STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 18.277


THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Code of Ordinances, Ordinance 14-271, the City of Novi Zoning Ordinance, as amended, at Article 3, "Zoning Districts," Section 3.1.25, "Town Center District," Subsection C, "Special Land Uses," is hereby amended to read as follows:

SECTION 3.1.25. TC TOWN CENTER DISTRICT

3.1.25.A. [Unchanged.]

3.1.25.B. [Unchanged.]

3.1.25.C. SPECIAL LAND USES

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission.

i. Open air business uses §4.80.1
ii. Sale of produce and seasonal plant materials outdoors §4.30
iii. Veterinary hospitals or clinics §4.31
iv. Microbreweries §4.35
v. Brewpubs §4.35
vi. Fast food drive-through restaurants §4.40

Part II. That the City of Novi Code of Ordinances, Ordinance 14-271, the City of Novi Zoning Ordinance, as amended, at Article 4, "Use Standards," Section 4.40 "Restaurants in The Character of a Fast Food Carryout, Drive-In, Fast Food Drive-Through, or Fast Food Sit-Down, Specifically for The TC and TC-1 Town Center Districts," is hereby amended to read as follows:
4.40.3 RESTAURANTS IN THE CHARACTER OF A FAST FOOD CARRYOUT, DRIVE-IN, FAST FOOD DRIVE-THROUGH, OR FAST FOOD SIT-DOWN

1. [Unchanged.]

2. [Unchanged.]

3. In the TC-1 and TC districts, fast food drive-through restaurants are permitted as a special land use subject to the following conditions:

   A. For TC-1 districts only
      i. Two-way access shall be provided from the non-residential collector road only, unless a Traffic Impact Statement clearly demonstrates that limiting two-way access from the nonresidential collector road does not provide reasonable access to the site, in which case, the approving body may allow one way access from the arterial road, as permitted. Any shopping center in existence at the time this ordinance is adopted may have two-way access off of both the arterial road and non-residential collector road.
      ii. A minimum one-thousand eight-hundred (1,800) square foot dining area with indoor seating for at least forty (40) people shall be provided.
      iii. The site shall have frontage on a nonresidential collector and at least two hundred (200) feet of frontage on an arterial road.
      iv. No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant.

   B. For TC districts only
      i. A fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.
      ii. A minimum 1100 square foot area with indoor seating for at least 20 people shall be provided.
      iii. The site shall have a frontage on a local street and at least 100’ of frontage on an arterial road.
      iv. The building shall be located within 300’ from the intersection of two Arterial roads.
      v. No more than one fast food drive-through restaurant shall be located per intersection.
      vi. The site shall be at the intersection of two arterial streets, but provide two-way access only from a Local Street, as identified on the City of Novi Thoroughfare Classification Plan.

   C. For TC and TC-1 districts
      i. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to
sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists. Drive-through lanes shall be set back to the largest extent feasible from any designated pedestrian access (sidewalks, crosswalks, etc.). A low brick wall shall be provided wherever suitable to minimize potential conflicts between pedestrians and exiting drive through traffic.

ii. The drive-through shall be accessory to a full-service, indoor use on-site.

iii. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative screen wall or landscaping planted to achieve a minimum opacity of ninety (90) percent during the summer and eighty (80) percent during the winter.

iv. In addition to the special land use requirements noted in Section 6.1.2.C, the Planning Commission shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.

v. An outdoor seating area comprising at least eight seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.

vi. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual.

PART III.

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

PART IV.

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

PART V.

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

Effective Date: Publication. The provisions of this ordinance shall become effective seven (7) 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 Novi City Council this 23rd day of January, 2017.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 23rd day of January, 2017.

Cortney Hanson, City Clerk

Adopted: 01/23/2017
Published: 02/02/2017
Effective: 02/07/2017
Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 24th day of January, 2017.

1. Novi City Hall 45175 Ten Mile Road
2. Novi Library 45255 Ten Mile Road

I do further certify that on the 2nd day of February 2017 said Ordinance Amendment 18.277 was published in brief in the Novi News, a newspaper published and circulated in said City.

Cortney Hanson, City Clerk