STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.279


THE CITY OF NOVI ORDAINS:

PART I.
That the City of Novi Code of Ordinances, Ordinance 14-18.271, as amended, the City of Novi Zoning Ordinance, Article 4, “Use Standards,” Section 4.82, “Residential Dwellings,” is hereby amended to read as follows:

4.82 RESIDENTIAL DWELLINGS IN TC AND TC-1

1. [Unchanged.]

2. Multiple-housing dwelling units and attached single family units (i.e., cluster housing duplex, townhouse) shall meet the requirements of the RM-1 district and/or cluster housing option as modified herein, notwithstanding other provisions of this section. The requirements of Section 3.8.2.C, D, E, F, and H shall not apply to developments proposed in the TC and TC-1 Districts.

   a. In a multiple-family development within the TC and TC-1 districts the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one-thousand two-hundred (1,200). If such multiple housing is within a mixed-use development, the total number of rooms shall not be more than the area of the parcel in square feet, divided by a factor of eight-hundred (800).

   b. The total number of rooms noted above may be altered where strict adherence would serve no good purpose of where the overall intent of the TC and TC-1 district would be better served by allowing an increase in total number of rooms, provided the total rooms shall not exceed more than two times the number of rooms otherwise allowed, with a finding that the conditions listed in subparts i. through ii. herein are found to exist. Such reduction may be made by the Planning Commission for developments on parcels of less than five acres in area. For any development on parcels of five acres or more, such reduction may only be made by the City Council:
i. That an increase in total number of rooms will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area;

ii. That an increase in total number of rooms is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; and

c. In a mixed-use development, an applicant shall be required to provide, as part of site plan approval for a development, conceptual floor plan layouts for each dwelling unit to establish the maximum number of rooms permitted per building. After the maximum rooms per building has been established, an applicant may modify the individual unit floor plans, provided that the maximum rooms and maximum percentage of each type of dwelling unit are not exceeded for the development.

d. The minimum distance between buildings shall be ten (10) feet.

e. Building setback to all property lines shall be fifteen (15) feet, except when interfering with corner clearance areas as listed in Section 5.9 Corner Clearance, except where adjacent to single family residential property, in which case the setback shall be seventy-five (75) feet. Driveways, parking and walls may be within the setback as long as a ten (10) foot green belt area is placed between the property line and any improvement.

f. Off-street parking shall not be placed within ten (10) feet to any wall of a dwelling structure which contains openings involving living areas, and no closer than five (5) feet to any wall that does not contain such openings. Units which have garages may be permitted parking on garage aprons. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than ten (10) feet from any street right-of-way and five (5) feet from any other property line, except where adjacent to single-family residential property, in which case such facilities shall be no closer than thirty (30) feet from the property line.

g. The maximum horizontal length of one building or group of buildings attached together by architectural feature shall not exceed 180 feet. This standard may be modified in the opinion of the City’s Façade Consultant that the variation in the building’s mass or façade elevation meets the intent of the district.

TABLE 4.82.2, "RESIDENTIAL GUIDELINES FOR DEVELOPMENT" [Unchanged.]

3. Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. This standard may be modified where the residential use has an external entrance, not shared by another business or residence.
Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.

4. [Unchanged.]

5. [Unchanged.]

Part II.
That the City of Novi Code of Ordinances, Ordinance 14-18.271, as amended, the City of Novi Zoning Ordinance, Article 4, “Use Standards,” Section 4.25, “Mixed-Use Developments,” is hereby amended to read as follows:

4.25 MIXED-USE DEVELOPMENTS
To qualify as a mixed-use development, a project must meet the following requirements:

1. Each use shall comprise at least ten (10) percent in the GE district, TC, and TC-1 districts of either
   A. the net site area or
   B. the total gross floor area of all buildings and not be considered accessory to another principal use.

2. [Unchanged.]

3. [Unchanged.]

Part III.
That the City of Novi Code of ordinances, Ordinance 14-18.271, as amended, the City of Novi Zoning Ordinance, Article 3, “Zoning Districts,” Section 3.27, “TC and TC-1 District Required Conditions,” is hereby amended to read as follows:

3.27 TC AND TC-1 DISTRICT REQUIRED CONDITIONS

1. The following standards shall apply to all uses permitted in the TC and TC-1 districts:
   A. Through L. [Unchanged.]
   M. Combining of Use Groups within a Single Structure. Commercial and office uses may occupy any number of total floors within a building used for residential uses, subject to the restriction contained within Section 3.27.2.B. No commercial or office shall be located on the same floor as residential use, and no floor may be used for commercial or office purposes which is located above a floor used for residential purposes. This standard may be modified where the residential use has an external entrance, not shared by another business or residence.
   N. [Unchanged.]

TABLE 3.27.1.C “MINIMUM BUILDING SETBACK REQUIREMENTS” [Unchanged.]

2. [Unchanged.]
PART IV.

**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 V.

**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 VI.

**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 VII.

**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.

[Signature]
Robert J. Gatt, Mayor

[Signature]
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 18.279 was published in brief in the Novi News, a newspaper published and circulated in said City.

Cortney Hanson, City Clerk