



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item Q
March 23, 2009

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.235, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 11, OS-1 Office Service District, Subsection 1101 and Subsection 1102, Article 12, OSC, Office Service Commercial District, Subsection 1201 and Subsection 1202, Article 15, B-3, General Business District, Subsection 1501 and Subsection 1502, Article 19, I-1, Light Industrial District, Subsection 1901 and Subsection 1902, Article 23, OS-2, Planned Office Service District, Subsection 2301 and Subsection 2302; in order to provide for health and fitness facilities equal to or less than 2,000 square feet as principal permitted uses. **First Reading**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Bu...*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

As a part of the Community Development Department's on-going efforts to improve customer service and to streamline the development and redevelopment process in Novi, the City's Planning Staff has proposed an ordinance amendment regarding indoor health and fitness facilities in the following districts: OS-1 (Office Service District), OSC (Office Service Commercial District), B-3 (General Business District), I-1 (Light Industrial District) and OS-2 (Planned Office Service District). This amendment is in response to recent requests from a number of small fitness facilities to locate in existing lease spaces of less than 2,000 square feet.

The amendment would allow indoor health and fitness facilities equal to or less than 2,000 square feet as principal permitted uses in all of the above mentioned districts. Fitness facilities greater than 2,000 square feet would remain special land uses in all of the aforementioned districts. Currently, the Zoning Ordinance permits any size indoor recreational facility, such as a fitness club as a special land use in the OS-1, OSC, B-3, I-1 and OS-2 districts.

On February 25, 2009, the Planning Commission held a public hearing and took action to recommend approval of the text amendment. Draft minutes from that meeting are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.235, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 11, OS-1 Office Service District, Subsection 1101 and Subsection 1102, Article 12, OSC, Office Service Commercial District, Subsection 1201 and Subsection 1202, Article 15, B-3, General Business District, Subsection 1501 and Subsection 1502, Article 19, I-1, Light Industrial District, Subsection 1901 and Subsection 1902, Article 23, OS-2, Planned Office Service District, Subsection 2301 and Subsection 2302; in order to provide for health and fitness facilities equal to or less than 2,000 square feet as principal permitted uses. **First Reading**

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

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

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 235

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 11, OS-1 OFFICE SERVICE DISTRICT, SECTION 1101 AND SECTION 1102, ARTICLE 12, OSC OFFICE SERVICE COMMERCIAL DISTRICT, SECTION 1201 AND SECTION 1202, ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 AND SECTION 1502, ARTICLE 19, I-1, LIGHT INDUSTRIAL DISTRICT, SECTION 1901 AND SECTION 1902 AND ARTICLE 23, OS-2, PLANNED OFFICE SERVICE DISTRICT, SECTION 2301 AND SECTION 2302; IN ORDER TO PROVIDE FOR HEALTH AND FITNESS FACILITIES AS PRINCIPAL PERMITTED USES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 11, OS-1 Office Service District, Section 1101, Principal Uses Permitted and Section 1102, Principal Uses Permitted Subject to Special Conditions, Article 12, OSC Office Service Commercial District, Section 1201, Principal Uses Permitted and Section 1202, Principal Uses Permitted Subject to Special Conditions, Article 15, B-3, General Business District, Section 1501, Principal Uses Permitted and Section 1502, Principal Uses Permitted Subject to Special Conditions, Article 19, I-1, Light Industrial District, Section 1901, Principal Uses Permitted and Section 1902, Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District and Article 23, OS-2, Planned Office Service District, Section 2301, Principal Uses Permitted and Section 2302, Principal Uses Permitted Subject to Special Conditions are hereby amended to read as follows:

Article 11, OS-1 Office Service District

Sec. 1100. Intent. [unchanged]

Sec. 1101. Principal Uses Permitted. [unchanged]

1-10. [unchanged]

11. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1102. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

5. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

Sec. 1103. Required Conditions. [unchanged]

1-8. [unchanged]

Article 12, OSC Office Service Commercial District

Sec. 1200. Intent. [unchanged]

Sec. 1201. Principal Uses Permitted. [unchanged]

1-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1202. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-9. [unchanged]

10. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

Sec. 1203. Required Conditions. [unchanged]

1-6. [unchanged]

Article 15, B-3 General Business District

Sec. 1500. Intent. [unchanged]

Sec. 1501. Principal Uses Permitted. [unchanged]

1.-8. [unchanged]

9. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1502. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-5. [unchanged]

6. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

Sec. 1503. Required Conditions. [unchanged]

1-5. [unchanged]

Article 19, I-1 Light Industrial District

Sec. 1900. Intent. [unchanged]

Sec. 1901. Principal Uses Permitted. [unchanged]

1-3. [unchanged]

4. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1902. Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District. [unchanged]

1-14. [unchanged]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

16-18. [unchanged]

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions. [unchanged]

1-11. [unchanged]

Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses. [unchanged]

1. [unchanged]

Sec. 1905. Required Conditions. [unchanged]

1-10. [unchanged]

Article 23, OS-2 Planned Office Service District

Sec. 2300. Intent. [unchanged]

Sec. 2301. Principal Uses Permitted. [unchanged]

1.-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 2302. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

4. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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).

5. [unchanged]

Sec. 2303. Required Conditions. [unchanged]

1-11. [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 _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 235

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 11, OS-1 OFFICE SERVICE DISTRICT, SECTION 1101 AND SECTION 1102, ARTICLE 12, OSC OFFICE SERVICE COMMERCIAL DISTRICT, SECTION 1201 AND SECTION 1202, ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1501 AND SECTION 1502, ARTICLE 19, I-1, LIGHT INDUSTRIAL DISTRICT, SECTION 1901 AND SECTION 1902 AND ARTICLE 23, OS-2, PLANNED OFFICE SERVICE DISTRICT, SECTION 2301 AND SECTION 2302; IN ORDER TO PROVIDE FOR HEALTH AND FITNESS FACILITIES AS PRINCIPAL PERMITTED USES.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 11, OS-1 Office Service District, Section 1101, Principal Uses Permitted and Section 1102, Principal Uses Permitted Subject to Special Conditions, Article 12, OSC Office Service Commercial District, Section 1201, Principal Uses Permitted and Section 1202, Principal Uses Permitted Subject to Special Conditions, Article 15, B-3, General Business District, Section 1501, Principal Uses Permitted and Section 1502, Principal Uses Permitted Subject to Special Conditions, Article 19, I-1, Light Industrial District, Section 1901, Principal Uses Permitted and Section 1902, Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District and Article 23, OS-2, Planned Office Service District, Section 2301, Principal Uses Permitted and Section 2302, Principal Uses Permitted Subject to Special Conditions are hereby amended to read as follows:

Article 11, OS-1 Office Service District

Sec. 1100. Intent. [unchanged]

Sec. 1101. Principal Uses Permitted. [unchanged]

1-10. [unchanged]

11. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1102. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

5. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

Sec. 1103. Required Conditions. [unchanged]

1-8. [unchanged]

Article 12, OSC Office Service Commercial District

Sec. 1200. Intent. [unchanged]

Sec. 1201. Principal Uses Permitted. [unchanged]

1-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1202. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-9. [unchanged]

10. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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 o the standards of Section 2519.10(c).

Sec. 1203. Required Conditions. [unchanged]

1-6. [unchanged]

Article 15, B-3 General Business District

Sec. 1500. Intent. [unchanged]

Sec. 1501. Principal Uses Permitted. [unchanged]

1.-8. [unchanged]

9. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1502. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-5. [unchanged]

6. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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).

Sec. 1503. Required Conditions. [unchanged]

1-5. [unchanged]

Article 19, I-1 Light Industrial District

Sec. 1900. Intent. [unchanged]

Sec. 1901. Principal Uses Permitted. [unchanged]

1-3. [unchanged]

4. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 1902. Principal Uses Permitted Subject to Special Conditions When Abutting a Residential District. [unchanged]

1-14. [unchanged]

15. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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).

16-18. [unchanged]

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions. [unchanged]

1-11. [unchanged]

Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses. [unchanged]

1. [unchanged]

Sec. 1905. Required Conditions. [unchanged]

1-10. [unchanged]

Article 23, OS-2 Planned Office Service District

Sec. 2300. Intent. [unchanged]

Sec. 2301. Principal Uses Permitted. [unchanged]

1.-6. [unchanged]

7. Public or private health and fitness facilities and clubs, provided that such facilities or clubs do not exceed 2,000 square feet in size. All fitness activities shall be contained within a completely enclosed building.

Sec. 2302. Principal Uses Permitted Subject to Special Conditions. [unchanged]

1-4. [unchanged]

4. Public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than 2,000 square feet in size, 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).

5. [unchanged]

Sec. 2303. Required Conditions. [unchanged]

1-11. [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.

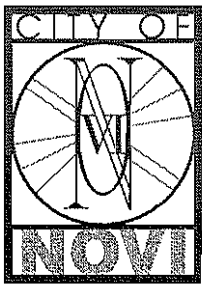
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION MEETING
MINUTES – EXCERPT
FEBRUARY 25, 2009**



cityofnovi.org

PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI

Regular Meeting

Zoning Ordinance Text Amendment 18.235 Excerpt

Wednesday, February 25, 2009 | 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 David Baratta, David Greco, Andy Gutman, Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson, Leland Prince

Absent: Member Victor Cassis (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; John Freeland, Wetland Consultant; Martha Holzheuer, Woodland Consultant, Sarah Merrill, Traffic Consultant; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.235

The Public Hearing was opened on Planning Commission's consideration and recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, Article 11, OS-1, Office Service District, Section 1101 and Section 1102, Article 12, OSC, Office Service Commercial District, Section 1201 and Section 1202, Article 15, B-3, General Business District, Section 1501 and Section 1502, Article 19, I-1, Light Industrial District, Section 1901 and Section 1902 and Article 23, OS-2, Planned Office Service District, Section 2301 and Section 2302; In order to provide for health and fitness facilities occupying building space of 2,000 square feet or less as principal permitted uses.

Planner Kristen Kapelanski said that the Staff proposes this Text Amendment which will change the standards for 2,000 square-foot or smaller fitness facilities for locating in the aforementioned districts. Instead of their needing to receive Special Land Use Permits, these smaller fitness centers will be principal permitted uses. Larger fitness facilities will remain Special Land Uses. This Text Amendment is in response to several recent requests for smaller fitness centers seeking to locate in vacant stores and offices.

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

Member Gutman appreciated the Staff's proactive continued approach to address recurring issues. It makes the situation more workable for the Planning Commission, the City and the applicants.

Moved by Member Gutman, seconded by Member Lynch:

ROLL CALL VOTE ON TEXT AMENDMENT 18.235 POSITIVE RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

In the matter of Zoning Ordinance Text Amendment 18.235, a motion to recommend approval to City Council to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, Article 11, OS-1, Office Service District, Section 1101 and Section 1102, Article 12, OSC Office Service Commercial District, Section 1201 and Section 1202, Article 15, B-3, General Business District, Section 1501 and Section 1502, Article 19, I-1, Light Industrial District, Section 1901 and Section 1902 and Article 23, OS-2, Planned Office Service District, Section 2301 and Section 2302, in order to provide for health and fitness facilities as principal permitted uses. *Motion carried 8-0.*

Transcribed by Jane L. Schimpf,
Customer Service Representative
March 12, 2009

Date Approved:

Angela Pawlowski, Planning Assistant

Date