

# MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** BARBARA MCBETH, AICP, CITY PLANNER  
**SUBJECT:** SET PUBLIC HEARING FOR TEXT AMENDMENT 18.287  
**DATE:** MAY 3, 2019

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The Planning Department periodically identifies ordinance standards that are inconsistent with other sections of the Zoning Ordinance, need clarification, or could provide increased clarity. Staff has identified several provisions of Section 3.31, PD, Planned Development Options that could be clarified, or be made more consistent with other sections of the Zoning Ordinance.

The attached draft ordinance modifications include the following:

1. The first modification is proposed to clarify where the PD, Planned Development Options are identified on the City's maps. Previously, the PD Option has been identified on the Master Plan for Land Use Map. The suggested change will allow the PD Options to also be shown on the Zoning Map, as that is the map that is frequently referenced when identifying Zoning Ordinance standards and allowable uses.
2. The second modification that is suggested is to remove the requirement that a site plan using the PD Options shall need to return to the Planning Commission or the City Council any time that there is a physical change to the exterior building wall façade materials, or physical alterations that will change the appearance of a building. This change is suggested to streamline the process for applicants wishing to make changes to previously approved buildings. Requests that would require a Section 9 façade waiver would still need to be presented to the Planning Commission and Council, but those changes that are in compliance with the façade standards could be approved administratively.
3. The third modification proposed is to the Site Plan Approval Limitations Section. The language provided in the PD, Planned Development Options section is very similar to existing Sections 6.1.6 and 6.1.7, which provide for site plan approval limitations, and provide provisions for extensions of the site plan approval. This change is proposed to allow this section of the ordinance to be consistent with provisions for other Zoning Districts.

The Planning Commission is asked to review the proposed amendments and if acceptable, set a public hearing for the proposed text amendment at a later meeting. Following the public hearing, the Planning Commission will be asked to make a recommendation to the City Council on the proposed ordinance amendments. The attached staff version of the proposed amendment is subject to review and changes by City staff and/or the City Attorney's Office prior to the public hearing.

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**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE NO. 18.287**

**AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT THE FOLLOWING LOCATIONS: ARTICLE 3, "ZONING DISTRICTS"; SECTION 3.31, "PLANNED DEVELOPMENT OPTIONS"; IN ORDER TO REDUCE REDUNDANCIES, CLARIFY ORDINANCE LANGUAGE, AND OTHER ITEMS DEEMED NECESSARY.**

**THE CITY OF NOVI ORDAINS:**

**Part I.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.31, Planned Development Options is hereby amended to read as follows:

3.31 Planned Development Options

1. Intent. The PD Planned Development Options contained herein are intended to provide for alternative means of land use development within designated zoning districts. The options contained herein shall be considered only within those areas of the City which are specifically designated for their application on the City's Master Plan for Land Use Map [or the Zoning Map](#).

**Part II.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.31.4.E, is hereby amended to read as follows:

Section 3.31.4.E Planned Development Options

- E. Site Plan Revisions. Revisions to an approved Preliminary Site Plan shall require re-submittal of plan revisions to the City for review. Such revisions shall be resubmitted to the Planning Commission and City Council for review and approval, except those revisions permitted to be reviewed administratively under Section 6.1.1.C. ~~Revisions requiring Commission and Council review shall include physical changes to the exterior building wall façade materials or physical alterations that will change the appearance of a building.~~ The Planning Commission and City Council, in making a review of a revised site plan, shall find that any such revisions forwarded to them for review and approval, meet all the minimum requirements of this Section, including its general intent.

Revisions to an approved Final Site Plan shall require re-submittal of plan revision to the City for administrative review, unless the City Council has requested that the Final Site Plan be submitted to it for review.

**Part III.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.31.4.F, is hereby amended to read as follows:

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### Section 3.31.4.F Planned Development Options

- F. Site Plan ~~a~~Approval ~~l~~imitations ~~and extensions shall be in accordance with Section 6.1.6 and 6.1.7. Approval of a Preliminary Site Plan shall be effective for a period of one (1) year from the date of approval by the City Council, within which time period the applicant shall obtain final site plan approval. Approval of a Final Site Plan shall be effective for a period of two (2) years from the date of approval, within which time the applicant shall obtain building and other necessary permits and commence construction. Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.~~
- ~~i. The City Council may grant an extension of the Preliminary and/or Final Site Plan approval for a period of up to two (2) years, and may grant at the conclusion of such extension additional subsequent extensions for similar periods of time. In determining whether good cause exists for an extension, the City Council shall consider the following factors:~~
- ~~a. The applicant has demonstrated that required utility services have been delayed;~~
  - ~~b. The applicant has demonstrated that technical reviews of the Final Site Plan have raised unforeseen development delays;~~
  - ~~c. The applicant has demonstrated that unforeseen economic events or conditions have caused delays;~~
  - ~~d. The approved Preliminary or Final Site Plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;~~
  - ~~e. There is no pending zoning ordinance amendment~~
- ~~ii. Development shall be in accordance with such time limits unless an extension is requested and granted by the City Council.~~

#### **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

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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 \_\_\_\_\_, 2019.

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ROBERT J. GATT, MAYOR

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CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent: