

# CITY of NOVI CITY COUNCIL

**Agenda Item D**  
**April 18, 2011**

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways. **SECOND READING**

**SUBMITTING DEPARTMENT:** Community Development Department - Planning *Beub*

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

Attached are ordinance amendments the Planning Division has proposed to allow buildings on parcels in certain zoning districts adjacent to freeway rights of way to be constructed up to a height of 65 feet when additional building setbacks are provided. Staff reviewed the ordinance and found that there are already provisions to allow additional height near freeways in several zoning districts: OST, Planned Office Service Technology; OSC, Office Service Commercial; EXO Overlay and TC, Town Center Districts.

The addition of three districts (RC, Regional Center; I-1, Light Industrial; and I-2, General Industrial Districts) to those permitting additional building height would allow for better consistency along the freeway rights of way. These amendments would align with an Implementation Strategy provided in the Master Plan for Land Use: "The City should review the Zoning Ordinance to see if it would be appropriate to increase permitted building heights for properties close to the freeway in all non-residential districts."

**Building Heights in the OST District**

Currently, buildings in the OST District north of Grand River Avenue may be increased in height from 46 feet to up to a height of 65 feet if additional building setbacks are provided. Further, three areas are permitted additional building height up to 115 feet: where any portion of a building is located within 1200 feet of a right of way line of a limited access freeway, on any property located east of M-5 and north of 13 Mile Road, and on any OST zoned property west of Cabaret Drive, north of I-96 and south of Twelve Mile Road. Please see the attached reference map "Permitted and Proposed Building Heights" with the purple and blue areas identifying heights currently permitted in the OST districts.

The additional building height up to 115 feet for OST properties with close proximity to M-5 and I-96 was permitted as a result of an ordinance amendment in 2006. ITC was able to utilize the additional height in the construction of the ITC Headquarters. At this point, staff is recommending only formatting modifications to this section of the ordinance (see attached) to clarify the standards, with no substantive changes proposed in this section.

Staff had previously noted that there are several parcels master planned for Office Research Technology uses (both north and south of I-96) that could be rezoned to OST in the future. See the attached map "Properties Master Planned for Office Research Development Technology". Staff recommends maintaining the standards for planned and zoned OST parcels with a maximum height of 46 to 65 feet, when not adjacent to, or within 1200 feet of a limited access freeway, or as otherwise provided above.

**Changes to Buildings Heights Adjacent to Freeway Rights of Way**

The ordinance changes also propose that buildings on properties within 1200 feet of freeway rights of way would be permitted to reach 65 feet in height if additional building setbacks are provided. The following districts would include this provision: RC, Regional Center District, I-1, Light Industrial District and I-2, General Industrial District. Please see the green areas on the attached map "Permitted and Proposed Building Heights" for new areas that would be allowed the additional height.

Staff is proposing that only office buildings, research and development facilities and similar uses in the Light Industrial and General Industrial Districts be permitted additional building height in order to maintain consistency of appearance along the freeways. The permitted manufacturing, warehousing and any outdoor uses in these districts would not be permitted the additional building height along the freeways. Further, additional building height would not be permitted on properties abutting residential districts.

Below is a chart summarizing the additional height allowances proposed for three districts.

|                    | Current maximum height | Proposed maximum height within 1200 feet of limited access freeways |
|--------------------|------------------------|---|
| Regional Center    | 45 feet                | 65 feet   |
| Light Industrial   | 40 feet                | 65 feet   |
| General Industrial | 60 feet                | 65 feet   |

Other districts adjacent to freeway rights of way that would not include the additional height amendments are the B-2, Community Business; EXPO; C, Conference; TC, Town Center; and OSC, Office Service Commercial Districts. Buildings in the EXPO, TC and OSC Districts are already permitted to have additional height. Additional height options were not included in the B-2 District as it would not be consistent with the intent of the district. Building height is regulated by a specific section of the Ordinance in the C District and was not addressed as part of this amendment. See the attached map illustrating existing zoning adjacent to freeway rights of way.

**Public Hearing and City Council First Reading**

The Planning Commission held the required public hearing on March 23<sup>rd</sup> and recommended approval of the amendment. Relevant meeting minutes are attached.

The City Council approved the first reading of the amendment on April 4<sup>th</sup>. Relevant meeting minutes are attached.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways.

**SECOND READING**

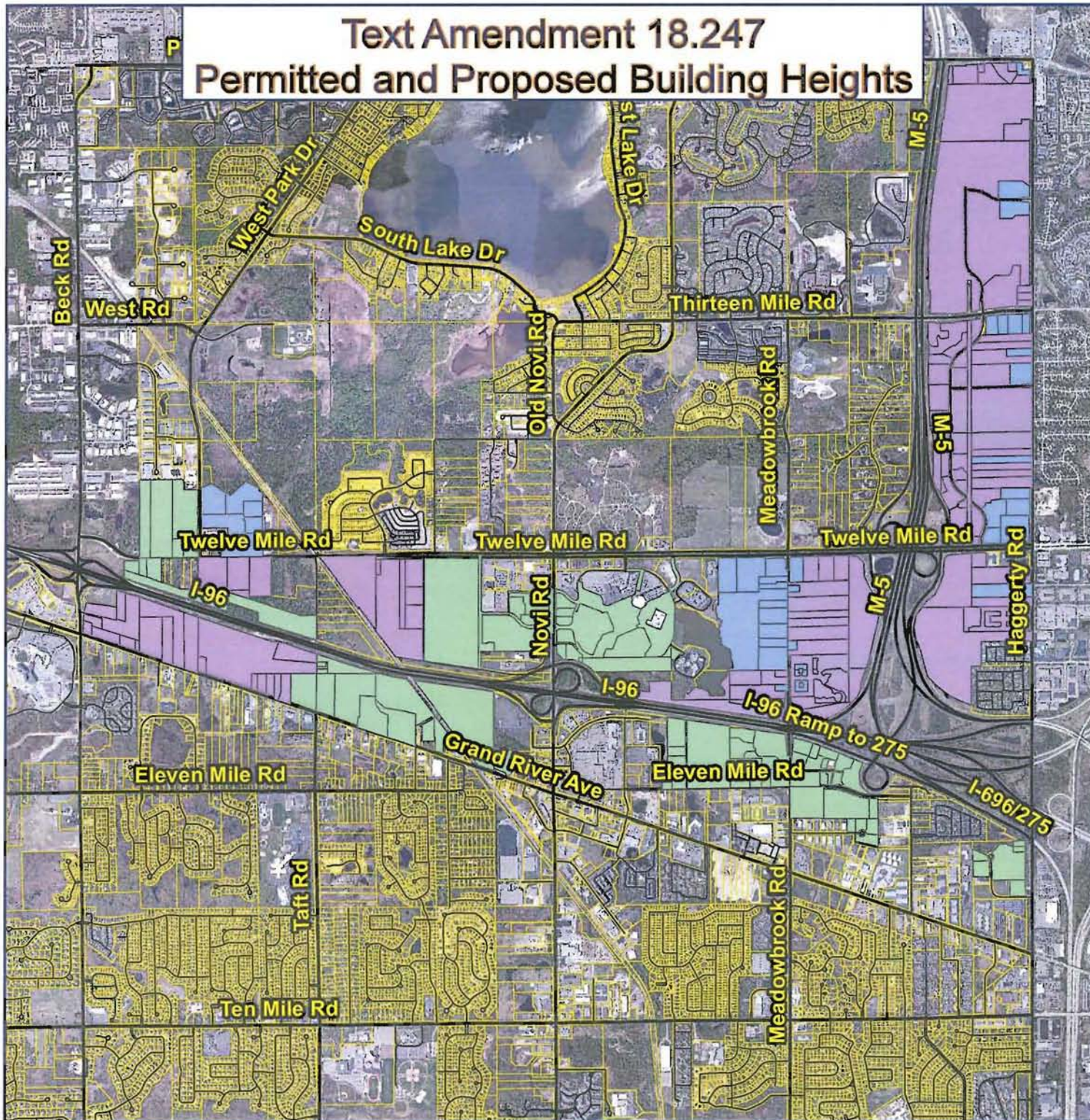
|                         | 1 | 2 | Y | N |
|-------------------------|---|---|---|---|
| Mayor Landry            |   |   |   |   |
| Mayor Pro Tem Gatt      |   |   |   |   |
| Council Member Fischer  |   |   |   |   |
| Council Member Margolis |   |   |   |   |

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

**PERMITTED AND PROPOSED BUILDING HEIGHTS**

# Text Amendment 18.247

## Permitted and Proposed Building Heights



### Map Legend



- Building Height up to 65 Feet Proposed
- Building Height up to 65 feet Permitted
- Building Height up to 115 Feet Permitted

\* Properties identified are approximate. See Zoning Ordinance for specific height provisions according to Zoning District.



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

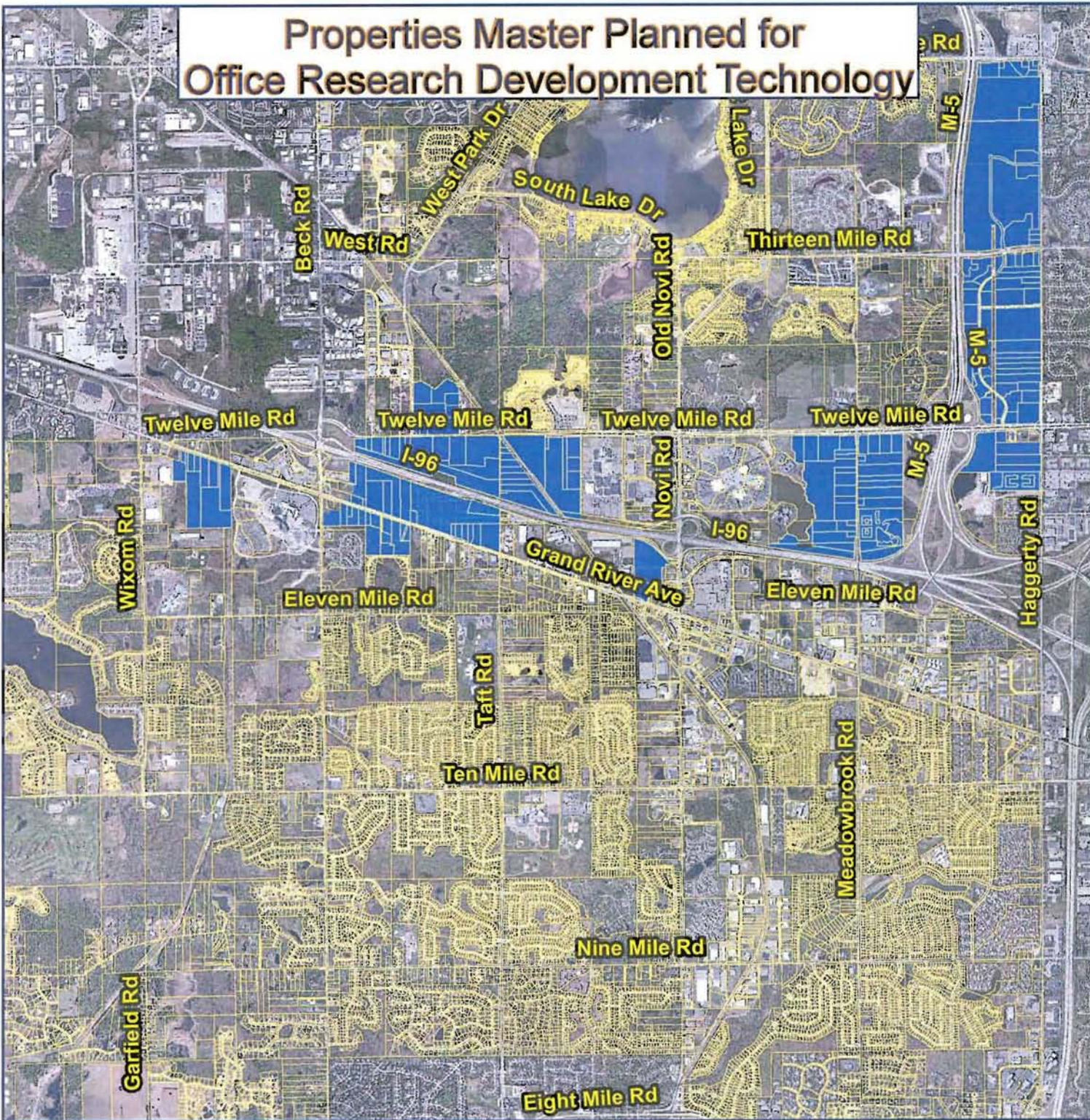
Map Author: Kristen Kapelanski  
 Date: March 17, 2011  
 Project: Additional Height  
 Version #: 1.0

#### 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.


**PROPERTIES MASTER PLANNED  
FOR OFFICE RESEARCH DEVELOPMENT TECHNOLOGY**

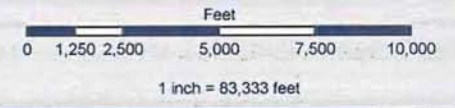
# Properties Master Planned for Office Research Development Technology



## Map Legend



 Office Research Dev. Tech.



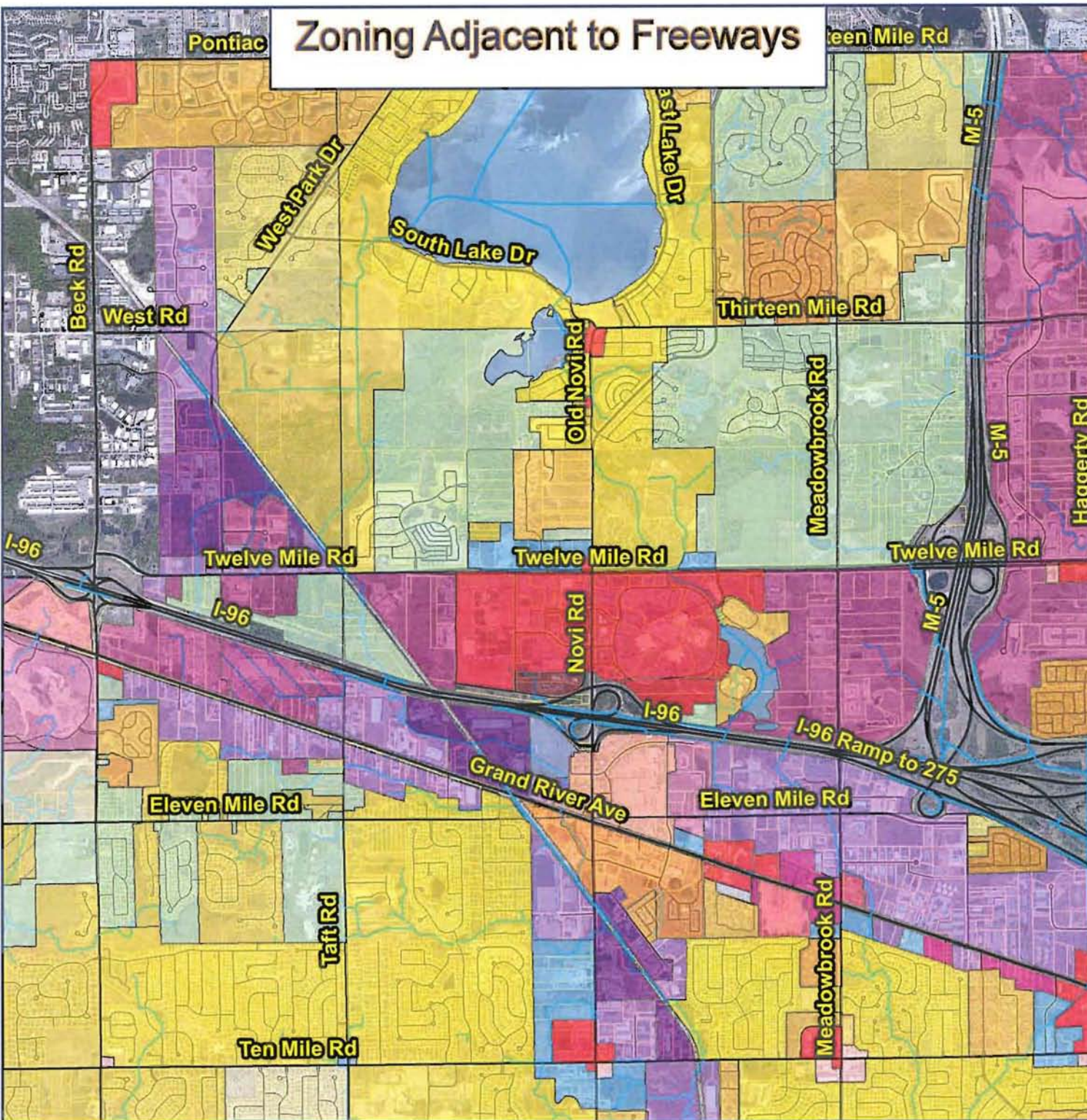
**City of Novi**  
Planning Division  
Community Development  
45175 W Ten Mile Rd  
Novi, MI 48375  
cityofnovi.org

Map Author: Kristen Kapelanski  
Date: January 11, 2011  
Project: Properties Master Planned for OST  
Version #: 1.0

### MAP INTERPRETATION NOTICE

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**PROPERTIES ADJACENT  
TO FREEWAYS**



### Map Legend

|          |      |
|----------|------|
| R-A      | EXO  |
| R-1      | EXPO |
| R-1 PRO  | GE   |
| R-2      | FS   |
| R-3      | I-1  |
| R-4      | I-2  |
| RT PRO   | NCC  |
| RM-1     | OS-1 |
| RM-2     | OS-2 |
| RM-2 PRO | OSC  |
| MH       | OST  |
| B-1      | RC   |
| B-2      | P-1  |
| B-3      | TC   |
| B-3 PRO  | TC-1 |
| C        |      |

Scale: 0 750 1,500 3,000 4,500 6,000 Feet  
1 inch = 3,009 feet

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

Map Author: Kristen Kapelanski  
 Date: January 11, 2011  
 Project: Zoning Adjacent to Freeways  
 Version #: 1.0

**MAP INTERPRETATION NOTICE**

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**PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 247

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2400, SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT; IN ORDER TO INCLUDE PROVISIONS TO ALLOW FOR ADDITIONAL HEIGHT IN PROPERTIES ADJACENT TO LIMITED ACCESS FREEWAYS.

THE CITY OF NOVI ORDAINS:

**Part I.**

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 24, Schedule of Regulations, Section 2400, Schedule Limiting Height, Bulk, Density and Area by Zoning District is hereby amended to read as follows:

**ARTICLE 24. SCHEDULE OF REGULATIONS**

**Sec. 2400. Schedule Limiting Height, Bulk, Density and Area by Zoning District**

[Unchanged.]

|                 |                             | 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(l, 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 (w) | 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 (w) | 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 (w) | 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               | Conference (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 |  |

\* [Unchanged.]

\*\* [Unchanged.]

DWELLING UNIT DENSITY/TYPE REGULATIONS

[Unchanged.]

Notes to Schedule of Regulations:

(a) – (t) [Unchanged.]

(u) The maximum height permitted in the OST districts shall be forty-six (46) feet or three (3) stories, with a minimum building setback of fifty (50) feet, except as provided below.

- (1) Properties south of Grand River Avenue shall not qualify for additional building height.
- (2) On properties north of Grand River Avenue, buildings may be constructed up to sixty-five (65) feet in height, with building setbacks increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet.
- (3) On properties located north of Grand River Avenue, buildings may be constructed up to one hundred and fifteen (115) feet in height, only under the following circumstances:
  - a. Where any portion of a building is located within 1,200 feet of a right of way line of a limited access freeway, and
  - b. On any property located east of M-5 and north of Thirteen Mile Road, regardless of proximity to a limited access freeway right of way line, and
  - c. On any property located west of Cabaret Drive, north of I-96 and south of Twelve Mile Road, regardless of proximity to a limited access freeway right of way line, may be constructed up to one hundred and fifteen (115) feet in height,

All being subject to the following:

- i.a. All building setbacks shall be increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet, unless the building is within a planned development approved as part of a single development plan, in which case setbacks shall be increased by one (1) foot for every one (1) foot of such additional building height.
- ii.b. Buildings utilizing this subsection shall be designed to minimize their impact on surrounding existing uses, including, but not limited to building design elements such as variation in building materials, mitigation of exterior and interior building lighting, and utilization of building relief (including step backs of higher stories).

- (4) The maximum height of all buildings shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.
- (5) Notwithstanding the above, the minimum building setback from all residentially zoned properties shall be one hundred (100) feet.
- (v) [Unchanged.]
- (w) On properties located within 1,200 feet of a limited access freeway right of way line and not adjacent to residentially zoned properties, buildings may be constructed up to sixty-five (65) feet in height, with all building setbacks increased by two (2) feet for every one (1) foot of building height in excess of the maximum height permitted in that district, except as follows:
  - In the I-1, Light Industrial and I-2, General Industrial Districts, only office buildings, research and development facilities, and data processing and computer centers and similar facilities which do not include a substantial manufacturing or warehousing component may be permitted the additional height.

## **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 \_\_\_\_\_, 2011.

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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 – 247

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2400, SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT; IN ORDER TO INCLUDE PROVISIONS TO ALLOW FOR ADDITIONAL HEIGHT IN PROPERTIES ADJACENT TO LIMITED ACCESS FREEWAYS.

THE CITY OF NOVI ORDAINS:

**Part I.**

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**Sec. 2400. Schedule Limiting Height, Bulk, Density and Area by Zoning District**

[Unchanged.]



|                 |                             | 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(l, 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 (w) | 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 (w) | 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 (w) | 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               | Conference (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 |  |

\* [Unchanged.]

\*\* [Unchanged.]

## DWELLING UNIT DENSITY/TYPE REGULATIONS

[Unchanged.]

Notes to Schedule of Regulations:

(a) – (t) [Unchanged.]

(u) The maximum height permitted in the OST districts shall be forty-six (46) feet or three (3) stories, with a minimum building setback of fifty (50) feet, except as provided below.

- (1) Properties south of Grand River Avenue shall not qualify for additional building height.
- (2) On properties north of Grand River Avenue, buildings may be constructed up to sixty-five (65) feet in height, with building setbacks increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet.
- (3) On properties located north of Grand River Avenue, buildings may be constructed up to one hundred and fifteen (115) feet in height, only under the following circumstances:
  - a. Where any portion of a building is located within 1,200 feet of a right of way line of a limited access freeway,
  - b. On any property located east of M-5 and north of Thirteen Mile Road, regardless of proximity to a limited access freeway right of way line, and
  - c. On any property located west of Cabaret Drive, north of I-96 and south of Twelve Mile Road, regardless of proximity to a limited access freeway right of way line.

All being subject to the following:

- i. All building setbacks shall be increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet, unless the building is within a planned development approved as part of a single development plan, in which case setbacks shall be increased by one (1) foot for every one (1) foot of such additional building height.
- ii. Buildings utilizing this subsection shall be designed to minimize their impact on surrounding existing uses, including, but not limited to building design elements such as variation in building materials, mitigation of exterior and interior building lighting, and utilization of building relief (including step backs of higher stories).

- (4) The maximum height of all buildings shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.
- (5) Notwithstanding the above, the minimum building setback from all residentially zoned properties shall be one hundred (100) feet.
- (v) [Unchanged.]
- (w) On properties located within 1,200 feet of a limited access freeway right of way line and not adjacent to residentially zoned properties, buildings may be constructed up to sixty-five (65) feet in height, with all building setbacks increased by two (2) feet for every one (1) foot of building height in excess of the maximum height permitted in that district, except as follows:
  - In the I-1, Light Industrial and I-2, General Industrial Districts, only office buildings, research and development facilities, and data processing and computer centers and similar facilities which do not include a substantial manufacturing or warehousing component may be permitted the additional height.

**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 \_\_\_\_\_, 2011.

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DAVID LANDRY, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**CITY COUNCIL MEETING  
MINUTES EXCERPT – APRIL 4, 2011**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, APRIL 4, 2011 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Fischer, Margolis, Mutch, Staudt – absent/excused, Wrobel

**APPROVAL OF AGENDA**

**CM-11-04-040 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented**

**Roll call vote on CM-11-04-040**                      **Yeas: Gatt, Fischer, Margolis, Mutch, Wrobel, Landry**  
**Nays: None**  
**Absent: Staudt**

**MATTERS FOR COUNCIL ACTION – Part I**

- 3. Consideration of Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways. First Reading**

**CM-11-04-047 Moved by Gatt, seconded by Wrobel; CARRIED UNANIMOUSLY:**

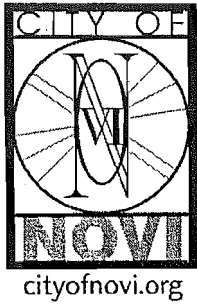
**To approve Zoning Ordinance Text Amendment 18.247 to include provisions to allow for additional height on properties adjacent to limited access freeways**

Mr. Pearson said the recommendation from the Planning Commission cleaned up some ordinances and provided for additional height on the limited situations next to the freeways.

Member Mutch said he wanted clarify the language that was presented following the recommendation from Planning Commission. He said he was unclear on the discussion during the Planning Commission review of it about OST properties south of Grand River. He clarified the way the language had been modified it wouldn't apply to any OST properties south of Grand River, even down around Eight Mile and Haggerty.

**Roll call vote on CM-11-04-47**                      **Yeas: Fischer, Margolis, Mutch Wrobel, Landry, Gatt**  
**Nays: None**  
**Absent: Staudt**

**PLANNING COMMISSION MEETING  
MINUTES EXCERPT – MARCH 23, 2011**



## PLANNING COMMISSION MINUTES

### Draft Excerpt

CITY OF NOVI

Regular Meeting

Wednesday, March 23, 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 Baratta, Member Cassis, Member Lynch, Chairperson Pehrson, Member Prince

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

**Absent:** Member Greco, Member Gutman, Member Larson, Member Meyer (all excused).

### PUBLIC HEARINGS

#### 1. TEXT AMENDMENT 18.247

Public hearing for Planning Commission's recommendation to the City Council for consideration to amend the City of Novi Zoning Ordinance at Article 24, Schedule of Regulations, Section 2400, schedule limiting height, bulk, density and area by Zoning District; In order to include provisions to allow for additional heights on properties adjacent to limited access freeways.

Planner Kapelanski stated that staff is proposing this text amendment. It would allow buildings on parcels in certain zoning districts adjacent to freeways to be constructed up to 65 feet in height when additional building setbacks are provided. There are already provisions to allow additional height near the freeways and several zoning districts including the OST, OSC, EXO OVERLAY, and the TC and TC-1 Districts. This amendment would add the RC, I-1, and I-2 Districts to that list and would offer better consistency along freeway rights-of-way and also align with one of the implementation strategies in the Master Plan for Land Use.

Planner Kapelanski described what is currently permitted in the OST District. Buildings in the OST District north of Grand River Avenue may be increased in height from 46 feet up to a height of 65 feet. Three areas are also permitted additional building height up to 115 feet - that is where any portion of a building is located with 1,200 feet of the right-of-way line of a freeway, any property located east of M-5 and north of Thirteen Mile Road, and on any OST property west of Cabaret Drive, north of I-96 and south of Twelve Mile Road. Staff does recommend maintaining the height standards in the OST District but has re-worked the language to help clean up some of the formatting and make the text more clear.

There are also ordinance changes proposed for the RC, I-1 and I-2 Districts to allow additional building heights up to 65 feet if additional setbacks are provided. These are all areas that would allow additional building height and they are all adjacent to freeway rights-of-way. Staff is proposing that only office, research and development facilities and similar uses in the I-1 and I-2 Districts be permitted this additional building height. The manufacturing, warehousing and any other outdoor uses in these districts would not be permitted additional building height, nor would properties adjacent to residential districts.

Planner Kapelanski noted other districts adjacent to freeway rights-of-way that would not include the additional height provisions are the B-2, EXPO, Conference District, TC and OSC Districts. Buildings in the EXPO, TC and OSC Districts are already permitted to have additional building height. The intent of the B-2 District is not consistent with the additional height. Building height is regulated by a special provision in the Conference District and that was not addressed as part of this ordinance amendment. Also included in the packet was a map illustrating the existing zoning adjacent to freeway rights-of-way. The most informative map would be the permitted and proposed building heights map which identifies those parcels that would be allowed to have



the additional height if the amendment were accepted.

Chair Pehrson opened the public hearing. As no one in the audience wished to speak and there was no correspondence, Chair Pehrson closed the public hearing.

Member Cassis asked about the Triangle Development proposal for a portion of Main Street. He asked if that development was four stories tall and are there additional provisions in the TC-1 District that allow buildings up to 65 feet.

Planner Kapelanski stated the map provided in the packet only shows the height regulations for the OST District, which is shown in purple and blue and what would be affected by this amendment is shown in the green.

Member Cassis stated that he thought the former Triangle Development site was still zoned TC-1 and what is the permitted height in that district?

Planner Kapelanski responded she thought it was 65 feet.

Member Cassis stated that he thought it was higher.

Planner Kapelanski stated that the proposal might have been for a slightly higher building but she would have to check the previous plans and approvals.

Member Baratta asked Planner Kapelanski about the purpose of increasing the height. Is that to make those properties more competitive or attractive for businesses?

Planner Kapelanski answered that she thought that would be one effect of the ordinance. Staff was mostly concentrating on the Implementation Strategy in the Master Plan that recommended looking at the ordinance to determine where additional height would fit. Staff also noted that many of the districts adjacent to the freeways already allow buildings up to at least 65 feet. This would really bring those other properties in line with what is already is permitted.

Member Baratta stated that the purpose of the amendment seems to be that it will provide for height consistency along freeways and to make those properties them more competitive.

Motion made by Member Lynch and seconded by Member Baratta:

**ROLL CALL VOTE ON APPROVAL RECOMMENDATION MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA:**

*In the matter of Text Amendment 18.247, motion to recommend approval to City Council. Motion carried 5-0.*

**MATTERS FOR CONSIDERATION**

**1. APPROVAL OF THE MARCH 9, 2011 PLANNING COMMISSION MINUTES**

Moved by Member Lynch, seconded by Member Prince:

**VOICE VOTE ON MARCH 9, 2011 PLANNING COMMISSION MINUTES APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:**

**IMPLEMENTATION COMMITTEE MEETING  
MINUTES EXCERPT – NOVEMBER 10, 2010**



**IMPLEMENTATION COMMITTEE**  
City of Novi Planning Commission  
**NOVEMBER 10, 2010 at 6:00 p.m.**  
Novi Civic Center – Mayor's Conference Room  
45175 W. Ten Mile, Novi, MI 48375  
**(248) 347-0475**

**Members:** Cassis, Gutman, Meyer, Pehrson  
**Staff Support:** Kristen Kapelanski

**Roll Call**

**Present:** Members Cassis, Meyer (Chair), Pehrson and Gutman  
**Also Present:** Kristen Kapelanski, Planner; Barbara McBeth, Community Development Department Deputy Director

**Approval of Agenda**

Moved by Member Gutman, seconded by Member Pehrson:

**Motion to approve the Agenda.**

Member Cassis added a discussion of the signage in the Novi Town Center to the end of the agenda.

Member Gutman and Member Pehrson agreed to the amendment.

**VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PEHRSON:**

**Motion to approve the Agenda with Member Cassis's suggested amendment. Motion carried 4-0.**

**Discussion Items**

1. Amendment to Allow Additional Building Height Adjacent to Freeways  
Discussion of possible ordinance amendment to allow buildings to be constructed up to a height of 65 feet in areas adjacent to freeways.

Planner Kapelanski reviewed the proposed amendment with Committee members.

Member Cassis worried that the additional height of new buildings adjacent to freeways would block the visibility of buildings constructed behind those properties adjacent to the freeway.

Member Pehrson was not opposed to the amendment.

Chair Meyer noted that properties south of Grand River are not adjacent to the freeway and asked staff to clarify what was intended regarding the changes to the OST District before the amendment moves forward.