



CITY of NOVI CITY COUNCIL

Agenda Item 5
July 18, 2011

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.250 to amend the City of Novi Zoning Ordinance at Article 9, "NCC Non-Center Commercial District," Section 902; at Article 13, "B-1 Local Business District," Section 1302; at Article 14, "B-2 Community Business District," Section 1402; and at Article 16, "TC and TC-1 Town Center Districts," Section 1602, in order to add veterinary clinics as a special land use in each district. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Paul*

CITY MANAGER APPROVAL: *[Signature]* *[Signature]*

BACKGROUND INFORMATION:

Attached is an ordinance amendment that the Community Development Department has proposed in response to recent inquiries from area property owners. The amendment proposes adding veterinary clinics as a special land use in the NCC (Non-Center Commercial District), B-1 (Local Business District), B-2 (Community Business District) and TC and TC-1 (Town Center Districts). All clinics would be required to be setback at least 200 feet from an abutting residential district and a noise impact statement would be required.

Staff recently received a number of inquiries from veterinary clinics wanting to locate within the City of Novi on properties within the aforementioned zoning districts. Currently, veterinary clinics are permitted as a special land use in the B-3 (General Business) District, as a special land use (when adjacent to residential) in the I-1 (Light Industrial) District and as a principal permitted use in the I-2 (General Industrial) District.

The Planning Commission held the required public hearing and recommended adoption of the amendment on June 15, 2011. At that meeting, the Planning Commission expressed concerns about veterinary clinics with a boarding or kennel component. Pet boarding and kennel facilities are permitted in the I-1 and I-2 Zoning Districts but are not permitted in any of districts where veterinary clinics are proposed to be added. If the amendment is approved, veterinary clinics in the NCC, B-1, B-2 and TC and TC-1 Districts would not be permitted to have a pet boarding or kennel component beyond the boarding normally associated with veterinary clinics for medical purposes. Relevant meeting minutes are attached.

The City Council considered the first reading of this text amendment on July 11, 2011 for approval. A draft excerpt from the minutes are attached.

At the City Council meeting, a question was raised regarding including veterinary clinics in the B-1, Local Business District. Staff proposed including veterinary clinics in the B-1 district, along with several other proposed business districts, as a use permitted subject to special land use consideration when located a minimum of 200 feet from residential zoning districts. Staff confirmed that there is currently only one location where the B-1 district is at least 200 feet from residential zoning districts - the Walgreens store at the southeast corner of Ten Mile and Novi Roads. While staff believes that the allowance for veterinary clinics in the B-1 district, subject to the conditions provided, is consistent with the intent of the B-1 district, we do agree that there would be limited applicability for including the B-1 district

at this time, and have modified the text to exclude this district for consideration at the Second Reading, as suggested be examined. Staff concurs with this approach.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.250 to amend the City of Novi Zoning Ordinance at Article 9, "NCC Non-Center Commercial District," Section 902; at Article 13, "B-1 Local Business District," Section 1302; at Article 14, "B-2 Community Business District," Section 1402; and at Article 16, "TC and TC-1 Town Center Districts," Section 1602, in order to add veterinary clinics as a special land use in each district.

SECOND READING

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

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

**DRAFT EXCERPT
CITY COUNCIL MINUTES
JULY 11, 2011**

Draft Excerpt
REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 11, 2011 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

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

MATTERS FOR COUNCIL ACTION – Part I

Consideration of Zoning Ordinance Text Amendment 18.250 to amend the City of Novi Zoning Ordinance at Article 9, "NCC Non-Center Commercial District," Section 902; at Article 13, "B-1 Local Business District," Section 1302; at Article 14, "B-2 Community Business District," Section 1402; and at Article 16, "TC and TC-1 Town Center Districts," Section 1602, in order to add veterinary clinics as a special land use in each district. First Reading

CM-11-07-098 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:

To approve the Zoning Ordinance Text Amendment 18.250 to amend the City of Novi Zoning Ordinance at Article 9, "NCC Non-Center Commercial District," Section 902; at Article 13, "B-1 Local Business District," Section 1302; at Article 14, "B-2 Community Business District," Section 1402; and at Article 16, "TC and TC-1 Town Center Districts," Section 1602, in order to add veterinary clinics as a special land use in each district. First Reading

Member Mutch said he had a concern about the range of districts proposed to be added. He checked with Ms. McBeth about the zoning for the B-1 district and she indicated that there was only one parcel, the Walgreens at Ten Mile and Novi Road, which qualified under the B-1 zoning for this use because of the requirement that the setback from residential had to be at least 600 feet. He said typically the B-1 zoning district was for small local businesses located adjacent to residential areas. His concern was by allowing that use in the B-1 district, someone might move forward on a proposal to locate a veterinary clinic in that district and then discover that they didn't qualify. They would then have to start the process over or take it in front of the ZBA. He said the requirement was important to avoid conflict with adjoining residential properties. He would like to exclude that from the B-1 district in the second reading.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 250

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 9, NCC NON-CENTER COMMERCIAL DISTRICT, SECTION 902, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 14, B-2 COMMUNITY BUSINESS DISTRICT, SECTION 1402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND AT ARTICLE 16 TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1602 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ADD VETERINARY CLINICS AS A SPECIAL LAND USE.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 9, NCC Non-Center Commercial District, is hereby amended to read as follows:

ARTICLE 9. NCC NON-CENTER COMMERCIAL DISTRICT

Section 900 – Section 901. [Unchanged.]

Section 902. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 5. [Unchanged.]
6. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 903. Required Conditions. [Unchanged.]

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 13, B-1 Local Business District, is hereby amended to read as follows:

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 14, B-2 Community Business District, is hereby amended to read as follows:

ARTICLE 14. B-2 COMMUNITY BUSINESS DISTRICT

Section 1400 – Section 1401. [Unchanged.]

Section 1402. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1403. Required Conditions. [Unchanged.]

Part III.

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

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600 – Section 1601. [Unchanged.]

Section 1602. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance. Notwithstanding the restrictions for outdoor sales found in Section 1601.1.a and 1601.2.a(1), limited outdoor sales may be permitted ~~as follows~~ as noted below.

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [Unchanged.]

PART IV.

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 V.

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 VI.

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 VII.

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 _____, 2011.

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. 11- 18 – 250

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 9, NCC NON-CENTER COMMERCIAL DISTRICT, SECTION 902, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 14, B-2 COMMUNITY BUSINESS DISTRICT, SECTION 1402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND AT ARTICLE 16 TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1602 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ADD VETERINARY CLINICS AS A SPECIAL LAND USE.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 9, NCC Non-Center Commercial District, is hereby amended to read as follows:

ARTICLE 9. NCC NON-CENTER COMMERCIAL DISTRICT

Section 900 – Section 901. [Unchanged.]

Section 902. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 5. [Unchanged.]

6. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 903. Required Conditions. [Unchanged.]

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 14, B-2 Community Business District, is hereby amended to read as follows:

ARTICLE 14. B-2 COMMUNITY BUSINESS DISTRICT

Section 1400 – Section 1401. [Unchanged.]

Section 1402. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to approval by the Planning Commission in accordance with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1403. Required Conditions. [Unchanged.]

Part III.

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

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600 – Section 1601. [Unchanged.]

Section 1602. Principal Permitted Uses Subject to Special Conditions

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance. Notwithstanding the restrictions for outdoor sales found in Section 1601.1.a and 1601.2.a(1), limited outdoor sales may be permitted as noted below.

1. - 2. [Unchanged.]
3. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two-hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [Unchanged.]

PART IV.

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 V.

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 VI.

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 VII.

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 _____, 2011.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION MEETING
MINUTES EXCERPT – JUNE 15, 2011**



PLANNING COMMISSION MINUTES

DRAFT

CITY OF NOVI

Regular Meeting

June 15, 2011 | 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 PM.

ROLL CALL

Present: Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson, Chair Pehrson, Member Prince

Absent: Member Lynch (excused); Member Meyer (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Brian Coburn; Engineer; Nathan Bouvy, Engineer; David Beschke, Landscape Architect; Kristin Kolb, City Attorney; Rod Arroyo, Traffic Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the June 15, 2011 Planning Commission agenda. Motion carried 7-0

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no items on the Consent Agenda.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.250

Public hearing for Planning Commission's recommendation to the City Council to amend Zoning Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance at Article 9, NCC Non-Center Commercial District, Section 902 Principal Uses Permitted Subject to Special Conditions, at Article 13 B-1 Local Business District, Section 1302 Principal Uses Permitted Subject to Special Conditions, at Article 14 B-2 Community Business District, Section 1402 Principal Uses Permitted Subject to Special Conditions and at Article 16 TC and TC-1 Town Center Districts, Section 1602 Principal Uses Permitted Subject to Special Conditions; in order to add veterinary clinics as a Special Land Use.

Planner Kapelanski stated that this text amendment is being presented by staff in response to recent inquiries from area property owners. The amendment proposes adding veterinary clinics as a special land use in the NCC (Non-Center Commercial District), B-1 (Local Business District), B-2 (Community Business District) and TC and TC-1 (Town Center Districts). All clinics would be required to be setback at least 200 feet from an abutting residential district, and a noise impact statement would be required.

Currently, veterinary clinics are permitted as a special land use in the B-3 (General Business) District, as a special land use (when adjacent to residential) in the I-1 (Light Industrial) District and as a principal permitted use in the I-2 (General Industrial) District. The Planning Commission is asked to hold a public hearing and forward a recommendation to the City Council on this text amendment.

Chair Pehrson opened the public hearing and invited anyone in the audience wishing to speak to come forward. Seeing no one, Chair Pehrson asked if there was any correspondence.

Member Greco indicated that there was no correspondence.

Chair Pehrson then closed the public hearing.

Member Cassis indicated that he had previously provided his thoughts on this in an email, as he was absent from the meeting when the matter was first discussed. He is not in support of expanding the districts where this use is permitted, but suggests that it is appropriate in the Light Industrial District.

Member Baratta asked if this amendment is in response to pet stores that have a vet clinic or boarding component. Member Baratta was concerned about the boarding of animals.

Chair Pehrson suggested that the amendment should be revised to indicate that this is not intended to expand the kennel or boarding facilities to these districts.

Motion made by Member Gutman and seconded by Member Baratta:

ROLL CALL VOTE ON APPROVAL RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

In the matter of Zoning Ordinance Text Amendment 18.250, motion to recommend approval to the City Council, taking into account the Commission's discussion regarding the removal of extended care facilities. *Motion carried 7-0.*