



CITY of NOVI CITY COUNCIL

Agenda Item 9
July 23, 2012

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.260, to amend the City of Novi Zoning Ordinance, in order to update and make consistent ordinance language pertaining to automobile repair and maintenance-related uses by revising the definitions provisions in Article 2, Construction of Language and Definitions, Zoning Districts and Map, Section 201, Definitions; by adding to off-street parking provisions in Article 25, General Provisions; and by replacing language in various district regulations for the B-2, B-3, TC and TC-1, FS and I-1 Districts. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Burb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

In an effort to ensure clarity, effectiveness and consistency in interpretation of the City of Novi Zoning Ordinance, Planning staff have undertaken an extensive review of ordinance text related to automotive maintenance and repair service uses. Through this study, staff have determined the following:

- As it pertains to automotive maintenance and repair service-related language, the Definitions section of the City of Novi Zoning Ordinance is in some instances unclear and does not include many relevant definitions;
- While not always in the Definitions section, language for some automotive maintenance and repair service uses can be found other sections of the zoning ordinance, as well as in chapters of the City of Novi Code of Ordinances not pertaining to Zoning.

RECOMMENDATIONS

Defining language provided in the Zoning Ordinance should be clear, concise and centrally located. For this reason, Planning staff recommends the following:

- Clarify existing definitions within the City of Novi Zoning Ordinance related to automotive maintenance and repair service uses;
- Develop new definitions for those automotive maintenance and repair service uses currently without definitions;
- Ensure each use definition is located in City of Novi Zoning Ordinance Section 201— Definitions;
- Update remainder of City of Novi Code of Ordinances accordingly.

Additionally, in a proactive effort to address emerging alternative fuel products in the City of Novi Zoning Ordinance, staff recommends that all references to the term "Gasoline" be amended to read "Fuel."

Articles and Sections of the City of Novi Zoning Ordinance affected by these changes are as follows:

Text Amendment 18.260: Sections of City of Novi Zoning Ordinance to be Affected

ARTICLE 2: Construction Of Language and Definitions, Zoning Districts and Map
SECTION 201: Definitions

ARTICLE 14: B-2 Community Business Districts
SECTION 1402: Principal Uses Permitted Subject to Special Conditions
SUBSECTION 1

ARTICLE 15: B-3 General Business Districts
SECTION 1502: Principal Uses Permitted Subject to Special Conditions
SUBSECTION 7

ARTICLE 16: TC and TC-1 Town Center Districts
SECTION 1600: Intent

ARTICLE 18: Freeway Service Districts
SECTION 1801: Principal Uses Permitted
SUBSECTION 1

ARTICLE 19: I-1 Light Industrial Districts
SECTION 1903: Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions
SUBSECTION 3

ARTICLE 25: General Provisions
SECTION 2505: Off-Street Parking Requirements
SUBSECTIONS 14.C(10), 14.C(11), 14.C(21) AND 14.E(3);
and
SECTION 2506: Off-Street Stacking Space, Layout Standards, Construction and Maintenance
SUBSECTION 12

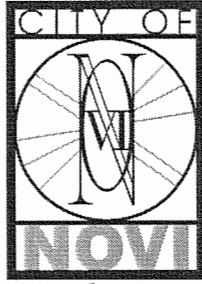
The Planning Commission held the required public hearing on this Zoning Ordinance amendment and the accompanying amendment to the sign ordinance and recommended favorable consideration to the City Council. Minor amendments have been made to the attached draft to reflect the suggestions by the Planning Commission that the ordinance clearly references the intent that a fueling station is a place that offers "motor vehicle fuels" for sale, in addition to minor repair of motor vehicles, auto washes and retail sales.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.260, to amend the City of Novi Zoning Ordinance, in order to update and make consistent ordinance language pertaining to automobile repair and maintenance-related uses by revising the definitions provisions in Article 2, Construction of Language and Definitions, Zoning Districts and Map, Section 201, Definitions; by adding to off-street parking provisions in Article 25, General Provisions; and by replacing language in various district regulations for the B-2, B-3, TC and TC-1, FS and I-1 Districts. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

**PLANNING COMMISSION MEETING MINUTES
JULY 11, 2012 – EXCERPT**



cityofnovi.org

PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

July 11, 2012 7:00 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 Greco, Member Gutman, Member Lynch (arrived at 7:01), Chair Pehrson, Member Prince, Member Zuchlewski

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Tom Schultz, City Attorney; Sarah Fleming, Planner; David Beschke, Landscape Architect; Adam Wayne, Staff Engineer.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Greco:

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

Motion to approve the July 11, 2012 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

4. ZONING ORDINANCE TEXT AMENDMENT 18.260 FOR AUTOMOTIVE USE REGULATIONS

Public Hearing for Planning Commission's recommendation to the City Council to amend the City of Novi Zoning Ordinance at the following locations: Article 2, "Construction of Language and Definitions, Zoning Districts and Map" Section 201, "Definitions", Article 14, "B-2 Community Business District," Section 1402, "Principal Uses Permitted Subject To Special Conditions"; Article 15, "B-3 General Business District," Section 1502, "Principal Uses Permitted Subject to Special Conditions"; Article 16, "TC and TC-1 Town Center Districts," Section 1600, "Intent"; Article 18, "Freeway Service District," Section 1801, "Principal Uses Permitted"; Article 19, "I-1 Light Industrial District," Section 1903, "Principal Uses Permitted in Locations Not Abutting a Residential District and subject to Special Conditions"; Article 25, "General Provisions," Section 2505, "Off-Street Parking Requirements" and Section 2506, "Off-Street Stacking Space, Layout Standards, Construction and Maintenance" in Order to provide consistent ordinance language and updated definitions pertaining to automobile repair and maintenance-related uses.

Planner Fleming said in an effort to ensure clarity, effectiveness and consistency in interpretation of the City of Novi Zoning Ordinance, Community Development Department staff has undertaken an extensive review of ordinance text related to automotive maintenance and repair service uses. Through this study, staff has determined the following. As it pertains to automotive maintenance and repair service-related language, the Definitions section of the City of Novi Zoning Ordinance is in some instances unclear and does not include many relevant definitions. While not always in the Definition sections, language for some automotive maintenance and repair service uses can be found in other sections of the Zoning Ordinance, as well as in chapters of the Code of Ordinances not pertaining to zoning. The recommendations are that defining language should be clear, concise and centrally located.

For this reason, planning staff recommends the following. Clarify existing definitions within the City of Novi Zoning Ordinance related to automotive maintenance and repair service uses. Develop new definitions for those automotive maintenance and repair service uses currently without definitions. Ensure each use definition is located in the Zoning Ordinance Section 201- Definitions. Update the remainder of Code of Ordinances accordingly.

Planner Fleming concluded noting in a proactive effort to address emerging alternative fuel products, in the Zoning Ordinance, staff recommends that all references to the term "gasoline" be amended to read "fuel." Staff requests that the Planning Commission hold the required public hearing and recommend approval of this proposed ordinance amendment, forwarding any recommendation to City Council for reading and adoption.

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

Member Lynch asked if the term fuel refers to specifically automotive fuel.

Planner Fleming said the intent is for automotive fuel.

Member Lynch said the staff should look at the language to ensure that only automotive fuels are permitted and not potentially hazardous or dangerous fuels.

Moved by Member Lynch, seconded by Member Gutman:

ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL TO THE CITY COUNCIL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

Motion to recommend approval of Text Amendment 18.260 for automotive use regulations. Motion carried 6-0.

**PROPOSED ORDINANCE AMENDMENTS
STRIKE-THROUGH**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.260

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, IN ORDER TO UPDATE AND MAKE CONSISTENT ORDINANCE LANGUAGE PERTAINING TO AUTOMOBILE REPAIR AND MAINTENANCE-RELATED USES BY REVISING THE DEFINITIONS PROVISIONS IN ARTICLE 2, CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAP, SECTION 201, DEFINITIONS; BY ADDING TO OFF-STREET PARKING PROVISIONS IN ARTICLE 25, GENERAL PROVISIONS; AND BY REPLACING LANGUAGE IN VARIOUS DISTRICT REGULATIONS FOR THE B-2, B-3, TC AND TC-1, FS, AND I-1 DISTRICTS.

THE CITY OF NOVI ORDAINS:

Part I.

That Article 2, Construction of Language and Definitions, Zoning Districts and Map Section 201, Definitions, is hereby amended as follows:

Sec. 201. - Definitions.

Definitions A-C.

* * *

Automobile Repair:

The general major or minor repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles. (Ord. No. 99-18.149, Pts. I—III, 4-5-99)

Automobile Service Establishment—Major Services:

An establishment or business which provides as its primary use major vehicle repair such as major engine

or transmission work or overhaul, vehicle undercoating, body repair and collision work, painting, tire recapping and auto dismantling operations.

Automobile Service Establishment--Minor Services:

An establishment or business which provides as its primary use, incidental or minor vehicle repairs such as engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement and minor transmission service but not including vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations.

* * *

Definitions D-F.

* * *

Fueling Station:

A place for the retail dispensing, sale, or offering for sale of motor **vehicle** fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; auto washes; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery

items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.

The sale of alcoholic beverages shall be permitted as an accessory use subject to the issuance of an appropriate license by the Liquor Control Commission and subject to the standards imposed by the Commission and state law if all three of the following conditions are met and are reflected on the site plan:

(a) One or both of the following conditions exist:

(i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(b) The site of payment and selection of alcoholic liquor is not less than fifty feet from that point where motor vehicle fuel is dispensed.

(c) The building from which alcoholic liquor is sold provides not

less than 5,000 square feet of gross leasable floor area. (Ord. No. 18.239, Pt. I, 2-22-10)

Definitions G-K.

* * *

Gasoline Service Station:

~~*See Fueling Station.* means a place for the retail dispensing, sale, or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.~~

~~The sale of alcoholic beverages shall be permitted as an accessory use subject to the issuance of an appropriate license by the Liquor Control Commission and subject to the standards imposed by the Commission and state law if all three of the following conditions are met and are reflected on the site plan:~~

~~(a) One or both of the following conditions exist:~~

~~—— (i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space.~~

~~—— (ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.~~

~~(b) The site of payment and selection of alcoholic liquor is not less than fifty feet from that point where motor vehicle fuel is dispensed.~~

~~(c) The building from which alcoholic liquor is sold provides not less than 5,000 square feet of gross leasable floor area. (Ord. No. 18.239, Pt. I, 2-22-10)~~

Definitions: O-R.

* * *

Oil Change Establishment, Mini-Lube:

An establishment or business which provides as its primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, and exclusive of other minor or major automobile repair or service as defined in this ordinance. It is intended that these services be

provided while customers wait, generally within a fifteen (15) to twenty (20) minute time frame.

Open Front Store:

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile service or repair establishments, oil change or mini-lube facilities or ~~gasoline service fueling~~ stations.

* * *

PART II.

That Article 14, B-2 Community Business Districts, Section 1402, Principal Uses Permitted Subject to Special Conditions, Subsection 1 is hereby amended to read as follows:

Sec. 1402. – Principal Uses Permitted Subject to Special Conditions

1. ~~Gasoline-service~~ Fueling station for the sale of gasoline, and alternate fuels, oil and minor accessories only, and where no major repair work is done, other than accessory minor repair and incidental services, but not including major services such as steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line:
 - a. The curb cuts for access to a ~~service~~ fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area for any ~~gasoline~~ fueling station shall be one (1) acre.
 - c. ~~Gasoline-service~~ Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 District. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the

pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.

- d. [unchanged]
- e. [unchanged]
- f. [unchanged]

2 - 3 [unchanged]

PART III.

That Article 15, B-3 General Business Districts, Section 1502, Principal Uses Permitted Subject to Special Conditions, Subsections 3 and 7 are hereby amended to read as follows:

Sec. 1502. – Principal Uses Permitted Subject to Special Conditions

1. – 2. [unchanged]

3. Business in the character of a drive-in or open front store, not including automobile service or repair establishments, oil change or mini-lube facilities or fueling stations, subject to the following conditions:

- a. [unchanged]
- b. [unchanged]
- c. [unchanged]
- d. [unchanged]

4. – 6. [unchanged]

7. Mini-lube or ~~quick~~ oil change establishments, which provide as a primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, including the sale of oil and minor accessories only, and exclusive of other minor or major automobile repair or service as defined in this ordinance. ~~and where~~ Additionally, no sale of gasoline or alternate fuels shall occur. ~~or major repair work is done, other than incidental services, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.~~ Such establishments shall be subject to the following requirements:

- a. The curb cuts for access to a mini-lube or ~~quick~~ oil change establishment shall be such as to minimize the potential for traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than one hundred (100) feet from a street intersection (measured from road right-of-way) and from adjacent residential districts.
- b. Mini-lube or ~~quick~~ oil change establishments shall be located on the site so as to minimize impact on any adjacent residential districts, OS-1, OS-2, OSC and B-1 District. Ample space, based upon a queuing analysis, shall be provided for motor vehicles waiting for service.

Sufficient vehicle stacking space shall be provided at service bay entrances so that vehicles awaiting service will not interfere with vehicles entering the site.

- c. [unchanged]
- d. [unchanged]
- e. [unchanged]
- f. [unchanged]

PART IV.

That Article 16, TC and TC-1 Town Center Districts, Section 1600, Intent, is hereby amended to read as follows:

Sec. 1600. – Intent

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service ~~stations~~ establishments, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

Part V.

That Article 18, FS Freeway Service Districts, Section 1801, Principal Uses Permitted, Subsection 1 is hereby amended to read as follows:

Sec. 1801. – Principal Uses Permitted

- 1. ~~Gasoline service~~ Fueling station and minor automobile ~~repair~~ service establishments, subject to standards at Section 1402.1, parking garages, and bus passenger stations.
- 2. - 6. [unchanged]

Part VI.

That Article 19, I-1 Light Industrial Districts, Section 1903, Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions, Subsection 3 is hereby amended to read as follows:

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

1. - 2. [unchanged]

3. Automobile Service Establishments ~~and public garages~~ Minor Services for minor vehicle repair and servicing, such as engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement, and minor engine and transmission service, but not including major automobile repair such as vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations:

- a. [unchanged]
- b. [unchanged]
- c. [unchanged]
- d. [unchanged]

4. - 12. [unchanged]

Part VII.

That Article 25, General Provisions, Section 2505, Off-Street Parking Requirements, is hereby amended to read as follows:

Sec. 2505. – Off Street Parking Requirements.

1. - 13. [unchanged]

14. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- a. [unchanged]
- b. [unchanged]
- c. [unchanged]
(1) – (9) [unchanged]
(10) ~~Gasoline-service~~ Fueling stations ~~(full service)-with accessory service garage~~

Two (2) for each ~~lubrication stall, rack or pit~~ service bay; and one (1) for each ~~gasoline pump~~ fuel dispensing stand; and one (1) for

each vehicle used as part of the equipment of the ~~gasoline service station~~ service station; and spaces for accessory uses.

- (11) ~~Gasoline filling~~ Fueling stations without accessory service garage (self-service)

One (1) fueling space for each fuel ~~nozzle~~ dispensing stand. In addition, one (1) space per 200 square feet usable floor area (not to include vehicle fueling spaces located at the pump) plus parking for accessory ~~vehicle~~ service uses. In no instance shall such a facility provide less than three (3) parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

- (12) – (20) [unchanged]

- (21) Oil Change Facility, Mini-lube

Two and one-half (2.5) for each service bay.

- (22) – (27) [unchanged]

- d. [unchanged]

- e. (1) – (2) [unchanged]

- (3) ~~Automotive—Automobile~~ Service Establishment, public garage (major and minor services)

Two (2) spaces for each service bay, plus one (1) space for every employee. No wrecked or partially dismantled vehicles, or vehicles without current license plates shall be stored outside.

- (4) [unchanged]

15. – 16. [unchanged]

Part VIII.

That Article 25, General Provisions, Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance, Subsection 12 is hereby amended to read as follows:

Sec. 2506. – Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

1. – 11. [unchanged]

12. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

- a. [unchanged]
- b. [unchanged]
- c. [unchanged]
- d. [unchanged]
- e. [unchanged]
- f. [unchanged]
- g. [unchanged]
- h. [unchanged]
- i. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

Use Served by Drive-through Lane	Minimum Stackingne)
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	
Car Wash (Fixed location/automatic, when accessory to a gas fueling station)	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]

13. – 14. [unchanged]

PART IX.

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 X.

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 XII.

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 XII.

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PROPOSED ORDINANCE AMENDMENTS
CLEAN**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.260

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, IN ORDER TO UPDATE AND MAKE CONSISTENT ORDINANCE LANGUAGE PERTAINING TO AUTOMOBILE REPAIR AND MAINTENANCE-RELATED USES BY REVISING THE DEFINITIONS PROVISIONS IN ARTICLE 2, CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAP, SECTION 201, DEFINITIONS; BY ADDING TO OFF-STREET PARKING PROVISIONS IN ARTICLE 25, GENERAL PROVISIONS; AND BY REPLACING LANGUAGE IN VARIOUS DISTRICT REGULATIONS FOR THE B-2, B-3, TC AND TC-1, FS, AND I-1 DISTRICTS.

THE CITY OF NOVI ORDAINS:

Part I.

That Article 2, Construction of Language and Definitions, Zoning Districts and Map Section 201, Definitions, is hereby amended as follows:

Sec. 201. - Definitions.

Definitions A-C.

* * *

Automobile Repair:

The general major or minor repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles. (Ord. No. 99-18.149, Pts. I—III, 4-5-99)

Automobile Service Establishment—Major Services:

An establishment or business which provides as its primary use major vehicle repair such as major engine or transmission work or overhaul, vehicle undercoating, body repair

and collision work, painting, tire recapping and auto dismantling operations.

Automobile Service Establishment--Minor Services:

An establishment or business which provides as its primary use, incidental or minor vehicle repairs such as engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement and minor transmission service but not including vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations.

* * *

Definitions D-F.

* * *

Fueling Station:

A place for the retail dispensing, sale, or offering for sale of motor vehicle fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; auto washes; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not

subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.

The sale of alcoholic beverages shall be permitted as an accessory use subject to the issuance of an appropriate license by the Liquor Control Commission and subject to the standards imposed by the Commission and state law if all three of the following conditions are met and are reflected on the site plan:

(a) One or both of the following conditions exist:

(i) The applicant or licensee is located in a neighborhood shopping center composed of one or more commercial establishments organized or operated as a unit which is related in location, size and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space and which provides five private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(b) The site of payment and selection of alcoholic liquor is not less than fifty feet from that point where motor vehicle fuel is dispensed.

(c) The building from which alcoholic liquor is sold provides not less than 5,000 square feet of gross

leasable floor area. (Ord. No. 18.239, Pt. I, 2-22-10)

Definitions G-K.

* * *

Gasoline Service Station:

See Fueling Station.

Definitions: O-R.

* * *

Oil Change Establishment, Mini-Lube:

An establishment or business which provides as its primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, and exclusive of other minor or major automobile repair or service as defined in this ordinance. It is intended that these services be provided while customers wait, generally within a fifteen (15) to twenty (20) minute time frame.

Open Front Store:

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile service or repair establishments, oil change or mini-lube facilities or fueling stations.

* * *

PART II.

That Article 14, B-2 Community Business Districts, Section 1402, Principal Uses Permitted Subject to Special Conditions, Subsection 1 is hereby amended to read as follows:

Sec. 1402. – Principal Uses Permitted Subject to Special Conditions

- 1. Fueling station for the sale of gasoline and alternate fuels, oil and minor accessories only, and where no major repair work is done, other than accessory minor repair and incidental services, but not including major services such as steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line:
 - a. The curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area for any fueling station shall be one (1) acre.
 - c. Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 District. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.
 - d. [unchanged]
 - e. [unchanged]
 - f. [unchanged]

2 - 3 [unchanged]

PART III.

That Article 15, B-3 General Business Districts, Section 1502, Principal Uses Permitted Subject to Special Conditions, Subsections 3 and 7 are hereby amended to read as follows:

Sec. 1502. – Principal Uses Permitted Subject to Special Conditions

- 1. – 2. [unchanged]
- 3. Business in the character of a drive-in or open front store, not including automobile service or repair establishments, oil change or mini-lube facilities or fueling stations, subject to the following conditions:
 - a. [unchanged]
 - b. [unchanged]
 - c. [unchanged]
 - d. [unchanged]

4. – 6. [unchanged]

7. Mini-lube or oil change establishments, which provide as a primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, including the sale of oil and minor accessories only, and exclusive of other minor or major automobile repair or service as defined in this ordinance. Additionally, no sale of gasoline or alternate fuels shall occur. Such establishments shall be subject to the following requirements:

- a. The curb cuts for access to a mini-lube or oil change establishment shall be such as to minimize the potential for traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than one hundred (100) feet from a street intersection (measured from road right-of-way) and from adjacent residential districts.
- b. Mini-lube or oil change establishments shall be located on the site so as to minimize impact on any adjacent residential districts, OS-1, OS-2, OSC and B-1 District. Ample space, based upon a queuing analysis, shall be provided for motor vehicles waiting for service. Sufficient vehicle stacking space shall be provided at service bay entrances so that vehicles awaiting service will not interfere with vehicles entering the site.
- c. [unchanged]
- d. [unchanged]
- e. [unchanged]
- f. [unchanged]

PART IV.

That Article 16, TC and TC-1 Town Center Districts, Section 1600, Intent, is hereby amended to read as follows:

Sec. 1600. – Intent

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service establishments, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and

restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

Part V.

That Article 18, FS Freeway Service Districts, Section 1801, Principal Uses Permitted, Subsection 1 is hereby amended to read as follows:

Sec. 1801. – Principal Uses Permitted

- 1. Fueling station and minor automobile service establishments, subject to standards at Section 1402.1, parking garages, and bus passenger stations.
- 2. - 6. [unchanged]

Part VI.

That Article 19, I-1 Light Industrial Districts, Section 1903, Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions, Subsection 3 is hereby amended to read as follows:

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

- 1. - 2. [unchanged]
- 3. Automobile Service Establishment—Minor Services for minor vehicle repair and servicing such as engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement, and minor engine and transmission service, but not including major automobile repair such as vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations:
 - a. [unchanged]
 - b. [unchanged]
 - c. [unchanged]
 - d. [unchanged]

- 4. - 12. [unchanged]

Part VII.

That Article 25, General Provisions, Section 2505, Off-Street Parking Requirements, is hereby amended to read as follows:

Sec. 2505. – Off Street Parking Requirements.

1. - 13. [unchanged]

14. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- a. [unchanged]
- b. [unchanged]
- c. [unchanged]

- (1) – (9) [unchanged]
- (10) Fueling stations with accessory service garage

Two (2) for each service bay; and one (1) for each fuel dispensing stand; and one (1) for each vehicle used as part of the equipment of the service station; and spaces for accessory uses.

- (11) Fueling stations without accessory service garage

One (1) fueling space for each fuel dispensing stand. In addition, one (1) space per 200 square feet usable floor area (not to include vehicle fueling spaces located at the pump) plus parking for accessory uses. In no instance shall such a facility provide less than three (3) parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.

- (12) – (20) [unchanged]

- (21) Oil Change Facility, Mini-lube

Two and one-half (2.5) for each service bay.

- (22) – (27) [unchanged]

- d. [unchanged]

- e. (1) – (2) [unchanged]
- (3) Automobile Service Establishment, (major and minor services)
Two (2) spaces for each service bay, plus one (1) space for every employee. No wrecked or partially dismantled vehicles, or vehicles without current license plates shall be stored outside.
- (4) [unchanged]

15. – 16. [unchanged]

Part VIII.

That Article 25, General Provisions, Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance, Subsection 12 is hereby amended to read as follows:

Sec. 2506. – Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

- 1. – 11. [unchanged]
- 12. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:
 - a. [unchanged]
 - b. [unchanged]
 - c. [unchanged]
 - d. [unchanged]
 - e. [unchanged]
 - f. [unchanged]
 - g. [unchanged]
 - h. [unchanged]
 - i. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

Use Served by Drive-through Lane	Minimum Stacking
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	
Car Wash (Fixed location/automatic, when accessory to a fueling station)	[unchanged]
[unchanged]	[unchanged]

[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]
[unchanged]	[unchanged]

13. – 14. [unchanged]

PART IX.

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 X.

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 XII.

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 XII.

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: