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CITY of NOVI CITY COUNCIL

Agenda Item 2
November 14, 2016

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.278 to amend the City of Novi Zoning Ordinance at various sections, in order to correct inconsistencies, bring ordinance language up to date, and update standards for pet boarding and training facilities.

FIRST READING

SUBMITTING DEPARTMENT: Community Development Department - Planning Division *Bau*

CITY MANAGER APPROVAL: *KEA*

BACKGROUND INFORMATION:

Planning staff is proposing a number of minor Zoning Ordinance text amendments to address inconsistencies found between the former version of the Zoning Ordinance, and the new Clearzoning format of the Zoning Ordinance. These changes include clarification that daycare centers are a permitted use both in the B-2, Community Business and the B-3, General Business zoning districts, as had been the interpretation of the ordinance in its previous format. Parking lot setbacks in the I-1, Light Industrial district had inadvertently been omitted in the updated Clearzoning Ordinance, and are now added back in to include the required 10 foot minimum parking lot setback in the side and rear yards.

Two amendments are meant to update and fix anachronistic ordinance language. One ordinance section, related to Area, Height and Use Exceptions, is proposed to update the term from "Conditional Land Use" to the consistent Zoning Ordinance term "Special Land Use". Another section is proposed to be updated to indicate that copies of plot plans being shall be submitted in "digital format" instead of "microfiche format".

Minor, but more substantive changes include updates to address Novi's standards for pet boarding facilities, and are intended to make Novi's ordinance more consistent with those in similar communities. These amendments provide allowance for training facilities along with pet boarding, as training activities frequently are found at pet boarding facilities. The ordinance will indicate that facilities are allowed in single tenant buildings on properties one acre or larger, and allow the use in multiple tenant buildings when property sizes are at least two acres in size. Clarification regarding animal waste is now provided, as found in ordinances of peer communities. Following the Public Hearing the Planning Commission recommended to further provide for the protection of the public from animal waste materials and from noise that may be generated from such facilities. The Planning Commission's recommended updates are included in the attached draft ordinance.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.278 to amend the City of Novi Zoning Ordinance at various sections, in order to correct inconsistencies, bring ordinance language up to date, and update standards for pet boarding and training facilities. **FIRST READING**

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

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

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: ADRIANNA JORDAN, AICP, PLANNER
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: TEXT AMENDMENT 18.278
DATE: OCTOBER 26, 2016

Attached, please find a number of proposed text amendments to the zoning ordinance. Most are intended to fix recently found inconsistencies and anachronistic language in the text body of the ordinance; however, one set of amendments regarding pet boarding and training facilities entails new substantive changes.

The proposed pet boarding and training text amendments are intended to make Novi's ordinance more consistent with similar ordinances in surrounding communities. They will also provide relief to applicants regarding the ordinance's restrictions on where pet boarding facilities can locate, while concurrently adding language to address potential pet waste disposal and noise issues.

The text amendments dealing with inconsistencies between the former version of the Zoning Ordinance and the new Clearzoning version of the Zoning Ordinance include items relating to daycare centers in the B-2 and B-3 zoning districts, and parking setbacks. The text amendments regarding Special Land Use language, and copies of plot plans are meant to fix anachronistic ordinance language.

Planning staff are proposing to amend the following sections of the Zoning Ordinance:

- 2.2 Definitions
- 3.1.12 B-3 General Business District
- 3.1.18 I-1 Light Industrial District
- 3.6.2 Note to District Standards
- 3.32 General Exceptions
- 4.46 Pet Boarding Facilities
- 7.4 Plot Plan

Planning staff and the City Attorney's office reviewed these standards in anticipation of bringing the ordinance amendment forward for public hearing. The Planning Commission held a first review of the proposed amendments at its September 14, 2016 meeting. Staff has attached the proposed amendments and suggested conditions.

The Planning Commission is asked to hold the public hearing for the proposed text amendments and make a recommendation to the City Council, who will ultimately approve or deny the amendments and may propose alterations as well. Please contact Adrianna Jordan (248) 347-0586 or ajordan@cityofnovi.org with any questions or concerns.

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STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 16 – 18 – 278

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT THE FOLLOWING LOCATIONS: ARTICLE 2, "DEFINITIONS" SECTION 2.2, "DEFINITIONS;" ARTICLE 3, "ZONING DISTRICTS," SECTION 3.1.11, "B-2 COMMUNITY BUSINESS DISTRICT;" ARTICLE 3, "ZONING DISTRICTS," SECTION 3.1.12 "B-3 GENERAL BUSINESS DISTRICT;" ARTICLE 3, "ZONING DISTRICTS," SECTION 3.1.18 "I-1 LIGHT INDUSTRIAL DISTRICT;" ARTICLE 3, "ZONING DISTRICTS," SECTION 3.6.2 "NOTE TO DISTRICT STANDARDS;" ARTICLE 3 "ZONING DISTRICTS," SECTION 3.32 "GENERAL EXCEPTIONS;" ARTICLE 4 "USE STANDARDS," SECTION 4.46 "PET BOARDING FACILITIES;" AND ARTICLE 7 "ADMINISTRATION, APPEALS, AND ENFORCEMENT," SECTION 7.4 "PLOT PLAN" IN ORDER TO FIX INCONSISTENCIES AND ANACHRONISMS, AND TO AMEND NOVI'S PET BOARDING ORDINANCE.

THE CITY OF NOVI ORDAINS:

Part I.

That the City of Novi Zoning Ordinance, as amended, Article 2, Definitions, Section 2.2, is hereby amended to read as follows:

Section 2.2 Definitions

~~**Kennel, Commercial:** Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.~~

Pet Boarding and Training Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training. The facility may be operated for profit and may offer overnight stays.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.12, is hereby amended to read as follows:

Section 3.1.12 B-3 General Business District

A. [unchanged]

B. Principal Permitted Uses

- i. Retail business uses
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer §4.24
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Retail business or retail business service establishments §4.27

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- vii. Professional and medical offices, including laboratories
- viii. Fueling station §4.29
- ix. Sale of produce and seasonal plant materials outdoors §4.30
- x. Auto wash §4.32
- xi. Bus passenger stations
- xii. New and used car salesroom, showroom, or office
- xiii. Other uses similar to the above uses
- xiv. Tattoo parlors
- xv. Publicly owned and operated parks, parkways, and outdoor recreational facilities
- xvi. Accessory structures and uses §4.19 customarily incident to the above permitted uses
- xvii. Public or private health and fitness facilities and clubs
- xviii. Microbreweries §4.35
- xix. Brewpubs §4.35
- xx. Day care centers, and adult day care centers §4.12.2

C. [unchanged]

D. [unchanged]

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.18, is hereby amended to read as follows:

Section 3.1.18 I-1 Light Industrial District

A. [unchanged]

B. [unchanged]

C. [unchanged]

D. Development Standards

Lot Size

[unchanged]

Lot Coverage

[unchanged]

Setbacks

[unchanged]

Building Height

[unchanged]

Parking Setbacks

Minimum front yard setback: See **Section 3.6.2.E**

Minimum rear yard setback: **10 ft**

Minimum side yard setback: **10 ft**

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[unchanged]

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.6, is hereby amended to read as follows:

Section 3.6 Note to District Standards

1. [unchanged]

2. Notes:

A-P. [unchanged]

Q. The Planning Commission may modify parking 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 parking setback requirements does not reduce the total area of parking setback on a site below the minimum setback area requirements of this Section.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.32, is hereby amended to read as follows:

Section 3.32 General Exceptions

Area, Height, and Use Exceptions. The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

1. [unchanged]

2. [unchanged]

3. Height Limit. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers; provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure requires authorization as a ~~conditional~~ special land use and provided further that the height of any such structure shall not be greater than the distance to the nearest property line.

4. Lot Area. Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district [in] which such lot is located, other than ~~conditional~~ special land uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit, and except as provided for in Section 7.1.2, of this Ordinance.

5. – 11. [unchanged]

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That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.46, is hereby amended to read as follows:

Section 4.46 Pet Boarding and Training Facilities

In the I-1 and I-2 districts, pet boarding and training facilities are permitted, subject to the following conditions:

1. The facilities ~~must be located in a building with the pet boarding being the only use are allowed in single-tenant buildings on lots one acre or larger, or in buildings with multiple tenants on lots two acres or larger.~~
2. [unchanged]
3. [unchanged]
4. [unchanged]
5. Animal wastes, biohazard materials or byproducts shall be disposed of as required recommended by the Michigan Department of Public Health, and/or other duly appointed authority at the discretion of the City. All other wastes shall be contained in leak-proof and odor proof containers. No animal wastes, biohazard materials or byproducts shall be buried, composted, or incinerated on-site, or allowed to enter into groundwater.
6. Noise shall be minimized through the combined use of screening, site isolation, and sound dampening materials in compliance with Section 5.5, 5.14, and Section 5.11.

That the City of Novi Zoning Ordinance, as amended, Article 7, Administration, Appeals, and Enforcement, Section 7.4, is hereby amended to read as follows:

Section 7.4 Plot Plan

1. [unchanged]
2. Where the proposed structure is part of a development requiring site plan approval, copies of the approved final site plan may serve as the plot plan required by this Section; provided, that the applicant additionally submit to the Building Department a microfiche digital copy of the approved final site plan. The microfiche digital copy shall be in the format approved by the Director of Public Services.

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

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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 _____, 2016.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent: