



## CITY of NOVI CITY COUNCIL

**Agenda Item 3**  
**April 13, 2015**

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.274 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments. **FIRST READING**

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

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

Attached is a staff-initiated ordinance amendment addressing the minimum dwelling unit sizes for mixed use and non-mixed use residential developments in the Town Center Districts. The current ordinance provisions differentiate between the minimum dwelling unit sizes for non-mixed use and mixed use residential developments, requiring larger minimum dwelling units for mixed use developments. The proposed amendment would alter the mixed use minimum dwelling unit sizes to match the minimum sizes currently allowed for non-mixed use developments.

Staff has proposed this amendment in response to the both the findings of the previously completed Town Center Area Study and the more recently completed Redevelopment Ready Communities® Community Assessment Report.

The Town Center Area Study included a selection of 'Guiding Principles' for the area to aid in the development of future Zoning Ordinance updates and the review of potential development plans for the area. Two of those principles were as follows:

- "Land uses should be mixed and work together to establish a city center for Novi which provides an attractive, mixed-use hub of activity."
- "Zoning districts should allow mixed uses, but be flexible enough to accommodate uses that are economically feasible and market based."

Altering the Zoning Ordinance to allow for consistent minimum unit sizes for mixed use and non-mixed use developments would allow the market to determine what size units are appropriate while still permitting the 'density bonus' currently allotted to encourage mixed use developments.

The City of Novi participated in the Redevelopment Ready Communities® (RRC) evaluation of Novi's redevelopment practices and the results were reported in the Redevelopment Ready Communities® Community Assessment Report and Evaluation Findings on July 8, 2014. In efforts to follow through with the recommendations and achieve the goal of RRC certification, the City Council passed a resolution on December 22, 2014 'Authorizing the Implementation of Recommendations Necessary to Receive Redevelopment Ready Communities® Certification from the Michigan Economic Development Corporation (MEDC)'. The RRC is a state-wide program of the MEDC that

certifies communities who actively engage stakeholders and plan for the future. The proposed text amendment would fall in line with a recommended action for certification as noted in The Redevelopment Ready Communities® Community Assessment Report as follows:

"Align multifamily residential standards for mixed use developments with non-mixed use developments..."

#### Purpose for the Minimum Dwelling Unit Size

Minimum dwelling unit size is a standard that is found in Novi's Zoning Ordinance, and in ordinances of many other communities, for single family homes as well as multiple family apartments or units. Providing standards for minimum dwelling unit sizes is intended to promote the general health and welfare of the community, and of the residents living in developments, and to help avoid overcrowding. Minimum unit sizes also help to define community character and a sense of aesthetics. For multiple family developments in Novi in the RM-1 and RM-2 Multiple Family Districts, and in the Town Center Districts (except for mixed use developments), the minimum unit sizes are as follows:

| <u>Unit Size</u> | <u>Minimum sq. ft.</u> | <u>Limitations</u>     |
|------------------|------------------------|------------------------|
| Efficiency       | 400 square feet        | 5-10% of development*  |
| 1 Bedroom        | 500 square feet        | 20-50% of development* |
| 2 Bedroom        | 750 square feet        |                        |
| 3 Bedroom        | 900 square feet        |                        |
| 4 Bedroom +      | 1000 square feet       |                        |

\*depending on district

Some communities may use minimum unit size to limit overall density, although in Novi's ordinance, density is more directly related to another section of the ordinance that provides a factor or formula based on the number of rooms or units/acre. For example, the maximum density of a two-bedroom unit multiple family development in the Town Center Districts shall not exceed 12.1 units/acre. Alternatively, density can be measured by actual room count with a corresponding formula.

#### How the Current Minimum Dwelling Unit Size Standards Were Determined

Minimum unit sizes for multiple family districts, as noted above, have been in Novi's Zoning Ordinance for many years. The initial reasoning behind the minimum unit sizes isn't readily evident, but may have been based on comparable or desirable standards on other communities, or health, safety and welfare concerns.

In 2006, Triangle Development proposed ordinance amendments to the Town Center Districts to align with plans that were being prepared at that time. Ordinance modifications at that time included changes to how "mixed use" was defined, provisions for height bonuses for mixed use developments, and allowances for first-floor parking in the Town Center districts. Additionally, at that time, the applicant wished to increase the minimum unit sizes to 800 square feet for mixed use buildings (but a minimum of 700 square feet was acceptable, and was approved). To further facilitate the anticipated initial development and potential changes over time, a paragraph was added to the ordinance to define the development's density based on conceptual floor plans submitted at the time of Preliminary Site Plan Review, but which may be later modified to allow changes to the floor plans. An example was provided that a young couple moving into a unit may desire an open floor plan/loft, but later prefer to divide the unit into multiple rooms once children were born. The larger, 700 square foot minimum was seen desirable by that developer, and an opportunity to allow for flexibility in floor plans.

The amendment proposed at this time would bring the minimum unit size back in line for both mixed use and non-mixed use developments in the Town Center Zoning Districts, while still providing a density bonus for mixed use developments. At this time, staff has not seen a push from the market or any interest expressed in developing units less than 400 square feet, or to eliminate the minimum unit size.

Planning Commission Consideration

The Planning Commission considered the proposed text amendment at the March 25, 2015 meeting. At the time, the Planning Commission held the public hearing and recommended **approval** of the proposed amendment. Relevant Planning Commission meeting minutes are attached.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.274 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments. **FIRST READING**

|                        | 1 | 2 | Y | N |
|------------------------|---|---|---|---|
| Mayor Gatt             |   |   |   |   |
| Mayor Pro Tem Staudt   |   |   |   |   |
| Council Member Casey   |   |   |   |   |
| Council Member Markham |   |   |   |   |

|                        | 1 | 2 | Y | N |
|------------------------|---|---|---|---|
| Council Member Mutch   |   |   |   |   |
| Council Member Poupard |   |   |   |   |
| Council Member Wrobel  |   |   |   |   |

Strike-Through Version

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 274

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, USE STANDARDS, SECTION 4.82, RESIDENTIAL DWELLINGS; IN ORDER TO RECONCILE THE STANDARDS FOR MULTIPLE-FAMILY USES FOR MIXED USE DEVELOPMENTS AND NON-MIXED USE DEVELOPMENTS.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.82, Residential Dwellings, is hereby amended to read as follows:

4.29 RESIDENTIAL DWELLINGS

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.

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). All public utilities must be available. ~~In mixed use developments, all units shall be a minimum of seven hundred (700) square feet.~~

| 4.82.2 Residential Guidelines for Development        |                |                              |                          |                                    |
|--|----------------|------------------------------|--------------------------|------------------------------------|
| Residential Guidelines for Non Mixed-Use Development |                |                              |                          |                                    |
| Minimum Dwelling Unit Size                           | Room Count     | Maximum Density (Units/Acre) | Max. % of Dwelling Units | Off-Street Parking Spaces Per Unit |
| Efficiency – 400                                     | 1              | --                           | 5%                       | 1                                  |
| 1 BR – 500   | 2              | 18.15 (a)                    | 25%                      | 1                                  |
| 2 BR – 750   | 3              | 12.1                         | 100%                     | 2                                  |
| 3 BR – 900   | 4              | 9.07                         | 100%                     | 2                                  |
| 4+BR – 1,000   | 5              | 7.26                         | 100%                     | 2                                  |
| Residential Guidelines for Mixed-Use Development     |                |                              |                          |                                    |
| Minimum Dwelling Unit Size                           | Room Count     | Maximum Density (Units/Acre) | Max. % of Dwelling Units | Off-Street Parking Spaces Per Unit |
| <del>700</del> —Efficiency – 400                     | <del>2</del> 1 | --                           | 5%                       | 1                                  |
| <del>900</del> 500                                   | <del>3</del> 2 | 27.3 (a)                     | 50%                      | 1                                  |
| <del>1,000</del> 750                                 | <del>4</del> 3 | 18.15                        | 100%                     | 2                                  |
| <del>1,100</del> 900                                 | <del>5</del> 4 | 13.61                        | 100%                     | 2                                  |
| <del>1,300</del> 1,000                               | <del>6</del> 5 | 10.89                        | 100%                     | 2                                  |
| Notes to Table                                       |                |                              |                          |                                    |

(a) This density not attainable owing to cap on number of 1 BR units.

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.

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

Building setback to any property line shall be thirty (30) feet, 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.

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.

3. [Unchanged.]
4. [Unchanged.]
5. [Unchanged.]
6. [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 \_\_\_\_\_, 2015.

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ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

Clean Version



STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

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| 4.82.2 Residential Guidelines for Development                        |            |                              |                          |                                    |
|--|------------|------------------------------|--------------------------|------------------------------------|
| Residential Guidelines for Non Mixed-Use Development                 |            |                              |                          |                                    |
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| Minimum Dwelling Unit Size   | Room Count | Maximum Density (Units/Acre) | Max. % of Dwelling Units | Off-Street Parking Spaces Per Unit |
| Efficiency – 400   | ≥ 1        | --                           | 5%                       | 1                                  |
| 500  | ≥ 2        | 27.3 (a)                     | 50%                      | 1                                  |
| 750  | 4 3        | 18.15                        | 100%                     | 2                                  |
| 900  | 5 4        | 13.61                        | 100%                     | 2                                  |
| 1,000  | 6 5        | 10.89                        | 100%                     | 2                                  |
| Notes to Table   |            |                              |                          |                                    |
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4. [Unchanged.]
5. [Unchanged.]
6. [Unchanged.]

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**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.

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

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ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

**Planning Commission Draft Meeting  
Minutes Excerpt – March 25, 2015**



## Excerpt from Draft PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**MARCH 25, 2015 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

### ROLL CALL

**Present:** Member Baratta (arrived at 7:05), Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Sri Komaragiri; Planner; Jeremy Miller, Engineer; Ben Croy, Engineer; Tom Schultz, City Attorney.

#### 4. Zoning Ordinance Text Amendment 18.274

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.82, Residential Dwellings; in order to reconcile the standards for multiple-family uses for mixed use developments and non-mixed use developments.

Planner Kapelanski stated that the city has proposed an amendment in response to the recommendations of the Town Center Area Study and the Redevelopment Ready Communities Community Assessment Report. Both included findings that suggest the City consider revising the ordinance to provide consistent minimum size requirements for multiple-family dwelling units for mixed use and non-mixed use developments. The proposed amendment would alter the mixed-use minimum dwelling unit sizes to match the minimum sizes currently allowed for non-mixed-use developments. The Planning Commission is asked to hold the public hearing and make a recommendation to the City Council regarding the proposed amendment.

Chair Pehrson opened the case to public hearing. No one wished to speak, and there was no correspondence. The public hearing was closed.

Member Greco commented this is a key component of the recommendations received from the Town Center Area Study for a mixed use Town Center area of the city and it can promote the development of the area. He is in support.

**ROLL CALL VOTE TO RECOMMEND APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT 18.274 MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to recommend approval of Zoning Ordinance Text Amendment 18.274 to the City Council. Motion carried 6-0.**

**Excerpt from Town Center Area Study**

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## VISION AND GUIDING PRINCIPLES

To determine a vision and guiding principles for the study area, the project team involved property owners, property managers, realtors, and residents. These stakeholders had several opportunities to voice their opinions about land use, zoning, design, and wayfinding in the study area. Many ideas were generated, and summaries of each meeting are included in the appendix. Goals and objectives listed in the current and previous Master Plan documents were also referenced.

All of this information was synthesized to come up with an overall vision and guiding principles for the Town Center area:

### ***Overall Vision:***

*Development of the Town Center Study Area will create a dynamic, attractive city core that provides residents and visitors with unique opportunities to participate in active community life and meet their needs for goods, services, housing, and entertainment.*

### **Guiding Principles: Land Use**

1. Land uses should be mixed and work together to establish a city center for Novi which provides an attractive, mixed-use hub of activity.
2. Residential land uses should encourage development of varied styles of residential development, including mid-rise, townhouse, loft-styled or others to attract young professionals, families and seniors, and supply patrons for nearby businesses
3. Private and public development should include community gathering spaces that provide venues for events that attract visitors, as well as green space for area residents.
4. Existing natural features (streams, wetlands, ponds), while limited, should be incorporated into private and public developments to create an attractive environment for pedestrian-scaled uses.

### **Guiding Principles: Zoning**

1. Zoning districts should allow mixed uses, but be flexible enough to accommodate uses that are economically feasible and market based.
2. Zoning should establish guiding design principles or form-based standards to ensure quality design.



Excerpt from Redevelopment Ready Communities  
Community Assessment Report



| Status | Evaluation Criteria   | Recommended Actions for Certification   | Estimated Timeline |
|--------|---|---|--------------------|
| Green  | The governing body has adopted a zoning ordinance that aligns with the goals of the current master plan.  | ✓   |                    |
| Green  | The zoning ordinance is easy to read and accessible online.   | ✓   |                    |
| Yellow | The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired. | <input type="checkbox"/> <u>Align multifamily residential standards for mixed use developments with non-mixed use developments as outlined in RRC Best Practice 2.1</u> | 12 months          |
| Green  | The zoning ordinance includes flexible zoning tools to encourage development and redevelopment.   | ✓   |                    |
| Green  | The zoning ordinance allows for a variety of housing options.   | ✓   |                    |
| Green  | The zoning ordinance includes standards to improve non-motorized transportation.  | ✓   |                    |
| Yellow | The zoning ordinance allows for flexible parking requirements.  | <input type="checkbox"/> Allow for flexible parking standards as outlined in RRC Best Practice 2.1  | 12 months          |
| Green  | The zoning ordinance includes standards for green infrastructure.   | ✓   |                    |