



## CITY of NOVI CITY COUNCIL

**Agenda Item D**  
**January 23, 2017**

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.279 to amend the City of Novi Zoning Ordinance in order to modify the TC, Town Center and TC-1, Town Center-1 Districts to better accommodate mixed-use and residential developments in the Main Street area.  
**SECOND READING**

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

*Barb*

**CITY MANAGER APPROVAL:** *AA*

### **BACKGROUND INFORMATION:**

Planning staff proposed this amendment in response to new developments anticipated in the Main Street area. The proposed amendment would promote a pedestrian-oriented, mixed-use development as anticipated in the 2016 Master Plan for Land Use and Future Land Use Map.

The current ordinance states that multiple-housing dwelling units in TC and TC-1 shall meet the requirements of the RM-1 (Low-Density Multiple-Family) district. In many instances, the characteristics of the low-density, low-rise, multiple-family district are contrary to the intent of the TC and TC-1 districts, which strive for a pedestrian-oriented, mixed-use downtown. The proposed amendments would align the requirements with the intent of the area.

The areas of the Zoning Ordinance that are to be modified include and are further described on the next page:

- Article 4, Use Standards, Section 4.82, Residential Dwellings
- Article 4, Use Standards, Section 4.25, Mixed-Use Developments
- Article 3, Zoning Districts, Section 3.27, TC and TC-1 District Required Conditions

Staff has come to identify these areas of modification based on the permitted use of "Residential Dwellings §4.82" listed under the TC (Town Center) and TC-1 (Town Center-1) districts on pages 3-56 and 3-58.

"Residential Dwellings §4.82" is listed under Article 4, Use Standards, on page 4-32, which states "in the TC and TC-1 districts, residential dwellings are a permitted use, provided the following conditions are met: [...] 2. Multiple-housing dwelling units and attached single family units [...] shall meet requirements of the RM-1 district."

The RM-1 (Low-Density, Low-Rise Multiple-Family) zoning district on page 3-16 and 3-17 lists the requirements for the district. Further regulations and requirements can be found on page 3-17 under Selected References, 3. Zoning Districts, "RM-1 and RM-2 Regulations and Requirements §3.8".

"RM-1 and RM-2 Regulations and Requirements §3.8" can be found on page 3-72 and further down the list of requirements the general regulations are found on Page 3-74. A select few of the general regulations have been identified for elimination from required standards for TC and TC-1 based on appropriateness for the type of development the City wishes to encourage in the Main Street area.

**A. Maximum Length of Building (Sec. 3.8.2.C)**

*The maximum horizontal length of one building or group of buildings attached together by architectural feature shall not exceed 180 feet. Unless it contains common space for 50 people and is setback 3 feet for each foot in excess. Maximum length is then 360 feet.*

This requirement is unattainable in the Main Street area because the preference is to have the buildings at the property line with no setbacks. The development shall provide visual interest that breaks up the appearance of one long building. Staff recommends elimination of this requirement for TC and TC-1 and addition of language under the residential dwellings use standards.

**B. Building Orientation (Sec. 3.8.2.D)**

*Where any multiple dwelling structure and/or accessory structure is located along an outer perimeter property line said structure shall be oriented at a minimum 45 degrees to said property line.*

This requirement goes directly against the Main Street area intent of creating development with zero setback fronting onto Main Street. By requiring a 45 degree angle, it makes the development of a mixed-use building impossible and contrary to a pedestrian-oriented downtown. Staff recommends elimination of this requirement for TC and TC-1.

**C. Yard Setback Restrictions (Sec. 3.8.2.E)**

*Within any required front, side, or rear yard setback from any property line not more than 30 percent of any yard shall be used for off-street parking, maneuvering lanes, service drives, or loading areas.*

This requirement limits the ability to place parking, dumpsters, and loading areas within the rear yard of a development where it is screened from public view in a Main Street development. Staff recommends elimination of this requirement for TC and TC-1.

**D. Off-Street Parking Setback from Dwelling Walls with Openings (Sec. 3.8.2.E)**

*It is further provided that off-street parking or related drives shall not be located closer than twenty-five (25) feet to any wall of a dwelling structure which contains openings involving living areas, nor closer than eight (8) feet to any such wall that does not contain openings. No off street parking, maneuvering lanes, service drives or loading areas shall be located closer than twenty (20) feet from any street right-of way line or other property line.*

This requirement limits the development from a compact, walkable design. It is inherent that the off-street parking, maneuvering lanes, service drives, and loading areas will potentially be closer than 25 feet to a dwelling wall which contains an opening to a living area and closer than 20 feet to a street right of way or property line in a downtown development. Staff recommends elimination of this requirement for TC and TC-1 residential dwellings.

**E. Minimum Distance Between Buildings Calculations (Sec. 3.8.2.E)**

*In all RM-1 and RM-2 districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet unless there is a corner-to-corner relationship in which case the minimum distance shall be fifteen (15) feet. The formula regulating the required minimum distance between two buildings in all RM districts is as follows:*

This requirement is intended for suburban residential complexes. The nature of a downtown development where the buildings are set close to the street and developments are compact is undermined by the minimum distance formula required by this section. Staff recommends elimination of this requirement in order to promote zero lot lines, continuous store frontage, and a walkable, compact downtown.

**F. Number of rooms based on area of parcel & Maximum density by unit (Sec. 4.82.2)**

*In multiple-family developments within a mixed-use development the total number of rooms shall not have more than the area of the parcel in square feet, divided by 800. Table 4.82.2 Residential Guidelines for Development limit the DUA by type of unit.*

These two standards relate to the maximum dwelling units per area restrictions. Staff suggests allowing City Council to modify this requirement for developments in the TC and TC-1 district that are over 5 acres, subject to a number of standards that will ensure the intent of the TC and TC-1 district is met.

**G. Mixed-Use on the Same Floor (Sec. 4.82.3 & Sec. 3.27.1.M)**

*Business/Office Uses on the same floor as Residential (Sec. 4.82.3): Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the 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.*

*Combining of Use Groups within a Single Structure (Sec. 3.27.1.M): 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.*

The intent of this requirement is to minimize the disruption of having different types of uses on the same floor and to prohibit private residential areas open access by the public. However, if a development wishes to have external entrances that do not share a common hallway or lobby with a business or office use then the intent is met by this distinction. Staff recommends adding this standard to the ordinance.

**H. Reduced Mixed-Use Minimum (Sec. 4.25)**

*To qualify as a "mixed-use development," a project must meet the following requirements: (1) each use shall comprise of at least 10 percent in the GE district or 20 percent in the TC and TC-1 districts of either net site area or total gross floor area of all buildings.*

The intent of this requirement is to provide a minimum standard for a mixed-use development. Staff recommends aligning the GE, TC, and TC-1 minimum requirements for each type of use in a mixed-use development to be a minimum of 10 percent.

### **Planning Commission and Council Action on the Ordinance Amendments**

The Planning Commission held a public hearing at the December 7, 2016 meeting. At that time, the Planning Commission made a recommendation to the City Council to approve the modification as presented with no additional comments. The attached packet includes the strike-through and clean versions of the text amendment as modified by City Staff and the City Attorney.

City Council reviewed and approved the First Reading of the Ordinance Amendment at the January 9, 2017 City Council. Council's question regarding possible elimination of the room count provisions of the ordinance were identified for comment by staff prior to the second reading. Staff's brief analysis of this request is provided below:

In a mixed-use development, the ordinance currently requires an applicant 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. The ordinance also provides for the maximum dwelling unit density per acre, with a footnote indicating that due to limitations on efficiency apartments and one bedroom apartments in a Mixed-Use Development, (a maximum of 5% and 25%, respectively) the maximum density may not be achievable. The existing chart (below) providing for the maximum room count further refines the maximum dwelling units per acre standard, and indicates the City's expectancy that a variety of unit types will be provided within a development with an allowance for efficiency and one-bedroom apartments.

<b>4.82.2 Residential Guidelines for Development</b>				
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
700–Efficiency – 400	2 1	--	5%	1
900-500	3 2	27.3 (a)	50%	1
1,000 750	4 3	18.15	100%	2
1,100 900	5 4	13.61	100%	2
1,300-1,000	6 5	10.89	100%	2
Notes to Table				
(a) This density not attainable owing to cap on number of 1 BR units.				

Staff has found that developers are frequently interested in understanding the maximum dwelling units permitted per acre, as provided in the chart, as a quick indicator of density in multiple family districts based on unit size. Without the room count calculations as a separate column provided in the chart, the required limitations on the single room (efficiency) and one-bedroom apartments would be more difficult for the developer to identify. The chart further indicates that a 2 bedroom unit typically accounts for 3 rooms in terms of density (as an example) which is generally consistent with the maximum density measured by units/acre.

If the room count were eliminated from the ordinance, staff's initial thoughts on the effect of the ordinance standards would be that land developers may not understand the ordinance limitations on the maximum number of efficiency apartments and one-bedroom apartments that are permitted. Staff believes that the room count section of the chart provides clarity to the developers on the City's expectations.

Through the ordinance modifications that are being proposed at this time, additional flexibility is being built into the ordinance, to allow an increase in the total number of rooms (and therefore potentially also the maximum density as measured by the units/acre) that would otherwise be allowed. A decision to allow an increase the room count and/or maximum density would be made at the discretion of the Planning Commission and/or the City Council once the site plan is presented for approval. Staff believes that ordinance provision addresses flexibility for both the room count calculations and maximum density calculations as provided in the ordinance.

City administration recommends approving the ordinance amendment as proposed at this time, as potential developers in the TC Districts may be waiting for its adoption before moving forward with development plans. If additional changes to the TC Districts are requested or additional analysis of the ordinance provisions are needed in the future, Planning staff will be happy to provide additional commentary and recommendations.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.279 to amend the City of Novi Zoning Ordinance in order to modify the TC, Town Center and TC-1, Town Center-1 Districts to better accommodate mixed-use and residential developments in the Main Street area. **SECOND READING**

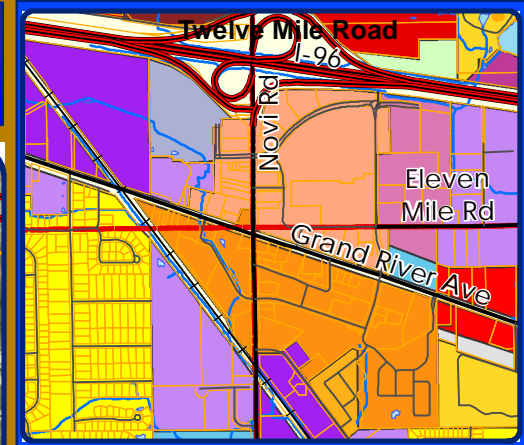
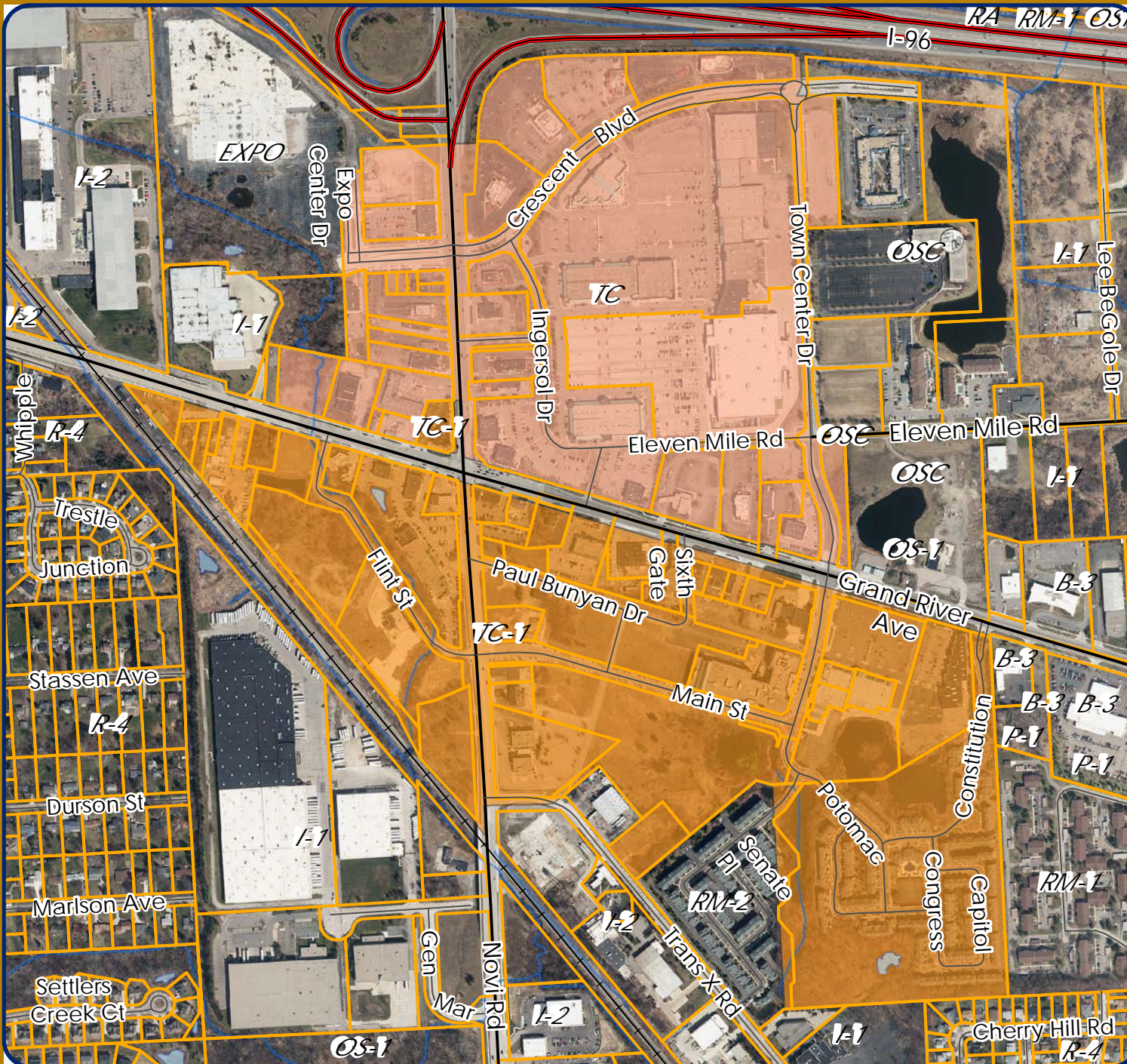
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

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

LOCATION MAP

# TC and TC-1 Zoning Districts

## Location Map

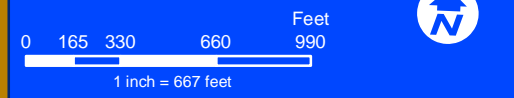


**LEGEND**

- Sections
- R-A: Residential Acreage
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- RM-2: High-Density Multiple Family
- B-3: General Business District
- C: Conference District
- EXPO: EXPO District
- I-1: Light Industrial District
- I-2: General Industrial District
- NCC: Non-Center Commercial District
- OS-1: Office Service District
- OSC: Office Service Commercial
- OST: Office Service Technology
- RC: Regional Center District
- P-1: Vehicular Parking District
- TC: Town Center District
- TC-1: Town Center -1 District


**City of Novi**  
 Community Development Department  
 Civic Center  
 45175 W Ten Mile Road  
 Novi, MI 48375  
[www.cityofnovi.org](http://www.cityofnovi.org)

Map Author: Kirsten Mellem  
 Date: 01/05/2017  
 Project: TC and TC-1 Zoning Districts  
 Version #: 1



**MAP INTERPRETATION NOTICE**

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City of Novi GIS Manager to confirm source and accuracy information related to this map.

**STRIKE-THROUGH ORDINANCE AMENDMENT  
CITY COUNCIL VERSION**

**FIRST READING**

---



STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 16-18.279

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-18.271, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 4, "USE STANDARDS," SECTION 4.82, "RESIDENTIAL DWELLINGS"; ARTICLE 4, "USE STANDARDS," SECTION 4.25, "MIXED-USE DEVELOPMENTS"; AND ARTICLE 3, "ZONING DISTRICTS," SECTION 3.27, "TC AND TC-1 DISTRICT REQUIRED CONDITIONS"; IN ORDER TO MODIFY THE STANDARDS FOR MULTIPLE-FAMILY USES IN MIXED-USE DEVELOPMENTS IN THE TC AND TC-1 DISTRICTS.

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 of least ten (10) percent in the GE district, ~~or twenty (20) percent in the TC-4, and TC-21~~ 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.** 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

CLEAN ORDINANCE AMENDMENT  
CITY COUNCIL VERSION

FIRST READING

---

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 16-18.279

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-18.271, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 4, "USE STANDARDS," SECTION 4.82, "RESIDENTIAL DWELLINGS"; ARTICLE 4, "USE STANDARDS," SECTION 4.25, "MIXED-USE DEVELOPMENTS"; AND ARTICLE 3, "ZONING DISTRICTS," SECTION 3.27, "TC AND TC-1 DISTRICT REQUIRED CONDITIONS"; IN ORDER TO MODIFY THE STANDARDS FOR MULTIPLE-FAMILY USES IN MIXED-USE DEVELOPMENTS IN THE TC AND TC-1 DISTRICTS.

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 of 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.** 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent: