



## CITY of NOVI CITY COUNCIL

Agenda Item C  
September 10, 2012

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan. **SECOND READING**

**SUBMITTING DEPARTMENT:** Community Development Department - Planning <sup>Baus</sup>

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

The City has received recent inquiries proposing a reduction in size for a building that is part of a previously approved site plan. The Zoning Ordinance currently requires such a change to be approved by the Planning Commission. In order to address the inquiries and further streamline the Zoning Ordinance, staff has proposed the attached amendment.

The Zoning Ordinance allows administrative approval for site plans in certain instances including small building additions (up to 10,000 sq. ft. and 10% of the building area) and changes to off-street parking layouts and landscaping. The proposed ordinance amendment would allow staff to administratively approve a reduction in the proposed building size when the site is already the subject of an existing and previously approved site plan, saving the applicant at least two weeks of review time.

The proposed amendment does not quantify the amount or percentage a building may be reduced by to be approved administratively. However, per Section 2516.1.c of the Zoning Ordinance, "If during any administrative review process...it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval." Staff would evaluate any proposed building reductions and any significant changes to an already approved site plan would be forwarded to the Planning Commission or approving body for their consideration after a recommendation from staff.

The Planning Commission held the Public Hearing on August 8<sup>th</sup> and recommended approval of the proposed amendment. Relevant meeting minutes are attached.

The City Council approved the first reading on August 27<sup>th</sup>. Relevant meeting minutes are attached.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan. **SECOND READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

**PROPOSED ORDINANCE AMENDMENTS  
STRIKE-THROUGH**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 261

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2516, SITE PLAN REVIEW (ALL DISTRICTS); IN ORDER TO ALLOW ADMINISTRATIVE APPROVAL OF SITE PLANS PROPOSING A REDUCTION IN BUILDING SIZE FROM A PREVIOUSLY APPROVED PLAN.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Section 2500. – Section 2515. [unchanged]

Section 2516. Site Plan Review (All Districts)

1.

a. – b. [unchanged]

c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:

(1) – (8) [unchanged]

(9) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes one of the following:

a. An addition totaling one thousand (1,000) square feet or less to an existing building or structure; or

b. An additional totaling more than one thousand (1,000) square feet but less than ten thousand (10,000) square feet when the proposed addition is less than ten percent (10%) of the gross floor area of an existing non-residential building or structure and when the building or structure is located on a parcel of land that is at least five hundred (500) feet from any residential zoning district; or

c. An office storage basement or mezzanine totaling not more than three thousand (3,000) square feet, to a proposed or existing building provided the addition, basement or mezzanine does not require a new or revised woodlands permit or a non-administrative wetlands permit. Notwithstanding anything in the ordinance to the contrary, an office storage basement or mezzanine of not more than three thousand (3,000) square feet approved under this section shall not be considered to be part of the Gross Leasable Floor Area of the building if it is designed exclusively for storage or mechanical equipment as determined by the Building Official, is accessory to an office building and ancillary to a permitted office use, and an affidavit, in recordable form acceptable to the City Attorney, is signed by the owner of

the building stating that it will be used only for storage or mechanical equipment; or-

d. A reduction in the proposed building size.  
(10) – (11) [unchanged]

If during any administrative review process authorized under this subpart or subpart (d) it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

d. – e. [unchanged]

2. – 8. [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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**PROPOSED ORDINANCE AMENDMENTS  
CLEAN**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**CITY COUNCIL MEETING MINUTES  
AUGUST 27, 2012 – EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, AUGUST 27, 2012 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Tom Schultz, City Attorney  
Jason Magnum, Director of Parks, Recreation and Cultural Services

**APPROVAL OF AGENDA:**

**CM-12-08-143 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

**Roll call vote on CM-12-08-143**                      **Yeas: Staudt, Casey, Fischer, Margolis,  
Mutch, Wrobel, Gatt**  
**Nays: None**

**MATTERS FOR COUNCIL ACTION – PART I**

4. Approval of Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan. **First Reading**

City Manager Pearson shared that it is intended to stream line the process. It would allow those with additional building to be administratively approved with guidelines provided. They wouldn't have to go through the entire process.

**CM-12-08-148 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve the First Reading of the Zoning Ordinance Text Amendment 18.261 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2516, "Site Plan Review (All Districts)" in order to allow administrative approval of site plans proposing a reduction in building size from a previously approved plan.**

Member Fischer asked about how the up to 10,000 square feet and 10% works from a maximum perspective. He asked if someone had a 200,000 square foot, would it be 20

or would they cap it at 10. City Manager Pearson said the maximum would be 10,000 square feet. Once you are over 100,000 square foot building anything more than that would stay at the 10,000 addition.

**Roll call vote on CM-12-08-148**

**Yeas: Wrobel, Gatt, Staudt, Casey, Fischer,  
Margolis, Mutch**  
**Nays: None**

**PLANNING COMMISSION MEETING MINUTES**  
**August 8, 2012 – EXCERPT**



# PLANNING COMMISSION MINUTES

*Draft*

CITY OF NOVI

Regular Meeting

**August 8, 2012 7:00 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, Member Gutman, Member Lynch, Chair Pehrson

**Absent:** Member Anthony (excused), Member Prince (excused), Member Zuchlewski (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Beth Kudla-Saarela, City Attorney; David Campbell, Planner

## PLEDGE OF ALLEGIANCE

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

## APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

**Motion to approve the August 8, 2012 Planning Commission Agenda. Motion carried 4-0.**

## PUBLIC HEARINGS

### 1. ZONING ORDINANCE TEXT AMENDMENT 18.261 – ADMINISTRATIVE APPROVAL OF REDUCTIONS IN BUILDING SIZE

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2516, Site Plan Review (all districts); in order to allow administrative approval of Site Plans proposing a reduction in building size from a previously approved plan.

Planner Kapelanski said this text amendment is in response to some inquires staff has received proposing a reduction in size for a building that is part of an already approved site plan. Such a revision would presently have to be approved by the Planning Commission. In order to further streamline the ordinance, staff has drafted the proposed amendment to allow administrative approval of a reduction in building size when the site is part of an already approved site plan. The Planning Commission is asked to hold a public hearing and forward a recommendation to the Council this evening.

Moved by Member Lynch, seconded by Member Gutman:

## ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL TO THE CITY COUNCIL MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

**Motion to recommend approval of Text Amendment 18.261 – administrative approval of reductions in building size. Motion carried 4-0.**