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CITY of NOVI CITY COUNCIL

Agenda Item 6
May 20, 2013

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.266 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions", to add Section 2525, "Service of Alcoholic Beverages; Special Use Approval Required", and to amend Article 16, TC and TC-1 Town Center Districts at Sections 1601 and 1602, to require Special Use Approval for the sale of alcohol for consumption on premises. **SECOND READING**

SUBMITTING DEPARTMENT: Department of Community Development, Planning Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

At the March 11th City Council meeting, the City Council referred the matter of zoning ordinance amendments for liquor license approval procedures to the Planning Commission for consideration, public hearing, and recommendation back to the City Council. The Planning Commission first reviewed the matter at the April 3rd meeting, and again on April 24th for a public hearing, review and recommendation. The Planning Commission recommended approval of the proposed ordinance language.

The attached recommended zoning ordinance language provides for an administrative special land use and public hearing process by a committee represented by members of the Community Development, Public Services, and Assessing Departments for any new liquor license application, or for those applications that request an amendment to a site plan. (The other alternative presented for Planning Commission consideration was for the hearing and decision to be done by the Community Development Director.) The results of the special land use consideration and the public hearing process will be forwarded to the City Council for consideration to approve, deny, or approve with special conditions. Any existing use that already has a license would be "grandfathered" (i.e., "legal nonconforming" under the terms of the zoning ordinance), until there is a new application or a site plan amendment. This administrative public hearing process is contained in a new Section 2525 of the zoning ordinance.

One additional amendment is proposed for the TC/TC-1 Town Center District. The TC/TC-1 District already lists brew pubs as a permitted use. This use will be moved into the special land use category, consistent with the other changes provided in the ordinance.

City Council approved the First Reading of the ordinance language at the May 6th City Council meeting. The associated fee resolution is provided as a separate action item.

RECOMMENDED ACTION: **APPROVAL OF SECOND READING** of Zoning Ordinance Text Amendment 18.266 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions", to add Section 2525, "Service of Alcoholic Beverages; Special Use Approval Required", and to amend Article 16, TC and TC-1 Town Center Districts at Sections 1601 and 1602, to require Special Use Approval for the sale of alcohol for consumption on premises.

	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				

DRAFT ORDINANCE LANGUAGE

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.266

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, "GENERAL PROVISIONS," TO ADD SECTION 2525, "SERVICE OF ALCOHOLIC BEVERAGES; SPECIAL USE APPROVAL REQUIRED", TO REQUIRE SPECIAL USE APPROVAL FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON PREMISES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, Article 25 – General Provisions, is amended to add a new Section 2525, "Service of Alcoholic Beverages; Special Use Approval Required," to read as follows:

Section 2525. Service of alcoholic beverages; special use approval required

- a. *Purpose.* Alcohol-related uses can have a detrimental effect on a geographic area where there is a concentration of such uses in proximity to each other. Neighborhood character, use type and type of activities, hours of operation, public safety resources, and the secondary effects resulting from such uses must be taken into consideration during the alcohol licensing process.
- b. *Applicability.* Any land use that requires a license from the Michigan Liquor Control Commission (LCC) for the sale or consumption of beer, wine, or alcoholic beverages on-premises and any expansion or other changes in such a land use, shall require a special use permit in accordance with this Section.
- c. *Application Requirements.* Each application shall be accompanied by a detailed site plan and such information as is necessary to demonstrate that the proposed use or change in use meets the review standards contained herein. The following shall be submitted as part of a special use application:
 - (1) *License Application.* A copy of the license application submitted to the LCC.
 - (2) *Site Plan.* A site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one thousand (1,000) foot radius of the closest lot lines of the subject site.

d. *Standards for review.* An applicant shall establish that:

- (1) The proposed establishment will promote the City's economic development goals and objectives, and will be consistent with the City's master plan and zoning ordinance;
- (2) Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, it is demonstrated that the use will provide a service, product, or function that is not presently available within the City or that would be unique to the City or to an identifiable area within the City and that the addition of the use or proposed change in use will be an asset to the area.
- (3) The use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:
 - a. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
 - b. Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
 - c. Excessive numbers of persons gathering outside the establishment.
 - d. Peak hours of use that add to congestion or other negative effects in the neighborhood.
 - e. Fighting, brawling, outside urination, or other behavior that can accompany intoxication

e. *Approval process.*

A public hearing as required under Section 3006 shall be held jointly by the Director of Public Services, the Director of Community Development, and the Assessor, or their designees, who shall make a recommendation to the City Council whether the proposed special use meets the criteria of this Section and should be approved. The recommendation may include conditions on any recommended approval. The City Council shall determine whether to deny, approve, or approve with conditions the special use.

f. *Existing uses.* Existing and new establishments with alcoholic beverage sales for on-premises consumption shall obtain special land use approval upon application for a site plan review as required by this ordinance.

Part II. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, Article 16, "TC and TC-1 Town Center Districts," Section 1601, Principal Uses Permitted, is hereby amended to delete subsections 12 and 13 and to renumber Sections 14-16, and to read as follows:

Sec. 1601. - Principal Uses Permitted.

In the TC and TC-1 Town Center Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided for in this Ordinance:

1. - 11. [Unchanged]

12. ~~Microbreweries, subject to the following conditions:~~

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

13. ~~Brewpubs, subject to the following conditions:~~

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

~~tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.~~

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

~~1412.~~ Instructional Centers, such as schools for dance, music, language, arts, or general education; tutoring centers; private schools that offer courses in business, real estate, accounting, information systems, and similar instructional uses.

~~1513.~~ Other uses similar to the above uses subject to conditions noted.

~~1614.~~ Accessory structures and uses customarily incidental to the above permitted uses.

Part III. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, Article 16, "TC and TC-1 Town Center Districts," Section 1602, Principal Uses Permitted, is hereby amended to add new Sections 5 and 6, to read as follows:

Sec. 1601. - Principal Uses Permitted Subject to Special Conditions.

1. - 4. [Unchanged]

5. Microbreweries, subject to the following conditions:

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

- c. There shall be compliance with the standards at Section 2519, Performance Standards. Steam condensation units shall be required on all venting.
 - d. There shall be included a restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
 - e. No more than sixty-five (65) percent of total gross floor space of the establishment shall be used for the microbrewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
 - f. Owing to unique features and operational requirements of a microbrewery, off-street loading/unloading facilities shall be designed to accommodate at least two (2) tractor trailers at one time in addition to compliance with the standards at Section 2507.2.
 - g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.
 - h. No microbrewery shall be located closer than two thousand five hundred (2,500) feet of another microbrewery.
6. Brewpubs, subject to the following conditions:
- a. Brewery production shall not exceed two thousand (2,000) barrels per year.
 - b. No storage in any detached, separate container (e.g., a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than twenty-four (24) hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
 - c. There shall be compliance with standards at Section 2519, Performance Standards.
 - d. There shall be included a taproom/restaurant which shall provide full meal service for consumption by patrons while seated on the premises. (See also definition of Restaurant (sit down)). Taprooms serving less than twenty patrons and accessory to a larger retail use shall not be required to provide meal service.
 - e. No more than fifty (50) percent of the total gross floor space of the establishment shall be used for the brewery function such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling/storage, serving tanks and boiler/water treatment areas.
 - f. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be

permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART VI.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII.

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

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2013.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: