

# MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** LINDSAY BELL, PLANNER  
**THROUGH:** BARBARA MCBETH, AICP, CITY PLANNER  
**SUBJECT:** SET PUBLIC HEARING FOR TEXT AMENDMENT 18.282  
**DATE:** MARCH 8, 2019

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Attached, please find a number of proposed text amendments to the City of Novi Zoning Ordinance as proposed by staff. These changes are intended to clarify items, fix inconsistencies between the former version of the Zoning Ordinance and the new ClearZoning version, and other items deemed necessary, including:

1. Adding a definition for Marihuana (Marijuana) Establishments,
2. Correcting the section title for the OST Retail Service Overlay,
3. Renumbering and updating the formatting for the RM-1 District,
4. Adding assisted living type facilities to the special land use section for RM-2 District,
5. Clarifying types of retail businesses allowed, remove redundant entries and add instructional centers in B-2 and B-3,
6. Clarifying the requirements for sidewalks in residential districts in the Notes to District Standards,
7. Correcting the distance in the Notes to District Standards,
8. Clarifying side and rear yard parking setbacks in the Notes to District Standards,
9. Clarifying the setback modifications allowed by the Planning Commission in the Notes to District Standards,
10. Removing the requirement for the City Council to hold a public hearing for concept plan approval when the Special Development Option is used in the GE district,
11. Including B-3 district required conditions for limiting outdoor sales,
12. Allowing Planning Commission to modify the outdoor recreation requirements for day cares in the use standards for residential districts,
13. Adding B-3 to the use standard for day cares,
14. Clarifying the location and screening treatment of transformer units and other utilities,
15. Adding RM-2 to the use standard for assisted living facilities,
16. Adding B-2 and B-3 to the use standard for dry cleaning establishments,
17. Adding B-3 to the use standard for retail business and service establishments,
18. Adding a use standard for Marihuana Establishments which states they are prohibited,
19. Clarifying the performance standards between residential and non-residential, and
20. Adding a procedure for Protest Petitions under Article 7.

Planning staff are proposing to amend or add the following sections of the Zoning Ordinance:

- Article 2 Definitions
- Article 3.0 Zoning Districts
- Section 3.1.7 RM-1, Low Density, Low-Rise Multiple-Family District
- Section 3.1.8 RM-2, High Density, High-Rise Multiple-Family District
- Section 3.1.11 B-2, Community Business District
- Section 3.1.12 B-3, General Business District
- Section 3.6.2 Note to District Standards
- Section 3.10 B-1, B-2, B-3 Business District Required Conditions
- Section 3.12 Special Development Option (SDO) for the GE District
- Section 4.12 Group Day Care homes, Day Care Centers, and Adult Day Care Centers
- Section 4.19 Accessory Uses
- Section 4.21 Convalescent Homes, Assisted Living Facilities, Hospice Care Facilities and Child Care Centers
- Section 4.24 Dry Cleaning Establishments or Pickup Stations
- Section 4.27 Retail Business or Service Establishments
- Section 4.91 Marihuana Establishments (new)
- Section 5.14 Performance Standards
- Section 7.15 Petitions (new)

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. Please contact Lindsay Bell 248.347.0484 or [lbell@cityofnovi.org](mailto:lbell@cityofnovi.org) with any questions or concerns.

PROPOSED TEXT AMENDMENTS 18.282

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STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17 – 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 DENSIT, 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 AND CONFUSING ORDINANCE LANGUAGE.

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
- 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

- 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]

**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]

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. Theaters, assembly halls, concert halls, museums, or similar places of assembly §4.27~~
- ~~ix. Business schools and colleges or private schools operated for profit §4.27~~
- ~~x. Instructional centers~~
- ~~xi. vii. Professional and medical offices, including laboratories~~
- ~~xii. viii. Fueling station §4.29~~
- ~~ix. Sale of produce and seasonal plant materials outdoors §4.30~~
- ~~xiii. x. Auto wash §4.32~~
- ~~xiv. xi. Bus passenger stations~~
- ~~xv. xii. New and used car salesroom, showroom, or office~~
- ~~xvi. xiii. Other uses similar to the above uses~~
- ~~xvii. xiv. Tattoo parlors~~
- ~~xviii. xv. Publicly owned and operated parks, parkways, and outdoor recreational facilities~~
- ~~xix. xvi. Accessory structures and uses §4.19 customarily incident to the above permitted uses~~
- ~~xx. xvii. Public or private health and fitness facilities and clubs~~
- ~~xxi. xviii. Microbreweries §4.35~~
- ~~xxii. xix. Brewpubs §4.35~~
- ~~xxiii. Group day care homes, 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]

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-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. [unchanged]

- Q. The Planning Commission may modify parking setback requirements in those instances where it determines that such modification may result in improved use of the site and/or in improved landscaping; provided, however, that such modification of the setback requirements does not reduce the total area of parking setback on a site below the minimum parking setback area requirements of this Section.

**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]
  - 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]
  - 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:

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- 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]

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**

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.

<b>5.14.10.A.ii Weighted Sound Level Limit Decibels</b>			
Receiving Zoning Districts			
<del>R-1, R-2, R-3, R-4, RT, RA, RM-1, RM-2, MH Residential</del>		<del>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</del>	
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 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

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hearing on the proposed amendment. The City shall provide a form for such petition, upon request.

**PART XVIII.**

**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 XIX.**

**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 XX.**

**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 XXI.**

**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: