

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.295

**AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE, AMENDING ARTICLE 3, ZONING DISTRICTS, AT SECTION 3.31, PLANNED DEVELOPMENT OPTIONS, TO INCLUDE AN OPTION FOR STAND-ALONE MULTIPLE FAMILY RESIDENTIAL USE IN THE PD-2 OPTION.**

**THE CITY OF NOVI ORDAINS:**

**Part I. That the City of Novi Zoning Ordinance is amended, in Article 3, Zoning Districts, Section 3.31 to read as follows:**

7. *(PD-2) Planned Development Option.* The PD-2 Planned Development Option is intended to encourage development of intensive major nonresidential land use types and transitional mixed-use buildings and residential land uses not otherwise permitted in the RC district. The Option is designed to encourage development within those land areas in substantial accord with the goals and objectives of the City's Master Plan for Land Use. The further intent of this option is to permit the limited application of (i) more extensive commercial uses in a district otherwise restricted to community and regional oriented shopping centers or (ii) transitional uses on the periphery of regional oriented shopping centers:

- A. In considering a request to rezone land to a district in which the PD-2 Option is permitted, the Commission may recommend approval of the request to the City Council only after the Commission finds that:
  - i. The parcel of land requested for rezoning to RC district lies substantially within an area depicted on the City's Master Plan for Land Use Map for development under a PD-2 Option.
  - ii. The request to rezone is being made with the intent of developing uses under the PD-2 Option.
  - iii. The area being requested for rezoning is immediately adjacent to like or similar zoning so as not to create unrelated penetrations of nonresidential districts into residentially zoned areas.

- iv. The area requested for rezoning is either fully served by public utilities, including water and sanitary sewer, or will be fully served through the extension of such public utilities to the site at the time of development.
  - v. The area requested for PD-2 Option development demonstrates suitable road traffic capacity/access and utility services for the expected uses proposed at the time of development.
  - vi. The development will not be contrary to established land uses patterns.
  - vii. The requirements for special land uses contained within Section 6.1.2.C are satisfied.
- B. Application for development under this Option shall conform to all the submittal requirements of this Section. Under this Option, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:
- i. Convention centers including motels, hotels, auditoriums, theaters, assembly halls, concert halls or similar places of assembly, and related accessory uses when included as an integral part of the center;
  - ii. Planned commercial centers containing at least one-hundred fifty-thousand (150,000) square feet of gross leasable floor area;
  - iii. Entertainment centers such as theaters, health clubs, racquet clubs and other indoor recreation centers;
  - iv. Retail commercial uses, provided such retail commercial uses shall have a gross leasable floor area of fifty-thousand (50,000) square feet and shall be contained wholly within a building with no outdoor sales, display, storage of goods or materials;
  - v. Banquet halls, sit-down restaurants, and the following types of fast food restaurants: fast food carryout, fast food drive-through and fast food sit-down restaurants, provided that the following conditions are met:
    - a. When restaurants are independently freestanding uses and not attached to or otherwise clearly accessory to a principle

- use, they shall be located no closer than one thousand (1,000) feet from any other such use on the same side of the street;
  - b. Minimum parcel size shall be one and one-quarter (1.25) acres;
  - c. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic.
- vi. Office buildings for executive, administrative, professional, accounting, writing, drafting and similar uses;
  - vii. Retail commercial uses provided all such business uses are located on subfloors below grade, on the ground floor or ground floor mezzanine only; and
  - viii. Mixed-use buildings with residential components, or stand-alone multi-family residential buildings, on properties adjacent to a zoning district other than the RC District, subject to the following:
    - a. All buildings shall consist of any single use or combination of uses that are principal permitted uses of the RM-2, B-1, B-2, or OSC zoning district. In no instance shall the gross floor area of a retail/office component of a mixed-use development comprise more than twenty (20) percent of the total floor area;
    - b. Residential uses, either as a component in a mixed-use or a single-use development, shall adhere to the following regulations:
      - i. The net density of units shall not exceed 24 dwelling units per acre;
      - ii. The maximum lot coverage shall conform to Section 3.6.2.D.
      - iii. A minimum of 200 square feet per unit of Usable Open Space shall be provided, which may include private pool and clubhouse amenities, pocket parks, play structures and/or walking trails that connect to the City's non-motorized network;

- iv. Building height shall not exceed 55 feet or 4 stories, whichever is less;
- v. Studio or efficiency units shall be a minimum of 400 square feet, and shall not account for more than 15% of the total number of units;
- vi. One-bedroom units shall be a minimum of 500 square feet, and shall not account for more than 50% of the total number of units;
- vii. No building shall exceed one-hundred twenty-five (125) feet, unless pedestrian entranceways are provided at least every one-hundred twenty-five (125) feet along the road frontage;
- viii. A minimum setback of one hundred (100) feet shall be provided along any natural shoreline. The area of said setback may be utilized in the computation of density but shall not be used for off-street parking, buildings or accessory uses. Said area may be used for open space, recreation, beach facilities or similar uses.
- ix. Within any required front, side or rear yard setback from any property line, not more than thirty (30) percent of such yard area shall be used for off-street parking, maneuvering lanes, service drives or loading areas;
- x. Innovative planning and architecture shall be used to create a significant pedestrian orientation. Design amenities shall include pedestrian walkways, brick or other approved decorative paving to achieve the effect of safe, tidy and well-landscaped plazas, coordinated pedestrian scale lighting, benches, trash receptacles, small-scale landscape treatments, and architectural features at entranceways and focal points of the development;
- xi. There shall be provided concrete sidewalks of six (6) feet in width so as to permit safe and convenient non-motorized access along internal roads and to any community center, recreational facility, parking lots and neighboring buildings. Where feasible, the sidewalks shall connect to sidewalks, bike paths, and nature trails that abut the property. Such sidewalks shall be depicted upon the preliminary and final site plan, including the landscape plan submitted pursuant to Section 5.5. All applicable local, state

and federal standards relating to barrier free design shall be complied with;

- xii. The minimum distance between any two (2) buildings shall be regulated as described in Section 3.8.2.H.;
  - xiii. On-street parallel parking along major drives, as described in Section 5.10, is permitted provided 26-foot drive aisles are maintained.
  - xiv. Private community swimming pools and similar amenities shall not require additional parking spaces except for barrier free spaces.
  - xv. Off-street loading zones are not required for residential uses. Non-residential uses shall provide loading and unloading area in accordance with Section 5.4.
- c. Subject to the percentage limitations of subsection (a) above, upper stories may be used for any use as permitted in subsection (a) above, provided that no commercial or office use shall be located on a story above a residential use (not including ancillary uses to residential uses).
- d. In addition to the requirements of Section 3.31.4.A, the applicant for a mixed-use or residential development must demonstrate the following:
- (1) The development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
  - (2) Based upon the proposed uses, layout, and design of the overall project, the proposed building façade treatment, the proposed landscaping treatment, and the proposed signage, the development will result in a material enhancement to the area of the City in which it is situated.
  - (3) In relation to underlying zoning, the proposed development will not result in an unreasonable negative economic impact upon surrounding properties.

- (4) Each particular proposed use in the development, as well as the quantity and location of such use, shall result in and contribute to a reasonable and mutually supportive mix of uses on the site, and/or a compatibility of uses in harmony with the surrounding area and other downtown areas of the City, and shall reflect innovative planning and design excellence.
- (5) The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the City Clerk, provided that the transfer is to a single person or entity, as required in the first instance.
- (6) Development amenities shall be included as part of a mixed-use or residential development. The use of decorative, pedestrian-scale parking lot lighting, public pathways, and other similar features shall be an integral part of any site plan. Amenities shall include lighting, landscape plantings, sidewalk furniture, parks and other amenities that reflect a consistent residential theme. All such amenities shall be privately owned and maintained.
- (7) Buildings that are not located on a publicly dedicated roadway may be permitted to have parking on the ground level of the building. Such parking level shall not count against the maximum height/story requirement. The parking inside the building must be aesthetically and effectively screened from view through architectural design, landscaping, or other means, from adjacent drives, walkways and buildings, and particularly from the street level view.
- (8) In all cases, the maximum height shall include all rooftop appurtenances, architectural features, skylights or other such roof mounted building amenities.

ix. Accessory uses customarily ancillary to the above permitted uses.

- C. The maximum permitted building height of the RC district shall apply to all uses under the PD-2 Option except as otherwise noted.
- D. The minimum front, side, and rear yard setback requirements for all principle uses permitted under this Option, shall be as follows:

<b>3.31.7.D Minimum Front, Side, and Rear Yard Setback Requirements</b>	
<b>Front yard setback</b>	50 feet <sup>(1)</sup>
<b>Side yard setback(s)</b>	35 feet <sup>(2)</sup> (total of two 70 ft.)
<b>Rear yard setback</b>	35 feet
<p>(1) Wherever a marginal access service drive shall be required in accordance with the approved plan, the front yard setback shall be measured from the interior right-of-way line of the service drive; and</p> <p>(2) In the case of an exterior side yard, the setback requirement of the front yard shall apply including all off-street parking and greenbelt requirements. Off-street parking shall be provided as set forth and regulated in Section 5.2 of this Ordinance, except that off-street parking shall be permitted within any yard to a point twenty (20) feet from the front or exterior side yard property line and to a point ten (10) feet from any interior side and rear property line.</p>	

- E. Landscaping throughout the site shall be provided as set forth and regulated in Section 5.5 of this Ordinance.
- F. In those instances where the Planning Commission and City Council determines that marginal access service drives will not be necessary, off-street parking may be permitted in the front yard to a point twenty (20) feet from the proposed thoroughfare right-of-way line.

In determining that marginal access service drives will not be needed, the Planning Commission and City Council shall find that:

- i. The extent of frontage on a major thoroughfare consumed by the site in question is such that the number of access points from the site directly to the thoroughfare will be no more than and/or will have no greater impact on the thoroughfare than if access were provided via a marginal access drive;

- ii. The function of any existing or proposed marginal access service drives adjoining the site in question will not be adversely affected by not continuing such drives on the site in question; and
- iii. The extent of thoroughfare frontage is such that the need for marginal access service drives beyond the site in question will either no longer be needed or can be effectively developed independently of the site in question.

8. Appeals. The Zoning Board of Appeals shall have no jurisdiction to hear appeals or make interpretation or any other decisions regarding the Section or a proposed Preliminary Site Plan.

#### **PART II.**

**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 III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

#### **PART IV.**

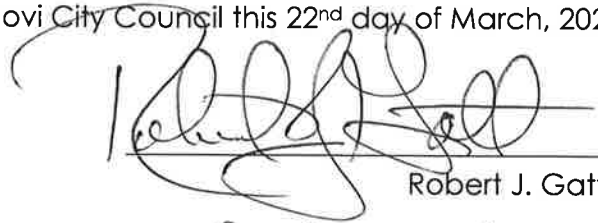
**Repealer.** All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

#### **PART V.**

**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.

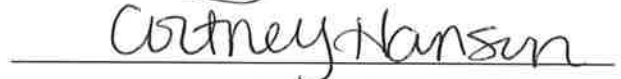


Made, Passed and Adopted by the Novi City Council this 22<sup>nd</sup> day of March, 2021.



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Robert J. Gatt, Mayor



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Cortney Hanson, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 22<sup>nd</sup> day of March, 2021.



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Cortney Hanson, City Clerk

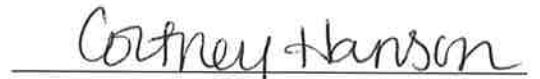
Adopted: 03/22/2021  
Published: 04/01/2021  
Effective: 04/08/2021

**Certificate of Clerk**

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 23<sup>rd</sup> day of March, 2021.

- |    |                |                     |
|----|----------------|---------------------|
| 1. | Novi City Hall | 45175 Ten Mile Road |
| 2. | Novi Library   | 45255 Ten Mile Road |

I do further certify that on the 1<sup>st</sup> day of April, 2021 said Ordinance Amendment 18.295 was published in brief in the Novi News, a newspaper published and circulated in said City.



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Cortney Hanson, City Clerk