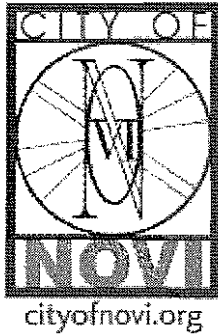


# MEMORANDUM



TO: PLANNING COMMISSION

THROUGH: BARBARA MCBETH, <sup>Bar</sup>AICP, DEPUTY DIRECTOR  
COMMUNITY DEVELOPMENT

FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*

SUBJECT: PROVIDENCE OSC TEXT AMENDMENTS

DATE: AUGUST 20, 2008

Gary Jonna, of Whitehall Real Estate Interests is the authorized agent for Providence Hospital, the owner of a 190 +/- acre tract of land located at the southwest corner of Grand River Avenue and Beck Road in the Office Service Commercial (OSC) zoning district. This tract includes the Providence Hospital and related office buildings. Mr. Jonna has proposed changes to the text of Article 12 (OSC) to permit drive through restaurants, increase the number of restaurants and to modify the conditions required for restaurants and retail uses. Also, the applicant is proposing changes to Section 2400 to reduce setbacks within the OSC District and permit front yard parking. The applicant is proposing these ordinance changes to facilitate the construction of his "Providence Village" concept plan that includes 55,000 square feet of retail, restaurants, fitness and office floor space on a proposed parcel of land totaling 10 acres and located at the south east corner of the northwest segment of the Providence Park ring road. An analysis of the proposed changes follow:

Currently Section 1202.3 of the Ordinance requires restaurants to be located as an accessory to an office building, located as an accessory to a hotel/motel building or located on a site of at least 2 acres in area and with a seating capacity of at least 100 persons. The current Ordinance requires free standing restaurants to be 500 feet from other restaurants in the complex, on 2 acre sites and they are not allowed in a planned shopping center. The current Ordinance also prohibits fast food, drive-in, drive-through, fast food carry out or a fast food delivery type restaurants.

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

- An unlimited number of restaurants;
- Outdoor restaurant seating;
- One drive-through restaurant of under four thousand (4,000) square feet;
- No distance restrictions for restaurants within a planned shopping center; and
- Fast food, carry out and delivery restaurants.

No changes were proposed for restaurants located outside of planned shopping centers.

The Planning Staff supports placing restaurants within a planned shopping center since this is a customary use in shopping centers and it would not change the character of shopping centers.

The inclusion of a drive through restaurant in planned shopping centers could be viewed as changing the character of planned shopping centers. The Planning Staff suggests that the Planning Commission discuss this matter in particular the proposed limitation of one drive through restaurant with only one drive through window per shopping center.

The applicant is also proposing changes to reduce front, side and rear yard parking setbacks and permit parking in the front yard when the development is located on a private road and at least one hundred (100) feet from any public road.

The proposed parking lot setback changes for sites meeting these requirements are as follows:

	<u>Current</u>	<u>Proposed</u>
Front	35 feet	25 feet
Side	20 feet	20 feet***
Rear	20 feet	20 feet***

\*\*\* When abutting open space of 25 feet or greater, the parking setback can be reduced to 10 feet.

Generally, the Planning Staff supports the reduction of the front yard parking setback request because it could promote constructing the buildings closer to the public sidewalk system. The Planning Staff does not support the reduction of the side or rear yard parking setbacks. Footnote \*\* already provides for the Planning Commission to grant exceptions when the total amount of preserved landscape area is maintained. The proposed reduction would permit a reduction in landscape areas on the site.

The Planning Commission is asked to hold a public hearing on the proposed Zoning Ordinance changes at the August 27<sup>th</sup> Planning Commission meeting and make a recommendation to the City Council for approval or denial of the proposed changes. A draft strike-through proposed amendments are attached for review as is the set of revised draft amendments presented by the applicant. Please feel free to contact the Community Development Department if there are any questions about the attached materials.

Draft Strike Through OSC and Article 24 Text

Staff Version

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE NO. 08- 18 -229

**A RECOMMENDATION TO CITY COUNCIL FOR ZONING ORDINANCE TEXT AMENDMENT 18.229, AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, OSC, OFFICE SERVICE COMMERCIAL DISTRICT, SUBSECTIONS 1202 AND 1203 AND ARTICLE 24 SCHEDULE OF REGULATIONS, SUBSECTION 2400, IN ORDER TO EXPAND USES PERMITTED SUBJECT TO SPECIAL CONDITIONS IN A PLANNED SHOPPING CENTER IN THE OSC DISTRICT AND TO PROVIDE GREATER FLEXIBILITY IN THE DESIGN OF PLANNED SHOPPING CENTERS IN THE OSC DISTRICT.**

**THE CITY OF NOVI ORDAINS:**

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

**ARTICLE 12. OSC, OFFICE SERVICE COMMERCIAL DISTRICT**

**Section 1200** [Unchanged]

**Section 1201** [unchanged]

**Section 1202. Principal Uses Permitted Subject to Special Conditions.**

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
  - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
2. Retail commercial business uses ~~other than~~ including restaurants, serving the convenience and comparison shopping needs of the area provided:
  - a. That all such uses are contained within a planned commercial shopping center.

- b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than twenty (20) percent of the total site area of the planned office complex of which it is a part.
  - c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
  - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
  - e. Only one planned commercial shopping center is permitted per planned office complex.
  - f. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
  - g. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center, provided:
    - 1. Drive-through restaurant shall contain less than 4,000 square feet of gross floor area;
    - 2. Maximum of one drive-through window per restaurant; and,
    - 3. Maximum of one drive-through restaurant shall be permitted per planned commercial shopping center
3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided:
- a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.
  - b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
  - c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
  - d. Minimum site size shall be two (2) acres.
  - e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.
  - f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an

office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.

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

### **Section 1203. Required Conditions.**

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

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

6. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

**Article 24 Schedule of Regulations**

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

Table Residential [unchanged]

TABLE INSET:

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

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

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

\*\*The Planning Commission may modify setback requirements in those instances where it determines that such modification may result in improved use of the site and/or in improved landscaping; provided, however, that such modification of the setback requirements does not reduce the total area of setback on a site below the minimum setback area requirements of this Section.

\*\*\* When abutting existing open space of 25 feet or greater, the parking setback can be reduced to 10'.

Footnotes (a) – (g) [unchanged]

footnote (h)

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

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

- (1) The parking area serves a development of at least two (2) acres in size;



- (2) The parking area does not extend into the minimum required front yard setback of the district unless the site is located in the OSC District, located only on a private road and located at least 100 feet from any public road, then the minimum parking area front yard requirement may be reduced to 25 feet;
- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line. This provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road;
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8; and
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development.

Footnotes (i) – (v) [unchanged]

**Sections 2401-2407** [unchanged]

## **PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## **PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

## **PART IV.**

**Repealer.** All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **PART V.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
DAVID LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

Applicant Application, E-Mail and Draft OSC and Article 24 Text



**APPLICATION FOR TEXT AMENDMENT**  
Community Development Department  
45175 W. Ten Mile, Novi, MI 48375  
248-347-0475; 248-735-5633 fax

[Empty box for Topic for Consideration]

Topic for Consideration

Use Tab function to navigate form. Point and click cursor to check boxes.

APPLICANT

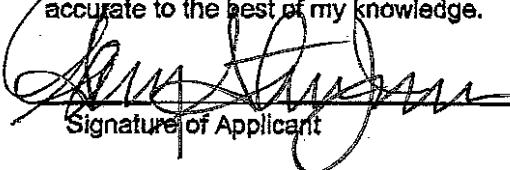
Whitehall Real Estate Interests Company		Gary Steven Jonna Primary Contact		N/A Professional License Number, if applicable	
27750 Middlebelt Rd. Street Address		100 Suite	Farmington Hills City	MI State	48334 Zip
(248) 442-4700 Phone Number		(248) 442-4705 Fax Number		gjonna@whitehallrealestate.n E-mail address	

SUBMITTAL REQUIREMENTS

**Submittal Requirements:**

- Document describing the change the Applicant is proposing. Information should include the section of the Ordinance requiring the change, suggested new language, and any samples of this language from other municipalities where its use has already been adopted.
- Original signed copy of this application.
- Check made payable to the City of Novi in the amount of \$690.00, which is used to cover the cost of the Public Hearing process.

I do hereby attest that all statements, signatures, descriptions, and exhibits submitted with this application are true and accurate to the best of my knowledge.

 7-30-08  
Signature of Applicant Date

Gary Steven Jonna  
Printed Name of Applicant

**Spencer, Mark**

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**From:** Jack Shay [jshay@jptra.com]  
**Sent:** Wednesday, August 20, 2008 1:51 PM  
**To:** Spencer, Mark  
**Subject:** Revised text amendment  
**Attachments:** Providence Park Village Centre text amendment 081108.pdf

Mark,

Attached please find the revised text amendment you requested. Per our discussion, I have removed the text requesting loading area changes as well as health/fitness parking. Please call if you have any questions.

Thanks,

Jack Shay, RLA

direct 248.539.6268 direct fax 248.539.6368

JPRA Architects 41050 West Eleven Mile Road Novi, MI 48375 phone 248.737.0180 fax 248.737.9161 [www.jptra.com](http://www.jptra.com)

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To reduce impact on the environment, we encourage discretion when printing this email and any attachments.

JPRA Architects | 41050 West Eleven Mile Road | Novi MI 48375 | 248.737.0180

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## ARTICLE 12. OSC OFFICE SERVICE COMMERCIAL DISTRICT

### Sec. 1200. Intent.

The OSC Office Service Commercial District is designed and intended to accommodate a large office building or, more particularly, a planned complex of office buildings with related commercial retail and service establishments which may serve the area beyond the confines of the office complex itself.

The primary intent of this district is to provide limited areas for office buildings of greater height and more intense land use activity in an otherwise low-density community. Because of the greater building height, intensity of land use and associated higher volumes of vehicular and pedestrian traffic, it is further intended that this district be located only in proximity to areas of major commercial or civic development and have direct access to freeway or major thoroughfares.

The OSC District is designed to encourage the combining of mid-rise and low-rise office and office related uses in planned development and to encourage innovation and variety in type, design and arrangement of such uses.

### Sec. 1201. Principal Uses Permitted.

In the OSC District, no building, structure or land shall be used and no building or structure shall be erected except for one more of the following specified uses unless otherwise provided in this Ordinance:

1. All principal uses permitted in OS-1, Office Service District, and the OS-2, Planned Office Service District.
2. Transient residential uses, such as: hotels, motels and facilities used primarily for transient occupancy.
3. Public utility offices and telephone exchange buildings.
4. Accessory buildings, structures and uses customarily incident to the above permitted uses.
5. Publicly owned and operated parks, parkways and outdoor recreational facilities.
6. The inpatient bed facility portion of General Hospitals, as defined within the Zoning Ordinance, may exceed five (5) stories or sixty-five (65) feet in height, but may not exceed seven (7) stories and one hundred and fifteen (115) feet in height, and subject to the following conditions:
  - a. *Site Size*. The minimum site size shall be not less than forty (40) acres.
  - b. *Setback*. Notwithstanding the setback requirements of Section 2400, the minimum building setback under this section, shall be as follows:
    - (1) The minimum distance from any property line or right of way shall be at least 200 feet.
    - (2) The required setback of any portion of any inpatient bed tower from adjacent residential districts shall be a minimum of three (3) feet of setback for every one (1) foot in building height.
    - (3) Building placement shall be arranged so as to minimize adverse impact to any surrounding property.
  - c. *Patient Floors*. The highest occupied floor of the inpatient bed facility shall be no higher than one hundred (100) feet measured from average grade to the roofline of the highest occupied floor.
  - d. *Mechanical Equipment*. The total height of building, including any mechanical equipment, shall not exceed one hundred fifteen (115) feet, measured from average grade.

- e. *Access to Major Thoroughfare.* Access to hospital campus shall comply with Section 2518 of the Zoning Ordinance.
- f. *Facade.* The exterior building facades shall comply with Section 2520, Exterior Building Wall Facade Materials. Additionally, the architectural design must provide adequate building relief to minimize the mass and height of the building.
- g. *Fire Marshal.* The proposed site plan shall receive a favorable recommendation from the Fire Marshal regarding fire protection, access, and compliance with state and local codes.
- h. *Accommodations for helicopters.* Accommodations for helicopters on the site shall comply with Section 2508.6 of the Zoning Ordinance.  
(Ord. No. 2004-18.189, Pt. III, 5-17-04)

**Sec. 1202. Principal Uses Permitted Subject to Special Conditions.**

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
  - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
  2. Retail commercial business uses ~~other than restaurants~~, serving the convenience and comparison shopping needs of the area provided:
    - a. That all such uses are contained within a planned commercial shopping center.
    - b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than twenty (20) percent of the total site area of the planned office complex of which it is a part.
    - c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
    - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
    - e. Only one planned commercial shopping center is permitted per planned office complex.
3. ~~Sit-down Restaurants except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided meeting the following conditions:~~
  - a. Restaurants except a drive-in type subject to the following requirements:
    1. Restaurants must be located either in a planned commercial shopping center; or within or attached (as an accessory) to an office or hotel building. or free standing on a site with a minimum net lot area of two (2) acres;
    2. Free standing restaurants must meet the following conditions:
      - (a) Must have a seating capacity of at least 100 persons.
      - (b) Must be developed as an integral part of a planned complex of office uses;
      - (c) Must be located no closer that five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door;

(d) Shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the City Council may allow one (1) additional driveway access to a major thoroughfare.

b. Drive through restaurants subject to the following conditions:

1. Must contain less than 4,000 sq. ft. of gross floor area;
2. Must be located within a planned commercial shopping center;
3. Limited to one drive through restaurant per planned commercial shopping center;
4. Only one drive through window permitted per restaurant.

~~a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.~~

~~b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.~~

~~c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.~~

~~d. Minimum site size shall be two (2) acres.~~

~~e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.~~

~~f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.~~

~~c. g. Requirements for off-street parking for restaurants shall be computed according to the standards contained in Sections 2505.14.C(7), 2505.14.C(15) and 2505.15, and shall be in addition to parking otherwise required for associated offices, hotels or motels.~~

4. Amusement and entertainment uses, including commercial recreation centers and theaters, provided:

a. Access to the site shall be in accordance with Section 2518 of this Ordinance.

b. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.

c. That no such amusement or entertainment uses shall be located adjacent to a residential district.

d. A noise impact statement is required subject to the standards of Section 2519.10(c).

5. Day Care Centers, and Adult Day Care Centers provided that all of the conditions contained within Subsection 1102.4 are met.

6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts



and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).

(Ord. No. 2004-18.167, Pt. X, 4-5-04; Ord. No. 18.221, Pt. I, 1-22-08)

**Sec. 1203. Required Conditions.**

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

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

**Article 24 Schedule of Regulations**

**Sec. 2400**

TABLE INSET:

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)				
Zoning District		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear	Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	<del>20</del> 10***	<del>20</del> 10***	--	(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)
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\*\*\*When abutting existing open space of 25' or greater, parking setback can be reduced to 10'.

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

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

- (1) The parking area serves a development of at least two (2) acres in size;
- (2) The parking area does not extend into the minimum required front yard setback of the district or if the site is located in the OSC District, located only on a private road and located at least 100 feet from any public road and the parking setback may be reduced to 25 feet.
- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line but this provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road.
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8.
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development