



CITY of NOVI CITY COUNCIL

Agenda Item C
November 28, 2016

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.276 to amend the City of Novi Zoning Ordinance at various sections primarily related to the TC and TC-1, Town Center Districts in order to implement some of the recommendations of the 2014 Town Center Area Study. **SECOND READING**

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SUBMITTING DEPARTMENT: Community Development Department - Planning Division

CITY MANAGER APPROVAL: *PA*

BACKGROUND INFORMATION:

Planning staff is proposing a number of minor Zoning Ordinance text amendments to address the Zoning Ordinance modification recommendations from the "Town Center Area Study" approved on March 26, 2014. The study was designed to evaluate and make recommendations on land use, zoning, design guidelines and wayfinding. These amendments will facilitate the development of existing and vacant parcels into a viable and active "town center" area and coordinate growth with surrounding subareas.

The current set of Zoning Ordinance amendments are regarded as 'PHASE 1' of the implementation of the recommendations of the study, and includes the first set of zoning ordinance amendments, which are straightforward and only involve minor changes. Staff will do further research on the second set of recommendations and will present it before the Planning Commission at a later time.

Planning staff and the Planning Commission reviewed the recommended modifications proposed by the Town Center Area Study and are proposing to amend the following sections of the Zoning Ordinance based on those recommendations:

1. Section 3.1.25. TC Town Center District and Section 3.1.26. TC-1 Town Center-1 District
 - a. **Clarify the Intent of Both Districts.** The ordinance amendments seek to clarify the intent section of the TC and the TC-1 Districts. Both districts are intended to serve as a mixed-use/pedestrian-oriented focal point for the City, but readers of the ordinance would benefit by clarifying that the separate districts are not intended to regulate for different uses, but rather regulate the intensity of such uses and dimensions of form/design. The TC District is intended to accommodate regional commercial uses/form, while the TC-1 District is intended to accommodate neighborhood scaled uses. This amendment is included for both districts, and is accomplished with adjustments in the wording of the intent section. This amendment is to Section 3.1.25A and 3.1.26.A.
 - b. **De-emphasize intent to "discourage development of separate off-street parking facilities".** The study notes that while shared parking and efficient distribution of peak parking demand are sustainable and worthwhile long-

term goals, the lack of a central parking agency or special assessment district within the Town Center area makes it difficult to achieve such goals. This amendment is included for both districts, and is accomplished with adjustments in the wording of the intent section. This amendment is to Section 3.1.25A and 3.1.26.A.

2. Sections 3.1.25 B and 3.1.26 B Principal Permitted Uses in TC and TC-1 Districts
 - a. **Add extended stay hotels as a permitted use.** This use has now been added to both districts as a Principal Permitted Use in both districts.
3. Section 3.27 TC and TC-1 District Required Conditions
 - a. **Reference information regarding clear vision areas** on non-residential collectors and local streets. This amendment was provided in Section 3.27.1.C., Note 1.
 - b. **Add guidelines for implementing shared parking lots – i.e. information on obtaining cross-access and maintenance agreement.** The use of shared parking lot limits the number of curb cuts, improves efficiency in terms of parking demand, and enhances the pedestrian experience. This reference and graphic have been added to Section 3.27.1.H.
 - c. **Add a Cross reference to the existing ordinance section relating to Dual Functions of Off-street parking.** This recommendation has been added to Section 3.27.1.H.
 - d. **Modify the requirement for brick/decorative paving, which will allow a greater flexibility of pavement design and reduce maintenance costs.** The study notes that attractive brick pavers can be an effective accent in a streetscape setting, but if they are not properly installed and maintained, they can quickly become a safety, maintenance and visual problem. A safe, tidy and well-landscaped plaza or sidewalk can achieve the same effect of decorative paving at a lower cost. This modification is added at Section 3.27.1.E.
 - e. **Adjust the regulations for surface parking lot screening to allow a semitransparent screening, such as brick pilasters with a metal decorative fence.** While parking areas should be somewhat screened to maintain attractive streetscapes, unadorned, solid brick screening fences sometimes detract from the streetscape and do not accommodate transparency between parcels/uses. This modification has been added to Section 3.27.1.D.
 - f. **Cross reference Bicycle Parking Requirements.** The study noted that the section should be cross referenced to assist in reducing the Town Center's automobile orientation. This reference is added to Section 3.27.1.J.
4. Section 4.82 Residential Dwellings
 - a. **Remove the standard that prohibits residential uses on the first floor in buildings that front onto a local collector** within the TC-1 District, but add a regulation that prohibits individual garages on a front-facing garage. These modifications were made in Section 4.82.
 - b. **Reduce the minimum residential setback from 30 feet to 15 feet from all property lines,** except when that setback would interfere with corner clearance areas. The reduced setback is intended to promote the construction of attractive townhouse-style apartments along Main Street, noting that a continuous street-wall activates the streetscape. This modification is made to Section 4.82.2.

5. Section 5.15 Exterior Building Wall Façade Materials

- a. **Allow flexibility in the finish and color of metal roofs.** The study indicated that the ordinance currently requires 100 percent copper or copper-bearing paint in the TC and TC-1 districts. The ordinance is recommended to be modified to include colors and finishes which will be complementary to a copper finish as a note to the Table in Section 5.15.

A study session was held on July 13, 2016, during which the Commission discussed the intent and objectives of Town Center Area study. The Planning Commission held a public hearing on October 26, 2016 meeting. At that time, the Planning Commission made a recommendation to the City Council to approve the modification as presented with no additional comments. Staff identified a few minor clarifications and corrections to the text amendment which are provided in the attached strike-through ordinance. The attached packet includes Town Center maps and the strike through version of the text amendment.

City Council approved the first reading of the text amendment on November 14, 2016. There was a comment regarding the change in Section 4.82.2 proposing to eliminate the minimum 75 feet building setback when adjacent to single family residential property. On further review, staff is recommending that this change be eliminated thereby maintaining the 75 foot minimum building setback for developments in the Town Center District adjacent to single family residential uses. The draft presented has been adjusted to reflect this change from the First Reading.

RECOMMENDED ACTION: Approval of the Second Reading of Zoning Ordinance Text Amendment 18.276 to amend the City of Novi Zoning Ordinance at various sections primarily related to the TC and TC-1, Town Center Districts in order to implement some of the recommendations of the 2014 Town Center Area Study.

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

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

**EXCERPT FROM
REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 14, 2016 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Burke, Casey, Markham, Mutch, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

MATTERS FOR COUNCIL ACTION

1. Approval of Zoning Ordinance Text Amendment 18.276 to amend the City of Novi Zoning Ordinance at various sections primarily related to the TC and TC-1, Town Center Districts in order to implement recommendations of the 2014 Town Center Area Study. **FIRST READING**

CM 16-11-147 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the of Zoning Ordinance Text Amendment 18.276 to amend the City of Novi Zoning Ordinance at various sections primarily related to the TC and TC-1, Town Center Districts in order to implement some of the recommendations of the 2014 Town Center Area Study FIRST READING

Member Mutch said that this Ordinance Amendment is housekeeping and making adjustments to the Ordinance to reflect some recommendations that were made in the 2014 Town Center Study. The one change he would like to see addressed before "Second Reading" was previously in the Ordinance there was a 75 foot setback requirement where TC-1 abuts Single Family Residential. Currently a portion of TC-1 development is adjacent to Meadowbrook Glens Subdivision. He said he asked about that and was told well that property has already been developed so we don't anticipate any changes so the setback requirement is not needed anymore and what is proposed in the Ordinance change would change the 75 foot setback to 15 or 30 feet. He felt down the road this could create problems if there is any redevelopment in that area. He said he didn't see the necessity for it. He noted the language was previously in there, the development that went in adjacent to Meadowbrook Glens has the 75 foot setback and he wasn't sure why we removed it from the Ordinance. Before the "Second Reading" he would like to see that language back in there. It provides protection to the Single Family Residence. It is consistent with what our previous Ordinance had and he said he didn't see any reason to change it at this time. It

doesn't affect any other TC-1 properties; they can use the reduced setback that is suggested.

Mayor Gatt asked City Manager, Pete Auger why they have the change incorporated into this recommendation. Mr. Auger said he believed the recommendation came from the Study itself. Planning Director, Barb McBeth confirmed that the recommendation came from the Study itself and it was permanently intended to provide a consistent setback along Main Street itself and straight line of potentially townhouses along Main Street. She said she didn't know if it was necessarily intended to address this one particular area that Member Mutch had mentioned, but she didn't think it would be of consequence to remove that from the Ordinance Amendment. Mayor Gatt asked if was passed as presented tonight what would the repercussions be. Ms. McBeth said that they had a brief email exchange about this earlier with one piece of property was already developed, but if it came back in for redevelopment or some change to that area potentially there could be a development closer to the Single Family Homes that are in the Meadowbrook Glens Subdivision.

Roll call vote on CM 16-11-147

**Yeas: Casey, Markham, Mutch, Wrobel, Gatt,
Staudt, Burke**

Nays: None

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 276

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 3, "ZONING DISTRICTS," SECTION 3.1.25, "TC TOWN CENTER DISTRICT," SECTION 3.1.26, "TC-1 TOWN CENTER DISTRICTS," AND SECTION 3.27," TC AND TC-1 TOWN CENTER DISTRICT REQUIRED CONDITIONS"; ARTICLE 4, "USE STANDARDS," SECTION 4.82, "RESIDENTIAL DWELLINGS"; AND ARTICLE 5, "SITE STANDARDS," SECTION 5.15 "EXTERIOR BUILDING WALL FAÇADE MATERIALS," IN ORDER TO INCORPORATE RECOMMENDATIONS PROVIDED IN TOWN CENTER AREA STUDY TO FACILITATE THE DEVELOPMENT OF EXISTING AND VACANT PARCELS INTO A VIABLE AND ACTIVE "TOWN CENTER" AREA.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.1.25, "TC Town Center District," is hereby amended to read as follows:

3.1.25. TC Town Center District

A. INTENT

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

The TC Town Center district is further designed and intended to ~~discourage the development of separate offstreet parking facilities for each individual use, and to~~ encourage the development of common 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.

B. PRINCIPAL PERMITTED USES

- i. Retail businesses use
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services

- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Private clubs fraternal organizations and lodge halls
- ix. Places of worship
- x. Retail business
- xi. Service establishments of and office showroom or workshop nature
- xii. Restaurants (sit-down), banquet facilities or other places serving food or beverage
- xiii. Theaters, assembly halls, concert halls, museums or similar places of assembly
- xiv. Business schools and colleges or private schools operated for profit
- xv. Offices and office buildings
- xvi. Municipal uses
- xvii. Indoor commercial recreation facilities
- xviii. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities

xix. Hotels

~~xi-x~~-xx. Transient residential uses

~~xx-xxi.~~ Financial institutions

~~xxi-xxii.~~ Residential dwellings

~~xxii-xxiii.~~ Day care centers and adult day care centers

~~xxiii-xxiv.~~ Instructional centers

~~xxiv-xxv.~~ Other uses similar to the above uses subject to conditions noted

~~xxv-xxvi.~~ Accessory structures and uses customarily incidental to the above permitted uses

C. SPECIAL LAND USES

[Unchanged.]

D. DEVELOPMENT STANDARDS

[Unchanged.]

Part II. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.1.26, "TC-1 Town Center-1 District," is hereby amended to read as follows:

3.1.26. TC-1 Town Center-1 District

A. INTENT

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

The TC-1 Town Center district is further designed and intended to ~~discourage the development of separate off street parking facilities for each individual use, and~~ to encourage the development of common 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.

B. PRINCIPAL PERMITTED USES

- i. Retail businesses
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Private clubs, fraternal organizations and lodge halls
- ix. Places of worship
- x. Retail business
- xi. Service establishments of and office showroom or workshop nature
- xii. Restaurants (sit-down), banquet facilities or other places serving food or beverage
- xiii. Theaters, assembly halls, concert halls, museums or similar places of assembly
- xiv. Business schools and colleges or private schools operated for profit
- xv. Offices and office buildings
- xvi. Public and quasi-public
- xvii. Indoor commercial recreation facilities
- xviii. Brewpubs
- xix. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities

xx. Hotels

~~xx~~-xxi. Transient residential uses

~~xxi~~-xxii. Financial institutions

~~xxii~~-xxiii. Residential dwellings

~~xxiii~~-xxiv. Day care centers and adult day care

~~xxiv~~-xxv. centers

~~xxv~~-xxvi. Instructional Centers

~~xxvi~~-xxvii. Other uses similar to the above uses subject to conditions noted

~~xxvii~~-xxviii. Accessory structures and uses customarily incidental to the above permitted uses

C. SPECIAL LAND USES

[Unchanged.]

D. DEVELOPMENT STANDARDS

[Unchanged.]

Part III. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.27, "TC and TC-1 District Required Conditions," is hereby amended to read as follows:

3.27 TC AND TC-1 DISTRICT REQUIRED CONDITIONS

1. The following standards shall apply to all uses permitted in the TC and TC-1 districts:
 - A. [Unchanged.]
 - B. [Unchanged.]
 - C. Building Setbacks. Minimum building setback requirements, except as otherwise specified herein, shall be:

3.27.1.C Minimum Building Setback Requirements		
TC District		
	Interior (feet)	Exterior (feet)
Front	15 (for setbacks between separate building on same site)	50 (See §3.6.2.E)
Each Side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
TC-1 District		
Arterials	Interior (feet)	Exterior (feet)
Front	15	No less than 80 , and no greater than 137, as measured from the centerline of the arterial
Side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
Nonresidential collectors and local streets		
	Minimum (feet)	Maximum (feet)
Front (1)	0	10
Side	0	None
Rear	0	None
Notes to Table		
1. The front yard setback shall be increased at intersections where necessary to obtain a clear vision area for vehicular traffic. <u>Clear vision area shall comply with standards set forth in Section 5.9 Corner Clearance.</u> Awning and projecting signs shall not be deemed in violation of setback requirement, provided that: <ol style="list-style-type: none"> (1) awning signs project no further than five (5) feet into the right-of-way; (2) they are at least eight and one-half (8½) feet above the surface of any sidewalk; and (3) they comply with the sign regulations set forth in Chapter 28 of the Novi Code of Ordinances. 		

The setback requirements noted above may be reduced where strict adherence would serve no good purpose or where the overall intent of the TC and TC-1 district would be better served by allowing a lesser setback, provided the conditions listed in subparts i. through iii. here in are found to exist. Such reduction may be made by the

Planning Commission for developments on lots of less than five acres in area. For any development on a lot of five acres or more, such reduction may only be made by the City Council:

- i. That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premises or adjacent premise;
- ii. That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
- iii. The adherence to a minimum required setback would result in the establishment of non-usable land area that could create maintenance problems.

In addition to providing for adequate light and air, a setback may also be required by the Planning Commission or City Council in those instances where exterior access to the rear of the building or to land or to uses beyond the premises would be desirable and where it can be found that such exterior open space would be in keeping with the pedestrian-oriented intent and purpose of the district.

Where the Planning Commission or City Council finds that such exterior open areas (setbacks) are desirable, they shall be developed as pedestrian plazas or court areas and made an integral part of the site's landscaping. Wherever such open spaces shall be created, they shall be physically connected, when possible, to adjacent open space areas and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open space areas.

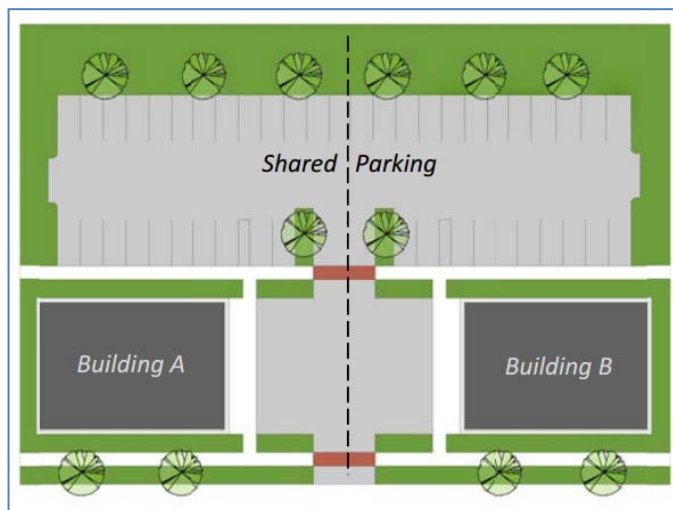
- D. **Parking Setbacks.** Off-street parking areas shall be set back a minimum of twenty (20) feet from the right-of-way line of any street or roadway, presently existing or as planned by the Road Commission for Oakland County or the City of Novi Master Plan. Surface parking lots shall be screened from all public rights-of-way and internal roads by either (1) a two and one-half (2.5) foot ornamental brick-on-brick wall, or (2) semi-transparent screening such as brick pilaster with metal decorative fence in order to maintain attractive streetscapes as approved by the City's landscape Architect or (3) a landscaped berm. The landscaping of such areas shall comply with the standards set forth in Section 5.5. Notwithstanding the above, within the TC-1 district there shall be no front yard or side yard parking on any non-residential collector. Access to such rear yard parking shall be provided by alleyways which provide access to parking areas of adjacent parcels.
- E. **Architecture/Pedestrian Orientation.** Proposed uses, through innovative architecture, shall create a significant pedestrian orientation in keeping with the intent and purpose of these districts. No building in the TC-1 district shall be in excess of one-hundred twenty-five (125) feet in width, unless pedestrian entranceways are provided at least every one-hundred twenty-five (125) feet of frontage. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving to achieve the same effect of safe, tidy and well- landscaped plaza, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape

treatments, and major architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain).

Architectural design and facade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

F- G. [Unchanged.]

H. Parking, Loading, Signs, Landscaping, Lighting, Etc. All sites must comply with Article 5, Site Standards, regarding off-street parking requirements, off-street parking standards, off-street loading/ unloading, signs, landscaping, exterior lighting, and obscuring screens as those standards relate to uses permitted in the TC and TC-1 districts. Notwithstanding the above, all loading and unloading within the TC-1 district shall be in rear yards. In those areas where on-street parking is permitted, off-street parking requirements may be reduced by the number of on-street parking spaces adjacent to a use. Parking requirements may be reduced when the Planning Commission (or City Council for site of five (5) acres or greater) determines that given parking areas serve dual functions by providing parking capacity for separate uses which have peak parking demand periods which do not overlap only after the submittal by the applicant of a Shared Parking Study based on requirements set forth in Section 5.2.7. Applicant shall also provide information on cross-access and maintenance agreements. Shared parking is the use of a parking space to serve two or more individual land uses without conflict or encroachment.



In those instances when a parking structure, underground parking or municipal surface parking lot is constructed pursuant to a special assessment district, a parking exempt

district shall be created for that area served by the improvement and assessed for its cost.

I. [Unchanged.]

J. Bicycle Paths. Bicycle paths shall be designed throughout the Town Center area to link up with other adjacent residential and nonresidential areas. Proposed bicycle parking shall comply with standards set forth in Section 5.16 Bicycle parking facility requirements.

K - N. [Unchanged.]

2. [Unchanged.]

Part IV. That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.82, "Residential Dwellings," is hereby amended to read as follows:

4.82 RESIDENTIAL DWELLINGS

In the TC and TC-1 districts, residential dwellings are a permitted use, provided the following conditions are met:

1. [Unchanged.]
2. Multiple-housing dwelling units and attached single family units (i.e., cluster housing, duplex, and town house) shall meet requirements of the RM- 1 district and/or cluster housing option as modified herein, notwithstanding other provisions of this section.-

In a multiple-family development within the TC and TC-1 districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand two-hundred (1,200). If such multiple housing is within a mixed-use development, the total number of rooms shall not be more than the area of the parcel in square feet, divided by a factor of eight hundred (800).

4.82.2 Residential Guidelines for Development				
Residential Guidelines for Non Mixed-Use Development				
Minimum Dwelling Unit Size	Room Count	Maximum Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
Efficiency-400	1	--	5%	1
1 BR - 500	2	18.15 (a)	25%	1
2 BR - 750	3	12.1	100%	2
3 BR - 900	4	9.07	100%	2
4+ BR - 1,000	5	7.26	100%	2
Residential Guidelines for Mixed-Use Development				
Minimum Dwelling Unit Size	Maximum Room Count	Maximum Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
Efficiency-400	1	--	5%	1

500	2	27.23 (a)	50%	1
750	3	18.15	100%	2
900	4	13.61	100%	2
1000	5	10.89	100%	2
Notes to Table				
(a) This density not attainable owing to cap on number of 1 BR units				

In a mixed-use development, an applicant shall be required to provide, as part of site plan approval for a development, conceptual floor plan layouts for each dwelling unit to establish the maximum number of rooms permitted per building. After the maximum rooms per building has been established, an applicant may modify the individual unit floor plans, provided that the maximum rooms and maximum percentage of each type of dwelling unit are not exceeded for the development.

The minimum distance between buildings shall be ten (10) feet.

Building setback to ~~any property~~ all property lines shall be ~~thirty (30) feet~~ fifteen (15) feet, except when interfering with corner clearance areas as listed in Section 5.9 Corner Clearance, except where adjacent to single family residential property, in which case the setback shall be seventy-five (75) feet. Driveways, parking and walls may be within the setback as long as a ten (10) foot green belt area is placed between the property line and any improvement.

Off-street parking shall not be placed within ten (10) feet to any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units which have garages may be permitted parking on garage aprons. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than ten (10) feet from any street right-of-way and five (5) feet from any other property line, except where adjacent to single-family residential property, in which case such facilities shall be no closer than thirty (30) feet from the property line.

3. [Unchanged.]

~~4.—All buildings fronting onto a publicly dedicated roadway shall have non-residential uses on the first floor.~~

~~5.4.~~ Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three hundred (300) feet of the building. Individual garages shall not be placed on a front-facing façade.

~~6.5.~~ Open space as set forth in the Development Standards of each district shall be provided for each multiple dwelling unit. The dimensional requirements for rooftop open space may be modified where such dimensions cannot be met due to the size of the building.

Part V. That the City of Novi Zoning Ordinance, as amended, Article 5, "Site Standards," Section 5.15, "Exterior Building Wall Façade Materials," "5.15 Schedule Regulating Façade Materials," is hereby amended to read as follows:

5.15 EXTERIOR BUILDING WALL FAÇADE MATERIALS

5.15 Schedule Regulating Facade Materials			
FACADE REGIONS			
REGION 1	BUILDINGS LOCATED IN THE TC, TC-1 (NOTE 7), RC, RA, R, RM-1, RM-2 PSLR, AND GE DISTRICTS AND ALL BUILDINGS LOCATED WITHIN 500 FEET OF THE R.O.W. OF A FREEWAY OR MAJOR THOROUGHFARE, AS DEFINED IN THE CITY'S MASTER PLAN FOR LAND USE.		
REGION 2	ALL BUILDINGS IN DISTRICTS OTHER THAN I-1 AND I-2, OTHER THAN THOSE IN REGION 1.		
REGION 3	BUILDINGS IN I-1 AND I-2 DISTRICTS, OTHER THAN THOSE IN REGION 1.		
MAXIMUM ALLOWABLE PERCENTAGES			
WALL MATERIALS	REGION 1	REGION 2	REGION 3
Brick natural clay	100 (note 9)	100	100
Glazed brick & ceramic tile	25	75	100 (1)
Panel brick	0	15	15
Limestone	50	100	100
Stone field, cobble, etc.	50	75	100
Granite/marble, polished	50	100	100
Fluted & split faced c.m.u.	10	50	75 (2, 13)
Striated scored c.m.u.	0	0	25 (2, 13)
Concrete "C" brick (note 14)	25	50	75
Precast colored exposed agg.	0	25	50
Precast, other	0	0	0
Flat metal panels (urethane backed)	50 (10)	50	75
Standing seam metal	25 (3)	50	75 (8)
Ribbed metal panels	0	25	50 (8)
Spandral glass	50	50	50
Glass block	0	25	50
Display glass	25	25	25 (4)
Molded cornices, trim, columns, surrounds	15	15	15
Wood siding, painted, t & g and batten siding	0 (11)	25 (11)	50
Vinyl & aluminum siding	0	0	50 (12)
E.I.F.S. (dryvit)	25	50	75 (5)
Cast stone & G.F.R.C.	25	50	75
Cement plaster	0	25	25
Canvas awnings	10	15	15 (6)
Asphalt shingles	25	25	50
Referenced Notes to Table			
1. Allowed only if earth tone color and matte finish.			

2. Plain faced C.M.U.'s are not permitted. Ground, polished, burnished and striated faced C.M.U.'s are only permitted if laid in a stacked bond pattern.
3. ~~Must be one hundred (100) percent copper or copper bearing painted finish in TC and TC-1 districts.~~ Copper or Copper bearing painted finish is preferred in the TC and TC-1 districts. The Community Development Department may approve alternate colors or materials provided it is determined to be complementary to copper finish.
4. Where vision glass areas are intended through exposure to thoroughfares or pedestrian ways and lighting methods to strongly emphasize the materials and items displayed within the window area, and where such items are a permanent part of the building design, such items shall be deemed as part of the building facade and shall be so regulated by this section.
5. Must be designed to simulate stone via joint pattern. Maximum joint spacing shall be three (3) feet on center horizontally and four (4) feet on center vertically.
6. Adjacent permanent facade materials shall extend behind awnings, backlit translucent awnings are not permitted except as regulated as a building sign.
7. Refer also to Section 3.27.1.G for additional TC and TC-1 districts facade requirements and Section 3.21.2.C for additional PSLR overlay district facade requirements.
8. Must have factory applied permanent colored finish.
9. All buildings in Region 1, except those in I-1 and I-2 districts, shall have a minimum of thirty (30) percent brick.
10. Zero (0) percent allowed in the TC and TC-1 districts.
11. The percentage of wood siding may be increased to fifty (50) percent in zoning districts RA through R4, RM-1 and RM-2, when the use of wood siding is consistent with residential style architecture.
12. One-eighths (1/8) inch gauge wood grain textured solid vinyl siding and three-eighths (3/8) inch gauge wood grain textured fibrous concrete siding shall be considered wood siding with respect to this ordinance.
13. The combined maximum amount of all C.M.U. shall not be greater than 75% of any one building and/or facade.
14. Concrete "C" brick shall be a maximum size of 16" wide by 4" high. Color shall be rich dark earth tone hues consistent with brown or red bodied fired clay brick. Colors using white cement base and/or substantial quantities of light colored aggregate are not allowed.

General Notes to Table

- Roof areas having slopes 6:12 and greater shall be considered facades.
- Vision glass and doors shall be omitted from facade material area calculations and percentages.
- Detached dwellings are not subject to facade chart.
- Backlit translucent plastic, backlit awnings, neon lighting and other such facade materials designed to visually attract attention for the purpose of commercial activity are not permitted (or shall be considered signage).

Part VI

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 VII.

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 VIII.

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 IX.

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 _____, 2016.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 276

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 3, "ZONING DISTRICTS," SECTION 3.1.25, "TC TOWN CENTER DISTRICT," SECTION 3.1.26, "TC-1 TOWN CENTER DISTRICTS," AND SECTION 3.27," TC AND TC-1 TOWN CENTER DISTRICT REQUIRED CONDITIONS"; ARTICLE 4, "USE STANDARDS," SECTION 4.82, "RESIDENTIAL DWELLINGS"; AND ARTICLE 5, "SITE STANDARDS," SECTION 5.15 "EXTERIOR BUILDING WALL FAÇADE MATERIALS," IN ORDER TO INCORPORATE RECOMMENDATIONS PROVIDED IN TOWN CENTER AREA STUDY TO FACILITATE THE DEVELOPMENT OF EXISTING AND VACANT PARCELS INTO A VIABLE AND ACTIVE "TOWN CENTER" AREA.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.1.25, "TC Town Center District," is hereby amended to read as follows:

3.1.25. TC Town Center District

A. INTENT

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

The TC Town Center district is further designed and intended to encourage the development of common 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.

B. PRINCIPAL PERMITTED USES

- i. Retail businesses use
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area

- vii. Off-street parking lots
- viii. Private clubs □, fraternal organizations and lodge halls
- ix. Places of worship
- x. Retail business
- xi. Service establishments of and office showroom or workshop nature
- xii. Restaurants (sit-down), banquet facilities or other places serving food or beverage
- xiii. Theaters, assembly halls, concert halls, museums or similar places of assembly
- xiv. Business schools and colleges or private schools operated for profit
- xv. Offices and office buildings
- xvi. Municipal uses
- xvii. Indoor commercial recreation facilities
- xviii. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities
- xix. Hotels
- xx. Transient residential uses
- xxi. Financial institutions
- xxii. Residential dwellings
- xxiii. Day care centers and adult day care centers
- xxiv. Instructional centers
- xxv. Other uses similar to the above uses subject to conditions noted
- xxvi. Accessory structures and uses customarily incidental to the above permitted uses

C. SPECIAL LAND USES

[Unchanged.]

D. DEVELOPMENT STANDARDS

[Unchanged.]

Part II. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.1.26, "TC-1 Town Center-1 District," is hereby amended to read as follows:

3.1.26. TC-1 Town Center-1 District

A. INTENT

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

The TC-1 Town Center district is further designed and intended to to encourage the development of common 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.

B. PRINCIPAL PERMITTED USES

- i. Retail businesses
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Private clubs, fraternal organizations and lodge halls
- ix. Places of worship
- x. Retail business
- xi. Service establishments of and office showroom or workshop nature
- xii. Restaurants (sit-down), banquet facilities or other places serving food or beverage
- xiii. Theaters, assembly halls, concert halls, museums or similar places of assembly
- xiv. Business schools and colleges or private schools operated for profit
- xv. Offices and office buildings
- xvi. Public and quasi-public
- xvii. Indoor commercial recreation facilities
- xviii. Brewpubs
- xix. Outdoor theaters, plazas, parks, public gathering places, including those along a river walk, and like public facilities
- xx. Hotels
- xxi. Transient residential uses
- xxii. Financial institutions
- xxiii. Residential dwellings
- xxiv. Day care centers Centers adult day care
- xxv. Instructional Centers
- xxvi. Other uses similar to the above uses subject to conditions noted
- xxvii. Accessory structures and uses customarily incidental to the above permitted uses

C. SPECIAL LAND USES

[Unchanged.]

D. DEVELOPMENT STANDARDS

[Unchanged.]

Part III. That the City of Novi Zoning Ordinance, as amended, Article 3, "Zoning Districts," Section 3.27, "TC and TC-1 District Required Conditions," is hereby amended to read as follows:

3.27 TC AND TC-1 DISTRICT REQUIRED CONDITIONS

1. The following standards shall apply to all uses permitted in the TC and TC-1 districts:
 - A. [Unchanged.]
 - B. [Unchanged.]
 - C. Building Setbacks. Minimum building setback requirements, except as otherwise specified herein, shall be:

3.27.1.C Minimum Building Setback Requirements		
TC District		
	Interior (feet)	Exterior (feet)
Front	15 (for setbacks between separate building on same site)	50 (See §3.6.2.E)
Each Side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
TC-1 District		
Arterials	Interior (feet)	Exterior (feet)
Front	15	No less than 80 , and no greater than 137, as measured from the centerline of the arterial
Side	10	50 (See §3.6.2.H)
Rear	10	50 (See §3.6.2.H)
Nonresidential collectors and local streets		
	Minimum (feet)	Maximum (feet)
Front (1)	0	10
Side	0	None
Rear	0	None
Notes to Table		
1. The front yard setback shall be increased at intersections where necessary to obtain a clear vision area for vehicular traffic. Clear vision area shall comply with standards set forth in Section 5.9 Corner Clearance. Awning and projecting signs shall not be deemed in violation of setback requirement, provided that: <ol style="list-style-type: none"> (1) awning signs project no further than five (5) feet into the right-of-way; (2) they are at least eight and one-half (8½) feet above the surface of any sidewalk; and (3) they comply with the sign regulations set forth in Chapter 28 of the Novi Code of Ordinances. 		

The setback requirements noted above may be reduced where strict adherence would serve no good purpose or where the overall intent of the TC and TC-1 district would be better served by allowing a lesser setback, provided the conditions listed in subparts i. through iii. here in are found to exist. Such reduction may be made by the Planning Commission for developments on lots of less than five acres in area. For any development on a lot of five acres or more, such reduction may only be made by the City Council:

- i. That a reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premises or adjacent premise;
- ii. That waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and
- iii. The adherence to a minimum required setback would result in the establishment of non-usable land area that could create maintenance problems.

In addition to providing for adequate light and air, a setback may also be required by the Planning Commission or City Council in those instances where exterior access to the rear of the building or to land or to uses beyond the premises would be desirable and where it can be found that such exterior open space would be in keeping with the pedestrian-oriented intent and purpose of the district.

Where the Planning Commission or City Council finds that such exterior open areas (setbacks) are desirable, they shall be developed as pedestrian plazas or court areas and made an integral part of the site's landscaping. Wherever such open spaces shall be created, they shall be physically connected, when possible, to adjacent open space areas and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open space areas.

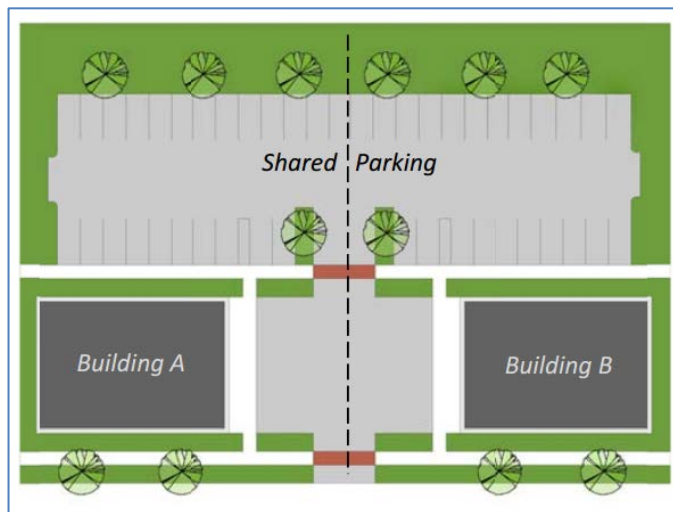
- D. **Parking Setbacks.** Off-street parking areas shall be set back a minimum of twenty (20) feet from the right-of-way line of any street or roadway, presently existing or as planned by the Road Commission for Oakland County or the City of Novi Master Plan. Surface parking lots shall be screened from all public rights-of-way and internal roads by either (1) a two and one-half (2.5) foot ornamental brick-on-brick wall, or (2) semi-transparent screening such as brick pilaster with metal decorative fence in order to maintain attractive streetscapes as approved by the City's landscape Architect or (3) a landscaped berm. The landscaping of such areas shall comply with the standards set forth in Section 5.5. Notwithstanding the above, within the TC-1 district there shall be no front yard or side yard parking on any non-residential collector. Access to such rear yard parking shall be provided by alleyways which provide access to parking areas of adjacent parcels.

- E. **Architecture/Pedestrian Orientation.** Proposed uses, through innovative architecture, shall create a significant pedestrian orientation in keeping with the intent and purpose of these districts. No building in the TC-1 district shall be in excess of one-hundred twenty-five (125) feet in width, unless pedestrian entranceways are provided at least every one-hundred twenty-five (125) feet of frontage. Architectural amenities shall include pedestrian walkways, brick or other approved decorative paving to achieve the same effect of safe, tidy and well- landscaped plaza, coordinated pedestrian scale lighting, benches, trash receptacles, small scale landscape treatments, and major architectural features at entranceways and focal points of the development (e.g., arch, gateway, bell tower, fountain).

Architectural design and facade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

F- G. [Unchanged.]

H. Parking, Loading, Signs, Landscaping, Lighting, Etc. All sites must comply with Article 5, Site Standards, regarding off-street parking requirements, off-street parking standards, off-street loading/ unloading, signs, landscaping, exterior lighting, and obscuring screens as those standards relate to uses permitted in the TC and TC-1 districts. Notwithstanding the above, all loading and unloading within the TC-1 district shall be in rear yards. In those areas where on-street parking is permitted, off-street parking requirements may be reduced by the number of on-street parking spaces adjacent to a use. Parking requirements may be reduced when the Planning Commission (or City Council for site of five (5) acres or greater) determines that given parking areas serve dual functions by providing parking capacity for separate uses which have peak parking demand periods which do not overlap only after the submittal by the applicant of a Shared Parking Study based on requirements set forth in Section 5.2.7. Applicant shall also provide information on cross-access and maintenance agreements. Shared parking is the use of a parking space to serve two or more individual land uses without conflict or encroachment.



In those instances when a parking structure, underground parking or municipal surface parking lot is constructed pursuant to a special assessment district, a parking exempt district shall be created for that area served by the improvement and assessed for its cost.

I. [Unchanged.]

J. Bicycle Paths. Bicycle paths shall be designed throughout the Town Center area to link up with other adjacent residential and nonresidential areas. Proposed bicycle parking shall comply with standards set forth in Section 5.16 Bicycle parking facility requirements.

K - N. [Unchanged.]

2. [Unchanged.]

Part IV. That the City of Novi Zoning Ordinance, as amended, Article 4, "Use Standards," Section 4.82, "Residential Dwellings," is hereby amended to read as follows:

4.82 RESIDENTIAL DWELLINGS

In the TC and TC-1 districts, residential dwellings are a permitted use, provided the following conditions are met:

1. [Unchanged.]
2. Multiple-housing dwelling units and attached single family units (i.e., cluster housing, duplex, and town house) shall meet requirements of the RM- 1 district and/or cluster housing option as modified herein, notwithstanding other provisions of this section.

In a multiple-family development within the TC and TC-1 districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand two-hundred (1,200). If such multiple housing is within a mixed-use development, the total number of rooms shall not be more than the area of the parcel in square feet, divided by a factor of eight hundred (800).

4.82.2 Residential Guidelines for Development				
Residential Guidelines for Non Mixed-Use Development				
Minimum Dwelling Unit Size	Room Count	Maximum Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
Efficiency-400	1	--	5%	1
1 BR - 500	2	18.15 (a)	25%	1
2 BR - 750	3	12.1	100%	2
3 BR - 900	4	9.07	100%	2
4+ BR - 1,000	5	7.26	100%	2
Residential Guidelines for Mixed-Use Development				
Minimum Dwelling Unit Size	Maximum Room Count	Maximum Density (Units/Acre)	Max. % of Dwelling Units	Off-Street Parking Spaces Per Unit
Efficiency-400	1	--	5%	1
500	2	27.23 (a)	50%	1
750	3	18.15	100%	2
900	4	13.61	100%	2
1000	5	10.89	100%	2

Notes to Table	
(a) This density not attainable owing to cap on number of 1 BR units	

In a mixed-use development, an applicant shall be required to provide, as part of site plan approval for a development, conceptual floor plan layouts for each dwelling unit to establish the maximum number of rooms permitted per building. After the maximum rooms per building has been established, an applicant may modify the individual unit floor plans, provided that the maximum rooms and maximum percentage of each type of dwelling unit are not exceeded for the development.

The minimum distance between buildings shall be ten (10) feet.

Building setback to all property lines shall be fifteen (15) feet, except when interfering with corner clearance areas as listed in Section 5.9 Corner Clearance, except where adjacent to single family residential property, in which case the setback shall be seventy-five (75) feet. Driveways, parking and walls may be within the setback as long as a ten (10) foot green belt area is placed between the property line and any improvement.

Off-street parking shall not be placed within ten (10) feet to any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units which have garages may be permitted parking on garage aprons. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than ten (10) feet from any street right-of-way and five (5) feet from any other property line, except where adjacent to single-family residential property, in which case such facilities shall be no closer than thirty (30) feet from the property line.

3. [Unchanged.]
4. Off-street parking shall either be provided within the building, within a parking structure physically attached to the building, or in a designated off-street parking area within three hundred (300) feet of the building. Individual garages shall not be placed on a front-facing façade.
5. Open space as set forth in the Development Standards of each district shall be provided for each multiple dwelling unit. The dimensional requirements for rooftop open space may be modified where such dimensions cannot be met due to the size of the building.

Part V. That the City of Novi Zoning Ordinance, as amended, Article 5, "Site Standards," Section 5.15, "Exterior Building Wall Façade Materials," "5.15 Schedule Regulating Façade Materials," is hereby amended to read as follows:

5.15 EXTERIOR BUILDING WALL FAÇADE MATERIALS

5.15 Schedule Regulating Facade Materials	
FACADE REGIONS	
REGION 1	BUILDINGS LOCATED IN THE TC, TC-1 (NOTE 7), RC, RA, R, RM-1, RM-2 PSLR, AND GE DISTRICTS AND ALL BUILDINGS LOCATED WITHIN 500 FEET OF THE

	R.O.W. OF A FREEWAY OR MAJOR THOROUGHFARE, AS DEFINED IN THE CITY'S MASTER PLAN FOR LAND USE.		
REGION 2	ALL BUILDINGS IN DISTRICTS OTHER THAN I-1 AND I-2, OTHER THAN THOSE IN REGION 1.		
REGION 3	BUILDINGS IN I-1 AND I-2 DISTRICTS, OTHER THAN THOSE IN REGION 1.		
MAXIMUM ALLOWABLE PERCENTAGES			
WALL MATERIALS	REGION 1	REGION 2	REGION 3
Brick natural clay	100 (note 9)	100	100
Glazed brick & ceramic tile	25	75	100 (1)
Panel brick	0	15	15
Limestone	50	100	100
Stone field, cobble, etc.	50	75	100
Granite/marble, polished	50	100	100
Fluted & split faced c.m.u.	10	50	75 (2, 13)
Striated scored c.m.u.	0	0	25 (2, 13)
Concrete "C" brick (note 14)	25	50	75
Precast colored exposed agg.	0	25	50
Precast, other	0	0	0
Flat metal panels (urethane backed)	50 (10)	50	75
Standing seam metal	25 (3)	50	75 (8)
Ribbed metal panels	0	25	50 (8)
Spandral glass	50	50	50
Glass block	0	25	50
Display glass	25	25	25 (4)
Molded cornices, trim, columns, surrounds	15	15	15
Wood siding, painted, t & g and batten siding	0 (11)	25 (11)	50
Vinyl & aluminum siding	0	0	50 (12)
E.I.F.S. (dryvit)	25	50	75 (5)
Cast stone & G.F.R.C.	25	50	75
Cement plaster	0	25	25
Canvas awnings	10	15	15 (6)
Asphalt shingles	25	25	50
Referenced Notes to Table			
<ol style="list-style-type: none"> 1. Allowed only if earth tone color and matte finish. 2. Plain faced C.M.U.'s are not permitted. Ground, polished, burnished and striated faced C.M.U.'s are only permitted if laid in a stacked bond pattern. 3. Copper or Copper bearing painted finish is preferred in the TC and TC-1 districts. The Community Development Department may approve alternate colors or materials provided it is determined to be complementary to copper finish. 4. Where vision glass areas are intended through exposure to thoroughfares or pedestrian ways and lighting methods to strongly emphasize the materials and items displayed 			

within the window area, and where such items are a permanent part of the building design, such items shall be deemed as part of the building facade and shall be so regulated by this section.

5. Must be designed to simulate stone via joint pattern. Maximum joint spacing shall be three (3) feet on center horizontally and four (4) feet on center vertically.
6. Adjacent permanent facade materials shall extend behind awnings, backlit translucent awnings are not permitted except as regulated as a building sign.
7. Refer also to Section 3.27.1.G for additional TC and TC-1 districts facade requirements and Section 3.21.2.C for additional PSLR overlay district facade requirements.
8. Must have factory applied permanent colored finish.
9. All buildings in Region 1, except those in I-1 and I-2 districts, shall have a minimum of thirty (30) percent brick.
10. Zero (0) percent allowed in the TC and TC-1 districts.
11. The percentage of wood siding may be increased to fifty (50) percent in zoning districts RA through R4, RM-1 and RM-2, when the use of wood siding is consistent with residential style architecture.
12. One-eighths (1/8) inch gauge wood grain textured solid vinyl siding and three-eighths (3/8) inch gauge wood grain textured fibrous concrete siding shall be considered wood siding with respect to this ordinance.
13. The combined maximum amount of all C.M.U. shall not be greater than 75% of any one building and/or facade.
14. Concrete "C" brick shall be a maximum size of 16" wide by 4" high. Color shall be rich dark earth tone hues consistent with brown or red bodied fired clay brick. Colors using white cement base and/or substantial quantities of light colored aggregate are not allowed.

General Notes to Table

- Roof areas having slopes 6:12 and greater shall be considered facades.
- Vision glass and doors shall be omitted from facade material area calculations and percentages.
- Detached dwellings are not subject to facade chart.
- Backlit translucent plastic, backlit awnings, neon lighting and other such facade materials designed to visually attract attention for the purpose of commercial activity are not permitted (or shall be considered signage).

Part VI

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 VII.

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 VIII.

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 IX.

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 _____, 2016.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

PHASED APPROACH TO TEXT AMENDMENTS

RECOMMENDED ZONING UPDATES

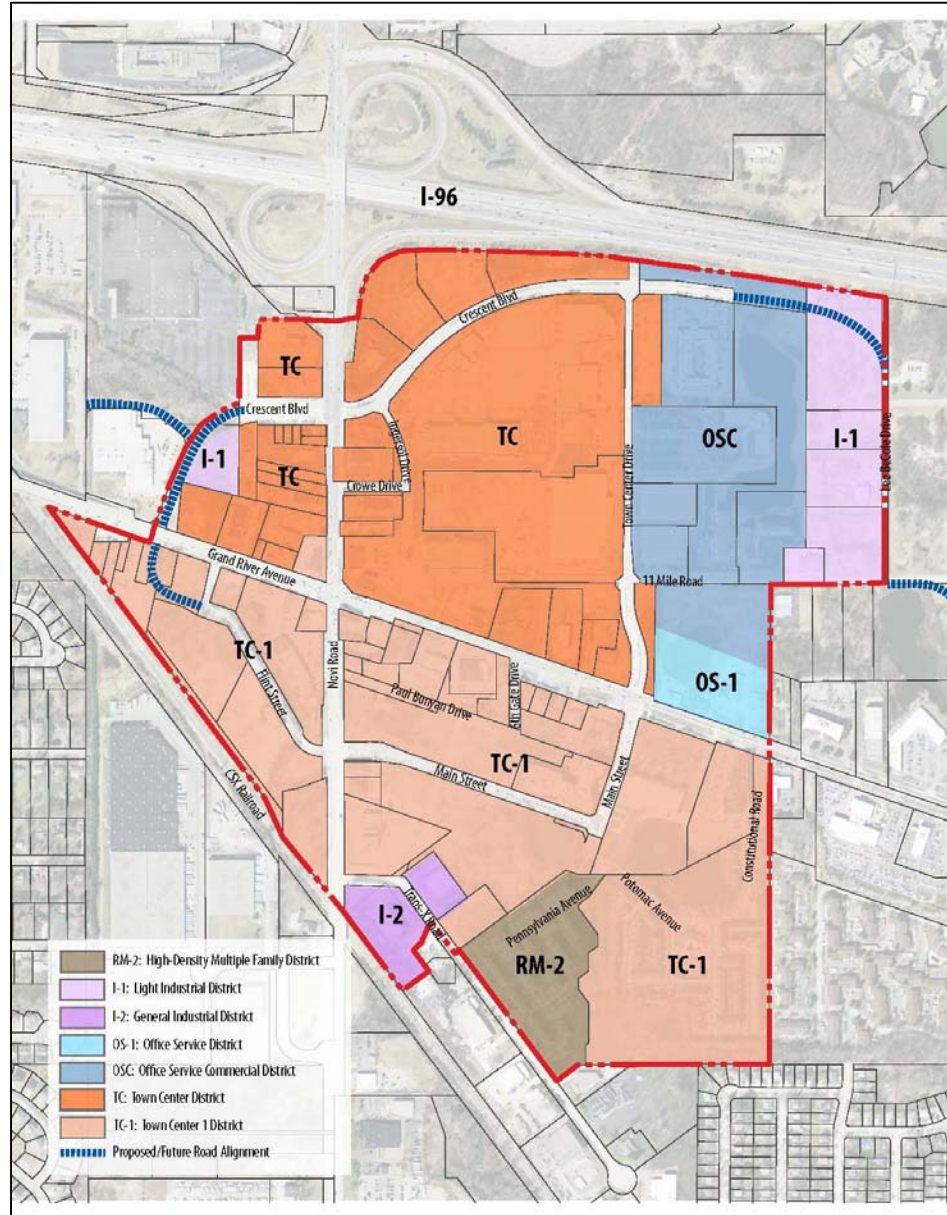
EXISTING TOWN CENTER ZONING DISTRICTS

The current TC and TC-1 Town Center Districts are designed to promote the development of a pedestrian accessible, commercial service district in which a variety of uses are permitted. The TC-1 District, established in the late 1990s, was developed to reflect the City's goals for a mixed-use "City Center" along Main Street. Current TC-1 regulations prohibit residential uses on the first floor for buildings fronting a public street and establish strict dimensional and design standards, such as maximum leasable floor area and brick paver requirements. These restrictions are intended to create an active streetscape featuring multiple storefronts. Due to changing market conditions and demands, however, a large portion of the Main Street area currently sits undeveloped. In addition, the TC and TC-1 Districts have failed to develop into a cohesive, interconnected and pedestrian-friendly city center, with most viable development having a strictly automobile-oriented design. The map on the next page illustrates the locations of these zoning districts. Table 2 that follows outlines the existing intent, uses, and dimensional regulations laid out in the TC and TC-1 Districts and Figure 9 denotes the existing TC and TC-1 District boundaries.

To facilitate the development of existing and vacant parcels into a viable and active "town center" area and coordinate growth with the surrounding subareas, it is recommended that the TC and TC-1 District regulations be amended and simplified. The amended ordinance should continue to address design features vital to walkability and community vibrancy, such as building form, streetscape transparency, parking-lot design and landscaping, but should be more flexible with regards to permitted uses, floor area dimensions, and ornamental design features. The proposed changes, introduced below, intend to maintain the City's goals for a lively city center, but are shaped to accommodate the ever-changing cycles of the land-use market.

The Office Service Commercial (OSC) also contains significant vacant property that has not developed into additional hotel and/or office uses. To address this area, the study recommends that mid-rise residential uses be allowed in this district as either a permitted use or special land use.

FIGURE 9. EXISTING ZONING BOUNDARIES



EXISTING TC AND TC-1 ZONING STANDARDS

TABLE 3. TC AND TC-1 ZONING STANDARDS

CURRENT ZONING STANDARDS	Intent		
	<ul style="list-style-type: none"> Promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, civic and residential uses are permitted. Discourage development of separate off-street parking facilities for each individual use. TC-1 District is designed to encourage “Main Street” with mixed land uses and shared parking. 		
	Permitted Uses		
	<ul style="list-style-type: none"> Generally recognized retail Professional offices Hotels Banks (No Drive-Through) Restaurants (No Drive-Through) Single-Family and Multi-Family Residential, given that buildings fronting onto a publicly-dedicated roadway shall have non-residential uses on the first floor. Other uses as listed 		
	Special Uses		
	<ul style="list-style-type: none"> Open air businesses/outdoor sales when incidental to a similar principal use indoors Microbreweries/Brewpubs Fast-food drive-through in TC-1 only, and may not be located closer than 150 ft. from any other parcel with a drive-through. Other uses as listed 		
	Off-Street Parking		
	<ul style="list-style-type: none"> Off-street parking areas set back a minimum of 20 ft. Screened from public right-of-way and internal roads by ornamental brick-on-brick wall or landscaped berm In TC-1 District: No front yard or side yard parking on any non-residential collector. Access to rear-yard parking provided by alleyways. 		
	Architecture/Pedestrian Orientation		
	<ul style="list-style-type: none"> TC-1 District: Buildings may not exceed 125 ft. in width, unless pedestrian entranceways are provided at least every 125 ft. of frontage. 		
	Schedule of Regulations	TC	TC-1
	Height:	65 ft./ 5 stories	78 ft./5 stories*
	Retail Space Floor Area:	No restrictions	7,500 s.f. max. gross leasable floor area for retail bldgs. May be exceeded under certain conditions.
	Building Setbacks:		
Front (Interior/Exterior)	**15 ft./50 ft.	15 ft./***	
Side (Interior/Exterior)	10 ft./50 ft.	10 ft./50 ft.	
Rear (Interior/Exterior)	10 ft./50 ft.	10 ft./50 ft.	
Non-Residential Collector and Local Streets:			
Front (Min./Max.)	--	0 ft. / 10 ft.	
Side (Min./Max.)	--	0 ft. / None	
Rear (Min./Max.)	--	0 ft. /None	

*Height bonus for mixed-use buildings with retail/office on the first floor.

**For setbacks between separate buildings on same lot.

***No less than 80 ft., no greater than 137 ft. as measured from centerline of arterial.



PROPOSED ZONING CHANGES

While the amended TC and TC-1 Districts should reflect the land use goals outlined previously within this report, they should maintain the original intent of the TC Districts to create mixed-use “pedestrian accessible, commercial service district(s).” However, the revised TC Districts should allow more flexibility in terms of use and dimensions in order to realistically achieve such goals. The following changes could be made to the TC and TC-1 Districts to implement the main goals and intent of the Town Center area as a whole. In addition, the proposed mid-rise residential use added to the Office Service Commercial (OSC) district will provide greater flexibility of uses in this area.

1 TC and TC-1 Intent

The intent of the TC and TC-1 districts should be modified as follows:

- 1a Clarify intents of TC and TC-1 Districts.** The overall intent is to serve as a mixed-use/pedestrian-oriented focal point for the City of Novi. The intent should promote a mix of uses including retail, commercial, office, residential, institutional uses and open space. Further, the intent should be clarified to mention that the separate districts are not intended to regulate for different uses, but rather regulate the *intensity* of such uses and dimensions of form/design. While the TC and TC-1 Districts are intended to function as a cohesive area, the TC District is intended to accommodate regional commercial uses/form while the TC-1 District is intended to accommodate neighborhood-scaled development. **Amendment to Sec. 3.1.25.A and Sec 3.1.26.A**
- 1b De-emphasize intent to “discourage development of separate off-street parking facilities.”** While shared parking and efficient distribution of peak parking demand are sustainable and worthwhile long-term goals, the lack of a central parking agency or special assessment district within the Town Center area makes it difficult to achieve such goals. **Amendment to Sec. 3.1.25.A and Sec 3.1.26.A**

2 TC and TC-1 Permitted Uses

The list of permitted uses in the TC and TC-1 districts should be modified as follows:

- 2a Clarify definition of “theater” to indicate performing arts theater.** Multi-plex theaters are appropriate for TC but may not be for TC-1 (§1601.2a(4)). However, single or dual screen theaters and performing arts theaters may add character to the neighborhood-scaled TC-1 areas.
- 2b Add pharmacies as permitted use in the TC District, provided that such uses do not have drive-through service as the principle use (§1601).** Pharmacies with drive-through services should be regulated by building

form, but the presence of such service does not seriously impact the demand for the pharmacy.

2c Add extended-stay hotels as a permitted use (§1601). Amendment to Sec. 3.1.25.B and Sec 3.1.26.B

2d Add green market as a permitted use (§1601). An indoor market with booths could serve as a catalyst for development within the TC and TC-1 Districts. An outdoor farmers' market could be added as a special use. Supplemental definitions and standards could be added to regulate location, pedestrian features, hours of operation, etc.

2e Remove standard that prohibits residential uses on the first floor in buildings that front onto a local collector within the TC-1 District, but add regulation that prohibits *individual* garages on a front-facing façade (§1601.10d). Entrances to parking garages are acceptable on front-facing facades. Attached-style residential uses such as townhomes are appropriate for Main Street, given that form, building placement, and certain design features are regulated within the Ordinance. **Amendment to Sec. 4.82.4 and Sec. 4.82.5**

3 TC and TC-1 Special Uses

The list of special uses should be modified as follows:

3a Review regulation that prohibits clustering of drive-through restaurants within TC-1 District (§1602.4g).

3b Add incubator/prototype development workshops as a special use (§1603.2). Incubator workshops have the potential to promote adjacent development. Additional regulations could be included to regulate for building form, hours of operation, and performance-based criteria.

3c Add pharmacies as special use in the TC-1 District, provided that such use does not have drive-through service as a principal use.

3d Add outdoor farmers' market as permitted use (§1601). A visible outdoor market could serve as a catalyst for development within the TC and TC-1 Districts. Supplemental definitions and standards could be added to regulate location, pedestrian features, hours of operation, etc.

4 OSC Permitted and/or Special Use

The list of permitted and/or special uses should be modified to include mid-rise residential condominium or apartment buildings.

5 Schedule of Regulations

The schedule of regulations should be modified as follows:

Amendment to
Sec. 3.27.1.C. Note 1

Amendment to
Sec. 4.82.2.

5a Increase maximum gross leasable floor area (GLA) within TC-1 from 7,500 s.f. to 13,000 s.f. (§1603.3). The existing 7,500 s.f. regulation prohibits the development of many types of uses. Additionally, existing standards within the TC and TC-1 Districts regulate for maximum building frontage, varied façade design treatments, and maximum spacing between building entrances, rendering the 7,500 s.f. standard excessive.

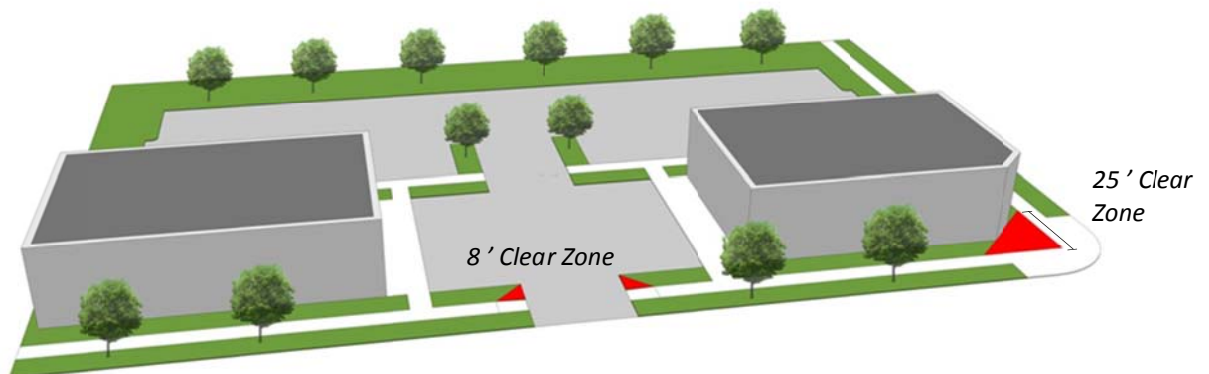
5b Add more information regarding clear vision areas on non-residential collectors and local streets (§1603.4). Cross reference Section 2513 – Corner Clearance and add a graphic, such as Figure 10, for reference.

5c Reduce minimum residential setback from 30 feet to 15 feet from all property lines, except when interfering with corner clearance areas (§1601.10b). The reduced setback is intended to promote the construction of attractive townhouse-style apartments along Main Street; a continuous street-wall activates the streetscape.

5d Add note that requires 10-foot side setback for residential buildings that feature side windows (§1601.10b).

5e Clarify meanings of “interior” and “exterior” lot setbacks and adjust dimensions (§1603.4). Section 201, Definitions, establishes a definition of “interior lot/yard”; however, the “exterior lot/yard” definition is ambiguous. The existing front setback requirements for properties fronting arterials within the TC and TC-1 Districts are excessive, and should be reduced to a minimum of 15 feet. The reduced setback allows for more pedestrian-oriented building placement and appropriately reflects the front setbacks of recently-constructed development.

FIGURE 10. EXAMPLE CLEAR VISION AREA GRAPHIC



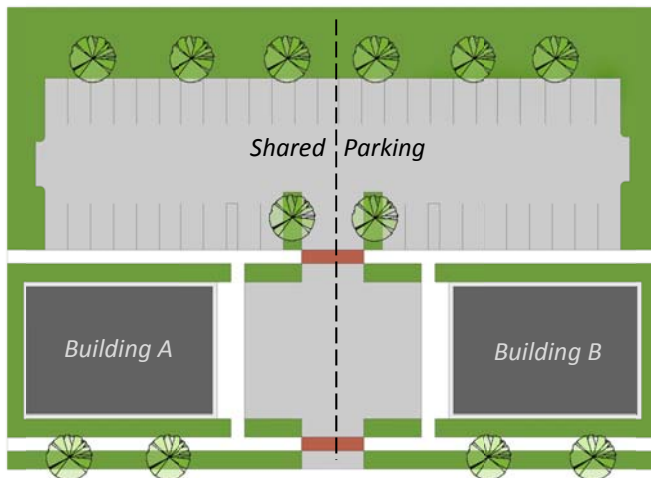
Source: Carlisle/Wortman Associates, Inc.

6 Off-Street Parking

Off-street parking regulations should be modified as follows:

- 6a Add additional guidelines for implementing shared parking lots (i.e. information on obtaining cross-access and maintenance agreements (§1603.10)).** The use of shared parking lots limits the number of curb-cuts, improves efficiency in terms of parking demand, and enhances the pedestrian experience. Figure 11 illustrates a collective parking lot layout that could be included in the Ordinance. **Amendment to Sec. 3.27.1.H**
- 6b Cross reference Section 2505.8 – Dual functions of off-street parking.** Said reduction may be considered by the Planning Commission only after the submittal by the applicant of a Shared Parking Study, prepared by an individual or firm with demonstrated experience in parking analysis. The methodology used in the report shall generally follow the guidelines set forth in the following documents: *Shared Parking – Potential for Application with the Town Center Districts* (December, 1993), prepared for the City of Novi, and *Shared Parking* (4th Printing 1990), prepared by the Urban Land Institute. **Amendment to Sec. 3.27.1.H**

FIGURE 11. EXAMPLE SHARED PARKING GRAPHIC



Source: Carlisle/Wortman Associates, Inc.

7 Streetscape, Pedestrian Amenities and Alternative Transportation

Sections relating to architecture and pedestrian orientation should be modified as follows:

- | | | |
|--|--|--|
| | | <p>7a Require larger non-residential establishments that exceed certain street frontage, setback, or land area thresholds to provide public/pedestrian amenities including, but not limited to, patio/seating area, pedestrian plaza with benches, arcade, sculpture, public art or water features. These features serve the purpose of engaging, accommodating and enhancing the pedestrian experience within the TC and TC-1 Districts. Feature details should be left to the discretion of the Planning Commission, and may be waived or modified. Consider offering a “Cash in Lieu of Amenity Construction” option (§1603.8) and discuss options for money management.</p> |
| <p>Amendment to Sec. 3.27.1.E</p> | | <p>7b Modify requirement for brick/decorative paving which will allow a greater flexibility of pavement design and reduce maintenance costs (§1603.7). Attractive brick pavers can be an effective accent in a streetscape setting, but if they are not properly installed and maintained, they can quickly become a safety, maintenance and visual problem. A safe, tidy and well-landscaped plaza or sidewalk can achieve the same effect of decorative paving at a lower cost.</p> |
| <p>Amendment to Sec. 3.27.1.D</p> | | <p>7c Adjust regulation for surface parking screening to allow semi-transparent screening (brick pilaster with metal decorative fence (§1603.5)). While parking areas should be somewhat screened to maintain attractive streetscapes, unadorned, solid brick screening fences sometime detract from the streetscape and do not accommodate transparency between parcels/uses.</p> |
| <p>Amendment to Sec. 3.27.1.J</p> | | <p>7d Cross reference Section 2526 – Bicycle Parking Facility Requirements. Bicycle facilities should be required to reduce the Town Center’s automobile orientation.</p> |
| | | <p>7e Internal shuttle bus system. The Town Center area may be too large for some pedestrians to walk and access all the amenities offered. These people could be served by an internal shuttle bus system, possibly originating at one of the hotels, that circulates through the Town Center area. The bus could serve the various hubs within the Town Center area and provide safe travel across Grand River Avenue and Novi Road.</p> |
| | | <p>7f Alternative public transportation/transit. Development should promote alternative public transportation concepts including connections to park-and-ride facilities, lanes for public bus standing, linkages to safety paths, facilities for bicycle storage, and possible connections to public bus, taxi, rideshare or public senior transit. A public transit hub could be developed to serve the buses in the Lee BeGole Area.</p> |

8 Design Guideline Amendments

Section 2520 of the Zoning Ordinance should be modified:

- 8a Metal Roofs.** Note #3 in this section should be modified to allow greater flexibility for standing seam metal roofs. The current standard requires 100% copper or copper-bearing paint in the TC and TC-1 districts. It should be modified to include colors and/or materials which are complimentary to a copper finish. **Amendment to Sec. 5.15. Note # 3 to Table**
- 8b Allowable Building Materials.** Notes #13 and #14 should be modified to allow greater flexibility in building materials while preserving the quality of the built environment.

9 Zoning Map Amendments

The zoning map should be modified as follows:

- 9a Rezone the Anglin Area from OSC/OS-1 to TC.** Since this property is directly across Grand River from the large gatehouse structure on Main Street, it then becomes the “bookend” to the core Town Center area eastern gateway. Therefore, the land uses and form on this parcel should follow the patterns established in the area. The proposed zoning districts will provide greater variety of permitted uses and pedestrian-oriented form. This will activate and promote the area as a gateway into the core Town Center area.
- 9b** These uses and proposed character will work with, and not compete with, the current businesses in the area, creating a critical density of like uses to make the district economically viable.
- 9c Rezone Trans-X Area from I-2 to TC-1.** The Trans-X Area is also at a logical “gateway” to the core Town Center area. Its strategic location demands that the uses be modified to reflect the commercial and mixed-use character of the Town Center area. Therefore, rezoning these parcels to TC-1 will accommodate a wider variety of uses while exhibiting a pedestrian-oriented form. It will also allow the parcels to act as the southern gateway to the core Town Center area.
- 9d** Transitioning these parcels from industrial to mixed-use will benefit nearby businesses. The TC-1 uses will compliment and support surrounding businesses and residential areas rather than potentially generating noise, odors, or other negative impacts to the commercial/office/residential uses that are developing around them.

The proposed zoning changes are represented in Figures 12 and 13 on the following pages.

FIGURE 12. CURRENT TC/TC-1 ZONING DISTRICTS MAP

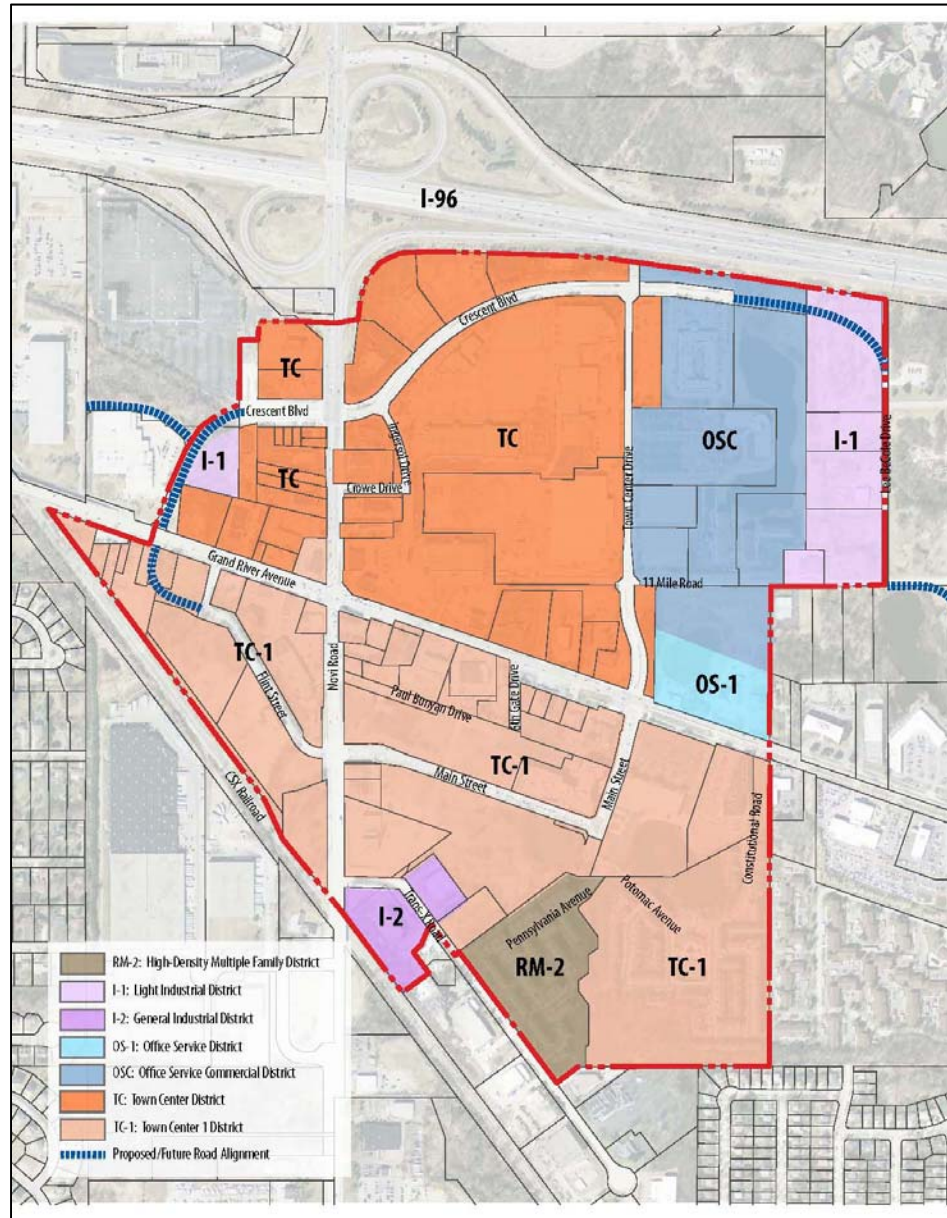


FIGURE 13. PROPOSED TC/TC-1 ZONING DISTRICTS MAP

