

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, April 3, 2023

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **April 3, 2023**.

MEMBERS PRESENT: Jim Jolly, President
Laura Toy, Vice President
Scott Bahr
Rob Donovic
Brandon McCullough
Kathleen McIntyre
Scott Morgan

MEMBERS ABSENT: None

OTHERS PRESENT: Paul Bernier, City Attorney
Mark Taormina, Planning and Economic Development Director
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:00 p.m. with President Jim Jolly presiding. This item is regarding Petition 2023-01-06-01, submitted by the City of Livonia Planning Commission, on its own motion under Section 13.15 of the Livonia Vision 21 Zoning Ordinance, as amended, and under Public Act 110 of 2006 (Michigan Zoning Enabling Act), as amended, to consider multiple revisions to the Livonia Vision 21 Zoning Ordinance to correct certain defects, add and delete provisions, and provide clarification to others.

This item will move to the Regular Meeting of **April 10, 2023**.

The Public Hearing is now open. There were 4 persons in the audience.

Jolly: There are two public hearings. The first of those public hearings though, in regards to a request, submitted by The Basilica of St. Mary's, is being tabled and at the request of the petitioner, so if you're here for item number one that has been tabled any further hearings will require that the petitioner sends new notices, and a new notice will be submitted as well to the City's website. Item number two is petition 2023-01-06-01 submitted by the city of Livonia Planning Commission, on its own motion under Section 13.15 from Livonia Vision 21 zoning ordinance, as amended, and under Public Act 110 of 2006. The Michigan Zoning Enabling Act as amended to considered multiple revisions to Livonia Vision 21 Zoning Ordinance to correct certain defects, add and delete provisions and provide clarification to others. The public hearing is now open. We will start with Mr. Taormina. Can you give us an overview?

Taormina: Thank you, Mr. President. This series of language amendments would affect approximately 39 sections of the zoning ordinance, many of which are minor, and would have little or no impact, other than to provide clarity and consistency. There are more substantive changes however, and I'll run through those quickly.

The first would be classifying banquet facilities as a use similar to dance halls and ball rooms defining what constitutes a banquet facility based on building occupancy and establishing standards that will treat them as a waiver using the C-2 zoning district.

Number two, adding drive up window facilities for uses other than restaurants. This would be a waiver use in the C-1 and C-2 districts and a permitted use in the C-3 district. The ordinance does not currently have rules that apply in these situations. A good example would be a pharmacy drive-up.

Three, making a distinction between steel fabricators and special trade contractors versus truck terminals, truck and trailer rental or storage facilities and vehicle tow yards. Currently, these six uses are lumped together under one land use category and treated strictly as a waiver use in the M-1 and the M-2 industrial districts. The proposed change would split them into two groups with steel fabricators and special trade contractors as a separate group and treating them as a use permitted by right in the N-2 district.

Number four, adding the Open Space Preservation option as a permitted use in our U-F districts. This special zoning provision previously existed in Ordinance Number 543, and it's something the Michigan Zoning Enabling Act requires local government units to have in their zoning ordinances. The Open Space Preservation option regulations are being added to Section 5.03. Any project or development proposed under this option would be subject to site plan review.

Five, adding apartments as a waiver to the N-M-1 neighborhood multifamily district. This change would correct an oversight when the new ordinance was adopted. You'll recall that the R-C residential condominium, the R-6, two-family, and the R-7, multifamily districts, that were part of the old ordinance were all consolidated and created under the N-M-1 district. Of the City's 17 non-age-restricted apartment complexes, 15 were zoned R-7, and unfortunately, the N-M-1 district regulations do not include apartments, making them all nonconforming. In order to fix this, apartments would be added to Section 3.07 as a waiver use, again affecting only the N-M-1. neighborhood multifamily district.

Number six, eliminating the exception to the minimum residential lot depth standard. Footnote B, in the scheduled regulations, currently allows the city to reduce the depth of single-family lots where immovable, physical

boundary limitations exist. This language has existed for years and has not been applied consistently. Recent litigation involving a lot-split in which the plaintiffs successfully used Footnote B as leverage against the city, is why the Law Department recommends that it be removed from the ordinance.

Number seven, enacting a size limit on stores that are allowed to sell packaged spirit products, the specialty designated distributor license, the limit would be 15,000 square feet and would codify what has been a long-standing practice of the city to restrict STD licenses to smaller retail stores instead of big box or large format business establishments. This would be added to Section 6.03.

Number eight preventing alcohol sales at gasoline stations, another long-standing practice of the city, this would be added to Section 6.26

Nine, providing construction standards for masonry screen walls, which are often required between residential and non-residential zoning districts. This is Section 7.24.

Ten, allowing the Planning and Inspection Departments to use the Institute of traffic Engineers Parking Generation Manual in determining the minimum parking requirements for projects that do not require the approval of the Planning Commission or City Council. This would be added to Section 9.23.

Eleven, requiring City Council approval to waive the hard surfacing requirements for parking areas, Section 10.

Twelve, adopting several changes to the sign regulations under Section 11.08, including a) modifying the definition of mural and stipulating that Council approval is required to paint or add a mural to any building or structure, b) adding and adjusting the standards for order and pre-order menu boards for restaurants and drive-thru facilities, c) increasing the area and the number of awning, canopy and wall signs allowed in the city's commercial and industrial districts, d) specifying that a temporary sign must be placed outside of any easement, public right of way or common area used for vehicular or pedestrian traffic.

Number 13, any language that would give the City Council the authority to limit the approval of a waiver to a specific user. Currently, this language is added to resolutions on a case-by-case basis but has yet to have a foundation in the ordinance. This would be added to Section 13.13.

And then lastly, clarifying the rights of the Building Official concerning enforcing the ordinance and charging and seeking penalties against violators. That's under Section 14.03. In Staff's opinion, the requested changes will result in a better overall zoning ordinance, one that helps

achieve the goals and objectives of the master planning. And with that, Mr. President, I will answer any questions.

Jolly: Thank you. We'll first go to the audience. Is there any public comment from the audience in regards to these requested changes? Any comments? If you have a comment, please come to the podium. Tell me your name and address and address your concerns, please, I believe you have three minutes, two minutes.

Harnos: My name is Michael Harnos, my address is 29510 Breton Street, Livonia, on the northern district of the city. I'm a resident now for I believe six or seven years when I purchased a home here. I'm also a business owner as well. I own a smoke shop establishment on the north end of the city, Twenty After Four Novelties and More. Recently, we have had an injunction from the Inspection Department due to a vinyl signage that we had put on our window. This is something that I've talked to just about every department in this building with and I decided to try to speak my concerns here. There is some policy in the zoning or in the planning that allows us only to cover 20% of our windows with signage. My store had invested about a year a little over a year ago into it, we get compliments on it all the time, even from the inspectors. It's a very beautiful vinyl signage. You know, I'm currently working two jobs trying to be an entrepreneur and make this business happen. We have about \$2,000 invested in the sign and we've been told by the Inspection Department that it has to just simply be removed due to this policy. I feel that there's some bit of change that could definitely be made to the policy. You know, I was thinking about in a sense too, at this point with 20% window covering being available for my signage, somebody just bigger windows and he is now allowed to have better signage even if it was on just the same exact size building. I thought to myself that there seemed to be a couple issues when I hear from the Inspection Department that this is something that they're constantly struggling and enforcing. Which I feel that that means that the city's policy does not align with the business owner's mentality here. I think that the City Planning, Inspection, and everybody has a very wonderful job in keeping the city looking amazing keeping everything safe. I really respect everybody that works in the city. But I think that when it comes to stuff like this on window signage, it could be as simple as maybe just filing for it. Get it approved through the city. Just make sure it looks good. None of us are afraid to pay \$50 or \$100 for an approval like that and I know I'm about out of time, but at this point, we're being told we have to pay \$450 to file a variance to see if we can get approval for a sign that they say they might just reject, I'm a small business owner really struggling even to keep the doors open, and I'm being asked to cut a \$2,000, beautiful chunk of vinyl siding off my windows, that I feel just makes the area look better. And then on top of that, in order for me to even try to get approval for it, I have to pay \$450 that could be denied anyways and I feel that that's just a high risk for a small business to take, when we have complied very, very strictly with anything the city's asked of us. It just feels like we're kind of being backed into a corner and I think it's very easy to

just drive around the city limits and see hundreds of businesses that are covering over 20% of their windows. And I think it would make more sense for the efficiency of the city to try to work with us, versus spending all of its efforts to go around and enforce us.

Jolly: Thank you, sir. So, I think I'll just chime in here real-quick. So, the process normally, that you're outlining will take place before somebody would put the signage up. It's one of these things where what you're requesting, the Law Department can correct me here, the city is able, to an extent, to limit the size of signage. They cannot, we cannot, limit the content. So, one of the things that you've suggested there is that we would somehow be able to approve it or something like that. And that's not possible. So, as it stands right now, I think the information you've received is correct. Now, I'll open up the floor to my colleagues, if you'd like to say anything in regards to this or the plan outlining in the changes. Mr. Donovic, Ms. McIntyre, Ms. Toy.

Donovic: Thank you, Mr. President, a couple of quick questions for Mr. Taormina. And since the resident took his time to come out today and speak to Council, I want to address him as well. I will say that it's very normal for municipalities to have restrictions on the amount of window coverings you can have. I myself have faced that in my personal career, outside of City Council, in multiple other communities with stuff that I personally do. And it's very normal. It's frustrating, I get it. But at the same time, I think there's a lack of enforcement, I actually wish we did enforce that standard more broadly across the community because I don't want to drive through a community that every building has the majority of the window covered by all sort of signage or whatnot, I think we have a strict sign ordinance, but I think it's one of the things that makes our community maybe cleaner, for lack of better word, but it does provide a more professional appeal on the exterior. To Council President Jolly's point, a lot of that happens prior to the signage are being printed and used. I know that might not be the answer you want to hear, that's just my perspective, but I just get it from the realistic standpoint, that it's very common across communities all across Metro Detroit and Michigan. Livonia is not alone that in that sense with the strict sign ordinances, but for future reference, before spending the money on printing the actual sign, we definitely speak to the Planning Department first before investing the money on a sign. It's a horrible feeling, you spent all this money on a sign, you get the artwork done, you get it up there, get excited to try and generate business and people come to your business, and then all of a sudden, the government is coming to your building saying you can't do that. I have faced that myself. And I've learned the hard way and, and moving forward, I've realized that, you know, there are sign ordinances, and they're frustrating, I get it. But it just in the laws that we have that we agree with when we're having exterior facing buildings. And that's just the reality. To Mr. Taormina, I know you've touched on and we've spoken about this, about these events spaces, and it was really an enlightening conversation, so, thanks for taking the time with me. These event spaces from our conversations are relatively newer

sorts of businesses. Since the COVID era or whatnot, where people rent out a space. It's a large commercial space, and someone rents out instead of going through the traditional route of a banquet facility, a banquet hall. And they'll use a space to celebrate birthdays and all kinds of different various events. But what I'm finding in some of the emails, I think I've gotten, I think some of my colleagues have gotten, is that people are bringing alcohol in there and it's hard to enforce it, maybe because it's not an alcohol establishment, but they're kind of not going the traditional route of going to a big facility where it's everything's kind of inside and then it's in a parking lot and now they're just having a party all night long and they're renting a space. There's not any accountability, because the promoter, for example, will promote an event at this event space. They'll have a big party that night and then they never come back. Meanwhile, the residents throughout the night some of the concerns I've heard from residents and what I personally see myself, is they'll have parties until two or three o'clock in the morning, bringing outside liquor into the establishment, really giving our residents a lot of hard time and this consistent basis. And then we have a hard time enforcing or going after that first because that promoter or customers been long gone, is that kind of where I'm understanding what this new language is?

Taormina: You've described it very well, the that's the problem we're seeing. It's much easier, I believe, through the zoning, at least, to control where the space goes and how large its size, versus trying to control it through other means of enforcement, whether it's the noise ordinance or are serving alcohol at an occasion where it's unlicensed. So, it's for that reason that we have established the definition of banquet facility, and it will include event facilities as you've described them, because we have seen a number of these be established in the city. We would limit it to 50 or more people or excuse me, a banquet facility would be defined as you can see it here. An establishment rented by individuals or groups to accommodate private functions, including but not limited to banquets, weddings, parties, anniversaries and other similar gatherings of 50 or more people, or in a room or space that exceeds 1000 square feet in size, and where food and drink are consumed. So, that's the that's the basic definition we've adjusted the size limit to 1000 square feet, we believe that we'll handle most of these. The one that we've received several complaints on, is larger than 1000 square feet, probably by two or three times. So, we feel that we would cover that issue quite well with this modification.

Donovic: Thank you, Mr. Taormina, Mr. President.

Bernier: Council, if I could, one of the problems that we have, that we've encountered, and that is if the establishment itself isn't licensed, the MLCC has no jurisdiction over it, and they're hands off on it. We do, however, have an ordinance that doesn't allow for the sale of alcohol under criminal ordinances. Without naming the establishment, I just charged the owner for allowing people to sell alcohol on the premises of an unlicensed establishment. And we as Law Department and Inspection, are trying to

go after those because we right recognize the problem and creates, but there's a void between the licensed and unlicensed. So, for the unlicensed, we have to handle it differently than if it's a licensed establishment. But we are taking those seriously.

Jolly: Thank you sir. Ms. McIntyre.

McIntyre: I'd like to thank the resident and business owner for coming forward tonight. And I do think, I don't like the word arbitrary, but the Enforcement and Inspection, we have, how many businesses in the city, Mark, 5000? Something like that. Right. So, the ability to be equal handed in the zoning enforcement, I think we're not able to do so they're just too many businesses. So, I'd like through the Chair to ask, Mr. Taormina and maybe Mr. Bernier if we should, if there's a way to look at these window covering ordinances and limitations, to see if there's room for something that makes it a little bit easier for business owners without turning the city into a free for all, but there are a lot of businesses in the city that have way more than 20% window coverage, and they're not with good-looking vital signs, they're with paper signs that have been there for a long time. And we don't enforce it because there's too many businesses. So, I do feel that our that some of our businesses that work hard and advertising and promotion and want to spend the money on quality, quality advertising, are somewhat I don't know if penalize is the right word, but maybe put at a disadvantage.

Bernier: One of the things Mr. Taormina pointed out, the problem, or I guess it was Mr. Jolly pointed out, is that we really cannot be involved in content. And I think we all know ugly when we see it. But we can't say you're allowed to have this because we liked the content, and this will when you can't have because we don't like the content. So, we I think have found over the years the easiest way to do and it's just a size limitation. That's not to say we won't look at it, but it's clearly the one that doesn't get us in trouble with the First Amendment, let's put it that way.

McIntyre: Through the Chair. I understand about content Paul? Can there be aesthetic standards? I mean, we have aesthetic standards for other things.

Bernier: Aesthetics in a lot of respects is first amendment because what you think is good luck and I might think is ugly. So, it's a tough balancing act to pull off when we started talking about what we like and what we don't like. It's much like with our sign ordinances, right, we don't make a distinction between political and non-political anymore, because that's content based. Something that I think looks good, we're basing it on the content of it. It's hard. It's all I will say.

McIntyre: But again, my concern is that we, we make it a little bit hard for some of our small businesses who want to spend money on good looking. And I know, right, subjective, okay, thank you.

Jolly: Thank you, Miss Toy.

Toy: Yeah, I have several comments. I remember that we had, I don't know if you were here, then Paul, with the churches, and the signs on the churches was a big discussion, but I concur a little bit of what my colleague or our colleague, Kathleen is speaking to. Being a small business owner in this community can be difficult at times, when we first went into business, because the signage is real tough, and especially on Plymouth Road and they go by pretty quick. And you need all the help you can get when you're first in business and whatever we can work with folks, you know, for whatever reasons, whatever, we certainly want to follow the law. And it's too bad you didn't come to the city, ya know, or have a packet from our Chamber or somebody that would have said, you know, welcome to our community. Ya know, come on in. Let's, let's sit down and talk about your new business. And we're excited to have you here and, you know, I'd also like to see that with businesses that exit this community, because there's a lot of yank on some of these businesses that are small businesses did like COVID. I mean, that's changed the complexion of a lot, a lot of a lot of things. I empathize with you. And I was going to ask you if I could get your address, because I'd like to take a run past your store when you have a moment. And also, to Mr. Taormina, if I may. These are wonderful changes in many cases that I see. Has this concurred as well with Law and Police Department and other inputs from other departments is that how we arrived at these?

Taormina: The law certainly has been part of this as had Inspection Department. And to a limited extent, the Engineering Department. Police has really not been consulted, I don't believe on any of these changes. But the Law Department, Mike Fisher, in particular, was part of a working group that we put together to finalize these before bringing them to Planning Commission.

Toy: Super. Then in order to understand the waiver. Is there a time limit on any of those waivers? Have we built that in? I didn't get deep into it. But I wondered, yeah, when we, it seems like there's a lot of latitude going on waivers in this Council deciding those. I just wonder if we can do that as a Council, right. We're gonna put restrictions or whatever we wanted to, in regards, that way. Right. Just wondering, is there a time limit perhaps, or a date certain, or, you know what I mean?

Taormina: Well, if you're talking about the time limit on the review of an application, there are certain applications that do have time restrictions, rezonings, for example, if you're talking instead about enacting or adopting conditions on an approval, approving resolution, that can be done as well, but they have to be reasonable. And they have to have direct correlation, I guess, if you will, with what has been proposed. Okay. You can't enact certain exemptions on property or developer, they go beyond the scope of what the project might entail, like requiring the donation of a park for somebody

who wants to build, things like that. It has to be directly related to the petition.

Toy: Yeah, I'm just wondering, thank you Mr. Chair, if I may, just a couple more. A lot of the gas stations, I'm noticing that I've had people comment to me, these gas stations are starting to be restaurants as well as gas stations. Even though they don't have sit down in some of them, I mean, they really expanded their operations. And maybe that's a good thing. I don't know. But do we have anything that addresses that? I know, we have to approve any sit downs and things like that, but I just wondered, because it seems like they're popping up and they're pretty enormous.

Taormina: Well, they are limited in seating. So, if they fall into the definition of carry out with very limited seating, in those instances, they can be approved administratively. If, however, they exceed a certain amount of seating, and they fall into the category of a limited-service restaurant, then that's something that would have to be reviewed. So, and parking becomes a very, you know, limiting factor on what can be done in a lot of these gas stations. So that's what restricts the amount of seating that can be put in service places. So, you know, we they're still pretty much limited to very small operations. I don't know that's been I think, the case for a long time ever since the gas stations eliminated their servicing. A lot of them converted over to the convenience operations in the small carry out restaurants attached.

Toy: The idea of the drive-thru window I like that idea. I can only tell you one time when I ran for Council, in recent times, there was huge questions about signage in the city, not only being small, well, mostly from small business stations as to how we're going to be friendlier to some of the businesses. I think we're friendly in that regard, in a lot of ways, but that just know that that was a big comment. I believe it was from the Chamber, in their candidates tonight, and, you know, it might behoove us to get some of these small businesses together just to see where they're having them, like I said, some issues or whatever, because business has changed an awful lot. And we certainly want to keep those small businesses that are a community because our community comes to our small businesses quite a bit for their softball leagues for donations. I can't even go into it. And some days I think I spend more money in donations than I do in making the dollars that we make, and I'd be a little sarcastic there. But in all seriousness, we don't mind doing it. It's just you're just starting out it's tough, and Livonia is such a great community to do business and that we want to we want to welcome people as much as possible I know the city and so whatever way we can look at your situation sir as well. I'm all ears and open to whatever I can empathize. So, thank you very much Mr. Chair sorry to take up a lot of time.

Toy: We're going to Mr. Morgan then Mr. Bahr and I'll give you a chance again, sir, to address anything you want to say, for a couple of minutes, okay?

- Morgan: Yes, sir. First of all, I just wanted to address you and just indicate that it may be something thinking a little bit outside the box with your new business and things like that. There is a law enforcement perspective to that also, when a patrol car drives by, if they can't see in the business because the window signs, we've had several incidents here over my past career where people have been robbed. Nobody can see in there you have the sign taking up the majority of the window. That's why I think years and years ago we had that reduced or that was taken into consideration when they made those laws regarding the percentage of the window that you can have covered signage in the window. So, I just want you to kind of think, on that aspect. There's been several robberies and things like that during my career that occurred. So, that's it's a safety aspect also. Secondly, moving on to this proposal here. A question in this actually for the City Attorney. Do we have a clause in there that's like a grandfather clause that if somebody is violating this that we're not changing them and changing this and putting them into violation?
- Bernier: Are we talking particularly the signs?
- Morgan: No, I'm talking about this entire, I mean, there's 219 pages here and I only got through about honestly about 140 of them.
- Bernier: Zoning ordinances, Mark will correct If I'm wrong, if somebody has a has a use right now, and we've changed the use through our zoning ordinances, they would be grandfathered in typically speaking, okay, starting on the date that this has passed, right? Is that correct?
- Taormina: There's an entire chapter or article devoted to non-conformities, and it does exactly that, it effectively grandfather's or makes a valid non-conforming use if, through the enactment of a code something is rendered non-conforming, if it existed prior to that, it is recognized as a valid non-conforming use, and can remain, but with limitations. So, I mean that if it is destroyed or they modify it by certain extent. You know, it could be subject to having to go back through a review process.
- Bernier: Yeah, as an example, we had a business that was demolished or was torn down and they wanted to claim that it was a non-valid, non-conforming use. Well, it wasn't, it was no longer there. It was a new use.
- Jolly: Mr. Bahr.
- Bahr: If you're gonna go to him, I'll hold the majority of my questions until after he speaks.
- Jolly: Do you have anything else you'd like to say that is new in nature? I think we've heard what you said before, but if you have something to add, go ahead.

Harnos: You know, just a couple of things. First, I wanted to say thank you all for your considerations and even just, you know, hearing me out, I respect that a lot. One comment I wanted to make to Mr. Morgan is, I know, you had mentioned a safety situation with the window coverings. So, our window, and on our particular business, our business window would be, the sun would be setting into the window. So, for the first like two years that our business was open, we were experiencing like a lot of bleached out damaged products, or boxes were losing color. And when we were just talking about a safety concern, from the time from about six o'clock until about nine o'clock PM, you actually cannot see anybody in our store, you're gonna have lighting, the sun is coming through those west facing windows. So, you know, this is one thing that I had addressed with the Planning and Inspection Department who did tell me that I can cover my windows with 100% tinted window, which at that point, if we were addressing the safety concern, you'd actually be able to see into my store less. The vinyl covering we're using as a pitted covering, which lets sunlight through but blocks the majority of it out. I was also told that I would, by city standards, legally be able to hang curtains up inside my store and cover all the windows to protect my products. And then as well, as I was told to look into window shading and tint that would block out any sunlight or any vision from coming into my building. So, the safety aspect of it is actually kind of reversing this situation to where in a sense, one of my clerks could have a gun held to their head, they probably wouldn't be able to see the customer. We can't see any of our security cameras in between the times, and this is mostly during the summer months, but between about 5:30 and 8:30pm, because there is so much light coming into the window. That was actually the main reason why I hung the vinyl sign up in the window, was a safety concern and to protect my products. At the time, we just decided to double it as something that the customers could see when we're right at, in between Seven and Eight mile and Middlebelt Road, traffic is moving very, very fast passed our store. We have a very skinny, but long building, and then also based on the city code, due to this, even though my building is only a 2000 square foot, I'm allowed very, very minimal signage on the top of my store, due to how wide the store is itself, which doesn't actually reflect the size of my business and what we're trying to advertise for. So, that's why we decided to go with the vinyl, it knocks out a lot of different things that we needed at once, making my workers safer, blocking the sunlight from and deterring our cameras, as well as being able to get a little bit more signage to the road. I actually very much agree with Livonia, his stance on road signage, I think it's gaudy people just let him sit out there and get blown around to the weather. But we also don't have that advantage to try to attract people over to our business. So, there is there was a little bit more thought into covering that window and I guess I would just be more concerned about why I can cover it with a blackout film and not just but something that promotes maybe somebody to come into the business, or at least be able to see it while they're cruising very fast by the store in a busy intersection.

- Jolly: Thank you, sir. There's not going to be a determinant in certain regards to your particular situation tonight, but I think you've heard some of my colleagues here say that they want the various departments to look into the matter in general for all businesses.
- Harnos: No, thank you. I appreciate it.
- Jolly: But there's nothing, we can't grant you a variance or anything at this point tonight. I understand. Mr. Bahr.
- Bahr: Thank you, Mr. Chair, Before I go into my questions about the general ordinance changes, I just want to say I'm glad we're not televised when you just publicized to everybody when your security can't see in the store. I have a series of questions related to the zoning ordinance changes, but Mark, as you were talking, I was crossing off some of them, you took care of some for me and if some of the questions you took care of, I apologize for not catching it. First question, is on the parking requirement piece, do I understand that, and I know you referenced this, but are we saying that the Planning Department now can grant variances to the parking requirements, if it's something that doesn't require Council approval, correct?
- Taormina: That is correct.
- Bahr: Well, how is that different from what we do now?
- Taormina: Well, first of all, we have to rely on these standards, the Institute of Traffic Engineers Parking Generation Manual, which provides a basis for comparing our fixed parking standards against what has been, studied and analyzed by the ITE. We use that we have used that now. Probably half a dozen times at least, the Council has used that in adjusting the parking requirements for business uses. What we're finding is, there are some uses that, as they come and go into shopping complexes, and we consider the fixed parking requirement for our use, and the fact that they don't have to go through this Planning and Council process. What now is the mechanism? Is it just the Zoning Board of Appeals or can we apply the same flexibility in granting some relief in these cases, if they cannot meet the strict standard under other our parking ordinance, and we would like to have that ability.
- Bahr: So, are you currently prohibited from doing that or is it just not clear?
- Taormina: It is clear that only that it rests solely with Council.
- Bahr: So, I believe that is something that would not only come to the Planning-Council process today prior to this change, even if it was something that didn't require that, if you were asking for parking with something that varied from our parking requirement that would trigger the Council anyway, under today's ordinance?

Taormina: That would trigger them to go to the Zoning Board of Appeals. It's only in cases of site plan review or waiver use approval that you would have the authority to make those distinctions. So, the way in which the way it reads, basically is in cases, for projects or uses that don't require City Council approval, the Planning Department may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based on the level of current or future employment and our level of current or future customer traffic in determining whether to permit fewer parking spaces. The City Council and Planning Department shall consult the most recent edition of the Parking Federation published by the ITE or Institute of Traffic Engineers, and so we've added that Planning Department as being way to...

Bahr: Whereas, the Zoning Board of Appeals would have had to do it before.

Taormina: That's correct.

Bahr: Okay. That was what I wanted to make sure I was clear to understand. Thank you. Next question I had in Section 9.10, it previously, it's talking about stormwater management, and it requires, previously, was to review reviewed and approved by the City Engineer, we've now added in their or Wayne County, are we now giving Wayne County the ability to make approvals without our City Engineer? This is a 9.10 section two, subsection two.

Taormina: No, Wayne County currently reviews most of the projects, stormwater control or stormwater management, permits are handled either by the city if it's a system that's under the city's jurisdiction or Wayne County, if it's a system that's under Wayne County's jurisdiction.

Bahr: So, if it were the city's jurisdiction, it would require Todd's...

Taormina: That's correct.

Bahr: Okay. Thank you. Next question. So, I think you alluded to this, but I wanted to ask specifically with the requirement and I'm trying to find the exact language. There's a spot in here where it says that in someone's yard, and they're limited to two sides. Two temporary signs per residential lot. Every one of us knows that that gets obliterated during political season. And if I'm not mistaken, this was a question that came up last fall. So, I guess, I think it's worth us talking about this, is the intent of this ordinance that residents will only be allowed to political signs, which, which might be okay, but I think we need to be eyes wide open about that, because that will be....we're either going to go on an enforcement parade during political season, or we're fooling ourselves with putting this in the ordinance, because we all know that it's not going to go away.

Taormia: I'll start off the conversation by saying that we're not proposing any changes to that. That's a standard that already existed to the two signs

per residential lot. You can see the change here, all we're addressing is the fact that they don't have to be 10 feet from the property line, they just have to be outside of the right of way. That's the only change affecting temporary signs. But the two per lot is something that already exists.

Bahr: I always thought and maybe I just learned I've always been wrong, I always thought that the ordinance said two per issue.

Bernie: That's what a lot of people that are politicians in the city have told me that they think it is and I can tell those folks who run for elective office, that it's two signs, not two per issue, not two per candidate, not that there's seven council members, 14 signs, it's two signs.

Bahr: So, we've all these years, just been looking the other way.

Bernier: I think some people haven't been in that's what some people have. Yes.

Bahr: So, doesn't that put us in a legal problem if someone comes to say, hey, you allow everybody to do in your political season, why don't you allow me to do it the rest of the year? We just set ourselves up for trouble. I understand your intent here, we all want to avoid sign litter, even during political season, even as a politician, I want to avoid that. Okay. I just want to be realistic with what we're putting in the ordinance and this doesn't strike me as realistic and I don't, right now, know what the answer is.

Bernier: I'll be honest, Councilmember, the problem are people running for office and nothing else. Rarely do you have a construction worker with four signs in somebody's front lawn, but you'll have four politician signs on the front lawn. I'm probably getting myself in trouble here, but the problem is in election season, it's not any other time. Yeah, we all we know people violate it, but there, it's like anything else. There are violations and there are violations. There are some houses where you see them lined up and there is literally 15 signs, and then you have a house with three signs. Sometimes discretion has to be exercised is sometimes just a visit will solve the problem. But we have to have, unless you're prepared to have 15 signs on the lawn, we have to have a standard.

Bahr: Well, I've always, like I said, obviously I was mistaken, and I must have never looked it up in the ordinance because I was just going off what I was always told, but I always thought it was two per, two per issue. So, you get to two per candidate or two per proposal issue or whatever. Would it be unreasonable to have this say, two per residential lot and we make an exception for advocacy type things that will be say two per issue, because that's what we've been doing in reality anyway?

Bernier: The last thing in the world we need to get involved with is a First Amendment issue over what the sign says, that's content.

- Bahr: Again, I love the intent of this, I struggle with knowing we pass the zoning ordinance that we know is not being followed. It just seems to defeat the purpose of what we're doing here.
- Bernier: I don't know how to say this, besides just saying that there are a lot of ordinances and laws out there that aren't enforced the way they should be. That doesn't mean that they're not on the books, and they're not valid, but the problem is, there has to be a standard. Is two the right one, is three? I don't know. That's what Council is here to decide. Not me. But there has to be a standard.
- Bahr: I know it's a public hearing, but it's also our study meeting. So, I'm sure it's worth thinking through this.
- Bernier: Well, you know, the interesting thing is if you have two people live in a house and they have differing different political views on things. I mean, there are issues with there's no question about it. But the question becomes, what is the number?
- Jolly: Can I just jump in here for one sec. I think because of his position as our prosecutor as well, built into our system is something that's prosecutorial prerogative. He can choose to look the other way, regardless of whatever the ordinance says. And I think we just need to have, not you, but us in general, he could see violation left and right, and just choose to oversee them as the prosecutor...
- Bernier: Exercising prosecutorial discretion, we say.
- Bahr: And that may be but as a Councilmember, I have a prerogative to make sure that our ordinances make sense and that's what we're doing here. I guess, I'd throw out here, and we're not taking formal motions here, but I'm just going to think out loud. I wonder if something more reasonable when we've been living by the two per issue. I wonder if something more reasonable would be something along the lines of, not a limit on the number, but one sign of a certain type per road facing, you know, if you got if you got a front yard, you get one sign pretty sure one sign for construction company or one sign per candidate, if you're on a corner lot you get two. You know, would that be a reasonable way to approach this that's more consistent with what reality is? Because it's just silly to me to put this in here. This isn't prosecutor's discretion, this is not followed, period.
- Bernier: It's followed by some people and not followed by others.
- Bahr: All right, I think aloud, we're gonna have time before we vote on this. Maybe we can have some further discussion on that.
- Bernier: Again, I'm not wed to anything other than the fact that we have to have if we're going to enforce anything, we have to have a standard.

- Bahr: Right. Okay, let me go to the next one. I had spent more time on that than I planned on. So, the other question I had was, Mark, are we, and I'm now looking at wall signs, where we're saying, the size number, location murals or signs, paint on walls or structure shall be subject to the approval of City Council after review of findings by the City Planning Commission, and then it says something similar later about wall signs, I think. Isn't that something that ZBA does now? I mean, oftentimes will be in Council meetings and we'll say, well, I'm not sure that signage is going to make it through ZBA. Are we taking the function that currently resides with ZBA and giving it to Council?
- Taormina: Only as it relates to murals or signs painted on walls or structures.
- Bahr: Okay.
- Taormina: Everything else if it cannot meet the standards, as provided under Section 11.08, would be under the authority of the Zoning Board of Appeals to grant relief. But this one, murals, this is something that we've had a lengthy discussion with Law Department about and the uniqueness of murals are signs painted on walls to make that subject to your review.
- Bahr: Okay, I understand. I got two more of those here. The next one is an application for certificates. And it previously said that when a resident or someone applies for this, that such certificate shall be issued within 10 days. We've taken the 10-day requirement out and not put any time frame in. I guess I'm curious of the reason. I understand that 10 days maybe doesn't seem reasonable, but it seems equally unreasonable to me not to put a time frame there.
- Taormina: You know, I saw that, and I thought it was too time restrictive just based on the amount of time needed to review these.
- Bahr: What is a good time, Mark?
- Taormina: You know, if we wanted to put a time, I would defer to the Inspection Department. If they said 20 days is enough or 25 days. So, if you would like another...
- Bahr: I would propose we say 30 days.
- Taormina: And that's fine, too.
- Bahr: If there's no objection, Council, I would propose...
- Taormina: I did speak to the Director of Inspection, and he understood the need to have time restriction in there, but he didn't give me any kind of fix so I think 30 days would be reasonable.

- Bahr: All right, so, if somebody objects, please speak up, but otherwise, I'm gonna propose that we do that. And then the last thing I had on my list was the thing about running with the land. We're now saying that unless Council specifies otherwise, every waiver that we grant will run with the land, that's what this is saying now, right?
- Taormina: Right now, it runs with the land, but part of the issue is, well, I think there's a potential conflict in that, the ordinance states that waivers run with the land. In many cases, we choose not to, we tie them to a particular user, or owner of the property. So, I wanted to make it clear in the ordinance that we had that option.
- Bahr: So, you're saying our current ordinance that this would replace already says that it runs with the land?
- Taormina: That's correct. Yes.
- Bahr: So, in fact, this really isn't changing anything. It's just making more clear.
- Taormina: I think it is recognizing Council's right to modify that if they so choose. Which is what we do in the case of massage establishments, and things like that quite often.
- Bahr: That makes me feel better about that. Thank you for your patience. Those are my questions about this. Oh, let's see if there's more, I do have one more proposal on the whole thing when we're done but I'll see if there's more questions related to changes.
- Jolly: Is there any direction from Council?
- Toy: Mr. Chair.
- Jolly: Ms. Toy.
- Toy: I'll offer an approving.
- Jolly: Ok, we have an approving. This item will be heard at the Regular meeting of April 10 of 2023. Mr. Bahr, do you have something else?
- Bahr: Yeah. Well, if we're jumping into approving, number one, I want to just specify that 30-day requirement, I assume would be included in that. Then the second thing that I'd like to propose to Council, I mentioned this in another recent meeting, I would like to propose that while we're doing this, we change the name of the ordinance to simply the Livonia Zoning Ordinance. I think as every year that goes by, calling the Livonia Vision 21 Zoning Ordinance is now, it's cumbersome to say it right, but it's going to become more and more confusing people. I think it would make sense

just to say Livonia Zoning Ordinance, and I think we can easily do that now.

Jolly: Mr. Bahr, can I comment quickly here. I thought about that quite a bit after you proposed it at the last meeting. I think my hesitation to do as much is grounded in the fact that there are volumes that document the process that we went through that are all titled Livonia Vision 21 that resulted in this, and they went together. It was not a piecemeal approach. But rather, an extensive study that took a lot of time we participated in, and the community participated in it, although I think the Livonia Vision 21. I can't be quite sure that we meant the year 21 or the 21st century to be honest with you, but the more I thought about it, I really think that I think that's what we were setting up through this whole visioning process in the work that we did, is that we were setting up Livonia for what it would be in the 21st century. So, although I understand your initial opposing this, I personally, I think, in the totality of the circumstances, thinking a little bit more, I would think that I would be against it. And I would, I would say I see the logic in the naming convention, although it may not be what I have picked at the time. But I think, given the fact those other values go along with it led us to this point, and I believe the intent was to set us up to this century and what we're doing going forward. I would throw that out there.

Bahr: I appreciate that perspective. I see other hands up and I'd like to hear what other people are thinking.

Jolly: Ms. McIntyre.

McIntyre: My concern, with calling it Livonia Vision 21 is I don't think it becomes clear that, we know it's 21st century, but to me, it sounds like it was 2021. And I think it starts feeling obsolete. So, I would like to find that, and I appreciate what the Chairman said, we don't want to, I think that just calling it the Livonia Zoning Ordinance, it doesn't, indicate everything that was done to get us to this point. So, I don't know if there's some other nomenclature, that would make it clear that this is indeed a revised plan that's comprehensive that encompasses all this work that was done with also shortening the name and maybe losing the Vision 21. So, thank you.

Jolly: Thank you, Mr. Donovic.

Donovic: Thank you, Mr. President. Thanks to my colleagues for their points. I kind of see everyone's perspective on it. But I guess, correct me if I'm wrong, we don't really name, come up with creative naming, for any of our other ordinances. They're just ordinances which is the traffic ordinance, the trash ordinance the zoning ordinance, the planning ordinance. So, I mean, I understand the creativeness vibe and whatnot, but I'm kind of there with Councilman Bahr. I don't necessarily, I like the maybe the initial thought of trying to advertise we are redoing our zoning and all the work and effort that went into it, but you know, as we go on and govern it now into the

future. It is kind of confusing Livonia Vision 21. Quite frankly, I'm just fine with Livonia Zoning Ordinances, but I do know there's again, some sort of discussion, their thought process, they're being catchy or, or creative with their zoning ordinances. But at the end of the day, they're just zoning ordinances. Or they're just ordinances in general. So, I'd be completely fine if we just changed it to Livonia Zoning Ordinance, because again, every other word is from my understanding in our long list of ordinances, just whatever the ordinance may be, and of that of that particular subject or whatever was covered. Thank you, Mr. President.

Jolly: Mr. Bahr.

Bahr: So, like I said, I do understand and appreciate your perspective on this. Similar to what Mr. Donovic said, two points. One is, Livonia Vision 21 touched a lot of things. And as he said, We didn't rebrand all of them. The second thing is, I think what we're doing tonight demonstrates some of the reasons to just simplify the title. We're making quite a few changes to this tonight that are separate from what was done as part of the Livonia Vision 21. There will be more changes. And at what point do you say this isn't Livonia Vision 21 ordinance anymore? Yes, it was Livonia Vision 21 process that led to all of this, but the zoning ordinance is the zoning ordinance. And I just think calling it what it is, which works no matter what we do with it going forward, makes sense. I appreciate and respect it, but I would maintain that I think it makes sense to do that. And if Councilman Toy wants to include that as part of her approval, then fine. If she doesn't, I would offer as a second alternative for us to do everything that we talked about earlier, including the name change. And I would offer that as a resolution if she doesn't want to make that change.

Jolly: Well, since it's your prerogative, it's your thing. Do you want to make that motion?

Bahr: Yeah. I will make the motion or offer the resolution to do everything that was included in what Councilman Toy did earlier plus, renaming it to Livonia Zoning Ordinance.

Jolly: Can we bifurcate those two things and have two votes? That might be the simplest way to I mean, I agree that the rationale for it, I probably won't vote for the name change, but I have no problem with the changes in the content, if that makes sense. So, can you amend your motion to simply change the name of the ordinance, and Paul, if that's okay?

Bernier: That's fine. I just want to make sure I got this correct. That Ms. Toy offered an approving resolution of the changes that Mr. Taormina indicated and went through with the additional requirement of 30-day requirement for whatever that number is, I'll get it from Mr. Taormina. That's the first one. And then a separate and distinct resolution will be an approving resolution to amend the name of Livonia Vision 21 Zoning Ordinance to, if I have it

correctly, simply the Livonia Zoning Ordinance, with no distinction at all between the old one and the new one.

Bahr: Yes.

Bernier: Okay.

Jolly: Mr. Morgan.

Morgan: I had a question about 13.10, the change in there about 30 days, 10 versus no days. These certificates of application, is this, including do you know, for instance, building applications or certificates to move in what certificates are these? That's why I didn't speak up right away. I wanted to actually leave the entire session and see what exactly I was missing.

Taormina: These are zoning compliance certificates, which is a much more simplified review process undertaken by the Inspection Department to determine if a particular use is permitted within a zoning district.

Morgan: Okay, so then if it's if it's a simple process, why are we taking 30 days?

Taormina: And I probably shouldn't have used the term simple, because sometimes it can be quite complex. Yes, we can go several days back and forth in determining whether a particular use that is not addressed in the zoning ordinance should be falling in one category or another, whether it should be permitted or waiver or prohibited altogether.

Morgan: Very well, thank you.

Taormina: And I was going to offer if you, Mr. President, you're talking about the title, just so everyone knows. This is the language right in front of the very first line, section 1.01, the ordinance shall be known and may be cited as a Livonia Vision 21 Zoning Ordinance, it is always an option for us as we post publications, notices, agendas, to just refer to it as a zoning ordinance and maintain title as Livonia Vision 21, so it refers to the citation that it may be used, so just a clarification.

Bahr: I don't know if that's the Mark Taormina interpretation or if that's the legal reality, but I will say that, is this the only place in this entire ordinance where it says Livonia Vision 21?

Taormina: I can do a search and I believe it is referred to as ordinance throughout.

Bahr: Then by my resolution earlier looking to change the title and any reference to Livonia Zoning Ordinance. Did you get that Paul?

Bernier: Yes.

Jolly: Okay, if there's nothing else, we will be adjourned. Thank you

As there were no further questions or comments, the Public Hearing was declared closed at 8:01p.m.