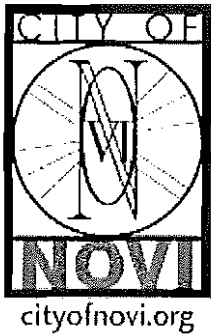


MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.247
DATE: MARCH 18, 2011

Attached are ordinance amendments the Community Development Department has proposed to allow buildings on parcels in certain zoning districts adjacent to freeway rights of way to be constructed up to a height of 65 feet when additional building setbacks are provided. Staff reviewed the ordinance and found that there are already provisions to allow additional height near the freeways in several zoning districts: OST, OSC, EXO Overlay and TC Districts. The addition of three districts (RC, I-1 and I-2 Districts) to those permitting additional building height would allow for better consistency along the freeway rights of way. These amendments would align with the following Implementation Strategy provided in the Master Plan for Land Use: "The City should review the Zoning Ordinance to see if it would be appropriate to increase permitted building heights for properties close to the freeway in all non-residential districts."

Building Heights in the OST District

Currently, buildings in the OST District north of Grand River Avenue may be increased in height from 46 feet to up to a height of 65 feet if additional building setbacks are provided. Further, three areas are permitted additional building height up to 115 feet: where any portion of a building is located within 1200 feet of a right of way line of a limited access freeway, on any property located east of M-5 and north of 13 Mile Road, and on any OST zoned property west of Cabaret Drive, north of I-96 and south of Twelve Mile Road. Please see the attached reference map "Permitted and Proposed Building Heights" with the purple and blue areas identifying heights currently permitted in the OST districts.

The additional building height up to 115 feet for OST properties with close proximity to M-5 and I-96 was permitted as a result of an ordinance amendment in 2006. ITC was able to utilize the additional height in the construction of the ITC Headquarters. At this point, staff is recommending only formatting modifications to this section of the ordinance (see attached) to clarify the standards, with no substantive changes proposed in this section.

Staff had previously noted that there are several parcels master planned for Office Research Technology uses (both north and south of I-96) that could be rezoned to OST in the future. See the attached map "Properties Master Planned for Office Research Development Technology". Staff recommends maintaining the standards for planned and zoned OST parcels with a maximum height of 46 to 65 feet, when not adjacent to, or within 1200 feet of a limited access freeway, or as otherwise provided above.

Changes to Buildings Heights Adjacent to Freeway Rights of Way

The ordinance changes also propose that buildings on properties within 1200 feet of freeway rights of way would be permitted to reach 65 feet in height if additional building setbacks are provided. The following districts would include this provision: RC, Regional

Center District, I-1, Light Industrial District and I-2, General Industrial District. Please see the green areas on the attached map "Permitted and Proposed Building Heights" for new areas that would be allowed the additional height.

Staff is proposing that only office buildings, research and development facilities and similar uses in the Light Industrial and General Industrial Districts be permitted additional building height in order to maintain consistency of appearance along the freeways. The permitted manufacturing, warehousing and any outdoor uses in these districts would not be permitted the additional building height along the freeways. Further, additional building height would not be permitted on properties abutting residential districts.

Below is a chart summarizing the additional height allowances proposed for three districts.

	Current maximum height	Proposed maximum height within 1200 feet of limited access freeways
Regional Center	45 feet	65 feet
Light Industrial	40 feet	65 feet
General Industrial	60 feet	65 feet

Other districts adjacent to freeway rights of way that would not include the additional height amendments are the B-2, EXPO, C, TC and OSC Districts. Buildings in the EXPO, TC and OSC Districts are already permitted to have additional height. Additional height options were not included in the B-2 District as it would not be consistent with the intent of the district. Building height is regulated by a specific section of the Ordinance in the C District and was not addressed as part of this amendment. See the attached map illustrating existing zoning adjacent to freeway rights of way.

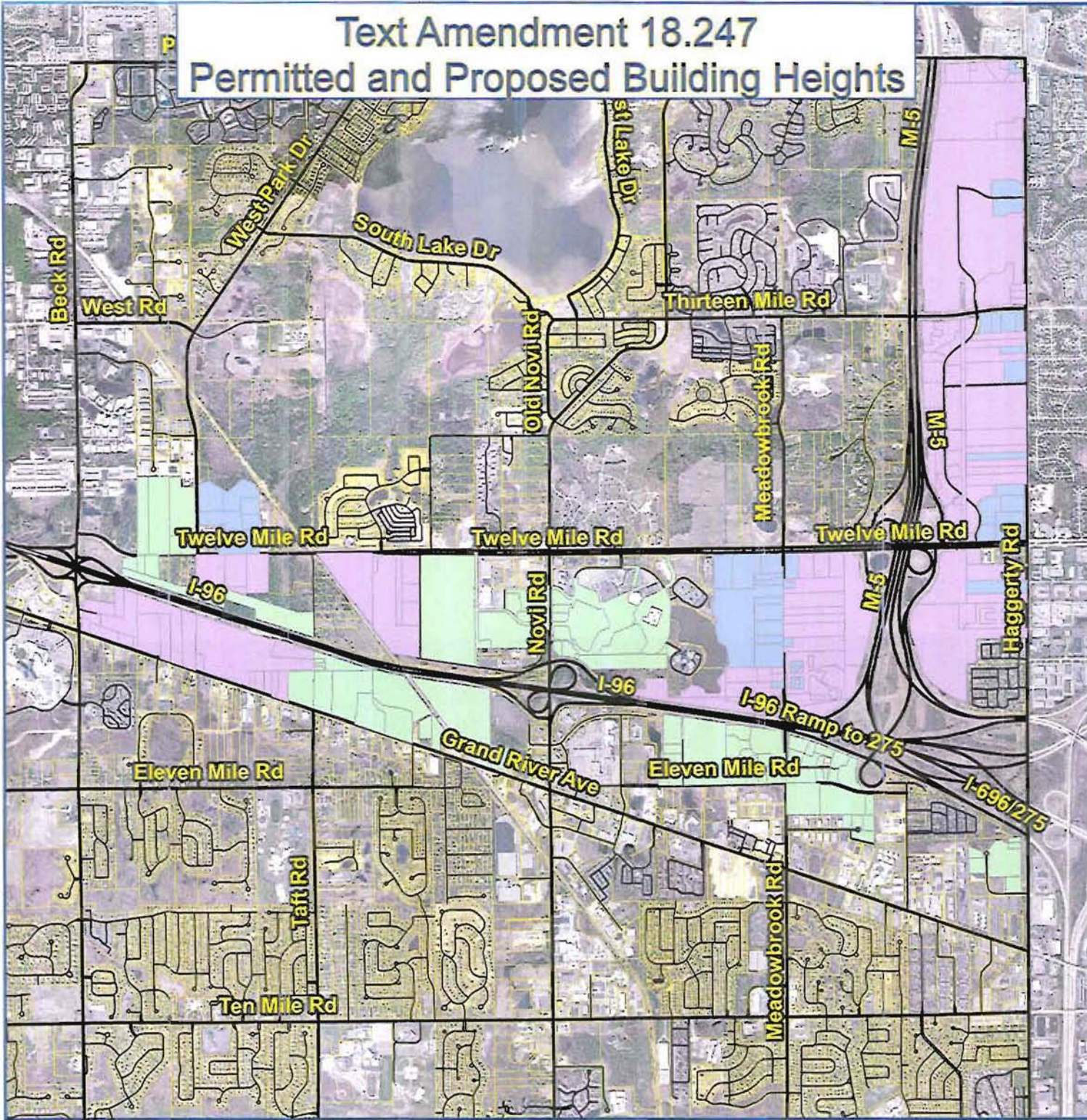
Public Hearing

The Planning Commission set the public hearing for March 23rd at the February 23rd Planning Commission meeting. Relevant meeting minutes are attached. The Commission is asked to hold the public hearing and forward a recommendation to the City Council on the attached ordinance amendments, for reading and adoption.

This matter appeared before the Implementation Committee where members were generally in support of the proposal. Relevant meeting minutes are attached. 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.

PERMITTED AND PROPOSED BUILDING HEIGHTS

Text Amendment 18.247 Permitted and Proposed Building Heights



Map Legend



- Building Height up to 65 Feet Proposed
- Building Height up to 65 feet Permitted
- Building Height up to 115 Feet Permitted

* Properties identified are approximate. See Zoning Ordinance for specific height provisions according to Zoning District.



City of Novi
 Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org

Map Author: Kristen Kapelanski
 Date: March 17, 2011
 Project: Additional Height
 Version #: 1.0

MAP INTERPRETATION NOTICE

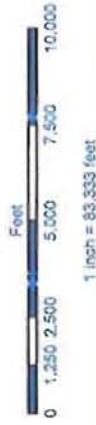
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate 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.

**PROPERTIES MASTER PLANNED
FOR OFFICE RESEARCH DEVELOPMENT TECHNOLOGY**



Map Legend

Office Research Dev. Tech.



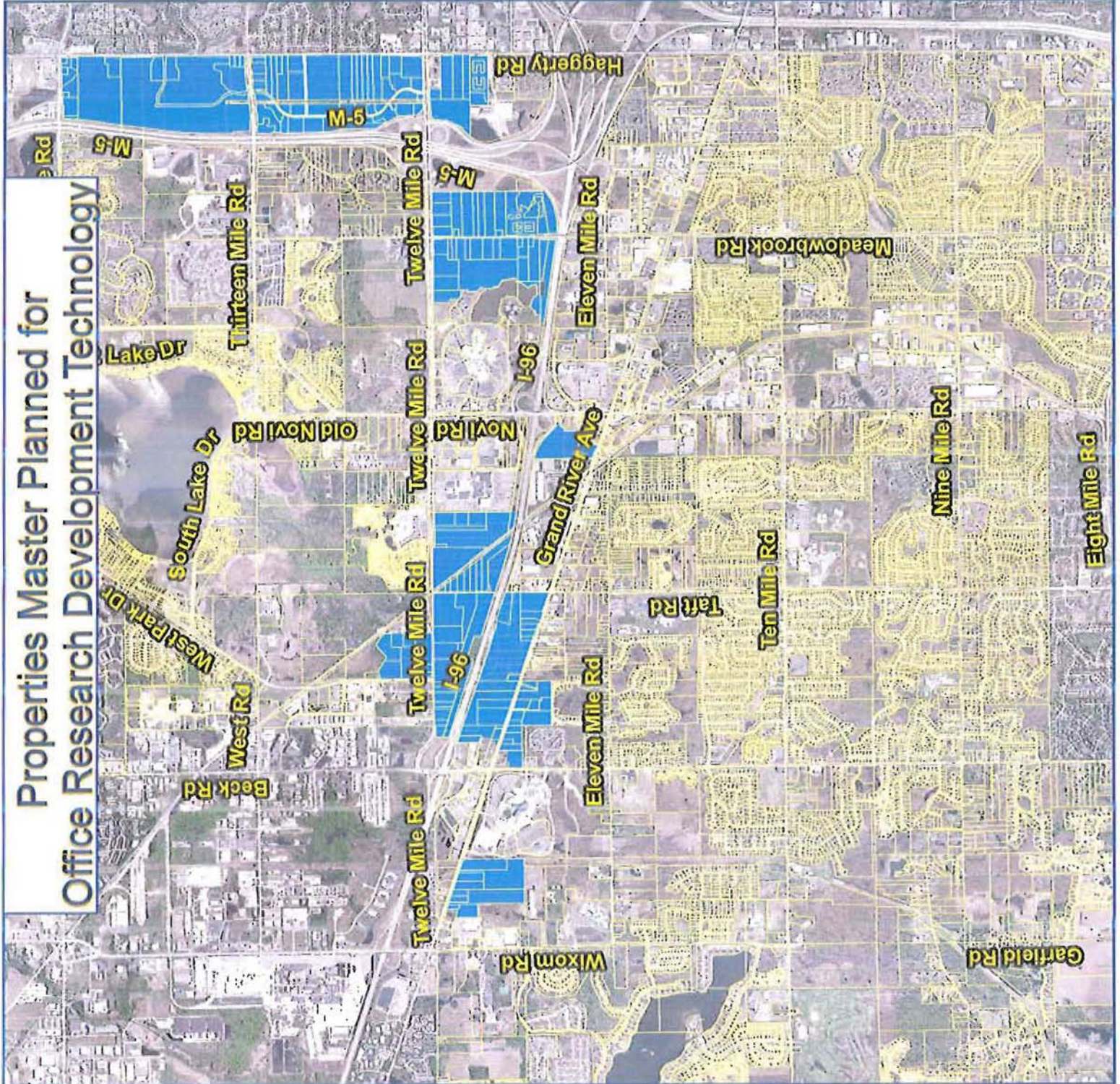
City of Novi
Planning Division
Community Development
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Kristen Kaplanski
Date: January 11, 2011
Project: Properties Master Planned for OST
Version #: 1.0

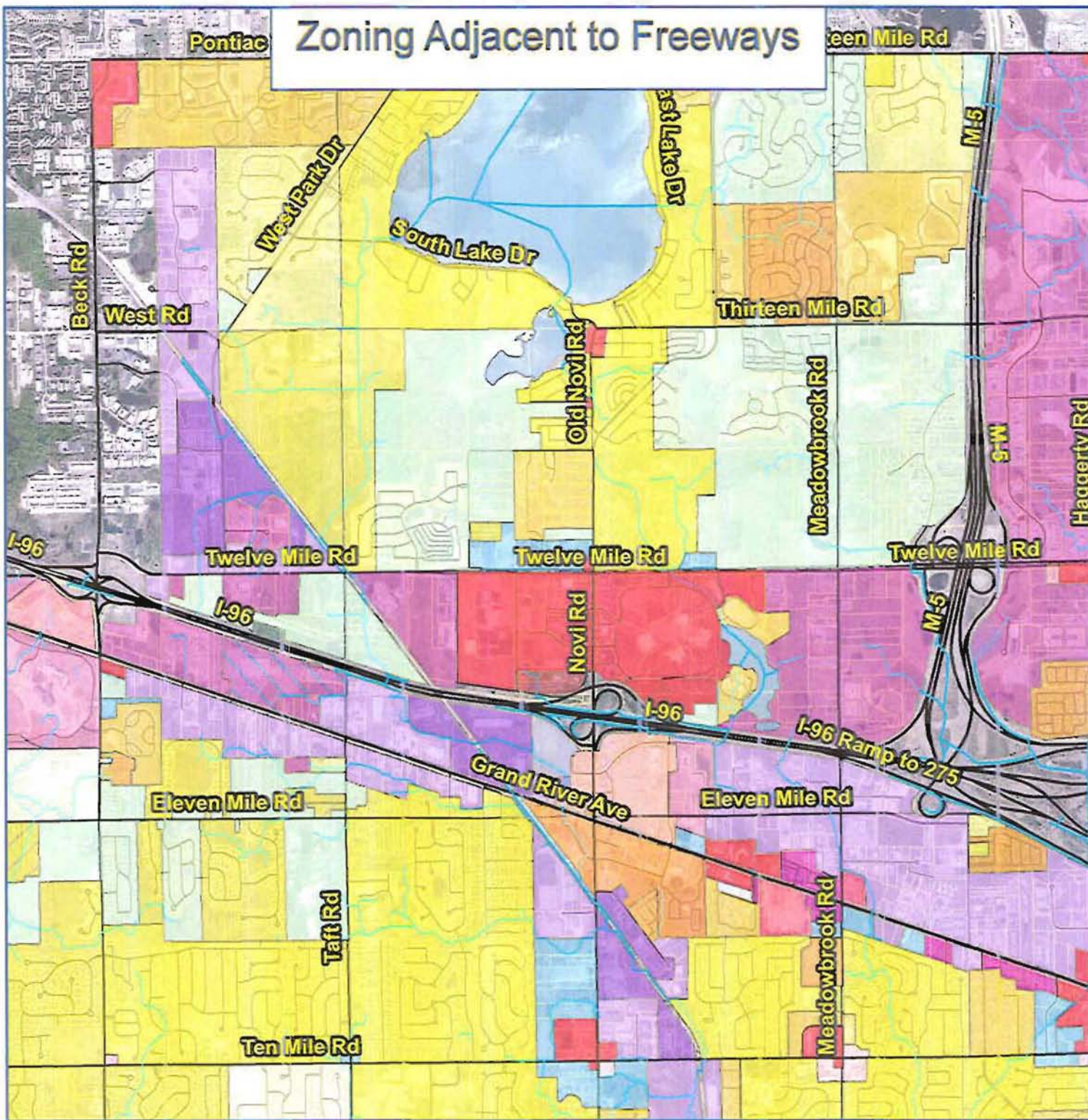
MAP INTERPRETATION NOTICE

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.

Properties Master Planned for
Office Research Development Technology



PROPERTIES ADJACENT
TO FREEWAYS



Map Legend

<table border="0"> <tr><td></td><td>R-A</td></tr> <tr><td></td><td>R-1</td></tr> <tr><td></td><td>R-1 PRO</td></tr> <tr><td></td><td>R-2</td></tr> <tr><td></td><td>R-3</td></tr> <tr><td></td><td>R-4</td></tr> <tr><td></td><td>RT PRO</td></tr> <tr><td></td><td>RM-1</td></tr> <tr><td></td><td>RM-2</td></tr> <tr><td></td><td>RM-2 PRO</td></tr> <tr><td></td><td>MH</td></tr> <tr><td></td><td>B-1</td></tr> <tr><td></td><td>B-2</td></tr> <tr><td></td><td>B-3</td></tr> <tr><td></td><td>B-3 PRO</td></tr> <tr><td></td><td>C</td></tr> </table>		R-A		R-1		R-1 PRO		R-2		R-3		R-4		RT PRO		RM-1		RM-2		RM-2 PRO		MH		B-1		B-2		B-3		B-3 PRO		C	<table border="0"> <tr><td></td><td>EXO</td></tr> <tr><td></td><td>EXPO</td></tr> <tr><td></td><td>GE</td></tr> <tr><td></td><td>FS</td></tr> <tr><td></td><td>I-1</td></tr> <tr><td></td><td>I-2</td></tr> <tr><td></td><td>NCC</td></tr> <tr><td></td><td>OS-1</td></tr> <tr><td></td><td>OS-2</td></tr> <tr><td></td><td>OSC</td></tr> <tr><td></td><td>OST</td></tr> <tr><td></td><td>RC</td></tr> <tr><td></td><td>P-1</td></tr> <tr><td></td><td>TC</td></tr> <tr><td></td><td>TC-1</td></tr> </table>		EXO		EXPO		GE		FS		I-1		I-2		NCC		OS-1		OS-2		OSC		OST		RC		P-1		TC		TC-1
	R-A																																																														
	R-1																																																														
	R-1 PRO																																																														
	R-2																																																														
	R-3																																																														
	R-4																																																														
	RT PRO																																																														
	RM-1																																																														
	RM-2																																																														
	RM-2 PRO																																																														
	MH																																																														
	B-1																																																														
	B-2																																																														
	B-3																																																														
	B-3 PRO																																																														
	C																																																														
	EXO																																																														
	EXPO																																																														
	GE																																																														
	FS																																																														
	I-1																																																														
	I-2																																																														
	NCC																																																														
	OS-1																																																														
	OS-2																																																														
	OSC																																																														
	OST																																																														
	RC																																																														
	P-1																																																														
	TC																																																														
	TC-1																																																														

1 inch = 3,009 feet

City of Novi
 Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org

Map Author: Kristen Kapelanski
 Date: January 11, 2011
 Project: Zoning Adjacent to Freeways
 Version #: 1.0

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.

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11- 18 – 247

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, ARTICLE 24, SCHEDULE OF REGULATIONS, SECTION 2400, SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT; IN ORDER TO INCLUDE PROVISIONS TO ALLOW FOR ADDITIONAL HEIGHT IN PROPERTIES ADJACENT TO LIMITED ACCESS FREEWAYS.

THE CITY OF NOVI ORDAINS:

Part I.

That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 24, Schedule of Regulations, Section 2400, Schedule Limiting Height, Bulk, Density and Area by Zoning District is hereby amended to read as follows:

ARTICLE 24. SCHEDULE OF REGULATIONS

Sec. 2400. Schedule Limiting Height, Bulk, Density and Area by Zoning District

[Unchanged.]

		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(l, 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 (w)	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 (w)	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 (w)	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	Conference (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	

* [Unchanged.]

** [Unchanged.]

DWELLING UNIT DENSITY/TYPE REGULATIONS

[Unchanged.]

Notes to Schedule of Regulations:

(a) – (t) [Unchanged.]

(u) The maximum height permitted in the OST districts shall be forty-six (46) feet or three (3) stories, with a minimum building setback of fifty (50) feet, except as provided below.

- (1) Properties south of Grand River Avenue shall not qualify for additional building height.
- (2) On properties north of Grand River Avenue, buildings may be constructed up to sixty-five (65) feet in height, with building setbacks increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet.
- (3) On properties located north of Grand River Avenue, buildings may be constructed up to one hundred and fifteen (115) feet in height, only under the following circumstances:
 - a. Where any portion of a building is located within 1,200 feet of a right of way line of a limited access freeway, and
 - b. On any property located east of M-5 and north of Thirteen Mile Road, regardless of proximity to a limited access freeway right of way line, and
 - c. On any property located west of Cabaret Drive, north of I-96 and south of Twelve Mile Road, regardless of proximity to a limited access freeway right of way line, may be constructed up to one hundred and fifteen (115) feet in height,

All being subject to the following:

 - i.a. All building setbacks shall be increased by two (2) feet for every one (1) foot of building height in excess of forty-six (46) feet, unless the building is within a planned development approved as part of a single development plan, in which case setbacks shall be increased by one (1) foot for every one (1) foot of such additional building height.
 - ii.b. Buildings utilizing this subsection shall be designed to minimize their impact on surrounding existing uses, including, but not limited to building design elements such as variation in building materials, mitigation of exterior and interior building lighting, and utilization of building relief (including step backs of higher stories).

- (4) The maximum height of all buildings shall include all rooftop appurtenances, architectural features, skylights, or other such roof mounted building amenities.
- (5) Notwithstanding the above, the minimum building setback from all residentially zoned properties shall be one hundred (100) feet.
- (v) [Unchanged.]

(w) On properties located within 1,200 feet of a limited access freeway right of way line and not adjacent to residentially zoned properties, buildings may be constructed up to sixty-five (65) feet in height, with all building setbacks increased by two (2) feet for every one (1) foot of building height in excess of the maximum height permitted in that district, except as follows:

In the I-1, Light Industrial and I-2, General Industrial Districts, only office buildings, research and development facilities, and data processing and computer centers and similar facilities which do not include a substantial manufacturing or warehousing component may be permitted the additional height.

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.

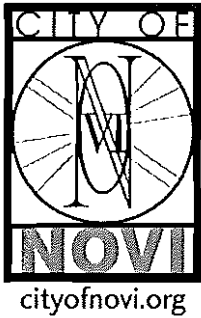
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2011.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION MEETING
MINUTES EXCERPT – FEBRUARY 23, 2011**



PLANNING COMMISSION MINUTES

APPROVED

CITY OF NOVI

Regular Meeting

Wednesday, February 23, 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 Baratta, Member Cassis, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Greco (excused)

Also Present: Victor Cardenas, Assistant City Manager; Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Mark Spencer, Planner; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Brian Coburn, Senior Civil Engineer; Doug Necci, Façade Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Meyer:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

Motion to approve the February 23, 2011 Planning Commission agenda. Motion carried 8-0.

MATTERS FOR CONSIDERATION

3. SET A PUBLIC HEARING FOR MARCH 23, 2011 FOR ZONING ORDINANCE TEXT AMENDMENT 18.247 RELATED TO ADDITIONAL HEIGHT PROVISIONS FOR PROPERTIES ADJACENT TO LIMITED ACCESS FREEWAYS.

Planner Kapelanski stated that this is a staff initiated amendment and it would allow all buildings north of Grand River Avenue in the OST District to be constructed up to a height of 65 feet with additional building setbacks. It would also allow all buildings on parcels adjacent to freeway rights-of-way to be constructed up to 65 feet, again with the additional building setbacks. This would align with one of the Implementation Strategies listed in the Master Plan for Land Use and staff is asking the Planning Commission to set the public hearing for March 23, 2011.

Motion made by Member Meyer, seconded by Member Gutman:

ROLL CALL VOTE ON MOTION TO SET THE PUBLIC HEARING FOR TEXT AMENDMENT 18.247 MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

Motion to set a public hearing for March 23, 2011 for Text Amendment 18.247. Motion carried 8-0.

**IMPLEMENTATION COMMITTEE MEETING
MINUTES EXCERPT – NOVEMBER 10, 2010**



cityofnovi.org

IMPLEMENTATION COMMITTEE
City of Novi Planning Commission
NOVEMBER 10, 2010 at 6:00 p.m.
Novi Civic Center – Mayor's Conference Room
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

Members: Cassis, Gutman, Meyer, Pehrson
Staff Support: Kristen Kapelanski

Roll Call

Present: Members Cassis, Meyer (Chair), Pehrson and Gutman

Also Present: Kristen Kapelanski, Planner; Barbara McBeth, Community Development Department Deputy Director

Approval of Agenda

Moved by Member Gutman, seconded by Member Pehrson:

Motion to approve the Agenda.

Member Cassis added a discussion of the signage in the Novi Town Center to the end of the agenda.

Member Gutman and Member Pehrson agreed to the amendment.

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER PEHRSON:

Motion to approve the Agenda with Member Cassis's suggested amendment. Motion carried 4-0.

Discussion Items

1. Amendment to Allow Additional Building Height Adjacent to Freeways

Discussion of possible ordinance amendment to allow buildings to be constructed up to a height of 65 feet in areas adjacent to freeways.

Planner Kapelanski reviewed the proposed amendment with Committee members.

Member Cassis worried that the additional height of new buildings adjacent to freeways would block the visibility of buildings constructed behind those properties adjacent to the freeway.

Member Pehrson was not opposed to the amendment.

Chair Meyer noted that properties south of Grand River are not adjacent to the freeway and asked staff to clarify what was intended regarding the changes to the OST District before the amendment moves forward.