



# CITY of NOVI CITY COUNCIL

Agenda Item H  
August 11, 2008

**SUBJECT:** Consideration of Zoning Ordinance Text Amendment 18.228, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, Subsection 2516, "Site Plan Review (All Districts)" to modify the standards for administrative review of revised site plans and the time limit of site plan approvals. **Second Reading**

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

**CITY MANAGER APPROVAL:** 

## BACKGROUND INFORMATION:

As a part of the on-going efforts to improve customer service and to streamline the development and redevelopment process in Novi, the City's Planning staff has reviewed Section 2516 of the Zoning Ordinance. Staff identified two areas where minor ordinance modifications could help reduce the processing time for an applicant, while protecting the interests of the citizens of Novi.

The first proposal would allow an increase in the size of additions to existing buildings that could be reviewed and approved administratively, provided the property is not located near residential property. These modifications are to Section 2516.1.c(9). The ordinance currently allows administrative approvals for building additions totaling no more than 1000 square feet to an existing building. The ordinance changes propose to increase the amount that can be approved administratively to no more than 10 percent of an existing building, up to a maximum of 10,000 square feet, for non-residential buildings located more than 500 feet from residential districts. Staff notes that minor changes to an approved site plan seldom have substantial issues, and reducing the processing time may encourage more reinvestment in commercial properties.

The second proposal would increase the length of time a site plan approval would remain valid, thus reducing the need for site plan extension actions by the Planning Commission or City Council. These modifications are found in Section 2516.6, and propose that the initial approval period of either a preliminary or final site plan approval would be two years from the date of approval, increased from one year as the ordinance currently allows. Section 2516.7, related to site plan extensions, would remain the same, allowing for up to three, one-year extensions of either preliminary or final site plan approval.

The Planning Commission held a public hearing on the matter on July 16, 2008 and forwarded a favorable recommendation to the City Council on the proposed amendments. The City Council approved the first reading of the ordinance on July 28<sup>th</sup>.

Prior to the first reading, the Community Development department received a request to further broaden the administrative authority to include limited basement office storage areas for previously approved site plans, and to reconsider the parking standards for basements that do not allow occupancy under the building code. A memo was prepared by the Community Development Department, and the City Council discussed the matter briefly, allowing for additional consideration at the second reading.

At this time, additional and modified language is proposed to the section of the ordinance previously reviewed and in keeping with the other changes discussed with the City Council at the first reading and the intent of providing for administrative review of limited office storage areas.

After further review, Community Development Staff and the City Attorney have determined that accessory office storage areas in basements or mezzanines that are designed in a manner that allow use only for accessory storage and mechanical equipment (and that will not be permitted to become occupied office space), would have little impact on the footprint, appearance or functional use of the building, with appropriate precautions included in the ordinance. State building code has specific exemptions for accessibility to limited-access storage and mechanical areas of less than 3,000 square feet. Reduced ceiling heights also restrict these areas from being occupied by the principle business use. These types of storage areas will not increase the occupant load of a building and therefore would not trigger a need for more parking under building code standards.

Additional language has now been added to remove limited storage areas from the Gross Leasable Floor Area calculation. As an additional precaution to help assure that the limited office storage areas will only be used for storage or mechanical equipment, language is proposed at this second reading to require the owner of the building to submit an affidavit stating that the limited office storage area will only be used for storage or mechanical equipment. The recorded document will also put all future owners on notice that the area can only be used for these uses, as noted in the proposed language added for the second reading:

Notwithstanding anything in the ordinance to the contrary, an office storage basement or mezzanine of not more than three thousand (3000) square feet approved under this section shall not be considered to be part of the Gross Leasable Floor Area of the building if it is designed exclusively for storage or mechanical equipment as determined by the Building Official, is accessory to an office building and ancillary to a permitted office use, and an affidavit, in recordable form acceptable to the City Attorney, is signed by the owner of the building stating that it will be used only for storage or mechanical equipment.

Additional language was also added to include mezzanines along with basements since both can function as limited storage areas. Existing and proposed buildings would be eligible under the new language, since the same concerns apply to each.

Proposed matching changes to the definition of "Floor Area, Gross Leasable" in Section 201 of the Zoning Ordinance to further clarify the exclusion of these storage areas from parking calculations will proceed to the Planning Commission for a public hearing in the near future. By excluding limited office storage areas from the Gross Leasable Floor Area, the parking requirement section of the Ordinance for offices will not need to be changed.

With the proposed changes to the Gross Leasable Floor Area calculations for Section 2516.9.c discussed above, the following proposed language did not need to be struck from the proposed language to allow administrative review of limited office storage area additions, and will still afford additional protection for nearby residential neighborhoods:

- b. ...and when the building or structure is located on a parcel of land that is at least 500 feet from any residential district;

Attached are draft City Council minutes from the first reading and the full revised language prepared for consideration at the second reading.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.228, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, Subsection 2516, "Site Plan Review (All Districts)" to modify the standards for administrative review of revised site plans and the time limit of site plan approvals. **Second Reading**

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**DRAFT EXCERPT  
CITY COUNCIL MINUTES  
JULY 28, 2008**

**DRAFT EXCERPT FROM  
REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, JULY 28, 2008 AT 7:00 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

**ALSO PRESENT:** Clay Pearson, City Manager  
Pamela Antil, Assistant City Manager  
Tom Schultz, City Attorney  
Barbara McBeth, Deputy Director of Community Development  
Rob Hayes, City Engineer  
Frank Smith, Fire Chief

- 5. Consideration of Zoning Ordinance Text Amendment 18.228, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, Subsection 2516, "Site Plan Review (All Districts)" to modify the standards for administrative review of revised site plans and the time limit of site plan approvals. First Reading**

Mr. Pearson said currently if a property owner had an approved site plan they could add on to a building as long as it was not any more than 1,000 sq. ft. He commented there had been several times people wanted to add more than that but then would have to go through the traditional, lengthy site plan review process. He said they suggested to the Planning Commission and they concurred that they could provide a streamlined process for making larger investments by going up to 10,000 sq. ft. or 10% of the existing building with Administrative approval. They were just giving people the opportunity to make those modifications, and were also suggesting that the site plan extension increase from one to two years to keep people from having to come back.

Mr. Pearson said in the past few days a small property owner on Grand River Avenue brought them this case. They had an approved site plan for a building and wanted to add a basement for storage. He said that triggered a lot of requirements and right now the Ordinance treated the additional basement storage for that small office user as if it was going to be additional office space, which would require them to double their parking spaces. He said it didn't seem very efficient or effective. They could go through a variance process but it was his opinion that if it was good for this one case, they should just make the rule and let other people have a chance at it. He said they took the liberty of drafting some

language for Council consideration that he thought was germane to this topic. Mr. Pearson commented that they could work on it a little more, with Council's direction, for a second reading, and adoption. He said it would allow change in parking Administratively, as long as it was not more than 3,000 sq. ft. If it was over 3,000 sq. ft., it would trigger other building code reviews, which could not be changed, so they would have to scale it back to meet those requirements.

Member Gatt said for years they had talked about economic development and making it easier for people to do business in Novi and along comes this small builder/developer and he wanted to put in a basement. So, now he had to go back to Planning and ZBA and it would delay his project for months. Member Gatt said it didn't make sense and thought Council should allow the Administration to administer small projects like this. He said he fully supported this.

**CM-08-07-123 Moved by Margolis, seconded by Crawford;  
CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text  
Amendment 18.228, to amend Ordinance No. 97-18 as  
amended, the City of Novi Zoning Ordinance at Article 25,  
Subsection 2516, "Site Plan Review (All Districts)" to modify  
the standards for administrative review of revised site plans  
and the time limit of site plan approvals. First Reading**

**Roll call vote on CM-08-07-123  
Margolis, Mutch, Staudt**

**Yeas: Landry, Crawford, Gatt,  
Nays: None  
Absent: Capello**

**SECOND READING  
STRIKE-THROUGH VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -228

**AN ORDINANCE TO AMEND APPENDIX A OF THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 97-18, AS AMENDED, KNOWN AS THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 25, SUBSECTIONS 2516, IN ORDER TO MODIFY THE STANDARDS FOR ADMINISTRATIVE REVIEW OF MODIFIED SITE PLANS AND TIME LIMIT OF APPROVALS**

**THE CITY OF NOVI ORDAINS:**

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, Section 2516, Site Plan Review (All Districts), is hereby amended to read as follows:

Sec. 2516. Site Plan Review (All Districts).

1. a. [unchanged]
- b. [unchanged]
- c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:
  - (1) When the plan only proposes improvements to or expansion of an existing off-street parking area;
  - (2) When the plan only proposes modifications to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance;
  - (3) When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
  - (4) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
  - (5) When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or
  - (6) When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
  - (7) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory building or accessory structure, where otherwise permitted, for the containment

of hazardous chemicals for compliance with Chapter 15 of the Novi Code of Ordinances, or for any other customary accessory use provided that the accessory building or structure does not exceed [one thousand] (1,000) square feet in total (gross) floor area, and does not require a new or revised woodlands permit or a nonadministrative wetlands permit.

- (8) When the site already the subject of an existing and previously approved site plan and the revised plan only proposes to add a pay telephone structure or delivery service drop box.
- (9) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes ~~an addition totaling [one thousand] (1,000) square feet or less to an existing building or structure,~~ one of the following:
  - a. An addition totaling one thousand (1,000) square feet or less to an existing building or structure; or
  - b. An addition totaling more than one thousand (1,000) square feet but less than ten thousand (10,000) square feet when the proposed addition is less than ten percent (10%) of the gross floor area of an existing non-residential building or structure and when the building or structure is located on a parcel of land that is at least five hundred (500) feet from any residential zoning district;
  - c. An office storage basement or mezzanine totaling not more than three thousand (3,000) square feet, to a proposed or existing building provided the addition, basement or mezzanine does not require a new or revised woodlands permit or a non-administrative wetlands permit.  
Notwithstanding anything in the ordinance to the contrary, an office storage basement or mezzanine of not more than three thousand (3,000) square feet approved under this section shall not be considered to be part of the Gross Leasable Floor Area of the building if it is designed exclusively for storage or mechanical equipment as determined by the Building Official, is accessory to an office building and ancillary to a permitted office use, and an affidavit, in recordable form acceptable to the City Attorney, is signed by the owner of the building stating that it will be used only for storage or mechanical equipment.
- (10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance.
- (11) When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

If during any administrative review process authorized under this subpart or subpart (d) it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

- d. [unchanged]
- e. [unchanged]

2. [unchanged]



3. [unchanged]
4. [unchanged]
5. [unchanged]
6. Approval limitations. Preliminary and final site plan approvals shall have the following limitations:
  - a. Approvals shall be effective for a period of ~~one (1)~~ two (2) years from date of approval;
  - b. Approvals shall lapse and cease to be in effect if the premises are not used or the work is not started within that ~~one~~ two-year period, or within any extension granted pursuant to subsection 2516.7;
  - c. Approvals shall lapse and cease to be in effect if the work commenced is abandoned for a period of one (1) year;
  - d. When a development subject to site plan approval is also subject to special land use approval as a principal use permitted subject to special conditions, option or other conditional use approval, such special land use approval shall expire with the preliminary site plan approval or final site plan approval; and
  - e. Neither the approval of a site plan, nor anything in the City of Novi Zoning Ordinance, should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.
7. Extensions. The time limit set forth in subpart 2516.6a., above, may be extended by the body which approved the preliminary site plan, subject to the following:
  - a. An extension may be granted for any period of time not to exceed one (1) year;
  - b. An extension of site plan approval must be requested in writing, at least thirty (30) days prior to the expiration of the approval period, and such request must be granted before the original site plan approval, or any extension thereof, expires or lapses;
  - c. Validation of a site plan or special land use approval after the date of expiration will require resubmittal to the city for review and approval. Except as otherwise permitted herein, there shall be no revisions to a site plan without prior approval;
  - d. No more than three (3) one-year extensions will be granted;
  - e. Preliminary or final site plan approval shall be void in the event of rezoning that is inconsistent with the planned use;
  - f. It is the burden of the applicant to show good cause for the granting of the requested extension. The body which approved the preliminary site plan shall consider the following factors in its determination of whether good cause exists:
    - (1) The applicant has demonstrated that needed utility services have been delayed;
    - (2) The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems;
    - (3) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
    - (4) The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;
    - (5) There is no pending zoning ordinance which would substantially change the requirements of the approved plan.

8. All provisions of the Novi Site Plan and Development Manual, as revised and attached hereto, excluding any appendix or attachments thereto, are hereby adopted, enacted and made a part of this Ordinance. The provisions of the Site Plan and Development Manual shall govern site plan review procedures and development requirements within the City of Novi; provided, if any provision of the Site Plan and Development Manual is in conflict with the City Charter, this or any other ordinance, or applicable statute, the conflicting provision shall not be interpreted as repealing said Charter, ordinance or statute, but rather said Charter, ordinance or statute shall govern.

**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.** The provisions of this Ordinance shall become effective fifteen (15) 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 CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
DAVID LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**SECOND READING  
CLEAN VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

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  - (3) When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
  - (4) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
  - (5) When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or
  - (6) When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
  - (7) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory

building or accessory structure, where otherwise permitted, for the containment of hazardous chemicals for compliance with Chapter 15 of the Novi Code of Ordinances, or for any other customary accessory use provided that the accessory building or structure does not exceed [one thousand] (1,000) square feet in total (gross) floor area, and does not require a new or revised woodlands permit or a nonadministrative wetlands permit.

- (8) When the site already the subject of an existing and previously approved site plan and the revised plan only proposes to add a pay telephone structure or delivery service drop box.

When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes one of the following:

- a. An addition totaling one thousand (1,000) square feet or less to an existing building or structure; or
- b. An addition totaling more than one thousand (1,000) square feet but less than ten thousand (10,000) square feet when the proposed addition is less than ten percent (10%) of the gross floor area of an existing non-residential building or structure and when the building or structure is located on a parcel of land that is at least five hundred (500) feet from any residential zoning district;
- c. An office storage basement or mezzanine totaling not more than three thousand (3,000) square feet, to a proposed or existing building provided the addition, basement or mezzanine does not require a new or revised woodlands permit or a non-administrative wetlands permit.

Notwithstanding anything in the ordinance to the contrary, an office storage basement or mezzanine of not more than three thousand (3,000) square feet approved under this section shall not be considered to be part of the Gross Leasable Floor Area of the building if it is designed exclusively for storage or mechanical equipment as determined by the Building Official, is accessory to an office building and ancillary to a permitted office use, and an affidavit, in recordable form acceptable to the City Attorney, is signed by the owner of the building stating that it will be used only for storage or mechanical equipment.

- (10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance.

- (11) When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

If during any administrative review process authorized under this subpart or subpart (d) it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

- d. [unchanged]
- e. [unchanged]

2. [unchanged]
3. [unchanged]
4. [unchanged]
5. [unchanged]
6. Approval limitations. Preliminary and final site plan approvals shall have the following limitations:
  - a. Approvals shall be effective for a period of two (2) years from date of approval;
  - b. Approvals shall lapse and cease to be in effect if the premises are not used or the work is not started within that two-year period, or within any extension granted pursuant to subsection 2516.7;
  - c. Approvals shall lapse and cease to be in effect if the work commenced is abandoned for a period of one (1) year;
  - d. When a development subject to site plan approval is also subject to special land use approval as a principal use permitted subject to special conditions, option or other conditional use approval, such special land use approval shall expire with the preliminary site plan approval or final site plan approval; and
  - e. Neither the approval of a site plan, nor anything in the City of Novi Zoning Ordinance, should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.
7. Extensions. The time limit set forth in subpart 2516.6a., above, may be extended by the body which approved the preliminary site plan, subject to the following:
  - a. An extension may be granted for any period of time not to exceed one (1) year;
  - b. An extension of site plan approval must be requested in writing, at least thirty (30) days prior to the expiration of the approval period, and such request must be granted before the original site plan approval, or any extension thereof, expires or lapses;
  - c. Validation of a site plan or special land use approval after the date of expiration will require resubmittal to the city for review and approval. Except as otherwise permitted herein, there shall be no revisions to a site plan without prior approval;
  - d. No more than three (3) one-year extensions will be granted;
  - e. Preliminary or final site plan approval shall be void in the event of rezoning that is inconsistent with the planned use;
  - f. It is the burden of the applicant to show good cause for the granting of the requested extension. The body which approved the preliminary site plan shall consider the following factors in its determination of whether good cause exists:
    - (1) The applicant has demonstrated that needed utility services have been delayed;
    - (2) The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems;
    - (3) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
    - (4) The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;
    - (5) There is no pending zoning ordinance which would substantially change the requirements of the approved plan.

8. All provisions of the Novi Site Plan and Development Manual, as revised and attached hereto, excluding any appendix or attachments thereto, are hereby adopted, enacted and made a part of this Ordinance. The provisions of the Site Plan and Development Manual shall govern site plan review procedures and development requirements within the City of Novi; provided, if any provision of the Site Plan and Development Manual is in conflict with the City Charter, this or any other ordinance, or applicable statute, the conflicting provision shall not be interpreted as repealing said Charter, ordinance or statute, but rather said Charter, ordinance or statute shall govern.

**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.** The provisions of this Ordinance shall become effective fifteen (15) 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 CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
DAVID LANDRY, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nayes:  
Abstentions:  
Absent: