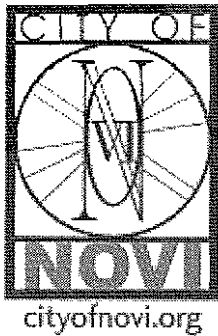


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION

FROM: ^{Barb} BARBARA MCBETH, A/CP, DEPUTY DIRECTOR OF
COMMUNITY DEVELOPMENT

SUBJECT: MOTION PICTURE, TV FILMING TEXT AMENDMENTS

DATE: SEPTEMBER 5, 2008

City Administration created a "Venture Team" initiative as a part of the 2008/2009 Fiscal Year. Venture Teams have been described as an assembly of a diverse group of people brought together to secure funding for a new initiative, a business start-up, or to execute a business plan. A total of 17 initiatives have been established for this year in order to allow administrative staff to complete tasks in keeping with City Council's Goals.

One Venture Team is called "Hollywood Novi" and was established to complete a series of ordinance and internal policy changes to allow and encourage motion picture and television filming activities in Novi. This Venture Team consists of employees from several departments: Becky Arold (Finance), Margi Karp-Opperer (Library), Richelle Leskun (Assessing), Tom Lindberg (Police), Barb McBeth (Community Development), and Tracie Ringle (Parks Recreation and Forestry) with Mike Evans (Fire) and Ara Topouzian (Economic Development) as team leaders.

The team has had several meetings over the last couple of months to discuss a mission and strategy for completing tasks. It was noted that in April, 2008, the State's legislature passed a revision in the Michigan Business Tax bill that allows tax credits for filmmakers and studios working in Michigan. The Michigan Film Credit allows a 40% refundable tax credit against Michigan Business Tax (MBT) liability for qualified film or digital media pre-production, production, and postproduction costs incurred in Michigan. While the production industry immediately took advantage of this tax credit and began filming throughout Michigan, many communities have found that they are without proper guidelines and policies that allow flexibility and meet the expectations of the filming industry.

Our team met with Jeff Spilman, an entertainment attorney who is the managing partner of S3 Entertainment Group, LLC. Mr. Spilman consults with film producers and studios in order to do productions in Michigan. He was able to provide our team with insight into filming processes and how Hollywood operates when filming on location.

The Zoning Ordinance text amendments that are proposed at this time are provided to address the potential demand for permanent production facilities to be established in the City for motion picture and filming activities. The ordinance currently does not specify a location for production activities within buildings or for filming outside of buildings (backlots). The attached language is suggested to address the possible need for these types of facilities in Novi.

Indoor activities associated with Motion Picture, TV, Radio and Photographic Production are proposed to be a permitted use in the Light Industrial district since these activities may be comparable to the office, warehousing and light assembly activities that already take place in this district. If the Light Industrial property abuts residential then these uses would be permitted subject to special conditions. Staff is also proposing text that would allow these indoor activities in the OST district as a permitted land use. Standards for the Light Industrial district carry over to the General Industrial District, as well.

MOTION PICTURE AND FILMING TEXT AMENDMENTS
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Since there may be a demand for activities outside of buildings, such as “studio backlots”, staff suggests that this type of use could be permitted in the Light Industrial district only where the properties do not abut residential and subject to special conditions (Special Land Use) with appropriate screening of these outside activities. These outdoor activities would carry over to the General Industrial district, as well.

Simultaneously, our Venture Team is also working on a “Filming Permit” ordinance which would allow temporary filming at any location in the City. This amendment is proposed to be made to the City Code and does not require review and recommendation by the Planning Commission, but may be approved by the City Council. The proposed text for this City Code amendment can be supplied to the Planning Commission for informational purposes at the time of the public hearing on September 24th.

The Planning Commission is asked to set a public hearing on the proposed Zoning Ordinance changes for the September 24th Planning Commission meeting. At that time the Planning Commission will make a recommendation to the City Council for approval or denial of the proposed changes.

A draft strike-through version of the proposed amendments is attached for review. Please feel free to contact the Community Development Department if there are any questions about the attached materials.

- c Hollywood Novi Venture Team
 - Clay Pearson, City Manager
 - Pam Antil, Assistant City Manager
 - Tom Schultz, City Attorney
 - Steve Ruple, Community Development Director

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 08- 18 -231

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT AND ARTICLE 23A, OST PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT TO ADD PROVISIONS FOR MOTION PICTURE, TELEVISION, RADIO AND PHOTOGRAPHIC PRODUCTION FACILITIES.

THE CITY OF NOVI ORDAINS:

PART I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 19, I-1, Light Industrial and Article 23A, OST Planned Office Service Technology District, are hereby amended to read as follows:

ARTICLE 19, Section 1902. Principal Uses Permitted, Subject to Special Conditions When Abutting a Residential District.

The following uses shall be permitted as principal uses permitted. However, when such uses abut a single-family residential district, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and subject to the public hearing requirements set forth and regulated in Section 3006 of this Ordinance and shall provide a noise analysis subject to the standards of Section 2519.10(c):

1. – 19 [Unchanged]

20. Motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios, provided that all activities are conducted within a totally enclosed building, with the exception of the following:
- a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions.

The following uses shall be permitted where the proposed site does not abut a residentially zoned district, subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1.- 11. [unchanged]

12. Motion picture, television, radio and photographic production facilities when conducted outside of existing buildings, including backlots, when such outside activities are completely screened from view with an eight foot tall obscuring berm from all adjacent properties, subject to the following:
- a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.

Sec. 2301A. Principal Uses Permitted.

In an OST, Planned Office Service Technology District no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. -6. [unchanged]

7. Motion picture, television, radio and photographic production facilities, including sound stages and broadcasting studios, provided that all activities are conducted within a totally enclosed building, subject to the following:
- a. When not in use, production vehicles must be stored in the rear yard and adequately screened from all surrounding properties.
 - b. Communication antenna towers and poles are subject to the standards of Section 2508.1.
87. Accessory buildings and uses customarily and incidental to any of the above permitted uses provided they are integral to and necessary to such permitted uses.
98. Other uses similar to the above uses and subject to the same conditions noted.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY
OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the
_____ meeting of the Novi City Council held on the _____ day of
_____, 2008.

MARYANNE CORNELIUS – CITY CLERK