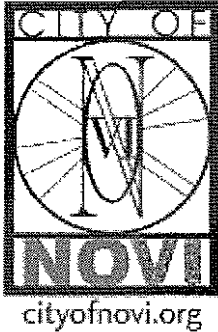


MEMORANDUM



TO: Members of the Planning Commission
THROUGH: ^{Burb} Barbara McBeth, AICP, Community Development
FROM: Mark Spencer, AICP, Planner
SUBJECT: Set a public hearing for Text Amendment 18.228
DATE: June 19, 2008

As a part of the on-going efforts to improve customer service and to remove perceived obstacles to development and redevelopment in Novi, Planning staff has reviewed Section 2516 of the Zoning Ordinance to further streamline certain aspects of the site plan review process.

Staff identified two areas where minor ordinance modifications could help reduce the processing time for an applicant, while protecting the interests of the citizens of Novi.

The first proposal would allow an increase in the size of additions to existing buildings that could be reviewed and approved administratively, provided the property is not located near residential property. These modifications are to Section 2516.1.c(9). The ordinance currently allows administrative approvals for building additions totaling no more than 1000 square feet to an existing building. The ordinance changes propose to increase the amount that can be approved administratively to no more than 10 percent of an existing building, up to a maximum of 10,000 square feet, for non-residential buildings located more than 500 feet from residential districts. Staff notes that minor changes to an approved site plan seldom have substantial issues, and reducing the processing time may encourage more reinvestment in commercial properties.

The second proposal would increase the length of time a site plan approval would remain valid, thus reducing the need for site plan extension actions by the Planning Commission or City Council. These modifications are found in Section 2516.6, and propose that the initial approval period of either a preliminary or final site plan approval would be two years from the date of approval, increased from one year as the ordinance currently allows. Section 2516.7, related to site plan extensions, would remain the same, allowing for up to three, one-year extensions of either preliminary or final site plan approval.

The Planning Commission is asked to consider setting a public hearing on these proposed Zoning Ordinance changes for your July 16th meeting.

A draft strike-through proposed amendment is attached for review. Please feel free to contact the Community Development Department if there are any questions about the attached materials.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 08- 18 -228

AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, SUBSECTIONS 2516, IN ORDER TO MODIFY THE STANDARDS FOR ADMINISTRATIVE REVIEW OF MODIFIED SITE PLANS AND TIME LIMIT OF APPROVALS

THE CITY OF NOVI ORDAINS:

ARTICLE 25. GENERAL PROVISIONS.

Section 2500 – Section 2515. [Unchanged.]

Sec. 2516. Site Plan Review (All Districts).

1. a. Site plans shall be submitted to the City for review. All site plans and accompanying documents shall be submitted together with an application form available through the City Clerk's office. All site plans shall be prepared in accordance with the requirements of this Ordinance and the City's Site Plan Review Procedures Manual.
- b. Unless administrative review is permitted pursuant to subparts (c) or (d), below, or subsection 2516.4, all site plans shall be reviewed for approval by the Planning Commission, or where required within this Ordinance, by the City Council after receipt of a recommendation by the Planning Commission. Site plan approval is required prior to conducting any of the following activities:
 - (1) Building of any structure(s) or additions, including carports, other than single family homes to be used as a residence.
 - (2) Improvements or modifications to, or expansion of, off-street parking areas unless determined by the Planning Department that same can be reviewed by the Engineering Department.
 - (3) A change in use within an existing freestanding building or the interior modification of an existing use which results in an increase in off-street parking needs.
 - (4) The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility-related lines or easements (including oil and gas production facilities), unless determined by the Planning Department that same can be reviewed by the Engineering Department.
 - (5) Establishment of any site condominium or condominium development.
 - (6) Any plan showing the construction of new public or private roads.

- (7) Revisions made to any previously approved site plan including, but not limited to, the following:
 - i. Approved landscape plans.
 - ii. Modification of the location of buildings.
 - iii. Changes to the facade design or sample board.
 - iv. Revisions in any phasing plan.
 - (8) Any special land use (principal use permitted subject to special conditions).
 - (9) Any of the above items that would intrude or cause impact on regulated woodlands or wetlands either on previously approved plans or alterations to existing structures and parking facilities.
- c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:
- (1) When the plan only proposes improvements to or expansion of an existing off-street parking area;
 - (2) When the plan only proposes modifications to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance;
 - (3) When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
 - (4) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
 - (5) When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or
 - (6) When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
 - (7) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory building or accessory structure, where otherwise permitted, for the containment of hazardous chemicals for compliance with Chapter 15 of the Novi Code of Ordinances, or for any other customary accessory use provided that the accessory building or structure does not exceed [one thousand] (1,000) square feet in total (gross) floor area, and does not require a new or revised woodlands permit or a nonadministrative wetlands permit.
 - (8) When the site already the subject of an existing and previously approved site plan and the revised plan only proposes to add a pay telephone structure or delivery service drop box.
 - (9) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes ~~an addition totaling [one thousand] (1,000) square feet or less to an existing building or structure,~~ one of the following:



- a. An addition totaling one thousand (1,000) square feet or less to an existing residential building or structure;
- b. An addition totaling one thousand (1,000) square feet or less to an existing non-residential building or structure when located on a parcel of land that is within five hundred (500) feet of a residential zoning district, or
- c. An addition totaling up to ten percent (10%) of the gross floor area of an existing non-residential building or structure, up to a maximum of ten thousand (10,000) square feet, when the building or structure is located on a parcel of land located that is at least 500 feet from any residential zoning district;



provided the addition does not require a new or revised woodlands permit or a nonadministrative wetlands permit.

- (10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance.
- (11) When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

If during any administrative review process authorized under this subpart or subpart (d) it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

- d. Any amended site plan for an existing legal nonconforming use of land and/or nonconforming structure, shall be reviewed administratively when the site plan proposes a revision, modification, repair, alteration or change solely to one (1) or more of the following:
 - (1) Revisions to a previously approved landscape plan which does not result in the expansion of a nonconforming use of land as provided in Section 2502 of this Ordinance;
 - (2) Improvements to, but not expansion of, off-street parking areas;
 - (3) Alteration of any facade; and
 - (4) The improvement, extension or abandonment of any public or private overhead or underground utility or utility related lines or easements.

Those elements of the site or structure which are so revised, modified, repaired, altered or changed shall be in conformity with existing regulations, but elements which are not revised, modified, repaired, altered or changed shall be deemed to continue as legally nonconforming.

- e. Site plans shall be submitted to the City for review of all plans that propose construction of new public and/or private roads, regardless of whether any buildings or other structures are proposed. If a new public or private road is proposed to be constructed without or in advance of buildings, parking areas, or other improvements, a site plan shall be submitted for review of the proposed roads and any proposed utilities. Site plans for roadways shall be prepared in accordance with this ordinance and the City's Site Plan Manual. The site plan shall also meet all of the requirements

of the district in which the property is located, and be subject to all of the requirements of those districts.

If utilities are proposed to be constructed at the same time the roads are constructed, Engineering design and calculations and a Storm Water Management Plan shall be submitted for review as required by Chapters 11 and 12 of the City Code in order to demonstrate engineering feasibility of the proposed utilities. The submitted Engineering and Storm Water Management plans shall support the proposed sizing of utilities and shall be based on the design provided on the conceptual development plans.

The Site Plan for the proposed roads shall also be supported by appropriate additional information showing conceptual development plans of possible future improvements on the site, in relation to the proposed roads, in order to demonstrate feasibility of compliance with ordinance standards with regard to development areas. Conceptual development plans are illustrative only, and shall not constitute approval of any development outside the roads and utilities. A conceptual development plan need not be as detailed as a site plan, but shall at a minimum include the following:

- (1) An illustrative plan for the development area carried out in such detail as to indicate any expected improvements, such as future buildings or other structures, parking and landscaped areas, lot lines, required building setbacks, public or private parks or other open spaces, utility locations and storm water detention basins (scale: not smaller than 1" = 200').
- (2) A written statement reinforcing the illustrative plan explaining in detail the full intent of the applicant, indicating the type of structures contemplated, expected uses of the property, and the intended scheduling of the development.
- (3) A topographic map of the development area at a contour interval of not more than two (2) feet. For the development area and within one hundred (100) feet of the development area, this map shall indicate all major stands of trees, of eight (8) inches or greater in diameter, bodies of water, wetlands and unbuildable areas (scale: not smaller than 1" = 200'). Additional information shall include:
 - a. *Preliminary Wetland Assessment* . The applicant is to demonstrate the vegetative character of the wetlands (i.e. forested, scrub-shrub, emergent, etc.). The Preliminary Wetland Assessment shall also provide information on the drainage patterns and hydrologic character of the wetlands. The City's Wetlands Consultant will verify this information in the field at the time of submittal of the conceptual development plan.
 - b. *Preliminary Woodland Assessment* . The applicant will be asked to provide the following information:
 1. The location of all regulated woodland per the official City of Novi Woodland Map.
 2. A demonstration of the character of the woodland by providing the following specified number of woodland assessment samples per woodlot (or continuous area of tree cover):
 - For woodlots up to five (5) acres, three (3) samples per acre,
 - For woodlots between five (5) acres and twenty (20) acres, two (2) samples per acre,

- For woodlots greater than twenty (20) acres, one (1) sample per acre. Sample areas shall be a minimum of one hundred (100) feet by fifty (50) feet. These samples shall include the type of understory vegetation, the predominant tree species in each sample area, and should be taken from dispersed areas within each woodlot. The city's Woodland Consultant will verify this information in the field at the time of the submittal of the conceptual development plan.
- c. *Additional Information.* In its review, the Planning Department may request additional information or greater detail of the existing conditions of the property be provided.
- (4) A boundary survey of the exact acreage of the property, prepared by a registered land surveyor or civil engineer (scale: not smaller than 1" = 200').
 - (5) A recent aerial photograph of the area shall be provided (scale: not smaller than 1" = 200').
 - (6) If utilities are not proposed to be constructed at the same time roads are constructed, the applicant shall submit a plan with an indication of the contemplated storm and sanitary sewer design with preliminary engineering calculations, and a preliminary topographic map indicating how the land area is proposed to be shaped.

Additionally, if a site condominium development is proposed, it shall be reviewed under Section 2407 and other relevant sections of the Zoning Ordinance. If woodlands and wetlands permits are requested at the time of Site Plan Review for the roads and utilities, the applicant shall provide information as required by appropriate sections of the ordinance.

2. Site Plan Review Procedure: (no changes proposed)
3. Preliminary Site Plans. (no changes proposed)
4. Final Site Plan (no changes proposed)
5. Fees. (no changes proposed)
6. Approval limitations. Preliminary and final site plan approvals shall have the following limitations:
 - a. Approvals shall be effective for a period of ~~one (1)~~ two (2) years from date of approval; *
 - b. Approvals shall lapse and cease to be in effect if the premises are not used or the work is not started within that ~~one~~two-year period, or within any extension granted pursuant to subsection 2516.7; *
 - c. Approvals shall lapse and cease to be in effect if the work commenced is abandoned for a period of one (1) year;
 - d. When a development subject to site plan approval is also subject to special land use approval as a principal use permitted subject to special conditions, option or other conditional use approval, such special land use approval shall expire with the preliminary site plan approval or final site plan approval; and
 - e. Neither the approval of a site plan, nor anything in the City of Novi Zoning Ordinance, should be interpreted or construed to give rise to any permanent vested

rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

7. Extensions. The time limit set forth in subpart 2516.6a., above, may be extended by the body which approved the preliminary site plan, subject to the following:
 - a. An extension may be granted for any period of time not to exceed one (1) year;
 - b. An extension of site plan approval must be requested in writing, at least thirty (30) days prior to the expiration of the approval period, and such request must be granted before the original site plan approval, or any extension thereof, expires or lapses;
 - c. Validation of a site plan or special land use approval after the date of expiration will require resubmittal to the city for review and approval. Except as otherwise permitted herein, there shall be no revisions to a site plan without prior approval;
 - d. No more than three (3) one-year extensions will be granted;
 - e. Preliminary or final site plan approval shall be void in the event of rezoning that is inconsistent with the planned use;
 - f. It is the burden of the applicant to show good cause for the granting of the requested extension. The body which approved the preliminary site plan shall consider the following factors in its determination of whether good cause exists:
 - (1) The applicant has demonstrated that needed utility services have been delayed;
 - (2) The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems;
 - (3) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
 - (4) The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;
 - (5) There is no pending zoning ordinance which would substantially change the requirements of the approved plan.
8. All provisions of the Novi Site Plan and Development Manual, as revised and attached hereto, excluding any appendix or attachments thereto, are hereby adopted, enacted and made a part of this Ordinance. The provisions of the Site Plan and Development Manual shall govern site plan review procedures and development requirements within the City of Novi; provided, if any provision of the Site Plan and Development Manual is in conflict with the City Charter, this or any other ordinance, or applicable statute, the conflicting provision shall not be interpreted as repealing said Charter, ordinance or statute, but rather said Charter, ordinance or statute shall govern.

(Ord. No. 97-18.134, Pts. I-III, 10-6-97; Ord. No. 98-18.145, Pts. I, II, 10-19-98; Ord. No. 99-18.151, Pt. I, 7-12-99; Ord. No. 2004-18.192, Pts. I-III, 5-17-04; Ord. No. 18.211, Pt. V, 12-4-06)

Section 2517 – Section 2524 [Unchanged]

PART III.

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 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.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2008.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: