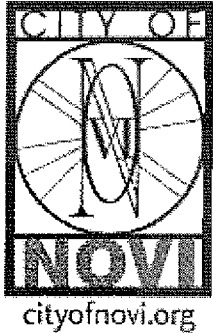


## MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KRISTEN KAPELANSKI, PLANNER *Kristen*  
**THRU:** BARBARA MCBETH, COMMUNITY DEVELOPMENT  
**SUBJECT:** TEXT AMENDMENT 18. 236 PRO EXTENSIONS (PLANNING  
COMMISSION MEETING DATE: 04/08/09)  
**DATE:** MARCH 30, 2009

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Attached you will find a proposed ordinance amendment that the Community Development Department, in conjunction with the City Attorney's Office, has been working on to clarify the requirements of a Planned Rezoning Overlay (PRO) extension.

The amendment clarifies the effective date of the PRO and provides factors for the City Council to consider when determining whether or not an extension should be granted.

The Planning Commission is asked to hold a public hearing on April 8<sup>th</sup>, 2009 and forward a recommendation to the City Council regarding this amendment. 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 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org).

**PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 236

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 34, AMENDMENTS TO ORDINANCE, SECTION 3402, PLANNED REZONING OVERLAY (PRO) AT SECTION 3402.D.3, APPROVAL OF REZONING WITH PLANNED REZONING OVERLAY; IN ORDER TO CLARIFY THE TIMFRAME AND THE STANDARDS FOR APPROVAL OF AN EXTENSION TO A REZONING WITH PLANNED REZONING OVERLAY.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 34, Amendments to Ordinance, Section 3402, Planned Rezoning Overlay (PRO) are hereby amended to read as follows:

**Article 34, Amendments to Ordinance**

**Sec. 1100. Intent.** [unchanged]

A - C. [unchanged]

D. 1 - 2. [unchanged.]

3. Unless extended by the City Council for good cause, the Rezoning with Planned Rezoning Overlay shall expire following a period of two (2) years from the effective and recorded date of the Planned Rezoning Overlay Agreement ~~Rezoning~~ unless approved bona fide development of the property pursuant to building and other required permits issued by the City commences within such two (2) year period and proceeds diligently and in good faith as required by the ordinance to completion.

a-b. [unchanged.]

c. The City Council may grant an extension of the Rezoning with Planned Rezoning Overlay for a period of up to two (2) years, and may grant at the conclusion of such extension additional subsequent extensions for similar periods of time. In determining whether good cause exists for an extension, the City Council shall consider the following factors:

- (i) The applicant has demonstrated that needed utility services have been delayed;
- (ii) The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems;
- (iii) The applicant has demonstrated that unforeseen economic events or conditions have caused delays;
- (iv) The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations;
- (v) There is no pending zoning ordinance which would substantially change the requirements of the approved plan.

4. [unchanged.]

E – I. [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 CITY COUNCIL OF THE CITY OF  
NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.

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DAVID LANDRY, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

**PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 236

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009.

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

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

Ayes:

Nays:

Abstentions:

Absent: