



CITY of NOVI CITY COUNCIL

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Agenda Item 5
March 5, 2007

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.213 to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, Section 1902, I-1, Light Industrial District, to expand permitted locations for Veterinary Clinics. **First Reading**

SUBMITTING DEPARTMENT: Planning *Bulls*

CITY MANAGER APPROVAL *[Signature]*

BACKGROUND INFORMATION:

In December 2006, the Planning Department was contacted by the owners of the Animal Emergency Center, located in the Pine Ridge Shopping Center near the northwest corner of Ten Mile and Novi Roads. The clinic had outgrown its current facility and the owners were looking to move within the community to a larger building. The only zoning district that allows veterinary clinics is the B-3, General Business district, subject to Special Land Use approval. The owners of the clinic stated that all of the suitable sites in Novi were zoned I-1, Light Industrial, and requested an ordinance amendment to allow the veterinary clinic in the Light Industrial district.

The Planning Department forwarded the request to the Implementation Committee to discuss the proposal. The Committee found that the proposed veterinary use in the Light Industrial district, if completely within a building, and at least 200 feet from a residential district, would be acceptable, given the City's recent ordinance change to allow pet boarding facilities in the I-1 district. As the ordinance is drafted, the use would be a Principal Permitted Use if the property does not abut residential zoning, and a Special Land Use if the property abuts residential zoning.

The Planning Department drafted the attached language, maintaining standards consistent with the regulations currently located in the B-3, General Business district. The Public Hearing has been held on the matter and no negative response was received from the public. The Planning Commission reviewed the proposal at their February 14th meeting and forwarded a positive recommendation to the City Council.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.213 to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, Section 1902, I-1, Light Industrial District, to expand permitted locations for Veterinary Clinics. **First Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

**STRIKETHROUGH VERSION OF
PROPOSED ORDINANCE**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 2005 - 18 - 213

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, TO EXPAND PERMITTED LOCATIONS FOR VETERINARY CLINICS IN THE CITY.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, is hereby amended at Article 19. I-1, Light Industrial District, Section 1902 Principal Uses Permitted, Subject to Special conditions When Abutting a Residential District, to include the following subsection:

19. Veterinary Hospitals or clinics, provided that:
 - a. All activities are conducted within a totally enclosed building
 - b. All buildings must be setback at least two-hundred (200) feet from any residential district

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. This amendment 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.

Part IV. Repealer. All other Ordinances or parts of Ordinances 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 4 of Act 207 of the Public Acts of 1921, as amended, the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and 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.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY

CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at
the _____ meeting of the Novi City Council held on the _____
day of _____, 2007.

MARYANNE CORNELIUS – CITY CLERK

**CLEAN VERSION OF
PROPOSED ORDINANCE**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 2005 - 18 - 213

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MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY

CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at
the _____ meeting of the Novi City Council held on the _____
day of _____, 2007.

MARYANNE CORNELIUS – CITY CLERK

**REQUEST FROM APPLICANT
FOR ORDINANCE CHANGE**

**Law Offices of
Henry N. Sandweiss**

2187 Orchard Lake Road, Suite 200, Sylvan Lake, Michigan 48320
Phone (248) 332-9966 • Fax (248) 332-0125 • hsandweiss@ameritech.net

December 7, 2006

Ms. Barbara McBeth
Director of Planning
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

By telefax (248) 735-5600
and first class mail

Re: Parcel No. 22-23-351-048
24360 Novi Road, Novi, MI

Dear Ms. McBeth:

Mr. Spencer no doubt has advised you that my clients, Drs. Robertson and Rockett, owners of Animal Emergency Center, PLLC, have placed the above referenced property under contract subject to their securing approval of the intended use which would mirror their current facility across the street, only larger.

I understand that the City recently approved a dog day care facility use in the I-1 district which was a departure from the master plan. I believe that my clients can make a compelling case that, for a variety of reasons (all of which would provide safeguards against problems), their intended use is far less intensive and/or offensive. This would be particularly true given the fact that this site does not abut a residential district and is sandwiched between other uses which, practically speaking, are "retail" (although zoned I-1).

With a view toward seeking a change in ordinance, my clients respectfully request a meeting with the Implementation Committee. Please advise as to how quickly our request can be scheduled.

Sincerely,



Henry N. Sandweiss,

HS/jf

Fax copy: Heather Robertson, DVM (248) 348-1784

**IMPLEMENTATION COMMITTEE MINUTES
JANUARY 16, 2007
(DISCUSSION OF PROPOSAL)**



IMPLEMENTATION COMMITTEE
REGULAR MEETING
VETERINARY CLINIC EXCERPT
TUESDAY, JANUARY 16, 2007 AT 6:30 PM
ACTIVITIES ROOM
45175 W. TEN MILE, NOVI, MI 48375
(248)347-0475

CALL TO ORDER

The meeting was called to order at 6:30 PM

ROLL CALL

Members Present: John Avdoulos, Michael Meyer, Mark Pehrson

Members Absent: Andrew Gutman

Staff Support: Timothy R. Schmitt, AICP

DISCUSSION ITEMS:

Veterinary Clinic Requirements

Discussion of possible ordinance changes to allow veterinary clinics in the I-1, Light Industrial District.

Planner Tim Schmitt stated that the City received correspondence from the Animal Emergency Center at Ten Mile and Novi in December 2006 stating their interest in moving to a facility in the Light Industrial District. The existing building is across Novi Road from their current location. Mr. Schmitt reminded the Committee that they recently changed the Ordinance to include Doggie Daycare in the I-1 District.

Mr. Henry Sandweiss spoke on behalf of the Applicant making this request. Dr. Robertson has operated the clinic for four years. This is an emergency-only clinic. There are no outside kennels. Currently, this clinic backs up to residential and there have been no complaints against them. The current location is about 3,200 square feet. They are looking to move to a building that was originally built for a State Farm Insurance claim center. He used a map to locate the building's location between the Care Care Center and Henderson Glass. It is on the east side of Novi Road, just north of the Ten Mile intersection. Their hope is to divide this building from east to west, an approximate one-third/two-third split, with the clinic on the north side of the building. The other side could be leased or sold to an appropriate user. He maintained that this is a far less intense of a use than a doggie daycare, which was just approved for the I-1 District. He conceded that the daycare would have to be in a stand-alone facility, and his intention was to split the 14,000 square foot building for another user, perhaps for a medical office or chiropractor.

Mr. Schmitt said that the Planning Department was uncomfortable in developing language that would require a veterinary to be in a stand-alone building.

Dr. Robertson stated that her patients come for emergency operations and typically once the animal feels better it goes home. There are not many animals that have to stay the night. Mr. Sandweiss said that they would split the building from floor to ceiling, so that each side of the wall would be a self-contained office. This would also reduce the noise pollution from the occasional barking dog permeating the building and offending the offices on the other side of the building.

The Committee discussed that this is no more of an intense use than a doggie daycare and they didn't foresee a problem associated with adding the veterinary use to the I-1 District. Mr. Schmitt said that the adjacency to residential is the Special Land Use trigger in the Light Industrial District that could be applied to this use as well.

Mr. Schmitt felt that the language from the B-3 District could be lifted and put in the I-1 District. The question was whether it should fall under any of the Special Land Use sections. The Planning Department's position would likely be that if the property isn't adjacent to residential, than it is not a Special Land Use; if it is adjacent, than it is a Special Land Use. The Committee agreed.

Mr. Schmitt said that the language would likely state the use would have to be in a completely enclosed building, set back 200 feet when adjacent to residential.

The Committee agreed to send this language forward to the Planning Commission for a Public Hearing.

**PLANNING COMMISSION MINUTES
FEBRUARY 14, 2007
(DISCUSSION OF PROPOSAL)**



DRAFT COPY

PLANNING COMMISSION

REGULAR MEETING

VETERINARY CLINIC TEXT AMENDMENT 18.213 EXCERPT

WEDNESDAY, FEBRUARY 14, 2007 7:00 PM

COUNCIL CHAMBERS - NOVI CIVIC CENTER

45175 W. TEN MILE, NOVI, MI 48375

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson,

Absent: Members David Lipski (excused), Wayne Wrobel (Excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Mark Spencer, Planner; Kristen Kapelanski, Planner; Ben Croy, Engineer; David Beschke, Landscape Architect; Tom Schultz, City Attorney; John Freeland, Wetland Consultant

PUBLIC HEARINGS

ZONING ORDINANCE TEXT AMENDMENT 18.213

The Public Hearing was opened for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, to expand possible locations for veterinary clinics.

Planner Tim Schmitt told the Planning Commission that this topic of veterinary clinic placement has been discussed in the City and the parameters have changed and grown over time. Previously, the Planning Commission considered and recommended the addition of pet daycares to the Ordinance. This use was added to the Light Industrial District and the language was finalized and adopted in Mid-July 2006. During those discussions, the Implementation Committee considered whether veterinary clinics should also be added to the Light Industrial District but ultimately the use was not.

In late 2006 a local veterinarian came to the City and asked for this change. The Animal Emergency Center in the Pine Ridge Shopping Center near the corner of Ten Mile and Novi Road has a new location picked out but the land is zoned Light Industrial. Mr. Schmitt said that the language added to the Light Industrial District for this use is the same language currently used in the B-3 District. The use will be considered a Special Land Use when it is abutting residential, and the building would have to be set back 200 feet from the adjoining property line. The use must be within an enclosed building, except for the expected pet walking.

Mr. Schmitt said that the Applicant has a specific timeframe in which she must have this request reviewed, so the Planning Department fast-tracked the process in order to accommodate her. He anticipated turning this Public Hearing recommendation over to City Council as early as their next meeting.

Dr. Heather Robertson addressed the Planning Commission. She offered to answer any questions the Planning Commission might have.

No one from the audience wished to speak and no correspondence was received so Chair Cassis closed the Public Hearing.

Member Avdoulos stated that the Implementation Committee discussed this possibility at various times over the past years. He noted that doggie daycares are permitted uses in several zonings in other communities. He stated that B-3 is perhaps the most generous zoning district, where veterinaries are currently allowed, but that I-1 would also be acceptable for this use. The Applicant told the Implementation Committee where their proposed location is and that they would be the primary user of the building. Their new location is in very close proximity to their current location.

Member Avdoulos reiterated that the vet use will have to be considered as a Special Land Use if the land is near residential. The use will have to be in an enclosed building. He surmised that the possible issues associated with this text amendment have been addressed. He felt this was a good change to the Ordinance.

Moved by Member Avdoulos, seconded by Member Pehrson:

Motion to send a positive recommendation to City Council to amend Ordinance 97-18, as amended, to expand permitted locations for veterinary clinics in the City, as presented at the Planning Commission meeting this evening.

DISCUSSION

Member Pehrson was pleased that the City took the effort to bring forth this amendment in an effort to correct an omission in the Ordinance. It will help the City retain a successful business. This is a good change for everyone.

Member Burke asked if the vets were expecting to expand into a doggie daycare center. Dr. Robertson said that they would continue to be an emergency vet clinic only.

Chair Cassis asked the vet to describe their business activity. Dr. Robertson said their business is open 24/7 including holidays. They provide medical, surgical and diagnostic services. They also have a blood bank. They are the only emergency pet clinic that handles exotic pets. This means they see birds, rabbits, guinea pigs, snakes, spiders, etc. They have helped the Fire Department out with tending to stray pets that have been hit by cars. Thus far in their current location no complaints of noise or odor have been lodged against them. They are currently leasing their facility and they have outgrown their 3,280 square feet. Their new location will be between 6,000-7,000 square feet. They have added a cardiologist to their staff.

ROLL CALL VOTE ON VETERINARY TEXT AMENDMENT 18.213 POSITIVE RECOMMENDATION MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER PEHRSON:

Motion to send a positive recommendation to City Council to amend Ordinance 97-18, as amended, to expand permitted locations for veterinary clinics in the City, as presented at the Planning Commission meeting this evening. *Motion carried 7-0.*

**CURRENT VETERINARY CLINIC LANGUAGE
IN B-3 ZONING DISTRICT**

Current Definitions for Veterinary Clinics and Hospitals

Veterinary Clinic: Any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of nonresident animals.

Veterinary Hospital: Any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of animals, including resident animals.

Current Ordinance Provisions in B-3 District

Sec. 1502. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

4. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street.

**PREVIOUS ORDINANCE AMENDMENT
REGARDING PET BOARDING FACILITIES**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.203

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18,
AS AMENDED, THE CITY OF NOVI ZONING
ORDINANCE, TO PROVIDE REGULATIONS FOR PET
BOARDING FACILITIES IN THE CITY.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, is hereby amended at Article 2. Construction of Language and Definitions, Zoning Districts and Map, Section 201 Definitions – D-F, which shall now include the following definition:

Pet Boarding Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training. The facility may be operated for profit and may offer overnight stays.

Part II. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, is hereby amended at Article 19. I-1, Light Industrial District, Section 1902 Principal Uses Permitted, Subject to Special conditions When Abutting a Residential District, to include the following subsection:

18. Pet Boarding facilities, subject to the following conditions
 - a. The facilities must be located in a building with the pet boarding being the only use
 - b. Up to 10% of the gross floor area may be used for accessory retail sales
 - c. Adequate traffic circulation shall be provided on the site to accommodate the frequent pick-ups and drop-off of animals for the facility
 - d. Outdoor facilities, with the following restrictions:
 - (1) Any outdoor facilities shall not be closer than five-hundred (500) feet from the boundary of the adjacent residential zoning
 - (2) Any outdoor facilities shall be located in the interior side yard or rear yard
 - (3) A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities
 - (4) The outdoor facilities shall not encroach into any required building setback
 - (5) All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.
 - (6) Pets shall not be permitted to remain outdoors overnight.

Part III. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, is hereby amended at Article 25. General Provisions, Section 2505.14.c, Off-Street Parking Requirements, Business and Commercial, to include the following subsection:

(25) Pet Boarding Facility One (1) for each seven hundred (700) square feet of usable floor area

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. This amendment 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.

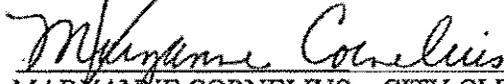
Part VI. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Part VII. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 4 of Act 207 of the Public Acts of 1921, as amended, the provisions of this Ordinance shall become effective fifteen (15) days after its adoption and 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.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS 10th DAY OF July, 2006.



DAVID LANDRY - MAYOR



MARYANNE CORNELIUS - CITY CLERK

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the regular meeting of the Novi City Council held on the 10th day of July, 2006.



MARYANNE CORNELIUS - CITY CLERK