



CITY of NOVI CITY COUNCIL

Agenda Item 14
June 17, 2019

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections, and Zoning Ordinance Text Amendment 18.287 to amend the Zoning Ordinance at Article 3, Section 3.31 "Planned Development Options." The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department – Planning Barb

CITY MANAGER APPROVAL: PR

BACKGROUND INFORMATION:

Text amendment 18.282

Planning staff is proposing a number of Zoning Ordinance text amendments to address inconsistencies or oversights found between the former version of the Zoning Ordinance and the Clearzoning format of the Zoning Ordinance. These changes include correcting the titles of Section 3.6 and 3.19 in the Article 3.0 Table of Contents, correcting the formatting and number in Section 3.1.7 RM-1 Low Density, Low-Rise Multiple-Family District, and adding assisted living type facilities and accessory buildings and uses to the Special Land Uses in the RM-2 District (Section 3.1.8). In Section 3.1.11 (B-2 Community Business District) and Section 3.1.12 (B-3 General Business District) the types of retail businesses allowed have been restored, redundancies removed, and Instructional Centers have been added, as had been the interpretation of the ordinance in its previous format. Section 3.6.2.O is updated to fix a discrepancy between the text and numerical reference.

In addition, the ordinance contains some more substantive changes, including updates to address Michigan's law regarding Marihuana establishments and the City Council's recent action to prohibit them in Novi; expanding Section 3.6.2.K. pertaining to providing sidewalks to apply in all residential districts, Section 3.6.2.L. to state minimum yard setbacks apply to side and rear yard parking, and 3.6.2.M to prohibit cutting of vegetation within wetland/watercourse setbacks.

Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions is updated to ensure business, servicing and processing are conducted within buildings in both the B-2 and B-3 Districts, except as otherwise permitted. (Note there has been one change to the proposed ordinance language in the B-3 Districts, as noted below, relating to theaters in the B-3 District.)

Section 3.12 Special Development Option (SDO) for the GE District is modified to remove the requirement for the City Council to conduct a public hearing in order to be consistent with the requirements of other districts that require City Council approval.

Changes to Section 4.12 Group Day Care Homes, Day Care Centers, and Adult Day Care Centers would allow the Planning Commission to modify the outside recreation area required by the Ordinance for Day Care and Adult Day Care Centers, as well as adding B-3 to the list of districts where such uses are permitted, and renumbering the section for consistency.

Section 4.19 Accessory Uses is modified to add language relating to the placement and screening of transformer and other utility boxes. The Use Standards in Sections 4.21 (Convalescent Homes, Assisted Living Facilities, etc.), 4.24 (Dry Cleaning Establishments or Pickup Stations), and 4.27 (Retail Business or Service Establishments) are modified to include other relevant districts where the uses would be permitted. In Section 5.14 Performance Standards the chart 5.14.10.A.ii is simplified to separate Residential District standards from Non-Residential and Mixed Use.

The façade materials chart in Section 5.15 is modified to add a footnote to address how fiber cement architectural panels are reviewed. A new Section 7.15 Petitions is proposed to provide a process for protest petitions in conformance with the Michigan Zoning Enabling Act.

The Planning Commission held a public hearing on this matter in April, and recommended approval to the City Council. Subsequent discussion by the Ordinance Review Committee (ORC) has been taken into consideration with the information presented to the City Council at this time. One change to the proposed language from the version that the Planning Commission reviewed, relating the B-3, General Business District, has now been removed from the proposed text updates: *Theaters, assembly halls, concert halls, museums, or similar places of assembly* as a Principal Permitted Use in the B-3 District is no longer included. Instead, as suggested and requested by the ORC, staff will review these uses, and a number of other uses, for possible future consideration as Special Land Uses in certain districts, instead of Principal Permitted Uses, and will bring the issue back for discussion at future Planning Commission and City Council meetings.

Text Amendment 18.287

On June 12, the Planning Commission held a public hearing for consideration of proposed text amendments related to the Planned Development (PD) Options and made a motion to recommend approval to the City Council. The attached draft ordinance modifications include the following:

1. The first modification is proposed to expand where the areas qualifying for use of the PD, Planned Development Option are to be identified on the City's maps. Currently, the zoning ordinance provides that the PD Option will be identified only 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. This proposed change was identified when the Chick-fil-A plan was recently processed. The property involved there (the

former Denny's restaurant) was not shown as qualifying for the PD Option in the Master Plan Land Use Map. The Chick-fil-A use was processed effectively as a zoning map amendment (from RC to RC with the PD Option) to show the PD Option. This language change would insert that process into the text of the zoning ordinance, which allows the Council to authorize the use of the PD Option without amending the Master Plan Map.

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. This change relates only to façade/appearance changes; the language requiring the site plan to return to Council or the Planning Commission for other changes remains in the ordinance.
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.

RECOMMENDED ACTION:

Part I

Approval of Zoning Ordinance Text Amendment 18.282 to amend the City of Novi Zoning Ordinance in numerous separate sections. The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. **FIRST READING**

Part II

Approval Zoning Ordinance Text Amendment 18.287 to amend the City of Novi Zoning Ordinance at Article 3, Section 3.31 "Planned Development Options." The amendments make miscellaneous revisions necessary to address inconsistencies, to clarify certain ordinance language, and to conform with other recent ordinance amendments. **FIRST READING**

PROPOSED
ZONING ORDINANCE
TEXT AMENDMENT 18.282

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STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.282

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT THE FOLLOWING LOCATIONS: ARTICLE 3, "ZONING DISTRICTS"; ARTICLE 3, SECTION 3.1.7, "RM-1 LOW DENSITY, LOW-RISE MULTIPLE-FAMILY DISTRICT"; ARTICLE 3, SECTION 3.1.8 "RM-2 HIGH DENSITY, MID-RISE MULTIPLE-FAMILY DISTRICT"; ARTICLE 3, SECTION 3.1.11 "B-2 COMMUNITY BUSINESS DISTRICT"; ARTICLE 3, SECTION 3.1.12 "B-3 GENERAL BUSINESS DISTRICT"; ARTICLE 3, SECTION 3.6.2 "NOTE TO DISTRICT STANDARDS"; ARTICLE 3, SECTION 3.10 "B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS"; ARTICLE 4, SECTION 4.12 "GROUP DAY CARE HOMES, DAY CARE CENTERS, AND ADULT DAY CARE CENTERS"; ARTICLE 5, SECTION 5.14 "PERFORMANCE STANDARDS"; IN ORDER TO FIX INCONSISTENCIES, 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 2, Definitions, is hereby amended to include the following definition:

[Marihuana \(or Marijuana\) Establishments: Those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.](#)

Part II.

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

Article 3.0 Zoning Districts

- 3.1 Districts Established
- 3.2 District Boundaries
- 3.3 District Boundaries Interpreted
- 3.4 Zoning of Annexed Areas
- 3.5 Zoning of Vacated Areas
- 3.6 Note to ~~Schedule of Regulations~~ District Standards
- 3.7 RA, R-1, R-2, R-3, and R-4 Required Conditions
- 3.8 RM-1 and RM-2 Required Conditions
- 3.9 MH District Required Conditions
- 3.10 B-1, B-2, and B-3 Business Districts Required Conditions
- 3.11 GE District Required Conditions
- 3.12 Special Development Option (SDO) for the GE District
- 3.13 FS District Required Conditions
- 3.14 I-1 District Required Conditions
- 3.15 I-2 District Required Conditions
- 3.16 NCC District Required Conditions
- 3.17 OS-1 District Required Conditions
- 3.18 OSC District Required Conditions

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- 3.19 OST District ~~Required Conditions~~ Retail Service Overlay
- 3.20 OST District Required Conditions
- 3.21 PSLR Required Conditions
- 3.22 P-1 District Required Conditions
- 3.23 Conference District Required Conditions
- 3.24 EXPO District Required Conditions
- 3.25 EXO Overlay District Required Conditions
- 3.26 RC District Required Conditions
- 3.27 TC and TC-1 District Required Conditions
- 3.28 One-Family Clustering Option
- 3.29 RUD Residential Unit Development
- 3.30 Open Space Preservation Option
- 3.31 Planned Development Option
- 3.32 General Exceptions

Part III.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.7, is hereby amended to read as follows:

Section 3.1.7 RM-1 Low Density, Low-Rise Multiple-Family District

A. [unchanged]

B. Principal Permitted Uses

- i. Multiple-family dwellings
- ii. Independent and congregate elderly living facilities §4.20
- iii. Accessory buildings and uses §4.19, customarily incident to the above permitted uses

The following uses are regulated according to the standards and regulations in the RT Two-Family Residential District (Section 3.1.6): ~~Two family dwellings (site built)~~

- iv. Two-family dwellings (site built)
- v. ~~i.~~ Shared elderly housing §4.20
- vi. ~~ii.~~ Accessory buildings and uses §4.19, customarily incident to the above permitted uses

The following uses are regulated according to the standards and regulations in the R-4 One Family Residential District (Section 3.1.5):

- vii. One-family detached dwellings
- viii. Farms and greenhouses §4.1
- ix. Publicly owned and operated parks, parkways, and outdoor recreational facilities
- x. Cemeteries §4.2
- xi. Home occupations §4.4
- xii. Keeping of horses and ponies §4.8
- ~~xiii. iv.~~ Family day care homes §4.5
- ~~xiv. v.~~ Accessory structures and uses §4.19, customarily incident to the above permitted uses

C. [unchanged]

D. [unchanged]

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Part IV.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.8, is hereby amended to read as follows:

Section 3.1.8 RM-2 High Density, Mid-Rise Multiple-Family District

A. [unchanged]

B. [unchanged]

C. Special Land Uses

- i. Retail commercial services and office uses
- ii. Convalescent homes, assisted living facilities, hospice care facilities, and child care centers §4.21
- iii. Accessory buildings and uses §4.19 customarily incident to any of the above permitted uses

D. [unchanged]

Part V.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.11, is hereby amended to read as follows:

Section 3.1.11 B-2 Community Business District

A. [unchanged]

B. Principal Permitted Uses

- i. Retail business uses §4.27
- ii. Retail business service uses §4.27
- iii. Business establishments which perform services on the premises
- iv. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer §4.24
- v. Professional services
- ~~vi. Retail business §4.27~~
- vi. Instructional centers
- vii. Service establishments of an and office, showroom, or workshop nature §4.27
- viii. Restaurants (sit-down), banquet facilities or other places serving food or beverage §4.27
- ix. Theaters, assembly halls, concert halls, museums, or similar places of assembly §4.27
- x. Business schools and colleges or private schools operated for profit §4.27
- xi. Day care centers, and adult day care centers §4.12.2
- xii. Private clubs, fraternal organizations, and lodge halls
- xiii. Places of worship §4.10
- xiv. Hotels and motels §4.28
- xv. Professional and medical offices, including laboratories
- xvi. Other uses similar to the above uses
- xvii. Accessory structures and uses §4.19, customarily incident to the above permitted uses

C. [unchanged]

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D. [unchanged]

Part VI.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.12, is hereby amended to read as follows:

Section 3.1.12 B-3 General Business District

A. [unchanged]

B. Principal Permitted Uses

- i. Retail business uses §4.27
- ii. Retail business service uses §4.27
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services
- ~~vi. Retail business or retail business service establishments §4.27~~
- ~~vi. Service establishments of an and office, showroom, or workshop nature §4.27~~
- ~~vii. Restaurants (sit-down), banquet facilities or other places serving food or beverage §4.27~~
- ~~viii. Business schools and colleges or private schools operated for profit §4.27~~
- ~~ix. Instructional centers~~
- ~~x. vii. Professional and medical offices, including laboratories~~
- ~~xi. viii. Fueling station §4.29~~
- ~~ix. Sale of produce and seasonal plant materials outdoors §4.30~~
- ~~xii. x. Auto wash §4.32~~
- ~~xiii. xi. Bus passenger stations~~
- ~~xiv. xii. New and used car salesroom, showroom, or office~~
- ~~xv. xiii. Other uses similar to the above uses~~
- ~~xvi. xiv. Tattoo parlors~~
- ~~xvii. xv. Publicly owned and operated parks, parkways, and outdoor recreational facilities~~
- ~~xiii. xvi. Accessory structures and uses §4.19 customarily incident to the above permitted uses~~
- ~~xix. xvii. Public or private health and fitness facilities and clubs~~
- ~~xx. xviii. Microbreweries §4.35~~
- ~~xxi. xix. Brewpubs §4.35~~
- ~~xxii. Group day care homes, day-Day care centers, and adult day care centers §4.12.2~~

C. [unchanged]

D. [unchanged]

Part VII.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.6, is hereby amended to read as follows:

Section 3.6 Note to District Standards

1. [unchanged]

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2. Notes:

A-J. [unchanged]

K. There shall be provided concrete pedestrian safety paths (sidewalks) of five (5) feet in width along both sides of all public and private roads for a development permitted in a residential ~~an RT~~ district.

L. Wherever property directly abuts or is adjacent to residentially zoned property, the minimum side and rear yard parking setback shall be twenty (20) feet.

M. Wetland/watercourse Setback

i-ii. [unchanged]

iii. Within an established wetland or watercourse setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no deposition of any material, removal of any soils, or minerals, cutting ~~or removal of and/or~~ vegetation, dredging, filling or land balancing, or construction of any temporary or permanent structures.

iv-v. [unchanged]

N. [unchanged]

O. On properties located within ~~one thousand one hundred~~ one thousand two hundred (1,200) feet of a limited access freeway right of way line and not adjacent to residentially zoned properties, buildings may be constructed up to sixty-five (65) feet in height, with all building setbacks increased by two (2) feet for every one (1) foot of building height in excess of the maximum height permitted in that district, except as follows: In the I-1 and I-2 districts, only office buildings, research and development facilities, and data processing and computer centers and similar facilities which do not include a substantial manufacturing or warehousing component may be permitted the additional height.

P-Q. [unchanged]

Part VIII.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.10, is hereby amended to read as follows:

Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions

1. [unchanged]

2. In the B-2 district:

A. The maximum height of buildings may be increased to 42 feet (up to 3 stories) for a development that does not abut a residential district.

~~B. All business, servicing or processing, except for off street parking, loading/unloading and those outdoor sales uses permitted and regulated in Section 3.1.11.C, shall be conducted within completely enclosed buildings.~~

3. In the B-2 and B-3 districts:

A. [unchanged]

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- B. All business, servicing or processing, except for off-street parking, loading/unloading and those outdoor sales uses permitted and regulated in Section 3.1.11.C or Section 3.1.12.C, shall be conducted within completely enclosed buildings.

Part IX.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.12, is hereby amended to read as follows:

Section 3.12 Special Development Option (SDO) for the GE District

- 1-5. [unchanged]
- 6. Review and approval process for Special Development Option Concept Plan
 - A. [unchanged]
 - B. Procedure for Review and Approval
 - i. Consideration of Concept Plan Application:
 - a-c. [unchanged]
 - d. City Council Review. Within sixty (60) days after recommendation by the Planning Commission, the concept plan shall be placed on an agenda of the City Council, ~~and the City Council shall conduct a public hearing.~~ In making its review, the City Council shall follow the standards and guidelines applicable to an SDO project. After review of the Planning Commission's recommendation, consideration of ~~the any~~ any input received ~~at the public hearing,~~ and other information relative to the Special Development Option application, the City Council may grant the application with or without conditions, which will serve as concept plan approval of the Special Development Option application. When such approval is given, it shall be tentative, and the City Council shall instruct the applicant to have prepared, for review and approval by the City's legal counsel, a contract, which shall incorporate the concept plan and specify the terms and provisions upon which the approval is based. After approval of the contract by resolution of the City Council, the contract shall be executed by the City and the applicant and recorded in the office of the Oakland County Register of Deeds. Final approval of the concept plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved concept plan and shall not be commenced until after site plan approval by City Council.
- 7. [unchanged]

Part X.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.12, is hereby amended to read as follows:

Section 4.12 Group Day Care Homes, Day Care Centers, and Adult Day Care Centers

- 1. In the RA, R-1, R-2, R-3, and R-4 districts, group day care homes, day care centers, and adult day care centers are permitted as a special land use, as follows:
 - A. [unchanged]

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- B. Day Care Centers accommodating no more than fifty (50) children, and Adult Day Care Centers accommodating no more than twenty-five (25) persons, subject to the following:
 - i. Outside recreation area required, unless modified by the Planning Commission based on justification provided by the applicant, as follows:
 - a-c. [unchanged]

2. Day care centers and adult day care centers are a permitted use in the B-2, B-3, OST, TC, TC-1 districts and EXO Overlay district and a special land use in the OS-1, OSC, and PSLR districts, all subject to the following:

- i. A. In the B-2, B-3, OST, OS-1, OSC, TC, TC-1, PSLR districts and EXO Overlay district:
 - a. i. Outdoor recreation areas shall be provided, consisting of at least one -hundred fifty (150) square feet for each person cared for, with a minimum total area of three-thousand five-hundred (3,500) square feet. All such outdoor recreation areas shall be fenced with self-closing gates. The recreation area may extend into an exterior side yard up to twenty-five (25) percent of the distance between the building facade and the property line.
 - b. ii. The hours of operation shall be limited to the period between 6 a.m. and 7 p.m. for those facilities abutting residential zoning districts.
 - c. iii. Facilities shall be located either within a permitted office, or commercial structure, or in a freestanding building on a site coordinated with surrounding development (i.e., traffic flow, parking access, drop off areas, architecture and relationship to other buildings).
 - d. iv. Screening and landscaping of outdoor recreation areas, recreation area fences and parking lots shall comply with Section 5.5.
 - e. v. Off-street parking shall comply with Section 5.2.12. and Section 5.3.
- ii. B. In the B-2, B-3, OST, OS-1, OSC, TC, TC-1 districts and EXO Overlay district:
 - a. i. Not more than fifty (50) percent of front yard or exterior side yard setback between the minimum required parking setbacks (~~35~~) and building facade line may be used for parking. The balance of this area shall be maintained in lawn and landscaping.
 - b. ii. Vehicular access to site shall not be directly to or from a major arterial or arterial.
 - c. iii. Facilities abutting residential zoning districts shall be reviewed under the facade standards provided in Section 4.12.1.B.vii.

3. [unchanged]

Part XI.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.19, is hereby amended to read as follows:

Section 4.19 Accessory Uses

1. [unchanged]

2. Accessory Structures

A.-H. [unchanged]

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I. Transformer units and other utility boxes under four (4) feet in height may be located next to a building in a rear or side yard, and shall meet the setback requirements of an accessory building. Placement of the units shall not interfere with pedestrian or vehicular traffic flow. Units over four (4) feet in height shall be located in the rear yard. All units shall be properly screened in conformance with the Landscape Design Manual.

Part XII.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.21, is hereby amended to read as follows:

Section 4.21 Convalescent Homes, Assisted Living Facilities, Hospice Care Facilities and Child Care Centers

In the RM-1 and RM-2 districts, convalescent homes, assisted living facilities, hospice care facilities and child care centers shall be permitted as a special land use when the following conditions are met:

1-2. [unchanged]

Part XIII.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.24, is hereby amended to read as follows:

Section 4.24 Dry Cleaning Establishments or Pickup Stations

In the B-1, B-2, B-3 and TC districts, dry cleaning establishments, or pick-up stations, dealing directly with the consumer are a permitted use. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

Part XIV.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.27, is hereby amended to read as follows:

Section 4.27 Retail Business or Service Establishments

1. In the B-2, B-3, TC and TC-1 districts, all retail business or service establishments are permitted as follows:

A.-B. [unchanged]

C. Restaurants (sit down), banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window, unless otherwise permitted herein.

D.-E. [unchanged]

2. [unchanged]

Part XV.

That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.91, is hereby added to read as follows:

Section 4.91 Marihuana Establishments

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Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., all marihuana and marijuana establishments are prohibited within the boundaries of the City of Novi.

Part XVI.

That the City of Novi Zoning Ordinance, as amended, Article 5, Site Standards, Section 5.14, is hereby amended to read as follows:

Section 5.14 Performance Standards

No use otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1-9. [unchanged]

10. Noise

A. Noise Disturbances

i. [unchanged]

ii. Where background sound levels exceed the sound level limits in Table 5.14.10.A.ii, below, a violation shall be deemed to exist if the complained for activity exceeds the background sound levels by six (6) decibels.

5.14.10.A.ii Weighted Sound Level Limit Decibels			
Receiving Zoning Districts			
R-1, R-2, R-3, R-4, RT, RA, RM-1, RM-2, MH Residential		NCC, B-1, B-2, B-3, EXPO, EXO, OS-1, OSC, TC, TC-1, RC, FS, C, I-1, I-2, P-1, PSLR Non-Residential and Mixed-Use	
Night Time Hours Decibels	Day Time Hours Decibels	Night Time Hours Decibels	Day Time Hours Decibels
55	60	70	75

iii. [unchanged]

iv. [unchanged]

v. [unchanged]

vi. [unchanged]

B. [unchanged]

Part XVII.

That the City of Novi Zoning Ordinance, as amended, Article 5, Site Standards, Section 5.15, is hereby amended to read as follows:

Section 5.15 Exterior Building Wall Façade Materials

Introductory paragraphs to section [Unchanged].

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1-14. [Unchanged].

5.15 Schedule Regulating Façade Materials			
Façade Regions ⁽⁶⁾			
Region 1	Buildings located in the TC, TC-1, 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 ⁽⁸⁾	100	100
Brick, painted ⁽³⁾	0	0	0
Glazed brick & ceramic tile ⁽¹⁾	25	75	100
Limestone	50	100	100
Stone field, cobble, etc.	50	75	100
Granite, marble, polished	50	100	100
Fluted & split faces c.m.u. ^(2, 11)	10	50	75
Striated scored c.m.u. ^(2, 11)	0	0	25
Concrete "C" brick ⁽¹³⁾	25	50	75
Precast colored exposed agg.	0	25	50
Precast, other	0	0	0
Flat metal panels (urethane backed)	50 ⁽⁹⁾	50	75
Standing seam metal ⁽⁷⁾	25	50	75
Ribbed metal panels ⁽⁷⁾	0	25	50
Spandrel glass	50	50	50
Glass block	0	25	50
Display glass	25	25	25
Molded cornices, trim, columns, surrounds	15	15	15
Wood siding, painted, t&g, and batten siding ⁽¹³⁾	0 ⁽¹⁰⁾	25 ⁽¹⁰⁾	50
Horizontal Clapboard, Dutch Lap vinyl & aluminum siding	0	0	0
Patterned/textured vinyl and polymer siding (scalloped, staggered shake, half round, fish scale, rough split, etc.) ⁽¹⁵⁾	25	25	25
E.I.F.S. (dryvit) ⁽⁵⁾	25	50	75
Cast stone & G.F.R.C.	25	50	75
Cement plaster	0	25	25
Awnings: Fabric or Membrane ⁽⁵⁾	10	15	15
Asphalt shingles	25 ⁽¹⁴⁾	25 ⁽¹⁴⁾	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. Previously painted brick must meet color standards in paragraph 2 of this Section as determined by submission of color samples for façade consultant review. 4. 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. 5. Adjacent permanent facade materials shall extend behind awnings, backlit translucent 			

- awnings are not permitted except as regulated as a building sign.
6. Refer also to [Section 3.27.1.G](#) for additional TC and TC-1 districts facade requirements [Section 3.21.2.C](#) for additional PSLR overlay district facade requirements, and [Section 3.25.2.G](#) for additional EXO overlay district facade requirements.
 7. Must have factory applied permanent colored finish.
 8. All buildings in Region 1 shall have a minimum of thirty (30) percent brick.
 9. Up to twenty-five (25) percent is allowed in the TC and TC-1 districts.
 10. 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.
 11. The combined maximum amount of all C.M.U. shall not be greater than 75% of any one building and/or facade.
 12. 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.
 13. Wood grain textured fibrous concrete siding shall be considered wood siding with respect to this ordinance.
 14. Up to 50% allowed with residential style architecture or in R Districts. Asphalt shingles are prohibited on mansard style roofs.
 15. [Fiber cement architectural panels of 5/8" minimum thickness with simulated wood, stone or brick texture and color installed using clip attachment system on rain screen substrate shall be considered Patterned / Textured siding with respect to this Ordinance.](#)

General Notes to Table

- Roof areas having slopes 3:12 and greater shall be considered facades.
- Vision glass and doors shall be omitted from facade material area calculations and percentages.
- Detached single family dwellings are not subject to this Section. Refer to Section 3.7 for facade standards.
- Backlit translucent plastic, backlit awnings, neon lighting, LED string lighting, and other such facade materials designed to visually attract attention for the purpose of commercial activity are not permitted.
- 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.
- When a specific material is not listed in the table, then the facade consultant shall make a determination as to the most similar material listed.

Part XVIII.

That the City of Novi Zoning Ordinance, as amended, Article 7, Administration, Appeals and Enforcement, Section 7.15, is hereby added to read as follows:

Section 7.15 Petitions

[If a protest petition in conformance with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq., is presented to the City Council before the final adoption of an amendment to this ordinance, such amendment shall not be passed except as provided by law. The protest petition shall be submitted to the City Clerk by 12:00 P.M. on the day of the City Council public hearing on the proposed amendment. The City shall provide a form for such petition, upon request.](#)

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PART XIX.

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 XX.

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 XXI.

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 XXII.

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 _____, 2019.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

EXCERPT FROM
PLANNING COMMISSION MEETING MINUTES
APRIL 17, 2019



PLANNING COMMISSION

MINUTES Excerpt

CITY OF NOVI

Regular Meeting

April 17, 2019 7:00 PM

Council Chambers | Novi Civic Center

45175 W. Ten Mile (248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Avdoulos, Member Hornung, Member Lynch, Chair Pehrson

Absent: Member Greco, Member Maday

Also Present: Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Beth Saarela, City Attorney; Josh Bocks, Traffic Consultant; Pete Hill, Environmental Consultant; Doug Necci, Façade Consultant

1. ZONING ORDINANCE TEXT AMENDMENT 18.282

Consideration for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at several sections in order to clarify items, address inconsistencies between the former version and the newer ClearZoning format, errors within the ordinance, and other items deemed necessary.

Planner Bell said Planning Staff is proposing a number of minor zoning text amendments to address inconsistencies and minor errors between the former version of the Zoning Ordinance and the ClearZoning format, as was just mentioned by Sri when it came up in the previous case, as well as many other instances. These changes include correcting titles, formatting, and numbering; adding assisted living type facilities and accessory buildings and uses are added to the Special Land Uses in the RM-2 District; in the B-2 and B-3 Districts the types of retail businesses allowed have been restored; redundancies removed; and instructional centers have been added as had been the interpretation of the Ordinance in the previous format; the performance standards and the noise level chart is simplified to separate residential standards from non-residential and mixed use.

Other minor but substantive changes include updates to address Michigan's law regarding marijuana establishments and the City Council's recent action to prohibit them in Novi; expanding requirements for sidewalks to apply in all residential districts; prohibiting the cutting of vegetation within wetland and watercourse setbacks; updates to ensure business servicing and processing are conducted within buildings in both the B-2 and B-3 Districts except as otherwise permitted; the Special Development Option for the Gateway East District is modified to remove the requirement for the City Council to conduct a

public hearing in order to be consistent with the requirements in the other districts that require City Council approval. The Planning Commission hearings would still be required in advance of that.

Changes to the daycare – group daycare, adult daycare – would allow the Planning Commission to modify the outside recreation area required, as well as adding B-3 to the list of districts where such uses are permitted, and renumbering the section for consistency. Section 4.19 which deals with accessory uses is modified to add language related to the placement and screening of transformer and other utility boxes; the use standards in several sections are modified to include the other relevant districts where those uses are permitted; the façade materials chart is modified to add a footnote to address how fiber cement architectural panels are reviewed, since we are seeing those more recently on many projects; and finally, a new section is proposed to provide a process for protest petitions in conformance with the Michigan Zoning Enabling Act, which was brought to us by the Clerks' Office.

The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council for reading and adoption.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. Seeing no one, he asked if there was any correspondence.

Member Lynch said we have one letter from Mr. Kuenzel.

Chair Pehrson said that letter will be entered into the record. Chair Pehrson closed the public hearing and turned it over to Planning Commission for their consideration.

Member Anthony said a couple of things. One, in Section 2. Notes, the Wetland and Watercourse Setback section where you have those corrections that talk about no deposition of any material, removal of any soils or minerals, cutting or removal of vegetation, dredging. Should an equivalent of that be put into the Woodland Ordinance? I was searching for the Woodland equivalent to it and I couldn't find it in time, and I just note it to go look.

Landscape Architect Meader said we can look. There's a lot to do with ground covering and stuff in the Woodland Ordinance, so it could be something we could look at. But it's a whole different Ordinance.

Member Anthony said the whole intent is that we have consistency. So the other one is Section 2. Notes L, when I saw that the parking lot setback was 20 feet it made me go back and look inside our Ordinances and look at the summary sheets that are in there. And I noticed that the back setback for B-1 was 20 feet, for B-2 was 30 feet, and then B-3 was 20 feet. And it didn't make sense to me that it got smaller or why there was that inconsistency. That's it.

Chair Pehrson said is that just a note for them to look up those inconsistencies?

Member Anthony said yes. There might be a logical reason why it is that way.

Chair Pehrson said if there are no other comments, I'll look for a motion.

Motion made by Member Anthony and seconded by Member Lynch.

ROLL CALL VOTE TO RECOMMEND APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.

Motion to recommend approval to City Council for amendment to City of Novi Zoning Ordinance, Zoning Ordinance Text Amendment 18.282. *Motion carried 5-0.*

PROPOSED
ZONING ORDINANCE
TEXT AMENDMENT 18.287

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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:

Section 3.31.4.F Planned Development Options

- F. ~~Site Plan aApproval limitations 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.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: