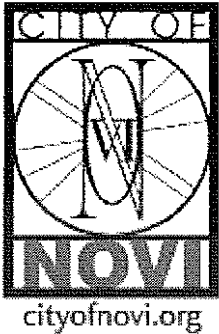


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER *KURA*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.234 OUTDOOR SALES OF PRODUCE AND PLANT MATERIAL (PLANNING COMMISSION MEETING DATE: 11/19/08)
DATE: NOVEMBER 10, 2008

Attached you will find a proposed ordinance amendment that the Community Development Department has been researching regarding outdoor sales of produce and plant material in the B-3, General Business District and the RC, Regional Center District. This amendment is in response to recent requests from existing and proposed businesses to include outdoor produce and plant sales as an accessory to their permitted business.

The amendment would allow outdoor sales of produce and plant material as a Special Land Use in the B-3 District and the RC District. These sales would be subject to special conditions. The outdoor sales would have to be adjacent to the principal use, meet all applicable building and fire codes and a six foot path would need to be maintained for pedestrian traffic.

Section 3004 allows Temporary Special Exceptions for sidewalk sales. Sidewalk sales are permitted in the B-3 District for a period not to exceed 15 days (3 sales per year) with approval by the Building Official. Several retail establishments have taken advantage of this ordinance for temporary sidewalk sales and temporary special land uses, which are limited to two one-year administrative approvals. We have had interest from two grocery stores/markets to allow the outside sale of produce and plant materials throughout the year. This text amendment would address those interests.

On November 19th, the Planning Commission will be asked to set a Public Hearing for December 10th on the ordinance amendment. At that time the Commission will hold the public hearing and forward a recommendation to the City Council, for reading and adoption. If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 07- 18 -234

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 15 AND ARTICLE 17, IN ORDER TO MODIFY THE STANDARDS FOR OUTDOOR SALES OF PRODUCE AND SEASONAL PLANTS.

THE CITY OF NOVI ORDAINS:

ARTICLE 15. B-3 GENERAL BUSINESS DISTRICTS

Section 1500 – Section 1501. [Unchanged.]

Section 1502. Principal Uses Permitted Subject to Special Conditions

[Unchanged.]

1 - 7. [Unchanged.]

8. Sale of produce and seasonal plant materials outdoors, provided such use is incidental to a similar principal use indoors and adjacent to and adjoining the principal use, subject to the following conditions:

a. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division.

b. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of 6 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.

—The hours of operation for an outside sales area shall be consistent with the hours of operation of the principal use.

Section 1503. [Unchanged]

ARTICLE 17. RC REGIONAL CENTER DISTRICT

Section 1700 – Section 1701. [Unchanged.]

Section 1702. Principal Uses Permitted Subject to Special Conditions

[Unchanged.]

1 - 3. [Unchanged.]

4. Sale of produce and seasonal plant materials outdoors, provided such use is incidental to a similar principal use indoors and adjacent to and adjoining the principal use, subject to the following conditions:

c. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division.

d. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of 6 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.

e. The hours of operation for an outside sales area shall be consistent with the hours of operation of the principal use.

Section 1703. [Unchanged]

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.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

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:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 07- 18 -234

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 15 AND ARTICLE 17, IN ORDER TO MODIFY THE STANDARDS FOR OUTDOOR SALES OF PRODUCE AND SEASONAL PLANTS.

THE CITY OF NOVI ORDAINS:

ARTICLE 15. B-3 GENERAL BUSINESS DISTRICTS

Section 1500 – Section 1501. [Unchanged.]

Section 1502. Principal Uses Permitted Subject to Special Conditions

[Unchanged.]

1 - 7. [Unchanged.]

8. Sale of produce and seasonal plant materials outdoors, provided such use is incidental to a similar principal use indoors and adjacent to and adjoining the principal use, subject to the following conditions:
 - a. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division.
 - b. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of 6 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.
 - c. The hours of operation for an outside sales area shall be consistent with the hours of operation of the principal use.

Section 1503. [Unchanged]

ARTICLE 17. RC REGIONAL CENTER DISTRICT

Section 1700 – Section 1701. [Unchanged.]

Section 1702. Principal Uses Permitted Subject to Special Conditions

[Unchanged.]

1 - 3. [Unchanged.]

4. Sale of produce and seasonal plant materials outdoors, provided such use is incidental to a similar principal use indoors and adjacent to and adjoining the principal use, subject to the following conditions:
 - a. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division.
 - b. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of 6 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.
 - c. The hours of operation for an outside sales area shall be consistent with the hours of operation of the principal use.

Section 1703. [Unchanged]

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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:

LETTERS OF INTEREST



October 17, 2008

Barbara McBeth
CDD Deputy Director
City of Novi
45175 W Ten Mile Rd
Novi, MI 48375

Dear Barbara,

Outlined below is our proposed use of the area in front of our store for seasonal merchandising. The time frames are approximate due to the sometimes uncertain availability of the type of product we are dealing with.

- January through March we will not be merchandising product outside.
- Late April through August we will be merchandising hanging baskets, bags of soil and other outdoor flowers. We will also be merchandising summer produce such as melons during this timeframe. We will be using small half tables for the soil, flowers and produce. We will use a metal arb to hang flowering baskets on.
- September through October we will be selling hardy mums and other outdoor flowers. We will also have produce at this time.
- During the month of October we will be selling pumpkins outside.
- Late November through December we will be selling wreaths.

We plan on using half tables, half tables with umbrellas and metal arbs to display the product on. We will display very similar to this year.

I look forward to hearing back from you. Please let me know if you need any additional information and what the next step in the process is.

Thanks,

Jonathan Messer
Store Manager
248 348 0708
Jonathan_messer@buschs.com