

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item C
November 8, 2010

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.244 in order to prohibit the installation and operation of outdoor furnaces; to modify the definition of recreational equipment; to add brewpubs and microbreweries as principal permitted uses in the B-3 District and principal permitted uses subject to special conditions in the RC District and modify requirements for brewpubs and microbreweries in the TC and TC-1 District; to provide standards for an extension of a site plan utilizing a planned development option; to update standards for storing a commercial vehicle at a residence; and to amend the time limit for approval on a variance granted by the Zoning Board of Appeals. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Baub}

CITY MANAGER APPROVAL 

BACKGROUND INFORMATION:

Attached are several ordinance amendments that the Community Development Department is proposing to address a number of deficiencies and to streamline procedures provided in the Zoning Ordinance.

Outdoor Furnaces

Staff previously proposed and the Planning Commission recommended approval of a text amendment to permit outdoor furnaces in limited instances in the RA, Residential Acreage District. At the June 7, 2010 City Council meeting, the City Council moved to direct staff to revise the proposed amendment to prohibit the installation and operation of outdoor furnaces. Changes are proposed as part of this amendment package for a complete prohibition of outdoor furnaces, in Section 2503, and including the description of outdoor furnaces provided in the definitions section. Pertinent City Council meeting minutes are attached.

Microbreweries and Brewpubs

The Zoning Ordinance currently includes microbreweries and brewpubs as principal permitted uses in the TC and TC-1, Town Center District subject to a number of conditions. Staff has gotten some recent inquiries into whether or not these uses are permitted elsewhere in the City. After examining the ordinance, staff has proposed adding microbreweries and brewpubs as principal permitted uses in the B-3, General Business District and as a special land use in the RC, Regional Center District. The conditions listed in the TC and TC-1 District for these uses would generally carry over to the other districts. One change to the listed conditions in the TC and TC-1 District and the districts where the uses are proposed to be added is the removal of the condition that a microbrewery or brewpub must provide seating and meal service for a minimum of 125 people. As proposed, the condition that both of these uses must provide meal service (with no minimum number of seats), but allows an accessory taproom with no meal service if the taproom is accessory to a larger retail store. Alternately, the condition that a microbrewery or brewpub must also be a full service restaurant could be removed entirely.

Planned Development Options – Extensions of Approval

The Planned Development Option may be used on properties designated PD-1 or PD-2 on the Future Land Use map. There are currently no properties with a PD-1 designation on the Future Land Use map. There are several properties designated PD-2, all concentrated in the RC District. The PD Option gives an applicant additional flexibility in site design and gives the City Council the authorization to grant ordinance deviations. Per the Zoning Ordinance, an applicant has one year from the approval of the preliminary site plan to receive final site plan approval and two years from the date of final site plan approval to receive building permits and commence construction. There are no standards for extensions of this approval. Staff is now proposing standards for the City Council to consider when granting an extension of the preliminary and/or final site plan approved as a Planned Development Option, with recommended approval period of up to two years.

Recreational Equipment

Currently the Zoning Ordinance includes language for the definition of recreational equipment that indicates it is equipment used for travel, recreational and vacation use. There have been some instances where a resident has been storing a utility trailer on their property that is not used for vacation or recreational purposes and this has resulted in some confusion as to whether or not that storage is permitted because of the listed definition of recreational equipment. Staff is proposing to remove the reference to "used for travel, recreational and vacation use" and add the term "trailers" where appropriate in Section 2504. Residents would continue to be permitted to store recreational equipment on their property in the side or rear yard (depending on the size of the equipment).

Commercial Vehicle Parking and Storage

The Zoning Ordinance currently permits commercial vehicles weighing 5,000 pounds or less to be parked on residentially zoned property. This vehicle weight standard was set several years ago and a number of standard vehicles, particularly pick-up trucks, now exceed this 5,000 pound limit. Staff is proposing to increase the permitted vehicle weight to 7,000 pounds to be in line with current vehicle weights.

Timeframe of Zoning Board of Appeals Variances

The Zoning Ordinance includes a provision stating a variance granted by the Zoning Board of Appeals requiring the alteration or erection of a building is valid for a period of one-hundred eighty days. An applicant must obtain building permits within the one-hundred eighty day period or the variance will expire. Staff is now proposing to extend the period a variance is valid from one-hundred eighty days to one year. Use variances that do not require the alteration or erection of a building are currently valid for ninety days upon which the use must be established. Staff is proposing to extend this time limit to one-hundred and eighty days.

The Planning Commission held the public hearing and recommended approval of the text amendment on October 6, 2010. The draft meeting minutes are attached.

The City Council approved the first reading of the text amendment on October 25, 2010. The draft meeting minutes are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.244 in order to prohibit the installation and operation of outdoor furnaces; to modify the definition of recreational equipment; to add brewpubs and microbreweries as principal permitted uses in the B-3 District and principal permitted uses subject to special conditions in the RC District and modify requirements for brewpubs and microbreweries in the TC and TC-1

District; to provide standards for an extension of a site plan utilizing a planned development option; to update standards for storing a commercial vehicle at a residence; and to amend the time limit for approval on a variance granted by the Zoning Board of Appeals.

SECOND READING

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 10- 18 – 242

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 2, CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS, SECTION 201, DEFINITIONS O-R, AT ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 PRINCIPAL USES PERMITTED, AT ARTICLE 16, TC AND TC-1, TOWN CENTER DISTRICTS, SECTION 1601 PRINCIPAL USES PERMITTED, AT ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2406, PLANNED DEVELOPMENT OPTIONS, AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2503, ACCESSORY USES AND SECTION 2504, COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND STORAGE AND AT ARTICLE 31, BOARD OF APPEALS, SECTION 3107, MISCELLANEOUS; IN ORDER TO PROHIBIT THE INSTALLATION AND OPERATION OF OUTDOOR FURNACES, TO MODIFY THE DEFINITION OF RECREATIONAL EQUIPMENT, TO ADD BREWPUBS AND MICROBREWERIES AS A PRINCIPAL PERMITTED USE IN THE B-3 DISTRICT AND RC DISTRICT AND MODIFY THE REQUIREMENTS FOR BREWPUBS AND MICROBREWERIES IN THE TC AND TC-1 DISTRICT, TO PROVIDE STANDARDS FOR AN EXTENSION OF A SITE PLAN UTILIZING A PLANNED DEVELOPMENT OPTION, TO UPDATE THE STANDARDS FOR STORING A COMMERCIAL VEHICLE AT A RESIDENCE AND TO AMEND THE TIME LIMIT ON A VARIANCE GRANTED BY THE ZONING BOARD OF APPEALS.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 2, Construction of Language and Definitions, Zoning Districts and Maps, Section 201, Definitions O - R is hereby amended to read as follows:

ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS

Sec. 201. Definitions: O--R

Off-Street Parking Lot – Open Storage (Nonresidential) [Unchanged.]

Outdoor Furnace: A boiler or furnace, fueled by wood, coal, corn or any other type of fuel, located outside the structure it is used to heat with the designated purpose of providing heat for water and/or air for a single-family residence, swimming pool and other structures accessory to a single-family residence.

Outlot – Quality Wetlands [Unchanged.]

Recreational Equipment and Trailers: Any travel trailer, camp trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, float and raft, including transportation equipment and off-road vehicles, manufactured motorized home, and manufactured motor bus, ~~all designed to be used as a temporary dwelling for travel, recreational and vacation use or periodically and occasional recreational and vacation use.~~

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 15, B-3 General Business District, Section 1501, Principal Uses Permitted is hereby amended to read as follows:

Article 15. B-3 GENERAL BUSINESS DISTRICT

Sec. 1501. Principal Uses Permitted

1. – 9. [Unchanged.]

10. Microbreweries, subject to the following conditions:

- a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
- b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with the standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.
- d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.

- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.

11. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- e. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

Part III.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, Section 1601, Principal Uses Permitted is hereby amended to read as follows:

Article 16. TC AND TC-1 TOWN CENTER DISTRICTS

Sec. 1601. Principal Uses Permitted

1.- 11. [Unchanged.]

12. Microbreweries, subject to the following conditions:

- a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
- b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with the standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.
- d. There shall be included a restaurant ~~having a minimum seating occupancy of at least one hundred twenty-five (125) persons~~ which shall provide full lunch and dinner meal service for consumption by patrons while seated on the premises, ~~and not merely sandwiches and snacks.~~ (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.
- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.

13. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall

be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.

- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant ~~having a minimum seating occupancy of at least one hundred twenty five (125) persons which shall provide full lunch and dinner meal service for consumption by patrons while seated on the premises, and not merely sandwiches and snacks.~~ (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of the total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

Part IV.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 17, Regional Center District, Section 1702, Principal Uses Permitted Subject to Special Conditions is hereby amended to read as follows:

Article 17. REGIONAL CENTER DISTRICT

Sec. 1702. Principal Uses Permitted Subject to Special Conditions

1.- 4. [Unchanged.]

5. Microbreweries, subject to the following conditions:

- a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
- b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with the standards at Section 2519,

Performance Standards. Steam condensation units shall be required on all venting.

- d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.
- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.
- i. No microbrewery shall be located closer than one thousand (1,000) feet from any freestanding restaurant.

6. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer

tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.

- f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- g. No brewpub shall be located closer than one thousand (1,000) feet from any freestanding restaurant.

Part V.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 24, Schedule of Regulations, Section 2406, Planned Development Options is hereby amended to read as follows:

Article 24. SCHEDULE OF REGULATIONS

Sec. 2406. Planned Development Options

- 1. – 3. [Unchanged.]
- 4. *Site Plan Review* [Unchanged.]

A. – E. [Unchanged.]

F. *Site Plan Approval Limitations.* Approval of a Preliminary Site Plan shall be effective for a period of one (1) year from the date of approval by the City Council, within which time period the applicant shall obtain final site plan approval. Approval of a Final Site Plan shall be effective for a period of two (2) years from the date of approval, within which time the applicant shall obtain building and other necessary permits and commence construction. Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.

(1) The City Council may grant an extension of the Preliminary and/or Final Site Plan approval for a period of up to two (2) years, and may grant at the conclusion of such extension additional subsequent extensions for similar periods of time. In determining whether good cause exists for an extension, the City Council shall consider the following factors:

- (a) The applicant has demonstrated that required utility services have been delayed;
- (b) The applicant has demonstrated that technical reviews of the Final Site Plan have raised unforeseen development delays;
- (c) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;

(d) The approved Preliminary or Final Site Plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;

(e) There is no pending zoning ordinance amendment that would otherwise substantially change the requirements of the approved plan.

Part VI.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2503, Accessory Uses and Section 2504 Commercial and Recreation Vehicle Parking and Storage is hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Sec. 2503. Accessory Uses [Unchanged.]

1. [Unchanged.]

2. Accessory Structures

A. – F. [Unchanged.]

G. Outdoor furnaces as defined in Section 201 are prohibited and shall not be installed or operated within the City of Novi.

Sec. 2504. Commercial and Recreational Vehicle Parking and Storage.

The off-street parking or storage of any mobile home or recreational equipment or trailers in any residential district shall be subject to the following conditions:

1. Except where otherwise permitted in this Ordinance, the off-street parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes or mobile home parks, shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks.

All mobile homes owned by residents of the City of Novi and stored only within the confines of the rear yard shall further respect the requirements of Section 2503.1, Accessory Buildings, of this Ordinance, insofar as distances from principal structures, lot lines and easements are concerned.

Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.

Recreational equipment and trailers may be temporarily parked or stored anywhere on a residential premises for a period not to exceed seventy-two (72) consecutive hours for the purpose of active loading, unloading, trip preparation, or minor routine maintenance and repair. Removal of the equipment from the premises for a period of greater than twenty-four (24) hours shall commence a new seventy-two (72) hour period. For purposes of enforcement, in addition to parking or storage for a period in excess of seventy-two (72) hours, the presence of the same equipment on the same premises within a seven (7) day period shall be considered a violation of this provision, unless the property owner can establish the removal of the equipment as provided herein.

2. Any recreational equipment or trailer less than six (6) feet in height above the ground may be stored in any required side or rear yard. In addition to the general six (6) foot height permitted, minor portions of such equipment not exceeding three (3) square feet in vertical cross section as viewed perpendicular to the adjacent lot line may be permitted to exceed six (6) feet in height.
3. Recreational equipment and trailers exceeding six (6) feet in height may be stored in any rear yard or in any nonrequired interior side yard subject to the applicable conditions of this Section regarding Accessory Buildings, with respect to height, yard coverage, and setbacks.
4. Recreational equipment or trailers shall not be parked or stored in such a manner as to create a dangerous or unsafe condition on the property. The ground under and surrounding any parked or stored equipment shall be free of noxious weeds, overgrowth of grass or weeds, litter, excessive dirt, or debris. Broken windows and flat tires are prohibited. All covers or tarps or other material employed to protect such equipment shall be secured and weather proof. Rocks, bricks, or other weighted items shall not be used to secure a weatherproofing cover. No more than one motor home may be stored on any one (1) residential premises.
5. – 8. [Unchanged]
9. (a) [Unchanged.]
(b) A commercial vehicle may be parked on residentially-zoned property if all of the following conditions are met:
 - (1) [Unchanged.]
 - (2) The vehicle is not a dump truck, stake truck, flatbed truck or semi-tractor or cube van; and
 - (3) The vehicle does not exceed ~~five thousand (5,000)~~ seven thousand (7,000) pounds, empty weight, as defined in 1949 PA 300, as amended.
- (c) [Unchanged.]

~~(d) In any proceeding for violation of the weight limitation provision of this Ordinance, the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation, and any gross vehicle weight classification indicated on the vehicle's registration or plate shall constitute a prima facie presumption that the weight of the vehicle was within such classification at the time of any alleged violation.~~

Part VII.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 31, Board of Appeals, Section 3107, Miscellaneous is hereby amended to read as follows:

ARTICLE 31. BOARD OF APPEALS

Sec. 3107. Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than ~~one hundred and eighty (180) days~~ one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than ~~ninety (90) one hundred and eighty (180) days~~ unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within ~~one hundred and eighty (180) days~~ one (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

PART VIII.

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 IX.

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 X.

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 XI.

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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 10- 18 – 242

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 2, CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS, SECTION 201, DEFINITIONS O-R, AT ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 PRINCIPAL USES PERMITTED, AT ARTICLE 16, TC AND TC-1, TOWN CENTER DISTRICTS, SECTION 1601 PRINCIPAL USES PERMITTED, AT ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2406, PLANNED DEVELOPMENT OPTIONS, AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2503, ACCESSORY USES AND SECTION 2504, COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND STORAGE AND AT ARTICLE 31, BOARD OF APPEALS, SECTION 3107, MISCELLANEOUS; IN ORDER TO PROHIBIT THE INSTALLATION AND OPERATION OF OUTDOOR FURNACES, TO MODIFY THE DEFINITION OF RECREATIONAL EQUIPMENT, TO ADD BREWPUBS AND MICROBREWRIES AS A PRINCIPAL PERMITTED USE IN THE B-3 DISTRICT AND AS A PRINCIPAL PERMITTED USE SUBJECT TO SPECIAL CONDITIONS IN THE RC DISTRICT AND MODIFY THE REQUIREMENTS FOR BREWPUBS AND MICROBREWRIES IN THE TC AND TC-1 DISTRICT, TO PROVIDE STANDARDS FOR AN EXTENSION OF A SITE PLAN UTILIZING A PLANNED DEVELOPMENT OPTION, TO UPDATE THE STANDARDS FOR STORING A COMMERCIAL VEHICLE AT A RESIDENCE AND TO AMEND THE TIME LIMIT FOR APPROVAL ON A VARIANCE GRANTED BY THE ZONING BOARD OF APPEALS.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 2, Construction of Language and Definitions, Zoning Districts and Maps, Section 201, Definitions O - R is hereby amended to read as follows:

ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS

Sec. 201. Definitions: O--R

Off-Street Parking Lot – Open Storage (Nonresidential) [Unchanged.]

Outdoor Furnace: A boiler or furnace, fueled by wood, coal, corn or any other type of fuel, located outside the structure it is used to heat with the designated purpose of

providing heat for water and/or air for a single-family residence, swimming pool and other structures accessory to a single-family residence.

Outlot – Quality Wetlands [Unchanged.]

Recreational Equipment and Trailers: Any travel trailer, camp trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, float and raft, including transportation equipment and off-road vehicles, manufactured motorized home and manufactured motor bus.

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 15, B-3 General Business District, Section 1501, Principal Uses Permitted is hereby amended to read as follows:

Article 15. B-3 GENERAL BUSINESS DISTRICT

Sec. 1501. Principal Uses Permitted

1. – 9. [Unchanged.]
10. Microbreweries, subject to the following conditions:
 - a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
 - b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
 - c. There shall be compliance with the standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.
 - d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
 - e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
 - f. Owing to unique features and operational requirements of a

microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.

- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.

11. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- e. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

Part III.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, Section 1601, Principal Uses Permitted is hereby amended to read as follows:

Article 16. TC AND TC-1 TOWN CENTER DISTRICTS

Sec. 1601. Principal Uses Permitted

1.- 11. [Unchanged.]

12. Microbreweries, subject to the following conditions:

- a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
- b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with the standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.
- d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.
- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.

13. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops,

barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.

- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of the total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

Part IV.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 17, Regional Center District, Section 1702, Principal Uses Permitted Subject to Special Conditions is hereby amended to read as follows:

Article 17. REGIONAL CENTER DISTRICT

Sec. 1702. Principal Uses Permitted Subject to Special Conditions

1.- 4. [Unchanged.]

5. Microbreweries, subject to the following conditions:

- a. Brewery production shall not exceed twenty thousand (20,000) barrels per year.
- b. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with the standards at Section 2519,

Performance Standards. Steam condensation units shall be required on all venting.

- d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
- f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.
- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.
- i. No microbrewery shall be located closer than one thousand (1,000) feet from any freestanding restaurant.

6. Brewpubs, subject to the following conditions:

- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
- b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
- c. There shall be compliance with standards at Section 2519, Performance Standards.
- d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
- e. No more than fifty (50) percent of total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer

tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.

- f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
- g. No brewpub shall be located closer than one thousand (1,000) feet from any freestanding restaurant.

Part V.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 24, Schedule of Regulations, Section 2406, Planned Development Options is hereby amended to read as follows:

Article 24. SCHEDULE OF REGULATIONS

Sec. 2406. Planned Development Options

- 1. – 3. [Unchanged.]
- 4. *Site Plan Review* [Unchanged.]

A. – E. [Unchanged.]

F. *Site Plan Approval Limitations.* Approval of a Preliminary Site Plan shall be effective for a period of one (1) year from the date of approval by the City Council, within which time period the applicant shall obtain final site plan approval. Approval of a Final Site Plan shall be effective for a period of two (2) years from the date of approval, within which time the applicant shall obtain building and other necessary permits and commence construction. Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.

(1) The City Council may grant an extension of the Preliminary and/or Final Site Plan approval for a period of up to two (2) years, and may grant at the conclusion of such extension additional subsequent extensions for similar periods of time. In determining whether good cause exists for an extension, the City Council shall consider the following factors:

- (a) The applicant has demonstrated that required utility services have been delayed;
- (b) The applicant has demonstrated that technical reviews of the Final Site Plan have raised unforeseen development delays;
- (c) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;

(d) The approved Preliminary or Final Site Plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;

(e) There is no pending zoning ordinance amendment that would otherwise substantially change the requirements of the approved plan.

Part VI.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2503, Accessory Uses and Section 2504 Commercial and Recreation Vehicle Parking and Storage is hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Sec. 2503. Accessory Uses [Unchanged.]

1. [Unchanged.]

2. Accessory Structures

A. – F. [Unchanged.]

G. Outdoor furnaces as defined in Section 201 are prohibited and shall not be installed or operated within the City of Novi.

Sec. 2504. Commercial and Recreational Vehicle Parking and Storage.

The off-street parking or storage of any mobile home or recreational equipment or trailers in any residential district shall be subject to the following conditions:

1. Except where otherwise permitted in this Ordinance, the off-street parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes or mobile home parks, shall be expressly prohibited, except that the Building Official may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks.

All mobile homes owned by residents of the City of Novi and stored only within the confines of the rear yard shall further respect the requirements of Section 2503.1, Accessory Buildings, of this Ordinance, insofar as distances from principal structures, lot lines and easements are concerned.

Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.

Recreational equipment and trailers may be temporarily parked or stored anywhere on a residential premises for a period not to exceed seventy-two (72) consecutive hours for the purpose of active loading, unloading, trip preparation, or minor routine maintenance and repair. Removal of the equipment from the

premises for a period of greater than twenty-four (24) hours shall commence a new seventy-two (72) hour period. For purposes of enforcement, in addition to parking or storage for a period in excess of seventy-two (72) hours, the presence of the same equipment on the same premises within a seven (7) day period shall be considered a violation of this provision, unless the property owner can establish the removal of the equipment as provided herein.

2. Any recreational equipment or trailer less than six (6) feet in height above the ground may be stored in any required side or rear yard. In addition to the general six (6) foot height permitted, minor portions of such equipment not exceeding three (3) square feet in vertical cross section as viewed perpendicular to the adjacent lot line may be permitted to exceed six (6) feet in height.
3. Recreational equipment and trailers exceeding six (6) feet in height may be stored in any rear yard or in any nonrequired interior side yard subject to the applicable conditions of this Section regarding Accessory Buildings, with respect to height, yard coverage, and setbacks.
4. Recreational equipment or trailers shall not be parked or stored in such a manner as to create a dangerous or unsafe condition on the property. The ground under and surrounding any parked or stored equipment shall be free of noxious weeds, overgrowth of grass or weeds, litter, excessive dirt, or debris. Broken windows and flat tires are prohibited. All covers or tarps or other material employed to protect such equipment shall be secured and weather proof. Rocks, bricks, or other weighted items shall not be used to secure a weatherproofing cover. No more than one motor home may be stored on any one (1) residential premises.
5. – 8. [Unchanged]
9. (a) [Unchanged.]
(b) A commercial vehicle may be parked on residentially-zoned property if all of the following conditions are met:
 - (1) [Unchanged.]
 - (2) The vehicle is not a dump truck, stake truck, flatbed truck or semi-tractor or cube van; and
 - (3) The vehicle does not exceed seven thousand (7,000) pounds, empty weight, as defined in 1949 PA 300, as amended.
- (c) [Unchanged.]

Part VII.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 31, Board of Appeals, Section 3107, Miscellaneous is hereby amended to read as follows:

ARTICLE 31. BOARD OF APPEALS

Sec. 3107. Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty (180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Such time limits shall be extended for those applicants requiring site plan review to a period of thirty (30) days after the date of final site plan approval has been given by the City.

PART VIII.

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 IX.

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 X.

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 XI.

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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**CITY COUNCIL DRAFT MINUTES – EXCERPT
OCTOBER 25, 2010**

Zoning Board of Appeals. First Reading

DISCUSSION

Member Mutch thought the item that would be of most interest to residents was the storage of recreational trailers on the property. He asked for an explanation of why the change was being made in the language and what they hoped to accomplish with the change. Ms. McBeth said that change related to the location for storage of trailers on parcels of property. She said currently the ordinance was a little unclear as to whether utility trailers could be stored in the front yard. She said the requested amendment that staff was proposing was to treat them more like recreational vehicles as the side yard or rear yard would be preferred and not being stored in the front yard. Member Mutch asked if the problem they were running into was people claiming that their trailer wasn't a recreational trailer, so it wasn't governed by that section of the ordinance. Ms. McBeth said Member Mutch was correct and people were using it as a potential loop hole in the ordinance, so they were trying to clarify that they were really intended for the side or rear yard and under a certain height.

Member Staudt said one of the issues he ran up against working with homeowners association was that their covenants didn't match the ordinances of the City. He asked how they dealt with the differences between the covenants and the ordinances. Ms. McBeth responded the Ordinance Officers generally interpret the Zoning Ordinance itself and would generally advise people that there could be subdivision restrictions that were privately enforced.

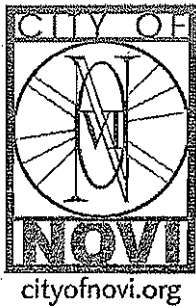
Member Crawford asked Ms. McBeth to describe an outdoor furnace. Ms. McBeth said they had a definition for outdoor furnaces and it was included in the ordinance to clarify that they wouldn't be permitted under this ordinance. Ms. McBeth said it was a boiler or furnace fueled by wood, coal, corn or some other type of fuel and it was located outside of the structure or the house and was usually some distance away from the house. It was used to heat the house or sometimes a swimming pool and was a separate shed like structure that was some distance from the house.

Roll call vote on CM-10-10-143

**Yeas: Margolis, Mutch, Staudt, Landry, Gatt,
Crawford, Fischer**

Nays: None

**PLANNING COMMISSION DRAFT MINUTES – EXCERPT
OCTOBER 6, 2010**



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, October 6, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 p.m.

ROLL CALL

Present: Member Baratta, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Cassis (excused), Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristin Kolb, City Attorney; Mark Spencer, Planner; Kristen Kapelanski, Planner; David Beschke, Landscape Architect

PLEDGE OF ALLEGIANCE

Member Prince led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Larson.

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the October 6, 2010 Planning Commission Agenda. Motion carried 7-0.

PUBLIC HEARINGS

3. TEXT AMENDMENT 18.244 FOR MISCELLANEOUS ORDINANCE AMENDMENTS

Public Hearing for Planning Commission's recommendation to the City Council to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance to prohibit the installation and operation of outdoor furnaces, to modify the definition of recreational equipment, to add brewpubs and microbreweries as a principal permitted use in the B-3 District and RC District and modify the requirements for brewpubs and microbreweries in the TC and TC-1 District, to provide standards for an extension of a site plan utilizing a planned development option, to update the standards for storing a commercial vehicle at a residence and to amend the time limit on a variance granted by the Zoning Board of Appeals.

Planner Kapelanski stated that there are a lot of things mixed in this text amendment. The Planning Commission previously considered a text amendment allowing outdoor furnaces in limited instances in the RA District. That did go to City Council and the City Council determined that they would like to prohibit outdoor furnaces, so that is included in this Amendment.

Staff also addressed microbreweries and brewpubs. The zoning ordinance currently allows microbreweries and brewpubs as principle permitted uses in the TC and TC-1 Districts. Staff has had some interest from some individuals who are interested in establishing these uses in other districts. So, staff has proposed adding microbreweries and brewpubs as principle permitted uses in the B-3 District, and special land uses in the RC District. The conditions that are included in the TC and TC-1 Districts would generally carry over to the new districts. One change in the conditions would be that a microbrewery or brewpub would no longer need to provide seating and meal service for a minimum of 125 people. However, those uses would still need to provide restaurant service. The Planning Commission could recommend that that restaurant provision no longer be included if they should choose to do so.

Staff also addressed the Planned Development Options. Right now there are no standards for extensions of Planned Development Options for developments that were approved using these options. This amendment would provide some standards for the City Council to consider when deciding whether or not to grant an extension and limit that extension for a period of two years.

Recreational equipment is another provision that is addressed. Right now the definition of recreational equipment indicates it is "equipment used for travel, recreational, and vacation use". There have been some residents storing utility trailers on their property that are not necessarily used for recreational or vacation purposes. There has been some confusion as to whether or not those would be permitted. This amendment would remove the provision stating that it is for "recreational or vacation use", so there would no longer be confusion as to whether or not utility trailers could be stored.

Currently the Zoning Ordinance permits commercial vehicles weighing 5,000 pounds or less to be parked on residential properties. This amendment would increase that weight limit to 7,000 pounds to be in line with current vehicle weights.

Lastly, staff is proposing to extend the timeframe for Zoning Board of Appeals variances from 180 days to 1 year. For a use variance that period would be extended from 90 days to 180 days.

Chair Pehrson opened the public hearing. No one from the audience wished to speak and there was no correspondence.

Chair Pehrson asked for clarification regarding outdoor furnaces and asked if that included furnaces to operate pool heaters for in-ground or above-ground pools.

Planner Kapelanski stated that staff would review that language to clarify that the intent of the ordinance is to prohibit the use of outdoor furnaces for all uses, including heating swimming pools.

Chair Pehrson asked if there should be something specific about that verbiage in the ordinance. The amendment talks about heating water, boiler or furnace fueled by wood, coal or any other type and the purpose is to provide the heat for water and/or air for a single family residence. Chair Pehrson wondered if that could be also considered a pool heater, which is a stand alone device which basically does the same thing.

Planner Kapelanski answered in saying staff could add something that refers to accessory uses.

Motion made by Member Lynch, seconded by Member Gutman:

ROLL CALL VOTE ON RECOMMENDATION OF APPROVAL MOTION MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

In the matter of Text Amendment 18.244 Miscellaneous Ordinance Amendments, motion to recommend approval to the City Council of the proposed amendments. Motion carried 7-0.

**CITY COUNCIL MINUTES – EXCERPT
JUNE 7, 2010**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JUNE 7, 2010 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Beth Kudla, City Attorney

APPROVAL OF AGENDA

CM-10-06-080 Moved by Fischer, seconded by Margolis; **CARRIED UNANIMOUSLY:**
To approve the Agenda as presented.

Roll call vote on CM-10-06-080 Yeas: Gatt, Crawford, Fischer, Margolis, Mutch,
Staudt, Landry
Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION

- C. Approval of Zoning Ordinance Text Amendment 18.241, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 3, Residential Acreage District and at Article 25, General Provisions, Section 2503, Accessory Uses in order to provide standards for the construction, use, installation and operation of outdoor furnaces. Second Reading - Mutch**

Member Mutch said this was an amendment to the Zoning Ordinance to allow the use, installation and operation of outdoor furnaces, brought forward by the Community Development Department, to address people who might want to use outdoor furnaces to heat their homes. He said it utilized corn or bio-fuels as an alternative fuel source. He stated he pulled this item from the Consent Agenda because with the direction of the Zoning Text Amendment it would actually permit the use of these facilities, with some limitations outlined in the ordinance. He said he wasn't going to support that but appreciated the effort to look at allowing some alternative ways to heat ones home but had concerns. He said he was concerned with the impact of the furnaces on surrounding properties primarily from the air pollution that could result from the burning of these materials within the furnaces. He said one of the areas that SEMCOG had been working on was reducing the amount of particulate pollution within the air regionally, and trying to reduce pollution from a variety of sources. He said they had been making headway with that but this kind of pollution had a real impact on sensitive populations, such as people with asthma or underlying medical conditions that made them much more susceptible to particulate air pollution. He said this use had the potential to increase that kind of pollution within the community. Member Mutch said another concern was the enforcement of the ordinance as it was discussed at the previous meeting. He noted there were provisions in the ordinance that attempted to limit the fuels used to try to reduce the potential for the pollution that would result from the furnaces. However, short of Ordinance

Enforcement Officers seeing somebody burning the wrong kind of materials, it seemed like it would be very difficult to enforce. Member Mutch said he didn't feel it would be the right direction to go when staff was being reduced and they were trying to deal with budget reductions that could potentially result in additional calls to the Ordinance Enforcement Officers. He said if Council wanted to approve this, he would be voting against it. Otherwise, he would be looking for Council's support to send this back to the City Attorneys to redraft the language to prohibit this kind of use within the community based on the reasons he outlined.

Mayor Pro Tem Gatt agreed with Member Mutch enforcement would be an issue.

**CM-10-06- Moved by Gatt, seconded by Margolis; MOTION WITHDRAWN:
To send this issue of Zoning Ordinance Text Amendment 18.241, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 3, Residential Acreage District and at Article 25, General Provisions, Section 2503, Accessory Uses in order to provide standards for the construction, use, installation and operation of outdoor furnaces back to the Attorneys for further work to return with answers to the question of the impact of the furnaces on surrounding property primarily from the air pollution that could result from the burning of materials within the furnaces, and the affect on sensitive populations such as people with asthma or underlying medical conditions.**

DISCUSSION

Mayor Landry asked if they were looking to direct the Administration to draft an ordinance that prohibited these uses, or were they looking to the Administration to come back and tweak the ordinance. Mayor Pro Tem Gatt replied to tweak it to the point that it could be enforced properly. He asked how the ordinance team would be able to enforce the burning of prohibited items unless they were present and watching. He thought it would be a very difficult thing to do and didn't know if they could tweak it enough to make it acceptable. Mayor Landry said he could understand that view and didn't think it could be policed. He thought that once it was a closed furnace or little building, who would know what was being burned. However, it was an alternative energy source and he would be willing to try it to see how much interest there was. Mayor Landry said through the licensing and permitting process the City would know where they were and they could try to keep an eye on them. If there was any suspicion that there were adjacency problems, it could be addressed at that time. He thought they should allow outdoor furnaces and review this in a year.

Mayor Pro Tem Gatt asked if the attorneys could review it and tweak it to a point where maybe the penalties would be harsher, if something prohibited was being done. He said this would satisfy them that all due diligence was being done.

Ms. Kudla, City Attorney, said the penalty would be limited and a misdemeanor would be the worst they could make it, a \$500 fine/ninety days in jail. She said right now there was a provision that if it was found to be a nuisance, the City could have the owner remove it or operate it in a way that it was not a nuisance. Mayor Pro Tem Gatt said he understood they couldn't go beyond Michigan Statutes but he wanted something more than there was now. He

wanted the ordinance tweaked so they were assured they wouldn't have people burning items that would poison their neighbors. Ms. Kudla asked if he was looking for more of a specification, like a recording of what was being burned. Mayor Pro Tem Gatt asked her to tweak it any way she could.

Mr. Pearson thought Member Mutch's comments were geared toward not wanting to do this, which was fine. However, he suggested that rather than spending more time and money, if they didn't want to do this they should just say that. He said this was just in the RA District, which had residential acre lots. He said the only other suggestion he had would be to make it a license requirement, which would give the City a better access for inspections. He said this was an ordinance where they were trying to be a little proactive by looking ahead before there was a problem but if they didn't want to venture into it, they would move on.

Member Margolis said, as it stood now, were they prohibitive or just not addressed in the ordinance. Ms. Kudla said it was not currently addressed. Member Margolis said then this was trying to give some sense of guidance. Mr. Pearson said Mr. Schultz said without mentioning it and not having an area for it, then they were opening it up to being in other places. Member Margolis said she would lean towards prohibiting. She said it would not affect that many parcels if it was left RA, the policing and the licensing made her nervous the last time this was discussed. Member Staudt said he would support prohibiting. Member Fischer said he would agree with prohibiting. Mayor Pro Tem Gatt withdrew his motion and Member Margolis, the seconder of the motion, agreed.

**CM-10-06-085 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To prohibit the construction, use, installation and operation of
outdoor furnaces.**

Roll call vote on CM-10-06-085

**Yeas: Staudt, Landry, Gatt, Crawford, Fischer,
Margolis, Mutch
Nays: None**