

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
September 22, 2008

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions," and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. **Second Reading**

SUBMITTING DEPARTMENT: Community Development ^{Burb} Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Providence Hospital, the owner of approximately 190 acres of land located at the southwest corner of Grand River Avenue and Beck Road in the Office Service Commercial (OSC) zoning district has proposed changes to the text of Article 12 (OSC) to facilitate future retail developments on the property. The intent of the OSC district is to accommodate a large office building, or, more particularly, a planned complex of office buildings with related commercial, retail and service establishments which may serve the area beyond the confines of the office complex itself. The district is further designed to encourage the combination of mid-rise and low-rise office and office related uses in a planned development and to encourage innovation and variety in type, design and arrangement of such uses.

The applicant is proposing ordinance changes to allow construction of the "Providence Village" concept plan which includes 55,000 square feet of retail, restaurants, fitness and office floor space on a proposed parcel of land totaling 10 acres and located at the southeast corner of the northwest segment of the Providence Park ring road. A site plan has not yet been officially submitted for review, pending the outcome of the proposed text amendments. The applicant has indicated that a total of 1.2 million square feet of development will be constructed on the site, including the hospital, medical office buildings, hotel and other developments.

The changes proposed by the applicant are to permit one drive-through restaurant per development; increase the number of restaurants by allowing restaurants within shopping centers, as well as free-standing restaurants; and modify the conditions required for restaurants. Also, the applicant is proposing changes to Article 24 to reduce setbacks within the OSC District and permit front yard parking when located on a private road and at least one hundred (100) feet from any public road.

Currently, OSC Sections 1202 and 1203 of the Ordinance allow sit-down restaurants subject to conditions: restaurants that are accessory to an office or hotel/motel building, or free-standing restaurants within an office complex, with a minimum occupancy of 100 persons, on a site at least 2 acres in size, and when the restaurant is located at least 500 feet from any other restaurant. Restaurants are currently not permitted in planned shopping centers in the OSC district. The current text also prohibits outdoor restaurant seating and fast food, drive-in, drive-through, fast food carry out or a fast food delivery type restaurants.

The proposed text would permit the following in a planned shopping center:

- Restaurants would now be allowed within a shopping center and would not be subject to minimum site size, proximity to other restaurants, or minimum seating capacity;
- One drive-through restaurant of less than four thousand (4,000) square feet; and
- Fast food, carry out and delivery restaurants.

The proposed text also limits shopping centers to one per office complex to preserve the character of the complex and permits outdoor restaurant seating anywhere in the district. No other changes were proposed for restaurants located outside of planned shopping centers. Additionally, no changes were made to the ordinance standards that limit planned commercial shopping centers to a maximum of 150,000 square feet of gross leasable area, or to 20 percent of the total site area of the planned office complex, of which the shopping center is a part.

Additional analysis of other OSC districts

While the text amendments were prepared for consideration of possible future development for Providence Park, the amendments may assist in the expansion of restaurant uses in retail centers on other parcels in the district. A detailed memo and maps were prepared by Planning staff at the request of the City Council at the time of the first reading to further clarify the effects of the expanded restaurant uses in other OSC districts and to further elaborate on the requests for parking lot setback reductions. Following are some highlights from that memo, which is attached.

The attached three maps depict the location of developed and vacant OSC-zoned property in the following areas of Novi:

- West (Providence Hospital and the 52-1 District Court),
- Central (Town Center Drive near 11 Mile Road) and
- East (Haggerty Road north of 8 Mile Road).

Since the proposed text changes relax the standards for restaurants in planned shopping centers in the OSC district, and allow one drive-through restaurant per shopping center, an analysis was prepared for all of the land currently zoned OSC in the city relative to these changes. Providence Hospital, as the applicant for the text amendment, will benefit by being able to propose restaurants in a planned shopping center at Providence Park, including one drive-through restaurant, and reduce parking lot setbacks, as identified on a concept plan for the proposed retail center.

Other parcels that may benefit from the proposed ordinance changes include: the north part of the Anglin property on the south side of Eleven Mile Road, east of Town Center Drive; two vacant parcels on the north side of Eleven Mile Road, east of Town Center Drive; the High Pointe Shopping Plaza west of Haggerty Road and north of Eight Mile Road; and the vacant land near the Summit Pointe Office Building and Lifetime Fitness on the west side of Haggerty Road, north of Eight Mile Road. These areas may benefit from the enhanced opportunities to provide restaurants in planned or existing shopping centers, including one drive-through restaurant per development, and may also benefit by the reduced parking lot setbacks.

Parcels not likely to benefit from the proposed ordinance changes, due to an existing viable development currently existing on the site (such as the 52-1 District Court), limited development potential or natural features on-site include: the 52-1 District Court and adjacent wetland area; the vacant parcel near the Novi Town Center, south of I-96, and adjacent to Crescent Drive; and the vacant parcel in the Orchard Hills Office Complex.

The area most likely to develop with a new retail center is the vacant parcel located near the Summit Pointe Office building and Lifetime Fitness. With a total area of about 50 acres, a 12.5 acre shopping center could be developed on the 13.7 acre undeveloped parcel in the complex.

With frontage on Haggerty Road, this parcel could be developed with a shopping center with multiple restaurants including one drive-through restaurant.

Please review the attached memo and maps for more information.

Setback modifications

The applicant also proposed Ordinance changes to Article 24 footnote (h) to reduce front, side and rear yard parking setbacks and to permit parking in the front yard when the development is located on a private road and at least one hundred (100) feet from any public road. The front yard parking setback is proposed to be reduced from 35 feet to 25 feet. The applicant proposed reducing the side and rear yard parking setback to 10 feet from 20 feet when the site abuts open space of 25 feet or greater.

Following the first reading of the ordinance by the City Council, the applicant contacted department staff and has now modified the request to allow the reduction in setback when the property is adjacent to 30 feet of open space (previously 25 feet of open space). The rationale cited by the applicant is that there would be at least 40 feet of green space provided under the ordinance modification, comparable to two developed parcels with the required 20 feet of green space on each parcel. A minimum of 40 feet of green space would be provided in either case.

The Planning Commission did not recommend approval of the side and rear yard reduction because Section 2400 footnote ** already gives the Planning Commission the flexibility to modify side and rear yard setbacks. In addition, the Planning Staff believes that reducing the setback by 10 feet would reduce the overall amount of landscaping on the site since less area would be available for plantings and thus reduce landscape design flexibility. A narrower space would make it more difficult to plant required parking lot canopy or screening trees. Large trees need to be placed at least 10 feet from structures and pavement.

This portion of the applicant’s proposed text is not included in the attached versions of the proposed Ordinance. A separate sheet in this packet includes the request of the applicant, with modifications to the parking lot setback standards of Section 2400 for the OSC district only, from a minimum of 20 feet to 10 feet, as follows:

***When abutting existing open space of thirty (30) feet or greater, the parking setback may be reduced to ten (10) feet.

A graphic has been prepared by staff for the instance of Providence Park, showing the “greensward” (a grass or turf area) identified on the site plans as open space that is maintained through the center of the development. This adjacent area is planned to include stormwater detention basins, lawn, a few trees and a pathway. **Nothing is in place to assure this area remains undeveloped.** The applicant had indicated that this open space would provide adequate green space and setback for the future developments in the retail portion of the site, and that the setbacks could be reduced abutting this greensward. However, staff believes that it is best to maintain the integrity of the original plans to keep this area open, and not encroach with parking lots closer than has been allowed by ordinance.

City Council will be asked to clarify which version of the text amendment is supported at the time of the Second Reading:

- the applicant’s modified request (reduction of parking lot setback in the side and rear yards when property abuts an open space of 30 feet or more), or
- the version recommended by the Planning Commission and staff (no reduction of parking lot setback in the side and rear yards, but continue the allowance for the Planning Commission to modify the standards, as needed).

Recommendations

Planning staff is generally in support of the proposed ordinance amendments as recommended by the Planning Commission since restaurants are a customary use in shopping centers and the addition of restaurants would not change the character of a planned shopping center. The allowance of one drive-through restaurant in a planned shopping center was discussed by the Planning Commission at the public hearing, and the Planning Commission recommended language that allows only one drive-through restaurant per shopping center, with the further limitation that only one drive-through window be permitted per restaurant, along with the limitation of a maximum of 4000 square feet for the drive-through restaurant.

On August 27, 2008, the Planning Commission held a public hearing on the proposed amendment and took action to recommend approval of the text amendment. The draft minutes to that meeting are attached.

The City Council approved the first reading of the text amendment on September 8th. Attached are the draft “strike-through” and “clean” versions of the Ordinance prepared for consideration at the second reading.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Subsection 1202 “Principal Uses Permitted Subject to Special Conditions” and Subsection 1203, “Required Conditions,” and at Article 24, Schedule of Regulations, Subsection 2400 “Schedule limiting height, bulk, density and area by zoning district” in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. **Second Reading**

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

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**EMAIL WITH
REVISED REQUEST
FROM APPLICANT**

McBeth, Barb

From: G Jonna [gjonna@whitehallrealestate.net]
Sent: Wednesday, September 10, 2008 11:29 AM
To: McBeth, Barb
Subject: Proposed OSC Zoning Text Amendment

Dear Barb:

Confirming our phone conversation of this date, we are proposing that our proposed revision to the side and rear setbacks in the above referenced district that were submitted to the Planning Commission be amended to indicate " if the site abuts an existing greenbelt of 30 feet or more, than the side yard parking setback may be reduced to from 20 feet to 10 feet. Based on the foregoing, the greenbelt would be a minimum of 40 feet in total, which is equivalent of 2 abutting sites providing 20 feet each. As you know, our original language proposed a minimum greenbelt of 25 feet.

It is my understanding that you will present this proposal to City Council for their consideration at the 2nd reading of the text amendment.

As always, I sincerely appreciate your time and valuable assistance.

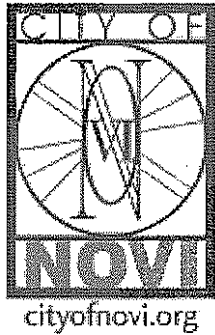
Best Regards.

Gary Steven Jonna
President

Whitehall Real Estate Interests
27750 Middlebelt Rd., Suite 100
Farmington Hills, MI 48334
(248) 442-4700 (248) 442-4705 fax

MEMO FROM PLANNING STAFF

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER

THROUGH: BARBARA MCBETH, *AICP*, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT

FROM: MARK SPENCER, *AICP*, PLANNER

SUBJECT: OSC TEXT AMENDMENTS

DATE: SEPTEMBER 11, 2008

The following is a discussion of two points raised during City Council's discussion at the first reading for Gary Jonna's proposed text amendment for the OSC, Office Service Commercial zoning district: the effects of expanded restaurant uses on other OSC parcels, and the effects of the proposed reductions in parking lot setback standards. While the ordinance amendments were prepared primarily to assist with the development of a future Providence retail component, other areas of the city zoned or planned for Office Service Commercial may also be affected by the proposed changes. This memo provides a brief analysis of the areas zoned for OSC.

Three maps are attached. The maps depict the location of developed and vacant OSC-zoned property in the following areas of Novi:

- West (Providence Hospital and the 52-1 District Court),
- Central (Town Center Drive near 11 Mile Road) and
- East (Haggerty Road north of 8 Mile Road).

For additional reference, the maps indicate the location of the proposed Providence Village shopping center at Providence Park, and the existing Orchard Hills office complex.

Effects of expanded restaurant uses upon other OSC parcels

The proposed text changes relax the standards for restaurants in the OSC District when restaurants are located in a planned shopping center, including the allowance for one drive-through restaurant per planned shopping center. The proposed text also limits planned shopping centers to only one per office complex.

The existing text limits shopping centers to no more than 20% of the office complex. The current text permits free-standing sit-down restaurants located on sites of 2 acres or more, with a seating capacity of at least 100 people, and when located at least 500 feet from other restaurants in the office complex. No changes are proposed to this text.

West OSC Parcels (Providence Park and 52-1 District Court)

The West OSC parcels are developed except that the Providence Hospital office complex which include several areas where development of outlots could occur. Providence Hospital has indicated that their proposed Providence Village would be the only retail area on the site. It is proposed to be located near the northwest corner of the campus. Therefore, the attached OSC West location map does not depict any OSC vacant areas for this discussion. As planned, Providence Village would contain 4 to 6 restaurants in a planned shopping center, including one drive-through restaurant, and would benefit from the ordinance changes. Subject to conditions, the current Ordinance permits free standing restaurants to locate elsewhere in the complex.

North of Grand River, the OSC parcels include the 52-1 District Court and the detention and wetland mitigation for West Market Square. Due to the fact that these parcels are developed, and contain stormwater features or protected wetlands, Planning staff believes these parcels are unlikely to be redeveloped as an office complex with a retail shopping center component.

Central OSC Parcels (Town Center Drive near 11 Mile Road)

Three vacant OSC parcels are located in the central part of the City. The parcel east of Town Center Drive and south of 11 Mile is owned by the Anglin family, and is part of a larger 10 acre parcel extending to Grand River Avenue. The north part of this 10 acre parcel is zoned OSC and the south part of the parcel is zoned OS-1. The entire site is master planned for Town Center Gateway. Redevelopment of the entire parcel may occur on this site at some point in the future, most likely with an office development if left zoned for Office Service uses, but a small retail component may be possible on the 11 Mile Road frontage, and contain restaurant uses.

Two parcels on the north side of Eleven Mile, east of Town Center total 4 acres and are owned by Singh Development. These parcels are currently vacant, and are divided by a driveway leading to the Courtyard Hotel. The parcels may be developed for any of the uses permitted under the OSC district, possibly including a planned shopping center if there is a finding that the retail uses would be considered part of the adjacent office complex. These parcels may therefore benefit from the addition of the restaurant uses to a planned shopping center, but will not likely benefit from the reduced setbacks, since the parcels do not abut a private road located at least 100 feet from a public road, as provided in the new ordinance language.

The parcel adjacent to I-96 is relatively long and narrow, with a wetland area shown extending onto the eastern portion of the property. The Master Plan for Land Use shows the extension Crescent Drive to Delwal through this property. Staff believes that the site has limited development potential and likely will not develop with a retail center under the standards of the OSC ordinance. Therefore, it is not likely that this parcel be affected by the proposed ordinance changes allowing for additional restaurant uses.

East OSC Parcels (Haggerty Road north of 8 Mile Road)

The southeast corner of the City contains a large OSC-zoned area. Most of the OSC parcels in this area are located in the Orchard Hills office complex, which is also home to the High Pointe shopping center (containing Best Buy, Dick's Sporting Goods, and Office Max). The proposed text changes would permit restaurants to locate in the High Pointe store fronts. In addition, if parking and circulation requirements are met, a drive-through restaurant could also locate in the shopping center. One vacant parcel exists in the Orchard Hills office complex on the west side of Orchard Hills Place drive. Based on the proposed text that allows only one retail center per OSC district, a retail shopping center could not locate on this vacant parcel, but a free standing restaurant could be built on the site.

The OSC properties north of the Orchard Hills office complex are part of an office complex developed by Eight and Haggerty Properties. The properties are currently developed with an extended stay hotel, Country Inns and Suites, the Summit Pointe Office Building, Lifetime Fitness, and undeveloped land. The Lifetime Fitness and an adjacent vacant parcel are not in the OSC District, but are in the OS-1 district. With a total area of about 50 acres, the Planning Division estimates that a 12.5 acre shopping center site could be developed on the 13.7 acre undeveloped parcel in the complex. With frontage on Haggerty Road, this vacant parcel could

be developed with a shopping center and would benefit from the ordinance changes that would permit multiple restaurants including one drive-through restaurant.

Effects of the Parking Lot Setback Reduction

Mr. Jonna also proposed reductions for the OSC front yard parking lot setback for shopping centers located along private roads that are at least 100 feet from a public road, as well as side and rear yard parking lot setback reductions for all OSC sites. Planning Staff and the Planning Commission support a front yard reduction for sites that front on a private road.

Planning staff and the Planning Commission did not support the applicant's proposed reduction from 20 feet to 10 feet for side and rear yard parking lot setbacks when adjacent to open areas of 25 feet. Following the first reading of the ordinance by the City Council, the applicant contacted the Planning Division and noted that a modification to this section is now proposed, in order to increase the amount of open space required to qualify for this amendment: an increase from 25 feet (originally proposed) to 30 feet of open space required to receive the parking lot setback reduction from 20 feet to 10 feet. The rationale cited by the applicant is that there would be at least 40 feet of green space provided, comparable to two developed parcels with the required 20 feet of green space on each of the two parcels, amount to 40 feet of green space provided between the uses.

The Planning Division continues to recommend against the reduction of side and rear parking lot setback requirements for several reasons. First, the Zoning Ordinance provides for a reduction of parking lot setback area when an equal area of landscaping is set aside elsewhere on the site, thus a mechanism exists for the Planning Commission to grant waivers when circumstances warrant a reduction. Second, reducing the setback by 10 feet without a mechanism for replacing it else where on site would reduce the overall amount of space for landscaping on site, since less area would be available for plantings. Third, the reduction in parking lot landscaped setback would reduce the landscape design flexibility. A narrower space would make it more difficult to plant required parking lot canopy or screening trees. Large trees need to be placed at least 10 feet from structures and pavement.

The applicant indicated that the proposed Providence Village will be adjacent to a "greensward" (a grass or turf area) on the Providence Hospital portion of the site. This adjacent area is planned to include stormwater detention basins, lawn, a few trees and a pathway. Staff notes that there is nothing in place to assure this area remains undeveloped in the future.

If approved, this side and rear parking lot setback standard would apply to any OSC property in the city that abuts a green space of 30 feet or more. Due to existing neighboring site conditions, the proposed side and rear yard setback reduction could be utilized when the 13.7 acre parcel along Haggerty Road and the 3.7 acre along Orchard Hills Place are developed.

City Council will be asked to clarify which version of the text amendment is supported at the time of the Second Reading:

- the applicant's modified request (reduction of parking lot setback in the side and rear yards when property abuts an open space of 30 feet or more), or
- the version recommended by the Planning Commission and staff (no reduction of parking lot setback in the side and rear yards, but continue the allowance for the Planning Commission to modify the standards, as needed).

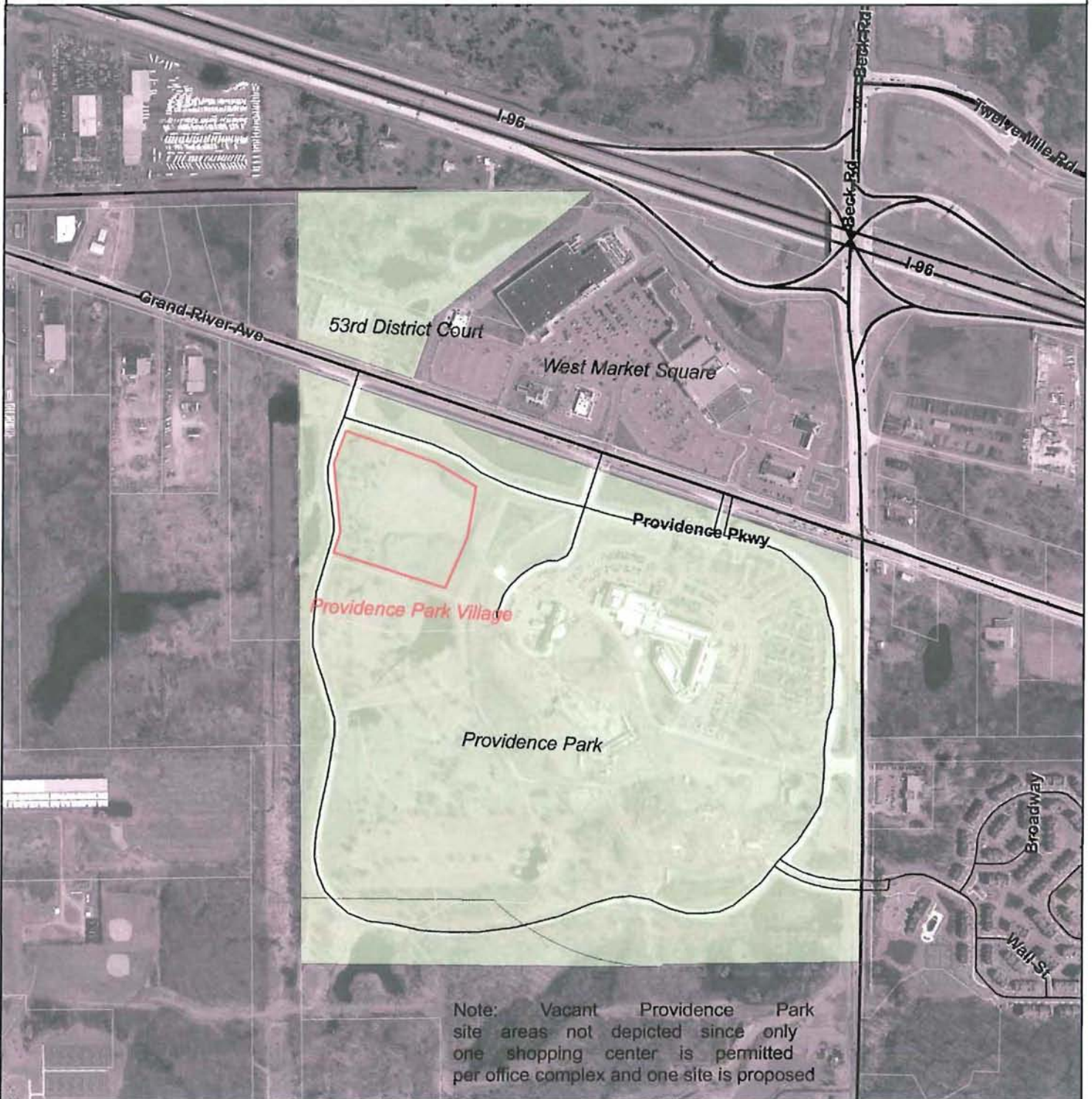
OSC LOCATION MAPS

WEST

CENTRAL

EAST

OSC West City Locations



Tax Parcels OSC developed

Proposed Shopping Center **0.0** Total Site Area in Acres



CITY OF NOVI PLAN REVIEW CENTER

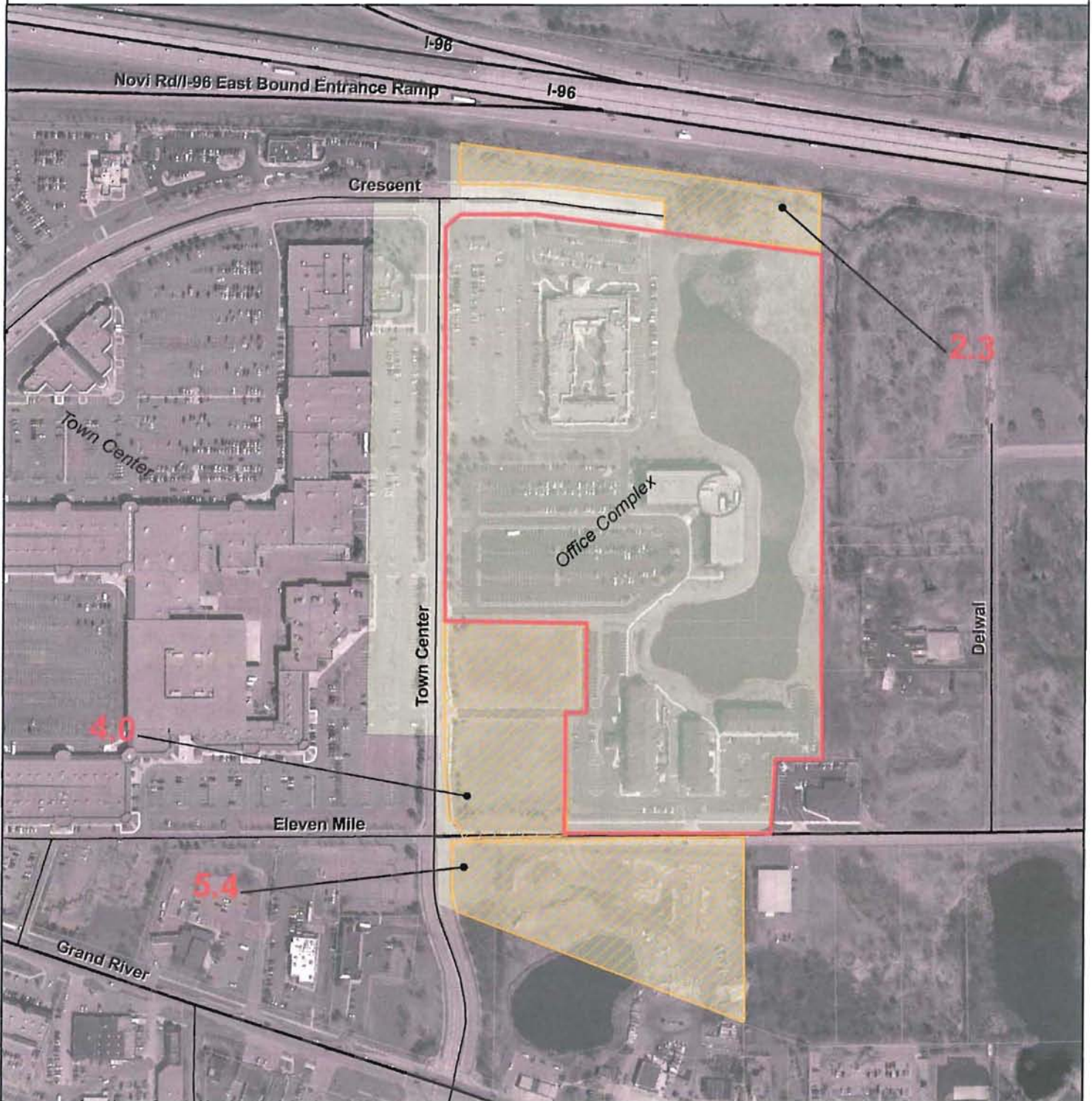
Created by Mark Spencer
 9/9/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

OSC Central City Locations



Tax Parcels
 OSC developed
 OSC vacant
 Office Complex
 0.0 Total Site Area in Acres

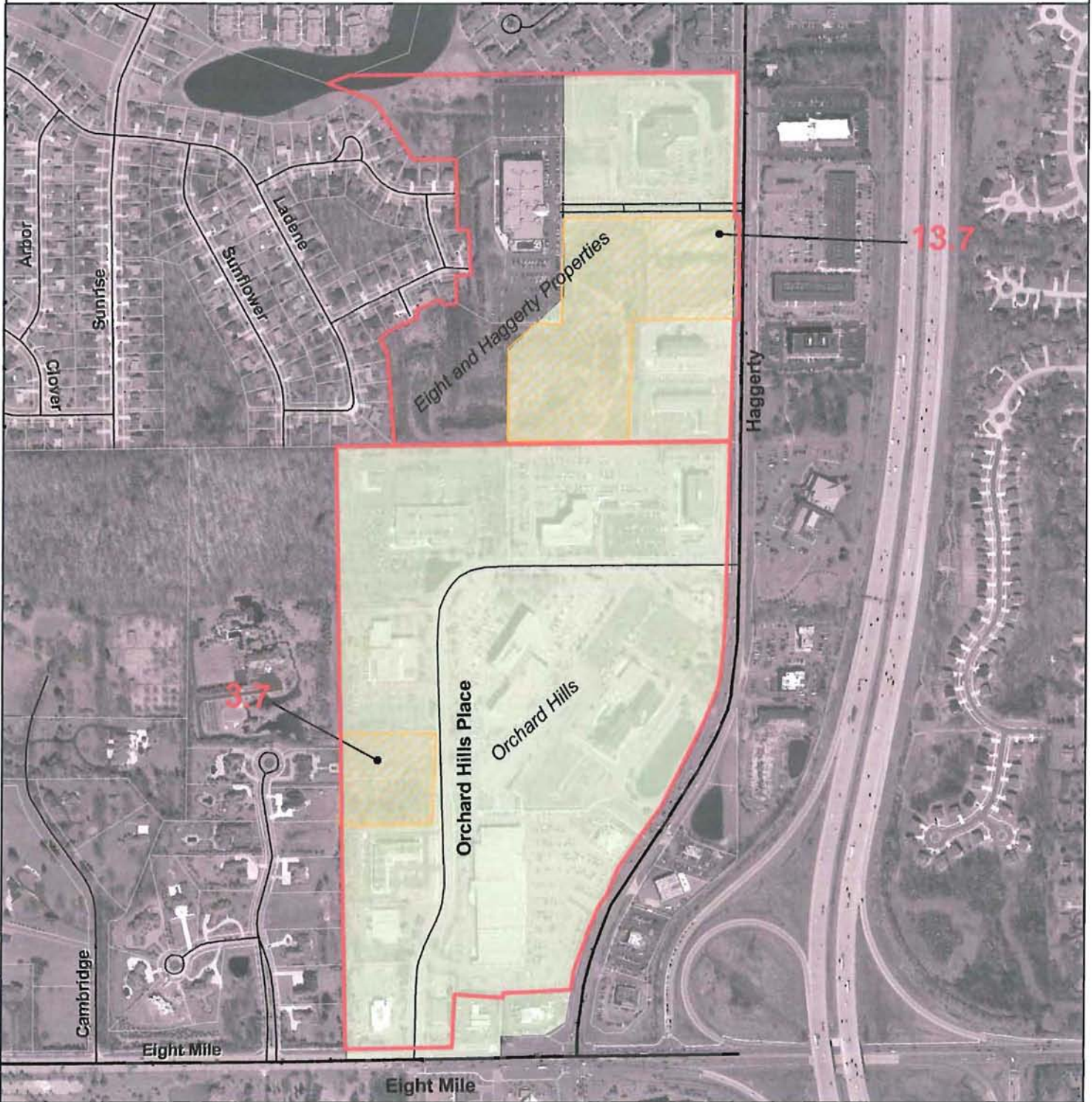


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OSC East City Locations



Tax Parcels OSC developed OSC vacant Office Complex **0.0** Total Site Area in Acres



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DRAFT MINUTES
CITY COUNCIL MEETING
SEPTEMBER 8, 2008

EXCERPT FROM DRAFT MINUTES:

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 8, 2008
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

2. **Consideration of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OCS, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions", and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. First Reading**

Mr. Pearson said this came as a result primarily of the Providence Hospital build out. He said it was a multi use, multi purpose property and obviously the hospital was the main event there. However, the fact was the property was zoned office, service and commercial and the commercial component had always been planned as part of it to take advantage of what had been in the ordinance. He said because of the size and uniqueness of the project they had a good deal more of commercial opportunity there, which gave rise to some suggestions to look at the OSC Ordinance and improve upon it to allow the commercial to be high quality and still meet the intent of the overall district. Mr. Pearson said Gary Jonna, a developer of that property had made suggestions and Administration had made suggestions and brought them to the Planning Commission and received their input. He said they have an overall package with a positive recommendation for Council's consideration.

Member Margolis said she had no problem approving the first reading of this and thought it made sense in terms of the Providence Development. However, before it came back for second reading, she wanted more information on the other areas this would affect. She said she would like more specifics on this from Administration in the off week packet because as a zoning text amendment it wouldn't just affect this property.

CM-08-09-153 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OCS, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions", and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. First Reading

DISCUSSION

Member Mutch said he would echo Member Margolis' request. He said he understood the desire of Providence Hospital to be able to develop the particular commercial design that they had in mind. However, this illustrated some of the challenges of when changes were made to address the needs of one applicant because it potentially opened the door to development in a way he didn't think they wanted to see happen. He said the areas of concern he had were 8 Mile and Haggerty Roads where there was an already large retail complex that was allowed under the OSC zoning. He said presently it only had two restaurant sites because of the ordinance requirements. Member Mutch said by allowing multiple restaurant locations including drive through restaurants, he was concerned it would open up that area for additional restaurant development. He said staff indicated that there were only certain sites that weren't developed but locations like that would be prime locations for redevelopment so he could see additional restaurant uses coming there. In addition, opening up the area north of that along Haggerty Road for potential locations including fast food restaurants would also be a concern for him. Member Mutch said there was also property in the Town Center area at the north east corner of 11 Mile Road that Singh had owned and he thought was currently selling. Again, he could see potential development there of commercial and restaurant uses beyond what they had contemplated. Member Mutch said the intent of the OSC was to be predominantly an office park development zoning district with some associated commercial development. He thought what Providence Hospital did was probably closer to the intent of the OSC development than what they had at 8 Mile and Haggerty Roads. He was concerned that opening the door for Providence Hospital would open the door for a lot of other uses they didn't want. Member Mutch said the other question he wanted addressed before second reading was the issue of the setbacks in the Providence Hospital campus, specifically along the private road and along the green space. He said he would be interested in an explanation from staff as to why they would want to reduce setbacks in those areas and whether the green space in the hospital complex was protected from future development, or if they could see development along there. He said he would support the first reading.

Mayor Pro Tem Capello said he would like Administration to see if these types of amendments would fit within the OST Ordinance, particularly looking at the Northern

Equities Developments going in north between 12 and 13 Mile Roads along M-5. He said for him this created a campus environment where there's the hospital and office buildings and people working there would not have to go out onto Grand River, 12 Mile Road or M-5 when they wanted to go out on their lunch hour. He said if they could keep that traffic off of the major roads and within a confined complex, it would help the entire infrastructure, it would help traffic and benefit both the developments and the people who worked there. He thought this was a win win for the City. He said he did have a problem with not allowing the rear and side yard setback waivers. He thought if it was part of a development, the City would make up for that land in the surrounding development of the hospital and office buildings but that could be addressed at a later time. Mayor Pro Tem Capello commented he looked at this as being a benefit for the City and the workers that were there and wholeheartedly embraced it.

Mr. Pearson said in reference to the OST, he didn't think they could include that. Mayor Pro Tem Capello said no, it was not to be included in the second reading.

Roll call vote on CM-08-09-153

**Yeas: Margolis, Mutch, Staudt, Landry,
Capello, Crawford, Gatt
Nays: None**

GRAPHIC ILLUSTRATING
GREENSWARD ON
PROVIDENCE PARK CAMPUS

EARLY PLAN OF PROVIDENCE PARK SHOWING GREENS WARD

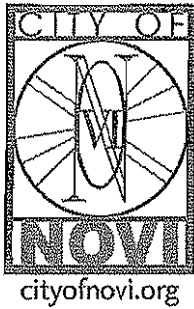


DRAWING NOTES
 NORTH
 ↓

<p>mjbj LANDSCAPE ARCHITECTS PROVIDENCE PARK LANDSCAPE PLAN</p>	<p>PROVIDENCE PARK HOSPITAL PROVIDENCE PARK CAMPUS LANDSCAPE PLAN DATE: 05/15/00 DRAWN BY: [illegible] CHECKED BY: [illegible] APPROVED BY: [illegible]</p>	<p>934075.00</p>	<p>OVERALL SITE LANDSCAPE PLAN L1</p>
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FOR INFORMATION USE ONLY
 SCALE: 1" = 50'

DRAFT EXCERPTS
PLANNING COMMISSION MINUTES
AUGUST 27, 2008



PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI

Regular Meeting

18.229 OSC TEXT AMENDMENT EXCERPT

Wednesday, August 27, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brian Larson, Michael Lynch, Mark Pehrson, Wayne Wrobel

Absent: Member Michael Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Karen Reinowski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; David Campbell, Traffic Consultant; Rod Arroyo, Traffic Consultant; Doug Necci, Façade Consultant; Tom Schultz, City Attorney

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.229

The Public Hearing was opened on 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 uses permitted subject to special conditions in a planned shopping center in the Office Service Commercial District and to provide greater flexibility in the design of planned shopping centers.

Planner Mark Spencer stated that this text amendment was proposed by Gary Jonna, who represents Providence Hospital. These changes are to Article 12 of the Zoning Ordinance, the OSC Section of the Ordinance. This change would allow for drive-through restaurants and would also allow for more restaurants. It would modify the conditions required for restaurants. The Applicant has also proposed changes to Article 2400 to reduce setbacks within the OSC District and permit front yard parking.

The OSC District currently allows restaurants as an accessory to an office building, hotel or motel. They can be stand-alone on a site of at least two acres, if they have the seating capacity of at least one hundred and located at least 500 feet from another restaurant. They are not permitted in planned shopping centers. The current Ordinance prohibits fast food, drive-in, drive-through, fast-food carryout and delivery-type restaurants. The proposed text would permit the following in a proposed shopping center: An unlimited number of restaurants; Outdoor restaurant seating; One drive-through restaurant of under 4,000 square feet; no distance requirements; fast-food, carry-out and delivery-type restaurants. No changes were proposed for restaurants outside of planned shopping centers.

The Planning Staff supports placing restaurants in a planned shopping center, since it is a customer use and would not change the character of a shopping center. The Planning Commission may wish to discuss the drive-through element and whether it would substantially change the character of a center. The Applicant also proposes changes to the parking setbacks, and allow front yard parking when a planned shopping center is proposed on a private road and is at least 100 feet from a public road. The Applicant proposes to reduce the front yard setback from 35 feet to 25 feet and also proposes to reduce the side and rear yard setbacks from twenty feet to ten feet, only when abutting open space of 25 feet or greater. Generally speaking, the Staff supports the front yard parking setback, because it could promote buildings closer to the sidewalk system. Staff does not support the rear or side yard setback proposals. Footnote ** already permits the Planning Commission to grant exceptions to the rear and side yard parking setbacks when the total amount of required landscaped area is maintained. The proposed setback reduction could permit a reduction of landscaping.

Mr. Gary Jonna of Whitehall Real Estate addressed the Planning Commission. He appeared on behalf of Providence Hospital. He has been working with Staff over the past few months on the OSC District language, and how it related to what was originally contemplated on the hospital's master plan. Mr. Jonna appeared before the Master Plan and Zoning Committee to discuss a zoning change for this project. The Committee gave their input and, along with Staff's input, the result is this text amendment that obviates any zoning change. Mr. Jonna cannot proceed with his next

project without these essential revisions.

Mr. Jonna said the hospital is a major development on two hundred acres with over 1.2 million square feet and it's not yet completed. Additionally, there will be over 2,000 doctors, nurses and associates on the site. There is a 70,000 square-foot orthopaedic center, and a 210,000 square-foot medical office building with a neuro-science building. It is imperative that the campus provide these essential services. This "village" type development will take retail and restaurant uses and present them in a pedestrian-friendly fashion. Services that are under demand will be provided.

Mr. Jonna thought that it was also important to note that Grand River and Beck is a well-traveled intersection. He said that the site plan for his next project will come back before the Planning Commission in the future. He added that the side yard setback request was added to this text amendment because this site abuts a greensward. This landscaped area divides the hospital from the medical office buildings, hotel and retail components. The greensward is 300 feet wide. This site has a unique circumstance. He thought the request in the text amendment was modest.

Mr. Jonna said that the Staybridge is doing well but is limited in its services. There is no bar or restaurant. There are no retail services. It is essential for the longevity of the hotel that its guests can walk to services. The current OSC District requires free-standing restaurants situated on two acres or more. A two-acre restaurant yields a 6,000-8,000 square-foot restaurant. The upcoming Providence project will offer small and intermediate restaurants in the 4,000 square-foot range. Additionally, to place food uses five hundred feet apart from one another is quite difficult in a village-type development, where grouping them is a complementary design.

Mr. Jonna said that when he returns to the Planning Commission he will bring forward a planned shopping center where the uses are grouped together in a village-format. It will connect to the existing trail and walking systems in a very attractive fashion. Under the current OSC it is virtually impossible for him to bring a project forward.

Mr. Jonna introduced Providence Hospital President Rob Casalou. He offered to answer any questions.

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

Member Lynch asked whether the upcoming proposal would be similar to the Main Street project. Mr. Jonna said this design will sit on about ten acres and will not bring in coast-to-coast restaurants. It will provide for health and fitness, retail and medical office and restaurants. This is not nearly the scale of the Main Street project. Member Lynch thought that the employees and guests of this campus should be serviced in this manner. He did not have an issue with the request. Member Lynch thought that what is being proposed is in accordance with what was approved; this was just a way to facilitate the project. Mr. Jonna said it certainly is consistent with the presented hospital master plan, but there was no "formal" Providence master plan approval. These changes are necessary to allow the grouping of food uses. Without this change, the site would not be marketable. Member Lynch asked whether the upcoming proposal would just service the campus. Mr. Jonna said it will attract outside traffic, but it will generally accommodate the large number of employees and visitors to the campus.

Member Larson asked how many restaurants Mr. Jonna was going to propose in the future. Mr. Jonna responded that he wasn't certain but he guessed about six or so. Mr. Jonna showed the Planning Commission where the site would be within the campus, which is the northwest corner.

Member Greco thought the campus plan was a reasonable idea. Anyone who has had to visit a hospital campus can benefit from a mix of options, especially for those guests who are from out of town and don't know the surrounding area. Generally speaking, Member Greco supported the amendments that would provide the campus with some flexibility of the design of the site. He would further comment on the tastefulness of the village when the Preliminary Site Plan came forward.

Member Wrobel understood the need for this, though he was concerned that this could have a negative effect on the restaurants across the street. He didn't want to see one area flourish and one area go away. Member Wrobel confirmed that there would be pedestrian walkways to the area. Mr. Jonna said the greensward houses a very

intricate trail system. He reminded Member Wrobel that this new hospital dramatically increases demand in the area for services. The upcoming village proposal will not cannibalize the area. The opening of the hospital will infuse the area with success. Without more restaurants the area will be underserved.

Member Wrobel asked about the food service available within the hospital. Mr. Casalou said that food service in the hospital was sized according to their intent to add food service elsewhere on the campus.

Member Wrobel was glad this would keep traffic off of Grand River. He was a bit unsure of the drive-through restaurant request in the text amendment, as it could create in-out traffic that was unnecessary. Mr. Jonna said the drive-through component was for one restaurant, one window. He said he was contemplating this use to be a drive-through coffee store. This text amendment is not meant to cause a proliferation of drive-through restaurants. He said that when he returns with the Preliminary Site Plan he will have to demonstrate that the design is acceptable.

Member Burke asked where the setback requests would come into play. Mr. Jonna described the current layout of the site. He explained that the setback request was to accommodate projects that abut an already established greenbelt. In this light, the request is not unreasonable because the already established greenbelt provides 25 feet of its own. In Mr. Jonna's case, that width will be a minimum of 200 feet.

Mr. Spencer said that Staff's position is that this text amendment is for the whole City and not just a specific site. There is a provision already in the Ordinance that gives the Planning Commission the right to make an exception if ample space is already set aside. In this scenario, the Applicant will have to provide the greenspace. If the setback is reduced the Applicant will not have to provide it. Although it is only ten feet wide, it is ten feet that the Applicant can use to provide landscaping and trees. There have been other examples on this campus where Easements have been provided to make these situations work.

Member Burke asked whether the Applicant can seek the relief on his Preliminary Site Plan if these setback changes don't move forward. Mr. Spencer responded that Footnote ** allows the Planning Commission to work with the Applicant, so the Applicant wouldn't even have to go to the ZBA.

Mr. Jonna added that he didn't wish to be argumentative. He just wished to point out that there aren't many opportunities for landscape mitigation on this campus. In terms of precedent, this amendment would ensure a greenbelt of 35 feet rather than just twenty feet. Subjectively, the campus is running out of real estate, in light of the roadway system, for mitigation.

City Attorney Tom Schultz added that although the Planning Commission can negotiate this point in their Preliminary Site Plan review, the Applicant would still have the option of going to the ZBA if the Planning Commission said no. Member Burke confirmed that that the Applicant will still have the opportunity to ask for the reduction later in the Preliminary Site Plan review process if the language is not amended at this time.

Chair Pehrson added that the City Council will understand the nature of the Planning Commission's concern when they review the minutes of this meeting. They will understand that the Planning Commission will still have the purview of this request at the time of the Preliminary Site Plan review.

Member Burke supported the upcoming project, and certainly felt that if this were the site plan review the Applicant would have overwhelming support from the Planning Commission. He did not think the Planning Commission wanted to make the mistake of changing the standard now if the request can be handled with the actual Preliminary Site Plan review. Mr. Jonna wished to add that if the text doesn't address this issue now, his future plan will have to provide mitigated landscape elsewhere on the site. In other words, the Preliminary Site Plan review does not allow for a full waiver of the landscape, just that the landscape can be mitigated elsewhere. This would be a burden to the campus. Chair Pehrson reminded Mr. Jonna that he could seek a ZBA Variance as another resolution. Mr. Jonna responded that he just felt that it was better addressed in this text amendment request.

Mr. Spencer confirmed with Member Burke that he understood that Staff does support the front yard setback request. Member Burke understood that the footnote to which he was referring did not affect the front yard language.

Member Cassis better understood the feasibility of this text amendment request. He agreed with Member Burke that the side and back yard setbacks can be addressed on the Preliminary Site Plan review. The City wished to preserve the Ordinance so that its intent does not go downhill.

Member Cassis asked Mr. Casalou if the village was compatible with and enhanced the other elements of the campus. Mr. Casalou said yes. He said that Planning Commission will see their intent of providing a health park when the Preliminary Site Plan returns for the Planning Commission to review. The selection of services, restaurants and fitness will help create a health environment. They will not bring in restaurants that don't fit this image. This will be a high-end organic healthy image. These ten acres are a cog in the wheel of the entire campus. He understood that the current OSC language does not provide the flexibility he once thought it did.

Member Gutman was glad that Mr. Casalou clarified the restaurant uses. He thought the presentation was reasonable and fair. He was concerned about the side and rear setback issue as well – not with this project but with the idea of opening the idea up globally. The Applicant has the alternative of coming back with their request with the Preliminary Site Plan submittal.

Moved by Member Gutman, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.229 related to expanding uses permitted subject to special conditions in a planned shopping center in the OSC District, motion to recommend approval to City Council, with the exception of the modifications to the side and rear setbacks.

DISCUSSION

Chair Pehrson thought the request was wise, in light of the environment they have built already upon the campus. He said the City tries to keep the Ordinance up to date with what is needed in the market place. What the Applicant is asking for is a great benefit. He was in favor of the motion, and he agreed that the setback issue should be reserved for the Preliminary Site Plan review.

ROLL CALL VOTE ON 18.229 TEXT AMENDMENT POSITIVE RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.229 related to expanding uses permitted subject to special conditions in a planned shopping center in the OSC District, motion to recommend approval to City Council, with the exception of the modifications to the side and rear setbacks. *Motion carried 8-0.*

**OSC, OFFICE SERVICE COMMERCIAL
AMENDMENTS
"STRIKE-THROUGH" VERSION
AS APPROVED FOR FIRST READING
BY CITY COUNCIL**

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -229

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, OSC, OFFICE SERVICE COMMERCIAL DISTRICT, SUBSECTIONS 1202 AND 1203 AND ARTICLE 24 SCHEDULE OF REGULATIONS, SUBSECTION 2400, IN ORDER TO EXPAND USES PERMITTED SUBJECT TO SPECIAL CONDITIONS IN A PLANNED SHOPPING CENTER IN THE OSC DISTRICT AND TO PROVIDE GREATER FLEXIBILITY IN THE DESIGN OF PLANNED SHOPPING CENTERS IN THE OSC DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 12, OSC, Office Service Commercial District, Section 1202, Principal Uses Permitted Subject to Special Conditions and Section 1203 Required Conditions and Article 24, Schedule of Regulations, Section 2400, Schedule limiting height, bulk, density and area by zoning district are hereby amended to read as follows:

ARTICLE 12. OSC, OFFICE SERVICE COMMERCIAL DISTRICT

Section 1200 [Unchanged]

Section 1201 [unchanged]

Section 1202. 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:

1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
 - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
2. Retail commercial business uses ~~other than~~ including restaurants, serving the convenience and comparison shopping needs of the area provided:
 - a. That all such uses are contained within a planned commercial shopping center.
 - b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than

twenty (20) percent of the total site area of the planned office complex of which it is a part.

- c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
 - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
 - e. Only one planned commercial shopping center is permitted per planned office complex.
 - f. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
 - g. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center, provided:
 - 1. Drive-through restaurant shall contain less than 4,000 square feet of gross floor area;
 - 2. Maximum of one drive-through window per restaurant; and,
 - 3. Maximum of one drive-through restaurant shall be permitted per planned commercial shopping center
3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided:
- a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.
 - b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
 - c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
 - d. Minimum site size shall be two (2) acres.
 - e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.
 - f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.

- g. Requirements for off-street parking for restaurants shall be computed according to the standards contained in Sections 2505.14.C(7), 2505.14.C(15) and 2505.15, and shall be in addition to parking otherwise required for associated offices, hotels or motels.
4. Amusement and entertainment uses, including commercial recreation centers and theaters, provided:
 - a. Access to the site shall be in accordance with Section 2518 of this Ordinance.
 - b. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.
 - c. That no such amusement or entertainment uses shall be located adjacent to a residential district.
 - d. A noise impact statement is required subject to the standards of Section 2519.10(c).
 5. Day Care Centers, and Adult Day Care Centers provided that all of the conditions contained within Subsection 1102.4 are met.
 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).
(Ord. No. 2004-18.167, Pt. X, 4-5-04; Ord. No. 18.221, Pt. I, 1-22-08)

Section 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC District:

1. They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.
2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited.
3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
4. See Article 25, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements.
5. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.
6. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

Article 24 Schedule of Regulations

Section 2400 Schedule limiting height, bulk, density and area by zoning district.

Table Residential [unchanged]

TABLE INSET:

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)				
Zoning District		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear	Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20	20	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-1	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)

I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s, t)	50 (c, i, m, s, t)	50 (i, l, m, s, t)	(h)	20	20	--	(g)
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con-Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

**The Planning Commission may modify 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 setback on a site below the minimum setback area requirements of this Section.

Footnotes (a) – (g) [unchanged]

footnote (h)

Off-street parking shall be permitted in the front yard of the OS-1, OS-2, OST, EXPO, EXO, B-1, B-2, B-3, NCC, RC, TC and FS Districts, except that said parking shall observe the minimum off-street parking setback requirements of Sections 2400 and 2509.7(c) of this Ordinance and, with respect to the TC District, Section 1605.3.

No off-street parking shall be permitted in the front yard, being that area between the front property line and the front building facade of the principal building(s) on the lot or parcel, of the OSC, I-1, I-2 Districts unless:

- (1) The parking area serves a development of at least two (2) acres in size;
- (2) The parking area does not extend into the minimum required front yard setback of the district unless the site is located in the OSC District, located only on a private road and located at least 100 feet from any public road, then the minimum parking area front yard requirement may be reduced to 25 feet;

- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line. This provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road;
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8; and
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development.

Footnotes (i) – (v) [unchanged]

Sections 2401-2407 [unchanged]

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 CITY COUNCIL OF THE CITY OF
NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2008.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**OSC, OFFICE SERVICE COMMERCIAL
AMENDMENTS
“CLEAN” VERSION
AS APPROVED FOR FIRST READING
BY CITY COUNCIL**

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -229

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, OSC, OFFICE SERVICE COMMERCIAL DISTRICT, SUBSECTIONS 1202 AND 1203 AND ARTICLE 24 SCHEDULE OF REGULATIONS, SUBSECTION 2400, IN ORDER TO EXPAND USES PERMITTED SUBJECT TO SPECIAL CONDITIONS IN A PLANNED SHOPPING CENTER IN THE OSC DISTRICT AND TO PROVIDE GREATER FLEXIBILITY IN THE DESIGN OF PLANNED SHOPPING CENTERS IN THE OSC DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 12, OSC, Office Service Commercial District, Section 1202, Principal Uses Permitted Subject to Special Conditions and Section 1203 Required Conditions and Article 24, Schedule of Regulations, Section 2400, Schedule limiting height, bulk, density and area by zoning district are hereby amended to read as follows:

ARTICLE 12. OSC, OFFICE SERVICE COMMERCIAL DISTRICT

Section 1200 [Unchanged]

Section 1201 [unchanged]

Section 1202. Principal Uses Permitted Subject to Special Conditions.

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1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
 - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
2. Retail commercial business uses including restaurants, serving the convenience and comparison shopping needs of the area provided:
 - a. That all such uses are contained within a planned commercial shopping center.
 - b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than

- twenty (20) percent of the total site area of the planned office complex of which it is a part.
- c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
 - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
 - e. Only one planned commercial shopping center is permitted per planned office complex.
 - f. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
 - g. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center, provided:
 1. Drive-through restaurant shall contain less than 4,000 square feet of gross floor area;
 2. Maximum of one drive-through window per restaurant; and,
 3. Maximum of one drive-through restaurant shall be permitted per planned commercial shopping center
3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided:
- a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.
 - b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
 - c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
 - d. Minimum site size shall be two (2) acres.
 - e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.
 - f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.

- g. Requirements for off-street parking for restaurants shall be computed according to the standards contained in Sections 2505.14.C(7), 2505.14.C(15) and 2505.15, and shall be in addition to parking otherwise required for associated offices, hotels or motels.
- 4. Amusement and entertainment uses, including commercial recreation centers and theaters, provided:
 - a. Access to the site shall be in accordance with Section 2518 of this Ordinance.
 - b. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.
 - c. That no such amusement or entertainment uses shall be located adjacent to a residential district.
 - d. A noise impact statement is required subject to the standards of Section 2519.10(c).
- 5. Day Care Centers, and Adult Day Care Centers provided that all of the conditions contained within Subsection 1102.4 are met.
- 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c). (Ord. No. 2004-18.167, Pt. X, 4-5-04; Ord. No. 18.221, Pt. I, 1-22-08)

Section 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC District:

- 1. They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.
- 2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited.
- 3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
- 4. See Article 25, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements.
- 5. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.
- 6. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

Article 24 Schedule of Regulations

Section 2400 Schedule limiting height, bulk, density and area by zoning district.

Table Residential [unchanged]

TABLE INSET:

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)				
Zoning District		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear	Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20	20	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-1	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)

I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s, t)	50 (c, i, m, s, t)	50 (i, l, m, s, t)	(h)	20	20	--	(g)
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con-Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

**The Planning Commission may modify 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 setback on a site below the minimum setback area requirements of this Section.

Footnotes (a) – (g) [unchanged]

footnote (h)

Off-street parking shall be permitted in the front yard of the OS-1, OS-2, OST, EXPO, EXO, B-1, B-2, B-3, NCC, RC, TC and FS Districts, except that said parking shall observe the minimum off-street parking setback requirements of Sections 2400 and 2509.7(c) of this Ordinance and, with respect to the TC District, Section 1605.3.

No off-street parking shall be permitted in the front yard, being that area between the front property line and the front building facade of the principal building(s) on the lot or parcel, of the OSC, I-1, I-2 Districts unless:

- (1) The parking area serves a development of at least two (2) acres in size;
- (2) The parking area does not extend into the minimum required front yard setback of the district unless the site is located in the OSC District, located only on a private road and located at least 100 feet from any public road, then the minimum parking area front yard requirement may be reduced to 25 feet;

- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line. This provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road;
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8; and
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development.

Footnotes (i) – (v) [unchanged]

Sections 2401-2407 [unchanged]

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 CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2008.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**ALTERNATE SECTION 2400 TABLE
"STRIKE THROUGH" VERSION
AS REQUESTED BY APPLICANT**

OSC Second Reading Alternate Section 2400 Table Strike Through Version

TABLE INSET:

Zoning District		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)			Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear		
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20***	20 ***	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-1	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s,	50 (c, i,	50 (i, l, m,	(h)	20	20	--	(g)

						t)	m, s, t)	s, t)					
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con- Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

**The Planning Commission may modify 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 setback on a site below the minimum setback area requirements of this Section.

*** When abutting existing open space of thirty (30) feet or greater, the parking setback may be reduced to ten (10) feet

**ALTERNATE SECTION 2400 TABLE
"CLEAN" VERSION
AS REQUESTED BY APPLICANT**

OSC Second Reading Alternate Section 2400 Table Clean Version

TABLE INSET:

Zoning District		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)			Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear		
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20***	20***	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-1	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s,	50 (c, i,	50 (i, l, m,	(h)	20	20	--	(g)

						t)	m, s, t)	s, t)					
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con- Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

**The Planning Commission may modify 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 setback on a site below the minimum setback area requirements of this Section.

*** When abutting existing open space of thirty (30) feet or greater, the parking setback may be reduced to ten (10) feet