to allow a 30-foot height, but to keep the current 200 square foot limitation for billboards. An applicant who wanted a larger sign could seek a ZBA variance.
  - Currently the ZBA was the approving body for billboards; the new ordinance would place that responsibility with the Planning Commission.

- State regulations required a 1,000 foot spacing requirement between billboard signs. That requirement would also be added into the Farmington Hills ordinance.
- 3.B. *Wall Signs*. ii.g.(3) provided for some additional signage within 5 feet of an entranceway for multi-tenant office and industrial buildings for up to 2 square feet for a tenant directory, though the content could not be specifically called out.
- It was the consensus of the Commission to retain the concept that if a building had a free-standing sign, a lesser wall sign was allowed than if there was no free-standing sign.
- 3.C. *Hanging Signs* and D. *Awning Signs*. New language allowed a small – 8 square feet – hanging sign in shopping centers. This provision encouraged pedestrian traffic by allowing them to see the names of businesses as they walked close to a building. One sign would be permitted per storefront.
  - The wording needed to be clarified because sometimes one business had more than one storefront.
  - It came out in discussion that mature required landscaping often kept stores from being visible from the street. Permitting A-frame signs might help this situation.
  - The new regulation that allowed signs to be 5 feet from the right of way would also help sign visibility.
- Regarding *Awning Signs*, shed awning signs would be permitted on the drip edge of a shed awning or canopy. Letters could be up to 8” and could not exceed 80% of the awning or canopy width. Awning/canopy signs would count toward the total wall sign allowance.
  - Question: Would stripes or other decorative elements on awnings count as signs?
- 3.E. *Window Signs*. Window signs were permitted in all non-RA and non-RC Districts, and could occupy up to 25% of the total window area of any given façade.
  - Discussion was had as to whether or not to allow a bonus area amount for etched or painted window signs.
- 4. *Specific Regulations for Temporary Signs*. This section regulated maximum size, maximum height, and permitted type of temporary signs. There was a maximum area of all temporary signs on a property. Signs intended to be displayed for periods longer than 35 days should have a neutral background. Banners would be limited to 21 days per calendar year. Questions and discussion included:
  - How would political signs fit into this regulation? The new ordinance appeared to limit the number of political signs permitted on a property in a residential district. Was this legal?
  - Regulating political signs differently than other temporary signs meant that the sign ordinance would be content-based.
  - Political signs were often up longer than 35 days, and most often did not have a neutral-background.
  - Perhaps during “election season” more signs would be permitted. But, how was “election season” defined?
  - Was this part of the ordinance enforceable? Temporary signs was the most difficult part of complying with the Reid vs. City of Gilbert Supreme Court decision.
- 5. *Administration & Enforcement*. This section addressed nonconforming signs, sign abandonment, sign maintenance, and special exceptions.

#### Window Frame Lighting

Planning Consultant Arroyo reviewed the document *Window Frame Lighting*, which regulated window perimeter lighting. Three requirements were listed:

- a. No direct light source shall be visible from any street or adjacent residential property.
- b. Lights shall not flash, blink, strobe, or create the impression of movement.
- c. Lights shall not change color.

Round table discussion followed:

- Perhaps this provision could be placed in the City Code. The Code did not grandfather anything.
- Appropriate changes to the Zoning Ordinance regarding window frame lighting was urgent, as these lights were proliferating and were unregulated.
- Perhaps the window frame lighting should be limited to a percentage of the total perimeter of window area. One idea would be to limit perimeter lighting to two horizontal and four vertical lines. Where a door interrupted one or both horizontal lines, each line could be considered one line.
- The LRV Light Reflectance Value should apply to window frame lighting, with the brightness limited to 0.3 footcandles above ambient light conditions.

The consensus of the Commission was to place this provision on the next Planning Commission agenda for further discussion regarding language and for a recommendation as to whether the regulation should be placed in the Code or the Zoning Ordinance. If the language should be in the Zoning Ordinance, it could be set for public hearing in July. On the other hand, if the lighting ordinance in the Code could incorporate regulations regarding window frame lighting, the Commission could simply vote on that language and send it to City Council without a public hearing.

Discussion was had regarding the window frame lighting at Rashid Garage Doors. The current Code language had not prohibited that lighting.

A-frame signs were revisited.

- Homeowners Associations used these signs. Either the City needed to enforce against these, or make a provision that allowed them under certain circumstances.
- Outdoor dining areas might be allowed to have A-frame signs.

Chair Rae-O'Donnell closed the discussion.

### **PUBLIC COMMENT:**

None.

### **COMMISSIONER'S COMMENTS**

Commissioner McRae said that 14 Mile Road between Drake and Orchard Lake Road was already deteriorating.

Commissioner Schwartz noted that the Dairy Queen on Farmington Road had a sign dancer a few days ago. He also noted that grass was uncut on 13 mile between Drake and Mirlon.

Commissioner Blizman spoke to construction requirements for road concrete. An MDOT spokesman had explained that because of Chinese demand for road concrete in the 1970s, the chemical composition for American concrete was changed. The formula created a product that actually resulted in the cement "eating itself," which was one of the reasons the roads had been deteriorating. This formula was now corrected and new roads should last longer.

Commissioner Blizman also noted that Michigan roads seemed to be much worse than the roads in surrounding states.

### **ADJOURNMENT**

Seeing that there was no further discussion, Chair Rae-O'Donnell adjourned the meeting at 9:32 p.m.

Respectfully submitted,

Steven J. Stimson  
Planning Commission Secretary

/cem