



# CITY of NOVI CITY COUNCIL

**Agenda Item 2**  
**April 4, 2011**

**SUBJECT:** Consideration of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. **SECOND READING**

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

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

Attached are ordinance amendments the Community Development Department has proposed to permit Planning Commission approval of projects on smaller sites in the RC, Regional Center District and for façade waivers in the TC and TC-1, Town Center Districts. Staff has proposed these amendments in an effort to create a more streamlined process for potential development and redevelopment.

Changes to the RC District

Currently, all Special Land Use Permits and all Site Plans in the RC District require the approval of the City Council after the review and recommendation of the Planning Commission. The proposed amendment would allow Special Land Use Permits and Site Plans to be approved by the Planning Commission on sites under development that are four acres or less in area and not directly connected to a regional or community commercial shopping center. Attached is a map highlighting the parcels that would be eligible for Planning Commission approval should this amendment be adopted. Building developments associated with a large shopping center, parcels greater than four acres and those choosing to utilize the PD-2 option will still be required to be reviewed by the Planning Commission with a recommendation provided for consideration by the City Council.

Changes to the TC and TC-1 Districts

Currently, all site plans, landscape waivers and façade waivers on sites under development in the TC and TC-1 Districts that are five acres or larger in area require the approval of the City Council after the review and recommendation of the Planning Commission. Staff has proposed modifying the ordinance to allow for approval of façade waivers by the Planning Commission on site plans that would otherwise qualify for administrative review under the site plan review provisions of the Ordinance. Preliminary Site Plan approval on sites five acres or larger would remain with the City Council.

The Planning Commission held the public hearing and recommended approval of the text amendment on March 9, 2011.

This City Council considered the approved the first reading of the amendment on March 21, 2011. Relevant meeting minutes are attached.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. **SECOND READING**

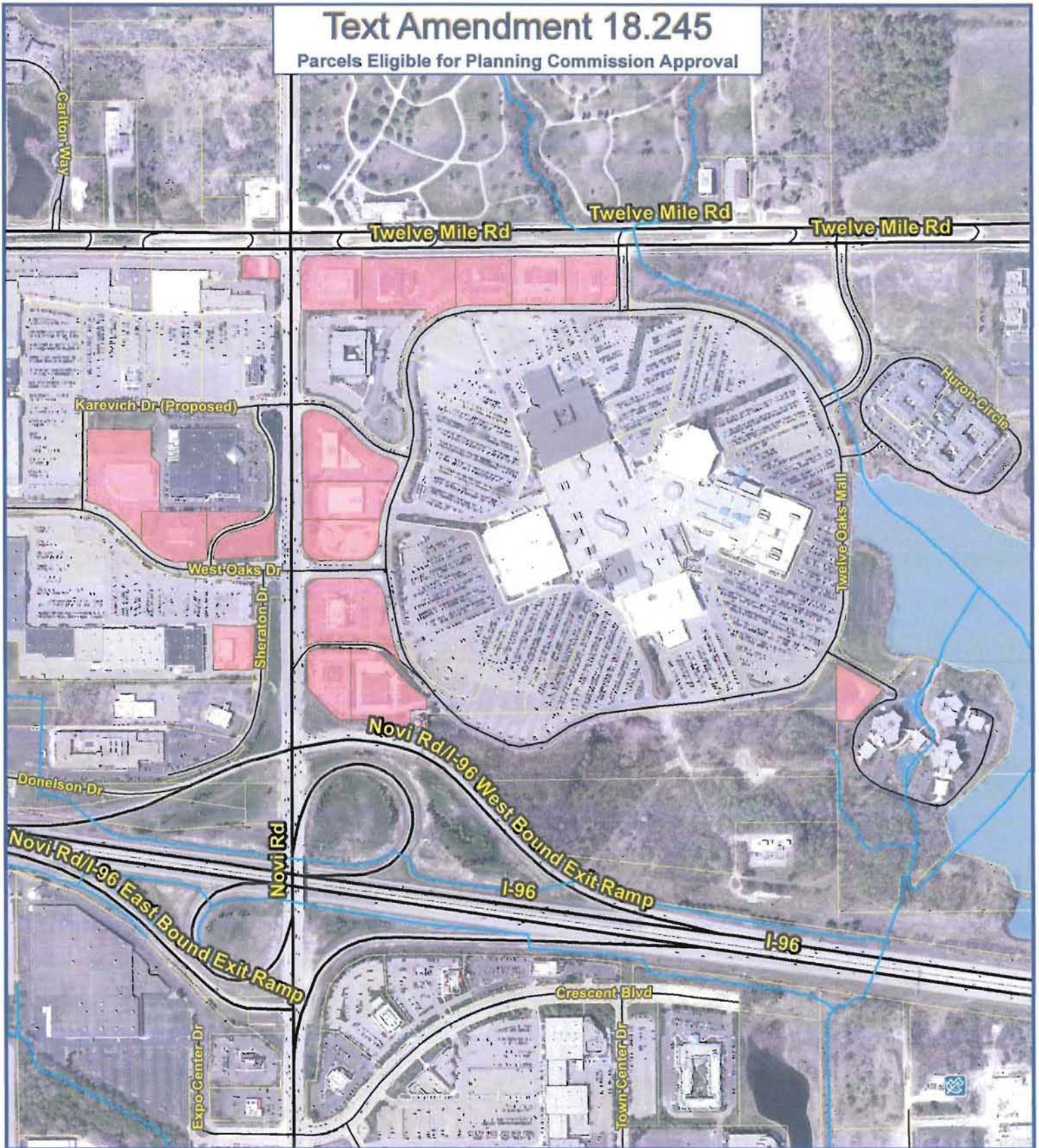
	1	2	Y	N
<b>Mayor Landry</b>				
<b>Mayor Pro Tem Gatt</b>				
<b>Council Member Fischer</b>				
<b>Council Member Margolis</b>				

	1	2	Y	N
<b>Council Member Mutch</b>				
<b>Council Member Staudt</b>				
<b>Council Member Wrobel</b>				

**PROPERTIES ELIGIBLE FOR  
PLANNING COMMISSION APPROVAL**

# Text Amendment 18.245

Parcels Eligible for Planning Commission Approval




Map Author: Kristen Kapelanski  
 Date: March 3, 2011  
 Project: Text Amendment 18.247  
 Version #: 1.1

**MAP INTERPRETATION NOTICE**

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

**Map Legend**

 Parcels Zoned RC Equal to or Less Than 4 Acres and Not Connected to a Regional or Community Commercial Shopping Center

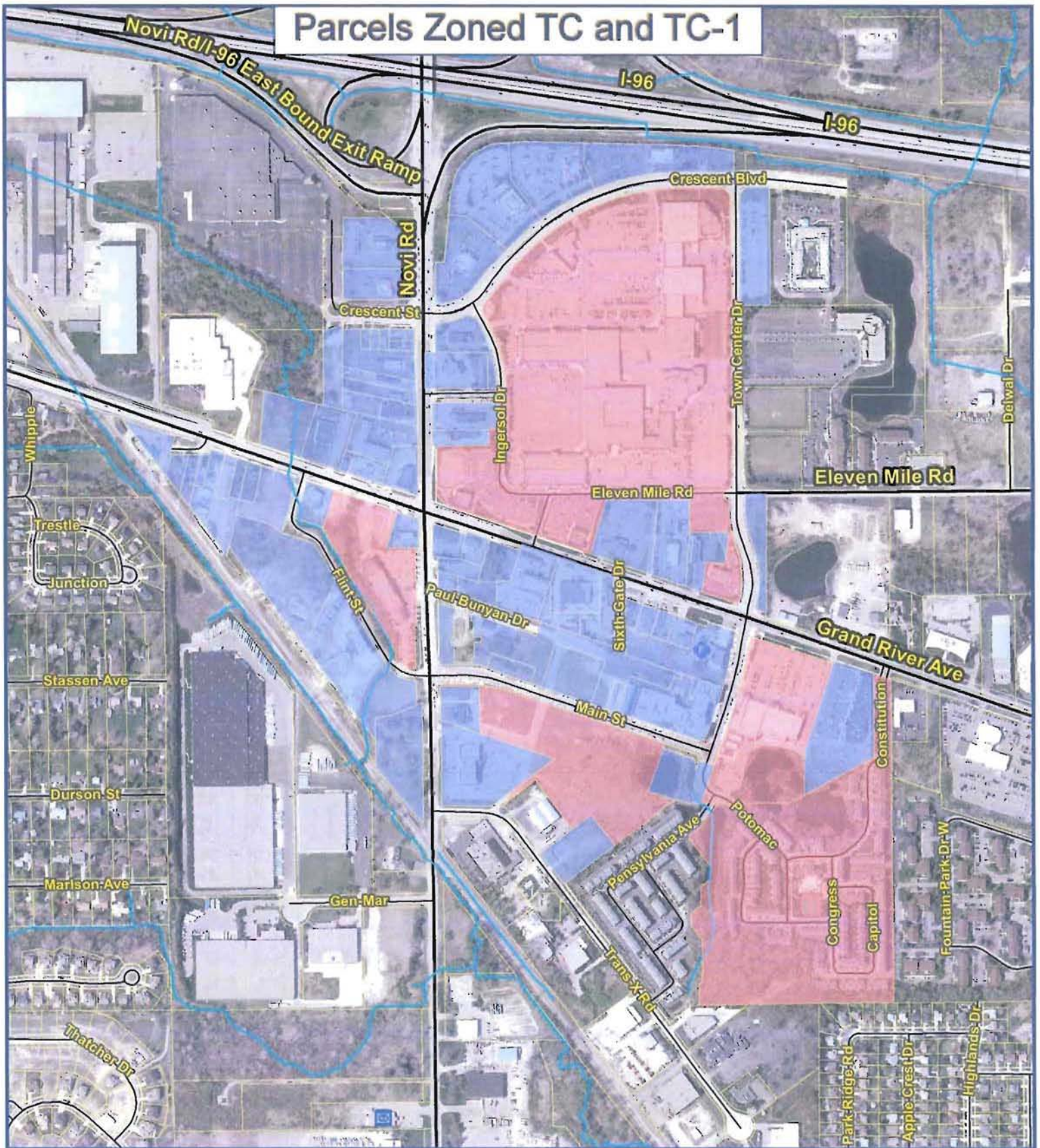


**City of Novi**  
 Department Division  
 Department Name  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org



1 inch = 634 feet

# Parcels Zoned TC and TC-1



Map Author: Kristen Kapelanski  
 Date: January 13, 2011  
 Project: TC & TC-1 Parcel Sizes  
 Version #: 1.0

## Map Legend

- Parcels Zoned TC or TC-1 > 5 Acres
- Parcels Zoned TC or TC-1 < 5 acres



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 Community Development  
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**PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 245

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1603, REQUIRED CONDITIONS AND ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND SECTION 1703, REQUIRED CONDITIONS; IN ORDER TO ALLOW FAÇADE WAIVERS IN THE TC AND TC-1 DISTRICTS TO BE APPROVED BY THE PLANNING COMMISSION WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL AND TO ALLOW PLANNING COMMISSION APPROVAL WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL OF SPECIAL LAND USE PERMITS AND SITE PLANS ON SITES TOTALING FOUR ACRES OR LESS IN THE RC DISTRICT.

THE CITY OF NOVI ORDAINS:

**Part I.**

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, is hereby amended to read as follows:

**ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS**

Section 1600 – Section 1602. [Unchanged.]

Section 1603. Required Conditions

The following standards shall apply to all uses permitted in the TC and TC-1 Districts:

1. *Site Plans.* For all uses permitted in the TC and TC-1 Town Center Districts, site plans shall be submitted for preliminary approval by the Planning Commission, in accordance with the provisions of this ordinance and other applicable ordinances. In those instances where the site under development is five acres or more in area, preliminary site plan approval shall be by the City Council after review and recommendation by the Planning Commission. In those instances where the site under development is five acres or more in area and the site plan meets the eligibility requirements of Section 2516.c for administrative site plan review and approval, a façade waiver may be granted by the Planning Commission.

2. – 16. [Unchanged.]

**Part II.**

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 17, RC Regional Center District, is hereby amended to read as follows:

**ARTICLE 17. RC REGIONAL CENTER DISTRICT**

Section 1700 – Section 1701. [Unchanged.]

## Section 1702. Principal Uses Permitted Subject to Special Conditions

The following uses shall be permitted by the City Council, following review and recommendation of 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. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, special land uses shall be subject to approval by the Planning Commission. 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. – 4. [Unchanged.]

## Section 1703. Required Conditions

1. – 3. [Unchanged.]

4. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and, prior to issuance of a building permit, shall be subject to approval by the City Council following review and recommendation by the Planning Commission. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, site plans shall be subject to approval by the Planning Commission.

5. – 6. [Unchanged.]

## **PART III.**

**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 IV.**

**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 V.**

**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 VI.**

**Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00



P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2011.

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

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

Ayes:  
Nays:  
Abstentions:  
Absent:

**PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 245

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1603, REQUIRED CONDITIONS AND ARTICLE 17, RC REGIONAL CENTER DISTRICT, SECTION 1702 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS AND SECTION 1703, REQUIRED CONDITIONS; IN ORDER TO ALLOW FAÇADE WAIVERS IN THE TC AND TC-1 DISTRICTS TO BE APPROVED BY THE PLANNING COMMISSION WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL AND TO ALLOW PLANNING COMMISSION APPROVAL WITHOUT REVIEW AND APPROVAL BY CITY COUNCIL OF SPECIAL LAND USE PERMITS AND SITE PLANS ON SITES TOTALING FOUR ACRES OR LESS IN THE RC DISTRICT.

THE CITY OF NOVI ORDAINS:

**Part I.**

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 16, TC and TC-1 Town Center Districts, is hereby amended to read as follows:

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Section 1600 – Section 1602. [Unchanged.]

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The following standards shall apply to all uses permitted in the TC and TC-1 Districts:

1. *Site Plans.* For all uses permitted in the TC and TC-1 Town Center Districts, site plans shall be submitted for preliminary approval by the Planning Commission, in accordance with the provisions of this ordinance and other applicable ordinances. In those instances where the site under development is five acres or more in area, preliminary site plan approval shall be by the City Council after review and recommendation by the Planning Commission. In those instances where the site under development is five acres or more in area and the site plan meets the eligibility requirements of Section 2516.c for administrative site plan review and approval, a façade waiver may be granted by the Planning Commission.

2. – 16. [Unchanged.]

**Part II.**

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 17, RC Regional Center District, is hereby amended to read as follows:

**ARTICLE 17. RC REGIONAL CENTER DISTRICT**

Section 1700 – Section 1701. [Unchanged.]

## Section 1702. Principal Uses Permitted Subject to Special Conditions

The following uses shall be permitted by the City Council, following review and recommendation of 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. Notwithstanding the above, in those instances where the parcel under development is four acres or less in area and buildings are not directly connected to a regional shopping center or a community shopping center, special land uses shall be subject to approval by the Planning Commission. 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. – 4. [Unchanged.]

## Section 1703. Required Conditions

1. – 3. [Unchanged.]

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5. – 6. [Unchanged.]

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### **PART V.**

**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 VI.**

**Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00

P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2011.

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

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

Ayes:  
Nays:  
Abstentions:  
Absent:

**CITY COUNCIL MEETING MINUTES  
EXCERPT- MARCH 21, 2011**

**DRAFT**  
**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI**  
**MONDAY, MARCH 21, 2011 AT 7:00 P.M.**  
**COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

**Mayor Landry called the meeting to order at 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Fischer, Margolis, Mutch, Staudt, Wrobel

**MATTERS FOR COUNCIL ACTION – Part I**

- 3. Consideration of Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. First Reading**

Mr. Pearson said it was an effort to streamline one of the processes rather than having so many land use planning items come to City Council for approval that arguably could be handled administratively or with Planning Commission. He said it had a positive recommendation from Planning Commission.

**CM-11-02-039 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve Zoning Ordinance Text Amendment 18.245 to allow façade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council, and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling four acres or less in the RC District. First Reading**

Member Mutch said he would support it for a first reading but he wouldn't support the change that deals with the RC District. He said historically City Council has had final approval on projects in the RC, Regional Center, District, as well as specific projects in the Town Center District. He said that was done because past Councils understood that those two areas were some of the most important areas in the City both from an economic perspective and also in terms of the impact visually and on the Community. He said there were often projects that involved simply approving a building site, if you looked at the locations that were affected by the RC change, these were sites directly adjacent to Novi Road, Twelve Mile Road, and some other significant roads in that area. He said the past City Councils understood that those projects didn't exist in a

vacuum, they were going to have impacts beyond just the site itself and so Council gave themselves the final authority over approval with a recommendation from the Planning Commission. He said he thought that was how it should continue to be. He said it was a very limited zone of authority that the Council would exercise in terms of final approval with the RC District and Town Center District. He said he thought it was appropriate in light of the visibility and potential impact of the projects. He said it made good sense in terms of projects that had come through the process and were first reviewed and recommended by the Planning Commission and then final approval by the City Council. He said applicants going through the process understood that if concerns came up at the Planning Commission level, they were going to have to address them before they got to City Council. He said that approval process then gives the Council some ability and the City some ability to get better projects. He said if they looked at the history of some of the sites that had gone through the RC approval process, if they looked back and saw what was presented at Planning Commission versus what was presented at City Council, often times they got better projects through that process. He said it wasn't an area that he personally, as a Council Member, wanted to give up the authority to have final say on those projects. He said he didn't want residents coming back and saying how did that get approved and Council throw their hands up and say it was the Planning Commission, what could we do? He said they had the authority and should continue to exercise the authority. He said the other change in the Town Center District dealt with façade waivers and he thought that was more of a technical change which he didn't have a problem with.

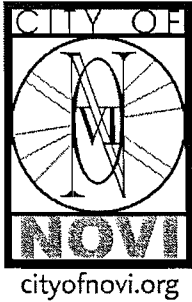
**Roll call vote on CM-11-02-039**

**Yeas: Landry, Gatt, Fischer, Margolis, Mutch,  
Staudt, Wrobel**

**Nays: None**



**PLANNING COMMISSION MEETING MINUTES  
EXCERPT- MARCH 9, 2011**



# PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

**Wednesday, March 9, 2011 | 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:** Member Greco, Chairperson Gutman, Member Larson, Member Lynch, Member Meyer

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristin Kolb, City Attorney; Kristen Kapelanski, Planner

**Absent:** Member Baratta, Member Cassis, Member Pehrson, Member Prince (all excused)

## PLEDGE OF ALLEGIANCE

Member Greco led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Larson:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER LARSON:

**Motion to approve the March 9, 2011 Planning Commission agenda. Motion carried 5-0.**

## PUBLIC HEARINGS

### 1. TEXT AMENDMENT 18.245

Public Hearing for Planning Commission's recommendation to City Council for consideration to amend The City of Novi Zoning Ordinance no. 97-18, as amended, the City of Novi Zoning Ordinance, Article 16, TC and TC-1 Town Center Districts, Section 1603, required conditions and Article 17, RC Regional Center District, Section 1702, Principal Uses permitted subject to Special Conditions and Section 1703, Required Conditions; in order to allow facade waivers in the TC and TC-1 Districts to be approved by the Planning Commission without review and approval by City Council and to allow Planning Commission approval without review and approval by City Council of Special Land Use Permits and Site Plans on sites totaling five acres or less in the RC District.

Planner Kapelanski stated that currently all Special Land Use permits and site plans in the RC District do require the approval of the City Council after the review and recommendation by the Planning Commission.

The proposed amendment would allow the Special Land Use permits and site plans in the RC District to be approved by the Planning Commission on sites under development that are four acres or less in area. That would mostly include the properties bordering Twelve Oaks Mall and a few that are over in West Oaks that would be available for approval by the Planning Commission should this amendment be approved.

It also includes modifying the ordinance to allow for Planning Commission approval of facade waivers in the TC and TC-1 Districts on site plans that would otherwise be approved administratively.

Chair Gutman opened the public hearing. No one in the audience wished to speak and there was no correspondence. Chair Gutman closed the public hearing.

Member Greco stated that he reviewed the proposed text amendments. Member Greco said that if the City Council is in agreement with the proposed changes, he has no objection

Motion made by Member Greco and seconded by Member Meyer:

**ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL OF TEXT AMENDMENT 18.245 MADE BY MEMBER GRECO AND SECONDED BY MEMBER MEYER:**

**In the matter of Text Amendment 18.245, motion to recommend approval to the City Council. *Motion carried 5-0.***