

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: RESIDENTIAL TEXT AMENDMENTS
DATE: MAY 18, 2023

In connection with the school and park property exchange, and with the expectation that the Novi Community Schools likely intends at some point in the future to use a portions of the exchanged property for school uses, staff is proposing ordinance modifications to the Single Family Residential districts related to the standards for public and private elementary, intermediate or secondary school uses, and to clarify the standards and remove inconsistencies that have been noted. Explanations of the draft versions of the amendments are included in this memo followed by the text of the ordinance with proposed changes highlighted in red text.

Since the Planning Commission first considered the amendment as an introduction to the proposed changes at the May 10th meeting, additional adjustments have been made to Section 7.1, Nonconformities, at the advice of the City Attorney.

RA, RESIDENTIAL ACREAGE DISTRICT

In the RA, Residential Acreage District, elementary schools are currently considered a Principal Permitted Use. Intermediate or secondary schools are considered a Special Land Use. In review of the ordinance, staff identified an inconsistency in the ordinance placing elementary schools in both categories, Principal Permitted Uses and Special Land Uses. The proposed ordinance correction below will allow elementary schools in the RA, Residential Acreage District as a Principal Permitted Use, as we believe the original ordinance intended.

Staff is also recommending adding the word "other" to references to "Public, parochial, and *other* private schools" throughout the ordinance for consistency.

3.1.1 RA Residential Acreage

B. Principal Permitted Uses

- iv. Public, parochial, and other private elementary Schools. SS 4.3

C. Special Land Uses

- v. Public, parochial, and other private elementary, intermediate or secondary schools. SS 4.3

R-1 THROUGH R-4 DISTRICTS

In the R-1 through R-4 Districts, public, parochial, and other private elementary, intermediate or secondary schools are considered a Special Land Use, subject to the

standards of Section 4.3.2. There are no significant changes proposed to these sections, but the standards of Section 4.3.2 are proposed to be updated to amend this section, as noted below.

3.1.2 R-1 One-Family Residential

C. Special Land Uses

- ii. Public, parochial, and other private elementary, intermediate or secondary schools SS 4.3.2

SECTION 4.3 USE STANDARDS

Section 4.3 provides use standards for schools and is referenced in the RA, and the R-1 through R-4 Districts. Two clean-ups to this section are proposed. First, Section 4.3.1 is proposed to be updated to reflect more accurately that different schools are permitted either as a Principal Permitted Use or as a Special Land Use, as provided in Section 3.1.1. The second clean-up is to Section 4.3.2 to note that, in the ordinance most school uses are considered a Special Land Use, except for elementary schools in the RA District, as well as new provisions provided in the Nonconformities Section 7.1.3.D.

SECTION 4.3 SCHOOLS

1. In the RA district, public, parochial, and other private elementary schools offering courses in general education, not operated for profit, and not including dormitories are permitted as a Principal Permitted Use.
2. In the RA, R-1, R-2, R-3 and R-4 districts, public, parochial, and other private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories are a permitted special land use, except as otherwise noted in Section 7.1.3.D. Access to the site shall be in accordance with Section 5.13. A noise impact statement is required subject to the standards of Section 5.14.10.B.

SECTION 7.1 NONCONFORMITIES

Finally, a new section is added at Section 7.1.3.D that will allow certain public schools to expand or extend school uses on the remainder of the parcel as a Principal Permitted Use, and not as a Special Land Use. Some additional considerations state that the building shall be owned by a public school that was approved under the Michigan Revised School Code, and that the building is located within the RA, R-1, R-2, R-3, or R-4 zoning district. The specific recommended language is below in red.

3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Notwithstanding anything to the contrary in this Ordinance (including Section 3.1 and Section 4.3), if a building owned by a public school was approved pursuant to Michigan Revised School Code Section 1263, MCL 380.1263 and is located within an RA, R-1, R-2, R-3, or R-4 zoning district, and if the public school is using at least part of its parcel for school uses, then the public school may expand or extend its school uses onto the remainder of that parcel, which uses shall be considered a principal permitted use thereon.

The Planning Commission is asked to hold the required public hearing and **make a recommendation for approval (or denial) of the text amendment to the City Council. Approval is recommended because the ordinance amendment addresses inconsistencies in the ordinance and facilitates the land swap between the City of Novi and the Novi Community School District.**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.302

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED, AT THE FOLLOWING LOCATIONS: ARTICLE 3.0, "ZONING DISTRICTS," SECTION 3.1, "DISTRICTS ESTABLISHED" AT SECTIONS 3.1.1 THROUGH 3.1.5, "RA RESIDENTIAL ACREAGE" DISTRICT AND "R-1" THROUGH "R-4 ONE-FAMILY RESIDENTIAL DISTRICTS"; ARTICLE 4.0 "USE STANDARDS," SECTION 4.3, "SCHOOLS"; AND ARTICLE 7.0 "ADMINISTRATION, APPEALS AND ENFORCEMENT," SECTION 7.1 "NONCONFORMITIES" IN ORDER TO UPDATE THE STANDARDS FOR SCHOOLS AND MAKE OTHER MODIFICATIONS RELATING TO NONCONFORMING PROPERTIES.

THE CITY OF NOVI ORDAINS:

Part I. That Article 3, Zoning Districts, Section 3.1 Districts Established, Sections 3.1.1 through 3.1.5, RA Residential Acreage District and R-1 through R-4 One-Family Residential Districts, of the City of Novi Zoning Ordinance is hereby amended in the following sections:

Section 3.1.1 RA Residential Acreage District

- A.-B. [unchanged]
- C. Special Land Uses
 - i.-iv. [unchanged]
 - v. Public, parochial, and other private elementary, intermediate or secondary schools. SS 4.3
- D. [unchanged]

Section 3.1.2 R-1 One-Family Residential District

- A.-B. [unchanged]
- C. Special Land Uses
 - i. [unchanged]
 - ii. Public, parochial, and other private elementary, intermediate or secondary schools SS 4.3.2
- D. [unchanged]

Section 3.1.3 R-2 One-Family Residential District

- A.-B. [unchanged]

- C. Special Land Uses
 - i. [unchanged]
 - ii. Public, parochial, and other private elementary, intermediate or secondary schools SS 4.3.2

Section 3.1.4 R-3 One-Family Residential District

- A.-B. [unchanged]
- C. Special Land Uses
 - i. [unchanged]
 - ii. Public, parochial, and other private elementary, intermediate or secondary schools SS 4.3.2
- D. [unchanged]

Section 3.1.5 Section 3.1.5 R-4 One-Family Residential District

- A.-B. [unchanged]
- C. Special Land Uses
 - i. [unchanged]
 - ii. Public, parochial, and other private elementary, intermediate or secondary schools SS 4.3.2
- D. [unchanged]

Part II. That Article 4, Use Standards, of the City of Novi Zoning Ordinance is hereby amended in the following section:

SECTION 4.3 SCHOOLS

1. In the RA district, public, parochial, and other private elementary schools offering courses in general education, not operated for profit, and not including dormitories are permitted as a Principal Permitted Use.
2. In the RA, R-1, R-2, R-3 and R-4 districts, public, parochial, and other private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories are a permitted special land use, except as otherwise noted in Section 7.1.3.D. Access to the site shall be in accordance with Section 5.13. A noise impact statement is required subject to the standards of Section 5.14.10.B.

Part III. That Article 7, Administration, Appeals and Enforcement, of the City of Novi Zoning Ordinance is hereby amended in the following section:

SECTION 7.1 NONCONFORMITIES

1. – 2. [unchanged]
3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - A. - C. [unchanged]
 - D. Notwithstanding anything to the contrary in this Ordinance (including Section 3.1 and Section 4.3), if a building owned by a public school was approved pursuant to Michigan Revised School Code Section 1263, MCL 380.1263 and is located within an RA, R-1, R-2, R-3, or R-4 zoning district, and if the public school is using at least part of its parcel for school uses, then the public school may expand or extend its school uses onto the remainder of that parcel, which uses shall be considered a principal permitted use thereon.

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 _____, 2023.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent: