

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT *Barbara*
DEPUTY DIRECTOR
SUBJECT: TEXT AMENDMENT 18.264 – RESIDENTIAL DEVELOPMENT
ENTRANCE LIGHTING
DATE: OCTOBER 19, 2012

The Community Development Department has reviewed the Zoning Ordinance provisions and suggested a possible amendment to require new residential developments to provide street lighting for road and driveway entrances at major thoroughfares. This amendment is being proposed in response to discussion by the City Council that street lighting is desired at main entrances to subdivisions. It is expected that the ordinance will complement the recently updated and adopted "Street Light Policy".

The amendment would require developers to provide lighting at each residential entrance intersecting with a major thoroughfare to sufficiently illuminate the entrance of the development. Fixtures would be limited to a height of 25 feet so as to prevent glare and direct illumination away from adjacent properties. Additionally, any fixtures would need to be in accordance with Section 2511 'Exterior Lighting' of the Zoning Ordinance.

The Planning Commission is asked to hold the Public Hearing on the proposed ordinance amendment and forward a recommendation to the City Council, for reading and adoption.

If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski in the Community Development Department at 248-347-0586 or kkapelanski@cityofnovi.org.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 264

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2511, EXTERIOR LIGHTING; IN ORDER TO MODIFY THE STANDARDS FOR LIGHTING AT SUBDIVISION ENTRANCES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Section 2500. – Section 2510. [Unchanged.]

Section 2511. Exterior Lighting

[Unchanged.]

1. – 2. [Unchanged.]

3. Required conditions. When site plan approval is required for the installation or modification of exterior lighting, the following conditions shall apply:

a. – m. [Unchanged.]

n. All residential developments shall provide lighting at each entrance intersecting with a major thoroughfare sufficient to illuminate the entrance of the development. A major thoroughfare shall be defined as a major arterial, arterial or minor arterial road as designated in the City of Novi Master Plan's Thoroughfare Classification Map. Fixtures shall not exceed 25 feet in height. Lighting shall be subject to the requirements of this Section of the Zoning Ordinance. If the proposed lighting is within the right-of-way, installation, maintenance and operating costs and responsibilities shall be in accordance with the amended Street Light Policy adopted by the City Council in 2012.

4. – 5. [Unchanged.]

Section 2512. – Section 2524. [Unchanged.]

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 CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

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ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

STREET LIGHTING POLICY

RESOLUTION FOR AMENDED STREET LIGHT POLICY
CITY OF NOVI,
September 24, 2012

City of Novi
County of Oakland, Michigan

Minutes of a regular Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on September 24, 2012, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel

ABSENT: Councilmembers: None

The following preamble and Resolution were offered by Councilmember Margolis and supported by Councilmember Fischer.

WHEREAS, on December 19, 1988, Novi City Council adopted a "Street Light Policy" to address requests for street light installation in the City of Novi; and,

WHEREAS, said 1988 Street Light Policy needs to be updated to address different types of street lighting requests and to encompass established and successful practices; and,

WHEREAS, alternatives to establishing a Special Assessment District (SAD) for street lighting shall exist to accommodate street light installation requests from individual petitioners; and,

WHEREAS, street lights provide a public safety benefit and serve as a valuable way-finding tool; and,

WHEREAS, street lights in the public rights-of-way are typically installed, owned and operated by DTE Energy (DTE) under agreements between DTE and the City of Novi; and,

WHEREAS, the City of Novi deems the facilitating of street lighting to be a proper public service.

NOW, THEREFORE, BE IT RESOLVED, that the City of Novi City Council hereby effectively amends the 1988 Street Light Policy by establishing the following policy for street light installations that are not associated with an SAD within the City of Novi:

For single standard street lights requested for installation in the public right-of-way at major road entrances of residential developments:

1. The City will contract directly with DTE for the installation and operation of a single standard entryway street light, defined as a steel pole with a single "cobra head" fixture fed by an underground electrical conduit.
2. The City will pay for the non-DTE share of the installation cost (DTE pays for a portion of the installation cost equal to the first three years of revenue DTE will receive for operation).
3. The City will pay for ongoing energy costs for perpetuity.
4. Installation will only be made in cases where electrical service for the street light is available within one hundred (100) feet of the proposed street light location. Otherwise, the petitioner would bear the additional installation cost.
5. If the request is for a decorative/non-standard street light, then the petitioner shall bear the non-DTE cost of the installation.

For all other street light requests from individual petitioners:

1. The City will contract directly with DTE for the installation and operation of the type and number of poles and fixtures requested by the petitioner.
2. The City will contract with the petitioner as a means to recoup installation costs immediately and operating costs over a renewable 20-year term.
3. The City will pay for the non-DTE share of the installation costs.
4. The City will be reimbursed by the petitioner for installation costs upon execution of the agreement.
5. The City will pay for energy costs; and bill annually and be reimbursed by the petitioner.
6. The City will be authorized to collect a 10% administrative fee added to annual energy costs.
7. Any increase in DTE's energy costs must be assumed by the street light petitioner.

AYES: Councilmembers: Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel (7)

NAYES: Councilmembers: None (0)

RESOLUTION DECLARED ADOPTED.


MARYANNE CORNELIUS, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a regular meeting held this 24th day of September, 2012.


MARYANNE CORNELIUS, City Clerk