



CITY of NOVI CITY COUNCIL

Agenda Item 3
March 21, 2011

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Burb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Attached are ordinance amendments the Community Development Department has proposed to permit Planning Commission approval of projects on smaller sites in the RC, Regional Center District and for façade waivers in the TC and TC-1, Town Center Districts. Staff has proposed these amendments in an effort to create a more streamlined process for potential development and redevelopment.

Changes to the RC District

Currently, all Special Land Use Permits and all Site Plans in the RC District require the approval of the City Council after the review and recommendation of the Planning Commission. The proposed amendment would allow Special Land Use Permits and Site Plans to be approved by the Planning Commission on sites under development that are four acres or less in area and not directly connected to a regional or community commercial shopping center. Attached is a map highlighting the parcels that would be eligible for Planning Commission approval should this amendment be adopted. Building developments associated with a large shopping center, parcels greater than four acres and those choosing to utilize the PD-2 option will still be required to be reviewed by the Planning Commission with a recommendation provided for consideration by the City Council.

Changes to the TC and TC-1 Districts

Currently, all site plans, landscape waivers and façade waivers on sites under development in the TC and TC-1 Districts that are five acres or larger in area require the approval of the City Council after the review and recommendation of the Planning Commission. Staff has proposed modifying the ordinance to allow for approval of façade waivers by the Planning Commission on site plans that would otherwise qualify for administrative review under the site plan review provisions of the Ordinance. Preliminary Site Plan approval on sites five acres or larger would remain with the City Council.

The Planning Commission held the public hearing and recommended approval of the text amendment on March 9, 2011.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval

without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. **FIRST READING**

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

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

**PROPERTIES ELIGIBLE FOR
PLANNING COMMISSION APPROVAL**

Text Amendment 18.245

Parcels Eligible for Planning Commission Approval



Map Author: Kristen Kapelanski
 Date: December 2, 2010
 Project: Text Amendment 18.247
 Version #: 1.0

Map Legend

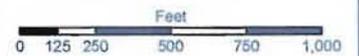
 Parcels Zoned RC Equal to or Less Than 4 Acres



City of Novi
 Department Division
 Department Name
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org

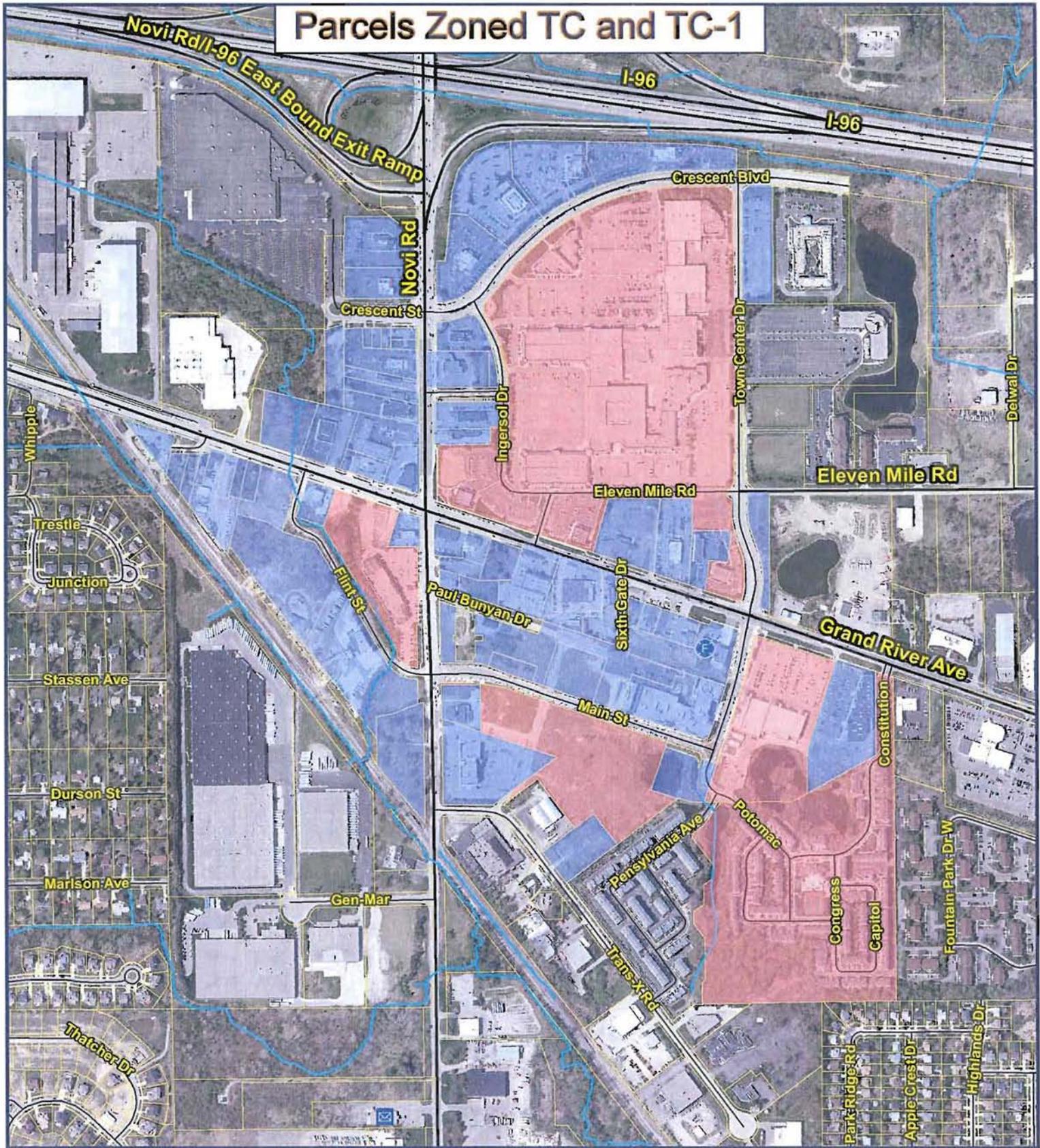
MAP INTERPRETATION NOTICE

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.



1 inch = 634 feet

Parcels Zoned TC and TC-1



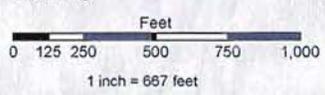
Map Author: Kristen Kapelanski
 Date: January 13, 2011
 Project: TC & TC-1 Parcel Sizes
 Version #: 1.0

Map Legend

- Parcels Zoned TC or TC-1 > 5 Acres
- Parcels Zoned TC or TC-1 < 5 acres



City of Novi
 Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



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PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 245

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1603, REQUIRED CONDITIONS AND ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND SECTION 1703, REQUIRED CONDITIONS; IN ORDER TO ALLOW FAÇADE WAIVERS IN THE TC AND TC-1 DISTRICTS TO BE APPROVED BY THE PLANNING COMMISSION WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL AND TO ALLOW PLANNING COMMISSION APPROVAL WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL OF SPECIAL LAND USE PERMITS AND SITE PLANS ON SITES TOTALING FOUR ACRES OR LESS IN THE RC DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, is hereby amended to read as follows:

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600 – Section 1602. [Unchanged.]

Section 1603. Required Conditions

The following standards shall apply to all uses permitted in the TC and TC-1 Districts:

1. *Site Plans.* For all uses permitted in the TC and TC-1 Town Center Districts, site plans shall be submitted for preliminary approval by the Planning Commission, in accordance with the provisions of this ordinance and other applicable ordinances. In those instances where the site under development is five acres or more in area, preliminary site plan approval shall be by the City Council after review and recommendation by the Planning Commission. In those instances where the site under development is five acres or more in area and the site plan meets the eligibility requirements of Section 2516.c for administrative site plan review and approval, a façade waiver may be granted by the Planning Commission.

2. – 16. [Unchanged.]

Part II.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 17, RC Regional Center District, is hereby amended to read as follows:

ARTICLE 17. RC REGIONAL CENTER DISTRICT

Section 1700 – Section 1701. [Unchanged.]

Section 1702. Principal Uses Permitted Subject to Special Conditions

The following uses shall be permitted by the City Council, following review and recommendation of 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. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, special land uses shall be subject to approval by the Planning Commission. 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. – 4. [Unchanged.]

Section 1703. Required Conditions

1. – 3. [Unchanged.]

4. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and, prior to issuance of a building permit, shall be subject to approval by the City Council following review and recommendation by the Planning Commission. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, site plans shall be subject to approval by the Planning Commission.

5. – 6. [Unchanged.]

PART III.

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 IV.

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 V.

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 VI.

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 _____, 2011.

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. 11- 18 – 245

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1603, REQUIRED CONDITIONS AND ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND SECTION 1703, REQUIRED CONDITIONS; IN ORDER TO ALLOW FAÇADE WAIVERS IN THE TC AND TC-1 DISTRICTS TO BE APPROVED BY THE PLANNING COMMISSION WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL AND TO ALLOW PLANNING COMMISSION APPROVAL WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL OF SPECIAL LAND USE PERMITS AND SITE PLANS ON SITES TOTALING FOUR ACRES OR LESS IN THE RC DISTRICT.

THE CITY OF NOVI ORDAINS:

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Section 1600 – Section 1602. [Unchanged.]

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2. – 16. [Unchanged.]

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ARTICLE 17. RC REGIONAL CENTER DISTRICT

Section 1700 – Section 1701. [Unchanged.]

Section 1702. Principal Uses Permitted Subject to Special Conditions

The following uses shall be permitted by the City Council, following review and recommendation of 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. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, special land uses shall be subject to approval by the Planning Commission. 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. – 4. [Unchanged.]

Section 1703. Required Conditions

1. – 3. [Unchanged.]

4. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and, prior to issuance of a building permit, shall be subject to approval by the City Council following review and recommendation by the Planning Commission. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, site plans shall be subject to approval by the Planning Commission.

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P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

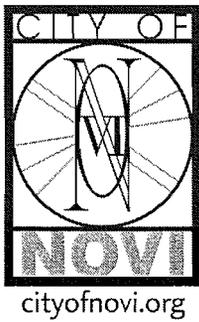
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2011.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION MEETING MINUTES
EXCERPT- MARCH 9, 2011**



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

Wednesday, March 9, 2011 | 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: Member Greco, Chairperson Gutman, Member Larson, Member Lynch, Member Meyer

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristin Kolb, City Attorney; Kristen Kapelanski, Planner

Absent: Member Baratta, Member Cassis, Member Pehrson, Member Prince (all excused)

PLEDGE OF ALLEGIANCE

Member Greco led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Larson:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER LARSON:

Motion to approve the March 9, 2011 Planning Commission agenda. Motion carried 5-0.

PUBLIC HEARINGS

1. TEXT AMENDMENT 18.245

Public Hearing for Planning Commission's recommendation to City Council for consideration to amend The City of Novi Zoning Ordinance no. 97-18, as amended, the City of Novi Zoning Ordinance, Article 16, TC and TC-1 Town Center Districts, Section 1603, required conditions and Article 17, RC Regional Center District, Section 1702, Principal Uses permitted subject to Special Conditions and Section 1703, Required Conditions; in order to allow facade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling five acres or less in the RC District.

Planner Kapelanski stated that currently all Special Land Use permits and site plans in the RC District do require the approval of the City Council after the review and recommendation by the Planning Commission.

The proposed amendment would allow the Special Land Use permits and site plans in the RC District to be approved by the Planning Commission on sites under development that are four acres or less in area. That would mostly include the properties bordering Twelve Oaks Mall and a few that are over in West Oaks that would be available for approval by the Planning Commission should this amendment be approved.

It also includes modifying the ordinance to allow for Planning Commission approval of façade waivers in the TC and TC-1 Districts on site plans that would otherwise be approved administratively.

Chair Gutman opened the public hearing. No one in the audience wished to speak and there was no correspondence. Chair Gutman closed the public hearing.

Member Greco stated that he reviewed the proposed text amendments. Member Greco said that if the City Council is in agreement with the proposed changes, he has no objection

Motion made by Member Greco and seconded by Member Meyer:

ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL OF TEXT AMENDMENT 18.245 MADE BY MEMBER GRECO AND SECONDED BY MEMBER MEYER:

In the matter of Text Amendment 18.245, motion to recommend approval to the City Council. *Motion carried 5-0.*