



**CITY of NOVI CITY COUNCIL**

**Agenda Item E  
September 22, 2008**

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.230, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 2, Subsection 201, "Definitions" in order to modify the definition of *Floor Area, Gross Leasable* to remove the area of ancillary basements and mezzanines limited to storage only from the gross leasable floor area calculation and to remove unnecessary language. **Second Reading**

**SUBMITTING DEPARTMENT:** Community Development Department - Planning <sup>Burb</sup>

**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 Council approved the second reading for Zoning Ordinance text amendment 18.226 that added language to Section 2516 to permit the removal of ancillary basements and mezzanines from the Gross Leasable Floor Area calculations of a building when those areas can only be used for storage or mechanical equipment.

This amendment proposes 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.

During the Ordinance review, staff identified a similar definition in the Ordinance for "*Gross Leasable Floor Area*." The proposed text consolidates the information from both definitions and deletes the latter definition.

On August 27, 2008, the Planning Commission held a public hearing on the proposed amendment and took action to recommend approval of the amendment (draft minutes attached).

Attached are the draft strike through and clean versions of the Ordinance prepared for consideration at the first reading.

On September 8, 2008, City Council approved the First Reading of this text amendment.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.230, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 2, Subsection 201, "Definitions" in order to modify the definition of *Floor Area, Gross Leasable* to remove the area of ancillary basements and mezzanines limited to storage only from the gross leasable floor area calculation and to remove unnecessary language. **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				

**"STRIKE-THROUGH" VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -230

**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, 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS, SECTION 201, DEFINITIONS, IN ORDER [TO] REMOVE THE AREA OF OFFICE BASEMENTS AND MEZZANINES LIMITED TO STORAGE ONLY FROM THE GROSS LEASABLE FLOOR AREA CALCULATION AND TO DELETE UNNECESSARY LANGUAGE.**

**THE CITY OF NOVI ORDAINS:**

**PART I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article, 2 Construction of language and definitions, zoning districts and maps, Section 201, Definitions, is hereby amended to read as follows:

**ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICTS AND MAPS.**

**Section 200** [Unchanged]

**Section 201 Definitions** *Accessory use, or accessory – Floor Area, Gross* [unchanged]

**Section 201 Definitions** *Floor Area, Gross Leasable:* The whole floor area measured to the inside finished surface of the "dominant portion" of the permanent outer walls, excluding the following:

- (1) Office storage basements or mezzanines of not more than three thousand (3,000) square feet when designed exclusively for storage or mechanical equipment as determined by the Building Official, when accessory to an office building, ancillary to a permitted office use and when the City is in receipt of an affidavit, in recordable form acceptable to the City Attorney, that is signed by the owner of the building stating that the addition will be used only for storage or mechanical equipment, and
- (2) ~~M~~major vertical penetrations of the floor (e.g. elevator shafts, stairwells, flues, stacks, pipe shafts, interior courtyards/atriums and vertical ducts with their enclosing walls). Structural columns and projections are included. The gross leasable floor area is fixed for the life of a building and is not affected by changes in corridors.

**Section 201 Definitions** *Floor Area, Residential – Greenbelt, Obscuring* [unchanged]

**Section 201 Definitions** ~~*Gross Leasable Floor Area:* The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors and generally all~~

~~that area on which tenants pay rent, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.~~

**Section 201 Definitions** *Group Day Care Home – Yards* [unchanged]

**Section 202 – Section 207** [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

**"CLEAN" VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 08- 18 -230

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**Section 201 Definitions** *Floor Area, Residential – Greenbelt, Obscuring* [unchanged]

**Section 201 Definitions** *Gross Leasable Floor Area* [deleted]

**Section 201 Definitions** *Group Day Care Home – Yards* [unchanged]

**Section 202 – Section 207** [unchanged]

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MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
DAVID LANDRY – MAYOR

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MARYANNE CORNELIUS – CITY CLERK

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MARYANNE CORNELIUS – CITY CLERK