



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item ²
September 8, 2008

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions," and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. **First Reading**

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Burb}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Providence Hospital, the owner of approximately 190 acres of land located at the southwest corner of Grand River Avenue and Beck Road in the Office Service Commercial (OSC) zoning district has proposed changes to the text of Article 12 (OSC) to facilitate future retail developments on the property. The intent of the OSC district is to accommodate a large office building, or, more particularly, a planned complex of office buildings with related commercial, retail and service establishments which may serve the area beyond the confines of the office complex itself. The district is further designed to encourage the combination of mid-rise and low-rise office and office related uses in a planned development and to encourage innovation and variety in type, design and arrangement of such uses.

The changes proposed by the applicant are to permit drive through restaurants, increase the number of restaurants and modify the conditions required for restaurants. Also, the applicant is proposing changes to Article 24 to reduce setbacks within the OSC District and permit front yard parking when located on a private road and at least one hundred (100) feet from any public road.

The applicant is proposing these ordinance changes to allow construction of the "Providence Village" concept plan which includes 55,000 square feet of retail, restaurants, fitness and office floor space on a proposed parcel of land totaling 10 acres and located at the southeast corner of the northwest segment of the Providence Park ring road. A site plan has not yet been officially submitted for review, pending the outcome of the proposed text amendments. An analysis of the proposed changes follows:

Currently, OSC Sections 1202 and 1203 of the Ordinance allow sit-down restaurants subject to conditions: restaurants that are accessory to an office or hotel/motel building, or free-standing restaurants with a minimum occupancy of 100 persons, on a site at least 2 acres in size, and when the restaurant is located at least 500 feet from any other restaurant. Restaurants are currently not permitted in planned shopping centers in the OSC district. The current text also prohibits outdoor restaurant seating and fast food, drive-in, drive-through, fast food carry out or a fast food delivery type restaurants.

The proposed text would permit the following in a planned shopping center:

- An unlimited number of restaurants;
- One drive-through restaurant of less than four thousand (4,000) square feet; and
- Fast food, carry out and delivery restaurants.

The proposed text also limits shopping centers to one per office complex to preserve the character of the complex, removes distance restrictions for restaurants within a planned shopping center and permits outdoor restaurant seating anywhere in the district. No other changes were proposed for restaurants located outside of planned shopping centers.

The applicant also proposed Ordinance changes to Article 24 footnote (h) to reduce front, side and rear yard parking setbacks and to permit parking in the front yard when the development is located on a private road and at least one hundred (100) feet from any public road. The front yard parking setback is proposed to be reduced from 35 feet to 25 feet. The applicant proposed reducing the side and rear yard parking setback to 10 feet from 20 feet when the site abuts open space of 25 feet or greater. The applicant proposed this provision to reduce the setback as of right in order to provide certainty and remove an extra processing step for the variance.

The Planning Commission did not recommend approval of the side and rear yard reduction because Section 2400 footnote ** already gives the Planning Commission the flexibility to modify side and rear yard setbacks in instances where there is a determination that such modification results in the improved use of the site and/or in improved landscaping. This authority is comparable to the Planning Commission's authority to waive certain landscaping standards of the ordinance, and does not require a separate meeting or public hearing. A condition of the Planning Commission's authority to allow this setback reduction is that such modification of the setback requirements will not reduce the total area of setback on a site below the minimum setback area required. Applicants also have the right to appear before the Zoning Board of Appeals to request a variance of such ordinance standards. Because the Planning Commission recognized this provision is already in the ordinance and did not recommend changes to this section, this portion of the applicant's proposed text is not included in the attached versions of the proposed Ordinance.

A graphic has been prepared by staff for the instance of Providence Park, showing the "greensward" identified on the site plans as open space that is maintained through the center of the development. The applicant had indicated that this open space would provide adequate green space and setback for the future developments in the retail portion of the site, and that the setbacks could be reduced abutting this greensward. However, staff believes that it is best to maintain the integrity of the original plans to keep this area open, and not encroach with parking lots closer than has been allowed by ordinance.

Planning staff is generally in support of the proposed ordinance amendments as recommended by the Planning Commission since restaurants are a customary use in shopping centers and the addition of restaurants would not change the character of a planned shopping center. The allowance of one drive-through restaurant in a planned shopping center was discussed by the Planning Commission at the public hearing, and the Planning Commission recommended language that allows only one drive-through restaurant per shopping center, with the further limitation that only one drive-through window be permitted per restaurant, along with the limitation of a maximum of 4000 square feet for the drive-through restaurant.

Other OSC Districts

There are currently three areas of the City of Novi zoned OSC, Office Service Commercial and are identified on the attached map: Providence Park and the 52-1 District Court; the area west of Haggerty Road, north of Eight Mile Road; and the area east of Town Center Drive north of Grand River and south of I-96. The green areas on the map are currently developed OSC properties and the yellow areas are generally undeveloped land.

While the text amendments were prepared for consideration of possible future development for Providence Park, the amendments may assist in the expansion of restaurant uses in retail centers in any of these districts. In OSC districts, retail commercial uses are permitted only when these retail uses are a part of a larger overall complex of office buildings. Additionally, the retail uses

may not exceed 150,000 square feet in gross leasable area or comprise more than 20 percent of the total site area of the planned commercial office complex. Staff believes there would be limited further application of retail uses in the existing OSC districts, unless redevelopment took place. As identified on the attached map, the largest remaining vacant parcel is 13.7 acres of land along Haggerty Road near Lifetime Fitness. Staff estimates this remaining parcel could develop with a retail component, including a planned commercial shopping center of up to 25,000 square feet in size, although this has not been proposed. The other remaining areas of OSC in the City would have a more limited application of retail, if any.

On August 27, 2008, the Planning Commission held a public hearing on the proposed amendment and took action to recommend approval of the text amendment, as amended. The draft minutes to that meeting are attached. Also attached are the draft "strike-through" and "clean" versions of the Ordinance prepared for consideration at the first reading.

RECOMMENDED ACTION: Consideration of Zoning Ordinance Text Amendment 18.229, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 12, OSC, Office Service Commercial District, Subsection 1202 "Principal Uses Permitted Subject to Special Conditions" and Subsection 1203, "Required Conditions," and at Article 24, Schedule of Regulations, Subsection 2400 "Schedule limiting height, bulk, density and area by zoning district" in order to expand uses permitted subject to special conditions in a planned shopping center and to provide greater flexibility in the design of planned shopping centers in the OSC District. **First 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				

OSC LOCATIONS
THROUGHOUT NOVI

OSC Locations



Tax Parcels OSC developed OSC vacant 0.0 area acres



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 9/3/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



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 GIS Manager to confirm source and accuracy information related to this map.

GRAPHIC ILLUSTRATING
GREENSWARD ON
PROVIDENCE PARK CAMPUS

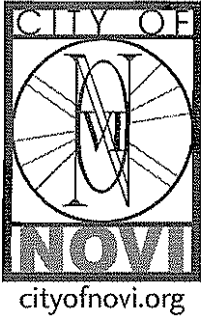


DRAWING NOTES
NORTH
↑

nbbj													
1150 LAKE SHORE DRIVE OAK LAKES, MI 48225 PHONE: 313 224 7560 FAX: 313 224 7014													
PROVIDENCE PARK HOSPITAL PROVIDENCE PARK CAMPUS 42601 Grand River Avenue New Michigan 48174													
													
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PROJECT NO.	904015.00												
DATE	August 6, 2005												
OVERALL SITE LANDSCAPE PLAN													
FOR INFORMATION USE ONLY													
													
L1													

EARLY PLAN OF PROVIDENCE PARK SHOWING GREENSWARD

**DRAFT EXCERPTS
PLANNING COMMISSION MINUTES
AUGUST 27, 2008**



PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI
Regular Meeting

18.229 OSC TEXT AMENDMENT EXCERPT
Wednesday, August 27, 2008 | 7 PM

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

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brian Larson, Michael Lynch, Mark Pehrson, Wayne Wrobel

Absent: Member Michael Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Karen Reinowski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; David Campbell, Traffic Consultant; Rod Arroyo, Traffic Consultant; Doug Necci, Façade Consultant; Tom Schultz, City Attorney

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.229

The Public Hearing was opened on Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, to expand uses permitted subject to special conditions in a planned shopping center in the Office Service Commercial District and to provide greater flexibility in the design of planned shopping centers.

Planner Mark Spencer stated that this text amendment was proposed by Gary Jonna, who represents Providence Hospital. These changes are to Article 12 of the Zoning Ordinance, the OSC Section of the Ordinance. This change would allow for drive-through restaurants and would also allow for more restaurants. It would modify the conditions required for restaurants. The Applicant has also proposed changes to Article 2400 to reduce setbacks within the OSC District and permit front yard parking.

The OSC District currently allows restaurants as an accessory to an office building, hotel or motel. They can be stand-alone on a site of at least two acres, if they have the seating capacity of at least one hundred and located at least 500 feet from another restaurant. They are not permitted in planned shopping centers. The current Ordinance prohibits fast food, drive-in, drive-through, fast-food carryout and delivery-type restaurants. The proposed text would permit the following in a proposed shopping center: An unlimited number of restaurants; Outdoor restaurant seating; One drive-through restaurant of under 4,000 square feet; no distance requirements; fast-food, carry-out and delivery-type restaurants. No changes were proposed for restaurants outside of planned shopping centers.

The Planning Staff supports placing restaurants in a planned shopping center, since it is a customer use and would not change the character of a shopping center. The Planning Commission may wish to discuss the drive-through element and whether it would substantially change the character of a center. The Applicant also proposes changes to the parking setbacks, and allow front yard parking when a planned shopping center is proposed on a private road and is at least 100 feet from a public road. The Applicant proposes to reduce the front yard setback from 35 feet to 25 feet and also proposes to reduce the side and rear yard setbacks from twenty feet to ten feet, only when abutting open space of 25 feet or greater. Generally speaking, the Staff supports the front yard parking setback, because it could promote buildings closer to the sidewalk system. Staff does not support the rear or side yard setback proposals. Footnote ** already permits the Planning Commission to grant exceptions to the rear and side yard parking setbacks when the total amount of required landscaped area is maintained. The proposed setback reduction could permit a reduction of landscaping.

Mr. Gary Jonna of Whitehall Real Estate addressed the Planning Commission. He appeared on behalf of Providence Hospital. He has been working with Staff over the past few months on the OSC District language, and how it related to what was originally contemplated on the hospital's master plan. Mr. Jonna appeared before the Master Plan and Zoning Committee to discuss a zoning change for this project. The Committee gave their input and, along with Staff's input, the result is this text amendment that obviates any zoning change. Mr. Jonna cannot proceed with his next

project without these essential revisions.

Mr. Jonna said the hospital is a major development on two hundred acres with over 1.2 million square feet and it's not yet completed. Additionally, there will be over 2,000 doctors, nurses and associates on the site. There is a 70,000 square-foot orthopaedic center, and a 210,000 square-foot medical office building with a neuro-science building. It is imperative that the campus provide these essential services. This "village" type development will take retail and restaurant uses and present them in a pedestrian-friendly fashion. Services that are under demand will be provided.

Mr. Jonna thought that it was also important to note that Grand River and Beck is a well-traveled intersection. He said that the site plan for his next project will come back before the Planning Commission in the future. He added that the side yard setback request was added to this text amendment because this site abuts a greensward. This landscaped area divides the hospital from the medical office buildings, hotel and retail components. The greensward is 300 feet wide. This site has a unique circumstance. He thought the request in the text amendment was modest.

Mr. Jonna said that the Staybridge is doing well but is limited in its services. There is no bar or restaurant. There are no retail services. It is essential for the longevity of the hotel that its guests can walk to services. The current OSC District requires free-standing restaurants situated on two acres or more. A two-acre restaurant yields a 6,000-8,000 square-foot restaurant. The upcoming Providence project will offer small and intermediate restaurants in the 4,000 square-foot range. Additionally, to place food uses five hundred feet apart from one another is quite difficult in a village-type development, where grouping them is a complementary design.

Mr. Jonna said that when he returns to the Planning Commission he will bring forward a planned shopping center where the uses are grouped together in a village-format. It will connect to the existing trail and walking systems in a very attractive fashion. Under the current OSC it is virtually impossible for him to bring a project forward.

Mr. Jonna introduced Providence Hospital President Rob Casalou. He offered to answer any questions.

No one from the audience wished to speak and no correspondence was received so Chair Pehrson closed the Public Hearing.

Member Lynch asked whether the upcoming proposal would be similar to the Main Street project. Mr. Jonna said this design will sit on about ten acres and will not bring in coast-to-coast restaurants. It will provide for health and fitness, retail and medical office and restaurants. This is not nearly the scale of the Main Street project. Member Lynch thought that the employees and guests of this campus should be serviced in this manner. He did not have an issue with the request. Member Lynch thought that what is being proposed is in accordance with what was approved; this was just a way to facilitate the project. Mr. Jonna said it certainly is consistent with the presented hospital master plan, but there was no "formal" Providence master plan approval. These changes are necessary to allow the grouping of food uses. Without this change, the site would not be marketable. Member Lynch asked whether the upcoming proposal would just service the campus. Mr. Jonna said it will attract outside traffic, but it will generally accommodate the large number of employees and visitors to the campus.

Member Larson asked how many restaurants Mr. Jonna was going to propose in the future. Mr. Jonna responded that he wasn't certain but he guessed about six or so. Mr. Jonna showed the Planning Commission where the site would be within the campus, which is the northwest corner.

Member Greco thought the campus plan was a reasonable idea. Anyone who has had to visit a hospital campus can benefit from a mix of options, especially for those guests who are from out of town and don't know the surrounding area. Generally speaking, Member Greco supported the amendments that would provide the campus with some flexibility of the design of the site. He would further comment on the tastefulness of the village when the Preliminary Site Plan came forward.

Member Wrobel understood the need for this, though he was concerned that this could have a negative effect on the restaurants across the street. He didn't want to see one area flourish and one area go away. Member Wrobel confirmed that there would be pedestrian walkways to the area. Mr. Jonna said the greensward houses a very

intricate trail system. He reminded Member Wrobel that this new hospital dramatically increases demand in the area for services. The upcoming village proposal will not cannibalize the area. The opening of the hospital will infuse the area with success. Without more restaurants the area will be underserved.

Member Wrobel asked about the food service available within the hospital. Mr. Casalou said that food service in the hospital was sized according to their intent to add food service elsewhere on the campus.

Member Wrobel was glad this would keep traffic off of Grand River. He was a bit unsure of the drive-through restaurant request in the text amendment, as it could create in-out traffic that was unnecessary. Mr. Jonna said the drive-through component was for one restaurant, one window. He said he was contemplating this use to be a drive-through coffee store. This text amendment is not meant to cause a proliferation of drive-through restaurants. He said that when he returns with the Preliminary Site Plan he will have to demonstrate that the design is acceptable.

Member Burke asked where the setback requests would come into play. Mr. Jonna described the current layout of the site. He explained that the setback request was to accommodate projects that abut an already established greenbelt. In this light, the request is not unreasonable because the already established greenbelt provides 25 feet of its own. In Mr. Jonna's case, that width will be a minimum of 200 feet.

Mr. Spencer said that Staff's position is that this text amendment is for the whole City and not just a specific site. There is a provision already in the Ordinance that gives the Planning Commission the right to make an exception if ample space is already set aside. In this scenario, the Applicant will have to provide the greenspace. If the setback is reduced the Applicant will not have to provide it. Although it is only ten feet wide, it is ten feet that the Applicant can use to provide landscaping and trees. There have been other examples on this campus where Easements have been provided to make these situations work.

Member Burke asked whether the Applicant can seek the relief on his Preliminary Site Plan if these setback changes don't move forward. Mr. Spencer responded that Footnote ** allows the Planning Commission to work with the Applicant, so the Applicant wouldn't even have to go to the ZBA.

Mr. Jonna added that he didn't wish to be argumentative. He just wished to point out that there aren't many opportunities for landscape mitigation on this campus. In terms of precedent, this amendment would ensure a greenbelt of 35 feet rather than just twenty feet. Subjectively, the campus is running out of real estate, in light of the roadway system, for mitigation.

City Attorney Tom Schultz added that although the Planning Commission can negotiate this point in their Preliminary Site Plan review, the Applicant would still have the option of going to the ZBA if the Planning Commission said no. Member Burke confirmed that that the Applicant will still have the opportunity to ask for the reduction later in the Preliminary Site Plan review process if the language is not amended at this time.

Chair Pehrson added that the City Council will understand the nature of the Planning Commission's concern when they review the minutes of this meeting. They will understand that the Planning Commission will still have the purview of this request at the time of the Preliminary Site Plan review.

Member Burke supported the upcoming project, and certainly felt that if this were the site plan review the Applicant would have overwhelming support from the Planning Commission. He did not think the Planning Commission wanted to make the mistake of changing the standard now if the request can be handled with the actual Preliminary Site Plan review. Mr. Jonna wished to add that if the text doesn't address this issue now, his future plan will have to provide mitigated landscape elsewhere on the site. In other words, the Preliminary Site Plan review does not allow for a full waiver of the landscape, just that the landscape can be mitigated elsewhere. This would be a burden to the campus. Chair Pehrson reminded Mr. Jonna that he could seek a ZBA Variance as another resolution. Mr. Jonna responded that he just felt that it was better addressed in this text amendment request.

Mr. Spencer confirmed with Member Burke that he understood that Staff does support the front yard setback request. Member Burke understood that the footnote to which he was referring did not affect the front yard language.

Member Cassis better understood the feasibility of this text amendment request. He agreed with Member Burke that the side and back yard setbacks can be addressed on the Preliminary Site Plan review. The City wished to preserve the Ordinance so that its intent does not go downhill.

Member Cassis asked Mr. Casalou if the village was compatible with and enhanced the other elements of the campus. Mr. Casalou said yes. He said that Planning Commission will see their intent of providing a health park when the Preliminary Site Plan returns for the Planning Commission to review. The selection of services, restaurants and fitness will help create a health environment. They will not bring in restaurants that don't fit this image. This will be a high-end organic healthy image. These ten acres are a cog in the wheel of the entire campus. He understood that the current OSC language does not provide the flexibility he once thought it did.

Member Gutman was glad that Mr. Casalou clarified the restaurant uses. He thought the presentation was reasonable and fair. He was concerned about the side and rear setback issue as well – not with this project but with the idea of opening the idea up globally. The Applicant has the alternative of coming back with their request with the Preliminary Site Plan submittal.

Moved by Member Gutman, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.229 related to expanding uses permitted subject to special conditions in a planned shopping center in the OSC District, motion to recommend approval to City Council, with the exception of the modifications to the side and rear setbacks.

DISCUSSION

Chair Pehrson thought the request was wise, in light of the environment they have built already upon the campus. He said the City tries to keep the Ordinance up to date with what is needed in the market place. What the Applicant is asking for is a great benefit. He was in favor of the motion, and he agreed that the setback issue should be reserved for the Preliminary Site Plan review.

ROLL CALL VOTE ON 18.229 TEXT AMENDMENT POSITIVE RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.229 related to expanding uses permitted subject to special conditions in a planned shopping center in the OSC District, motion to recommend approval to City Council, with the exception of the modifications to the side and rear setbacks. *Motion carried 8-0.*

**OSC, OFFICE SERVICE COMMERCIAL
AMENDMENTS
"STRIKE-THROUGH" VERSION
AS RECOMMENDED
BY THE PLANNING COMMISSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -229

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, OSC, OFFICE SERVICE COMMERCIAL DISTRICT, SUBSECTIONS 1202 AND 1203 AND ARTICLE 24 SCHEDULE OF REGULATIONS, SUBSECTION 2400, IN ORDER TO EXPAND USES PERMITTED SUBJECT TO SPECIAL CONDITIONS IN A PLANNED SHOPPING CENTER IN THE OSC DISTRICT AND TO PROVIDE GREATER FLEXIBILITY IN THE DESIGN OF PLANNED SHOPPING CENTERS IN THE OSC DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 12, OSC, Office Service Commercial District, Section 1202, Principal Uses Permitted Subject to Special Conditions and Section 1203 Required Conditions and Article 24, Schedule of Regulations, Section 2400, Schedule limiting height, bulk, density and area by zoning district are hereby amended to read as follows:

ARTICLE 12. OSC, OFFICE SERVICE COMMERCIAL DISTRICT

Section 1200 [Unchanged]

Section 1201 [unchanged]

Section 1202. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
 - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
2. Retail commercial business uses ~~other than~~ including restaurants, serving the convenience and comparison shopping needs of the area provided:
 - a. That all such uses are contained within a planned commercial shopping center.
 - b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than

twenty (20) percent of the total site area of the planned office complex of which it is a part.

- c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
 - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
 - e. Only one planned commercial shopping center is permitted per planned office complex.
 - f. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
 - g. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center, provided:
 - 1. Drive-through restaurant shall contain less than 4,000 square feet of gross floor area;
 - 2. Maximum of one drive-through window per restaurant; and,
 - 3. Maximum of one drive-through restaurant shall be permitted per planned commercial shopping center.
3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided:
- a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.
 - b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
 - c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
 - d. Minimum site size shall be two (2) acres.
 - e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.
 - f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.

- g. Requirements for off-street parking for restaurants shall be computed according to the standards contained in Sections 2505.14.C(7), 2505.14.C(15) and 2505.15, and shall be in addition to parking otherwise required for associated offices, hotels or motels.
- 4. Amusement and entertainment uses, including commercial recreation centers and theaters, provided:
 - a. Access to the site shall be in accordance with Section 2518 of this Ordinance.
 - b. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.
 - c. That no such amusement or entertainment uses shall be located adjacent to a residential district.
 - d. A noise impact statement is required subject to the standards of Section 2519.10(c).
- 5. Day Care Centers, and Adult Day Care Centers provided that all of the conditions contained within Subsection 1102.4 are met.
- 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).
(Ord. No. 2004-18.167, Pt. X, 4-5-04; Ord. No. 18.221, Pt. I, 1-22-08)

Section 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC District:

- 1. They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.
- 2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited.
- 3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
- 4. See Article 25, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements.
- 5. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.
- 6. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

Article 24 Schedule of Regulations

Section 2400 Schedule limiting height, bulk, density and area by zoning district.

Table Residential [unchanged]

TABLE INSET:

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)				
Zoning District		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear	Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20	20	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-I	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)

I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s, t)	50 (c, i, m, s, t)	50 (i, l, m, s, t)	(h)	20	20	--	(g)
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con-Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

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

Footnotes (a) – (g) [unchanged]

footnote (h)

Off-street parking shall be permitted in the front yard of the OS-1, OS-2, OST, EXPO, EXO, B-1, B-2, B-3, NCC, RC, TC and FS Districts, except that said parking shall observe the minimum off-street parking setback requirements of Sections 2400 and 2509.7(c) of this Ordinance and, with respect to the TC District, Section 1605.3.

No off-street parking shall be permitted in the front yard, being that area between the front property line and the front building facade of the principal building(s) on the lot or parcel, of the OSC, I-1, I-2 Districts unless:

- (1) The parking area serves a development of at least two (2) acres in size;
- (2) The parking area does not extend into the minimum required front yard setback of the district unless the site is located in the OSC District, located only on a private road and located at least 100 feet from any public road, then the minimum parking area front yard requirement may be reduced to 25 feet;

- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line. This provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road;
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8; and
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development.

Footnotes (i) – (v) [unchanged]

Sections 2401-2407 [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 NOVI CITY COUNCIL THIS ____ DAY
OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the
_____ meeting of the Novi City Council held on the _____ day of
_____, 2008.

MARYANNE CORNELIUS – CITY CLERK

**OSC, OFFICE SERVICE COMMERCIAL
AMENDMENTS
"CLEAN" VERSION
AS RECOMMENDED
BY THE PLANNING COMMISSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -229

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 12, OSC, OFFICE SERVICE COMMERCIAL DISTRICT, SUBSECTIONS 1202 AND 1203 AND ARTICLE 24 SCHEDULE OF REGULATIONS, SUBSECTION 2400, IN ORDER TO EXPAND USES PERMITTED SUBJECT TO SPECIAL CONDITIONS IN A PLANNED SHOPPING CENTER IN THE OSC DISTRICT AND TO PROVIDE GREATER FLEXIBILITY IN THE DESIGN OF PLANNED SHOPPING CENTERS IN THE OSC DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 12, OSC, Office Service Commercial District, Section 1202, Principal Uses Permitted Subject to Special Conditions and Section 1203 Required Conditions and Article 24, Schedule of Regulations, Section 2400, Schedule limiting height, bulk, density and area by zoning district are hereby amended to read as follows:

ARTICLE 12. OSC, OFFICE SERVICE COMMERCIAL DISTRICT

Section 1200 [Unchanged]

Section 1201 [unchanged]

Section 1202. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use and subject to the additional requirements of Section 2516.2(c) for special land uses. There shall be held a public hearing by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance:

1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building, provided:
 - a. That all such uses shall be contained within the office building itself and shall be located totally within the walls of the building and on the ground floor and ground floor mezzanine or subgrade level only.
2. Retail commercial business uses including restaurants, serving the convenience and comparison shopping needs of the area provided:
 - a. That all such uses are contained within a planned commercial shopping center.
 - b. Such planned commercial shopping center shall not exceed one hundred fifty thousand (150,000) square feet of gross leasable area, or comprise more than

twenty (20) percent of the total site area of the planned office complex of which it is a part.

- c. That planned commercial shopping centers shall be permitted only when made an integral part of a larger overall complex of office buildings.
 - d. No such planned commercial shopping center shall be located adjacent to a residential district unless it is separated from such residential district by a street, road, highway or freeway.
 - e. Only one planned commercial shopping center is permitted per planned office complex.
 - f. Sit-down restaurants, fast food restaurants, fast food carry-out or delivery restaurants, except those possessing the character of a drive-in or drive-through restaurant. Such uses, whether freestanding or in conjunction with a retail structure, shall only be developed as an integral part of a planned commercial shopping center.
 - g. One drive-through restaurant, if developed as an integral part of a planned commercial shopping center, provided:
 - 1. Drive-through restaurant shall contain less than 4,000 square feet of gross floor area;
 - 2. Maximum of one drive-through window per restaurant; and,
 - 3. Maximum of one drive-through restaurant shall be permitted per planned commercial shopping center.
3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use, provided:
- a. All such uses shall have a minimum occupancy of at least one hundred (100) persons.
 - b. Such uses, whether freestanding or in conjunction with an office structure, shall only be developed as an integral part of a planned complex of office uses.
 - c. Such uses shall be no closer than five hundred (500) feet from any other such use within the same office complex site, measured directly from main door to main door along the internal streets of the planned office complex. All such uses shall provide driveway access solely to the internal street of the planned office complex and not to any external streets. Provided, however, under exceptional circumstances, the city council may allow one (1) additional driveway access to a major thoroughfare.
 - d. Minimum site size shall be two (2) acres.
 - e. Any such use when located in conjunction with an office structure in which the office is the principal use, shall be located within the office structure. A restaurant located within an office structure shall not be subject to the two-acre site requirement of Subpart 1202.3.d., above.
 - f. Sit-down restaurants, when accessory to hotels, motels and like facilities used primarily for transient occupancy, shall not be subject to the requirements of Subparts 1202.3.a. through e., above. Employee cafeterias, when accessory to an office use shall not be subject to the requirements of Subparts 1202.3. a. through e., above.

- g. Requirements for off-street parking for restaurants shall be computed according to the standards contained in Sections 2505.14.C(7), 2505.14.C(15) and 2505.15, and shall be in addition to parking otherwise required for associated offices, hotels or motels.
- 4. Amusement and entertainment uses, including commercial recreation centers and theaters, provided:
 - a. Access to the site shall be in accordance with Section 2518 of this Ordinance.
 - b. That amusement and entertainment uses shall only be permitted when made an integral part of a larger development of office buildings.
 - c. That no such amusement or entertainment uses shall be located adjacent to a residential district.
 - d. A noise impact statement is required subject to the standards of Section 2519.10(c).
- 5. Day Care Centers, and Adult Day Care Centers provided that all of the conditions contained within Subsection 1102.4 are met.
- 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities. A noise impact statement is required subject to the standards of Section 2519.10(c).
(Ord. No. 2004-18.167, Pt. X, 4-5-04; Ord. No. 18.221, Pt. I, 1-22-08)

Section 1203. Required Conditions.

To promote the most desirable use of land in the OSC District in accordance with a well conceived plan, to provide stability of commercial development, to strengthen the economic base of the City, to protect the character and pattern of desirable development, to conserve the value of land and buildings, and to protect the City's tax revenue, the following specified conditions shall be met by all uses precedent to location in an OSC District:

- 1. They generally do not create any significant objectionable influences. The normal operation incident to the use shall in no way diminish or impair property values within the district.
- 2. They shall be located within a completely enclosed building except for outdoor restaurant seating, off-street parking and public open space or park areas. Outdoor storage and display shall be prohibited.
- 3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
- 4. See Article 25, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements.
- 5. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.
- 6. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

Article 24 Schedule of Regulations

Section 2400 Schedule limiting height, bulk, density and area by zoning district.

Table Residential [unchanged]

TABLE INSET:

		Minimum Zoning Lot Size for Each Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Pkg. Setback*, ** (Per Lot in Feet)				
Zoning District		Area in Sq. Ft. or Ac.	Width in Feet	Stories	Feet	Front	Each Side	Rear	Front	Each Side	Rear	Open Space Area	Maximum % of Lot Area Covered (By All Buildings)
OS-1	Office Service	(g)	(g)	--	30	20 (h, t)	15(c, t)	20 (l, t)	20	10(q)	10(q)	--	(g)
OS-2	Planned Office Service	(g)	(g)	3	42	50(h, t)	50(c, m, t)	50(l, m, t)	20	20	20	--	(g)
OSC	Office Service Commercial	(g)	(g)	(j)	(j)	35 (h, t)	35(c, i, t)	35(i, l, m, t)	(h)	20	20	--	(g)
OST	Office Service Technology	(g)	(g)	3	46(u)	50 (h, t, u)	50 (c, m, t, u)	50 (l, m, t, u)	20	20	20	--	(g)
B-1	Local Business	(g)	(g)	1	25	20(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
B-2	Community Business	2 ac.	(g)	2	30	40(h, t)	30(c, t)	30(l, t)	20	10(q)	10(q)	--	(g)
B-3	General Business	(g)	(g)	--	30	30(h, t)	15(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)
RC	Regional Center	(g)	(g)	3	45	100(h, t)	100 (c, m, t)	100 (l, m, t)	20	10(q)	10(q)	--	(g)
TC	Town Center	(See Article 16)		5	65	(h, t)	(c, m, t)	(m, t)	20	20	10(q)	--	(g)
TC-1	Town Center	(See Article 16)		(See Article 16)		(t)	(c, m, t)	(m, t)	20	10	10(q)	--	(g)
FS	Freeway Service	(g)	(g)	1	25	30(h, t)	10(c, t)	20(l, t)	20	10(q)	10(q)	--	(g)

I-1	Light Industrial	(g)	(g)	--	40	40(h, m, t)	20 (c, i, m, t)	20 (i, l, m, t)	(h)	10	10	--	(g)
I-2	General Industrial	(g)	(g)	--	60	100(h, m, s, t)	50 (c, i, m, s, t)	50 (i, l, m, s, t)	(h)	20	20	--	(g)
NCC	Non-Center Commercial	2 ac.	200	2	25	40(h, t)	20(c, t)	20(l, t)	20(h)	10(q)	10(q)	--	(g)
C	Con-Terence (See Article 22)	30 ac.				(t)	(t)	(t)		20	20		
EXPO	Exposition	(See Article 10)				(h, t)	(t)	(t)					
EXO	Exposition Overlay	(See Article 10A)				(h, t)	(t)	(t)					
GE	Gateway East	2 ac(n)	200	2(k)	35(o)	See Section 902A			See Section 902A	25%	See Section 902A		

*The required parking setback area shall be landscaped and provided with plant materials such as trees and shrubs pursuant to standards set forth at Section 2509.7 regarding plant materials, species, size and spacing. Section 2509.5. Where a side or rear yard abuts a residential district the requirements for a screening wall or berm/landscape planting screen shall be observed. (See Section 2509.6.)

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Footnotes (a) – (g) [unchanged]

footnote (h)

Off-street parking shall be permitted in the front yard of the OS-1, OS-2, OST, EXPO, EXO, B-1, B-2, B-3, NCC, RC, TC and FS Districts, except that said parking shall observe the minimum off-street parking setback requirements of Sections 2400 and 2509.7(c) of this Ordinance and, with respect to the TC District, Section 1605.3.

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- (3) The parking area does not occupy more than fifty (50) percent of area between the minimum front yard setback line and building facade setback line. This provision is not applicable if the site is located in the OSC District, on a private road and more than 100 feet from any public road;
- (4) The parking area is screened from all public rights-of-way by an ornamental, brick-on-brick, wall or landscaped berm that is two and one-half (2 1/2) feet in height (as measured from the parking lot surface) and which is designed in accordance with Sections 2514 and 2509-8; and
- (5) The Planning Commission finds that the parking area and lighting is compatible with surrounding development.

Footnotes (i) – (v) [unchanged]

Sections 2401-2407 [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 NOVI CITY COUNCIL THIS ____ DAY
OF _____, 2008.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the
_____ meeting of the Novi City Council held on the _____ day of
_____, 2008.

MARYANNE CORNELIUS – CITY CLERK