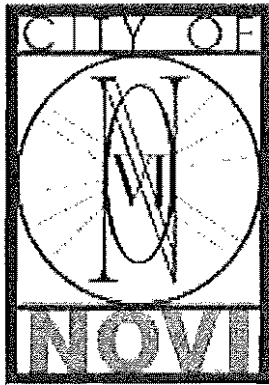


MEMORANDUM



cityofnovi.org

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: SARAH FLEMING, AICP
PLANNER

THROUGH: BARBARA MCBETH, AICP
COMMUNITY DEVELOPMENT DEPUTY DIRECTOR

SUBJECT: TEXT AMENDMENT 18.260
AUTOMOBILE REPAIR AND MAINTENANCE-RELATED
LANGUAGE

DATE: JUNE 13, 2012

In an effort to ensure clarity, effectiveness and consistency in interpretation of the City of Novi Zoning Ordinance, Community Development Department planning staff have undertaken an extensive review of ordinance text related to automotive maintenance and repair service uses. Through this study, staff have determined the following:

- The Definitions section of the Zoning Ordinance (Section 201):
 - is in some instances unclear when pertaining to auto maintenance and repair-related uses;
 - does not include many important auto maintenance and repair-related use definitions;
- In some instances defining language for certain uses is found in sections other than Section 201, including chapters of the City of Novi Code of Ordinances not pertaining to Zoning.

RECOMMENDATIONS

Planning staff recommends the following:

- Clarify existing definitions within the Zoning Ordinance related to automotive maintenance and repair service uses;
- Develop definitions within the Zoning Ordinance for those automotive maintenance and repair service uses currently without definitions;
- Ensure each use definition is located in City of Novi Zoning Ordinance Section 201—Definitions;
- Update remainder of City of Novi Code of Ordinances accordingly.

Proposed changes to Article 2, Section 201 of the City of Novi Zoning Ordinance would be as follows:

Use	Definition (Section 201)
Gasoline Service Station (Full-Service) Fueling Station	<p>A place for the retail dispensing, sale, or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.</p>
Automobile Repair Shop—Minor Services	<p><u>An establishment or business which provides as its primary use, incidental or minor vehicle repairs such as engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement and minor transmission service but not including vehicle undercoating, body repair and collision work, painting, tire recapping, major engine or transmission work or auto dismantling operations.</u></p>
Automobile Repair Shop—Major Services	<p><u>An establishment or business which provides as its primary use major vehicle repair such as major engine or transmission work or overhaul, vehicle undercoating, body repair and collision work, painting, tire recapping and auto dismantling operations.</u></p>
Oil Change Establishment, Mini-lube	<p><u>An establishment or business which provides as its primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, and exclusive of other minor or major automobile repair as defined in this ordinance. It is intended that these services be provided while customers wait, generally within a fifteen (15) to twenty (20) minute time frame.</u></p>

Additional changes related to the changes in Article 2, Section 201 would occur in the following section of the City of Novi Zoning Ordinance:

Sections of City of Novi Zoning Ordinance to be Affected
Article 14: B-2 Community Business Districts
Article 15: B-3 General Business Districts
Article 16: TC and TC-1 Town Center Districts
Article 18: Freeway Service Districts
Article 19: I-1 Light Industrial
Article 25: General Provisions (Parking Schedule)

Additionally, the following sections of the City of Novi Code of ordinances will potentially be affected, pending review and comment by City of Novi legal counsel:

Sections of City of Novi Code of Ordinances Potentially Affected
Part II, Chapter 15: Fire Prevention and Protection, Article IV, Self Service Gas Stations (and footnoted municipal powers reference)
Part II, Chapter 28: Signs
Part II, Chapter 33, Article III, Division 5: Traffic and Motor Vehicles, Snow Emergencies

REQUESTED ACTION

Staff requests that Planning Commission set a Public Hearing for these proposed ordinance amendments on July 11, 2012, forwarding any recommendation to City Council for reading and adoption.

Should Commissioners have questions regarding this request, please contact Sarah Fleming, Planner, Community Development Department at (248) 735-5631, or via email at sfleming@cityofnovi.org.

Automotive Repair and Maintenance Service Uses
Existing Definitions and Proposed Modifications

Auto Repair Uses Identified in Novi Zoning Ordinance	Novi Definition	Proposed Modified Auto Repair Uses Suggested for Novi Zoning Ordinance	Proposed Definition
Gasoline Service Station - (Full Service)	A place for the retail dispensing, sale, or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.	Fuelling Station	A place for the retail dispensing, sale, or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages.
Gasoline Filling Station (Self Service)	Not Defined		Automobile Repair Shop--Minor Services
Automotive Service Establishment, Public Garage	Not Defined	Automobile Repair Shop--Major Services	
Mini-lube or Quick Oil Change Establishment	Not Defined	Oil Change Facility	An establishment or business which provides as its primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, and exclusive of other minor or major automobile repair as defined in this ordinance. It is intended that these services be provided while customers wait, generally within a fifteen (15) to twenty (20) minute time frame.
Definitions in Novi Ordinance Not Matching a Specific Use		Auto Repair-Related Language from Locations other than City of Novi Code of Ordinances, Appendix A, Section 201 (Zoning Ordinance)	
Automobile Repair	The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.	Appendix A: Zoning Ordinance Article 19: I-1 Light Industrial District Section 1903.3: Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions	Automobile service establishments and public garages for vehicle repair and servicing, engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement and engine and transmission service, but not including vehicle undercoating, body repair and collision work, painting, tire recapping or auto dismantling operations.
Garage, Service	Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.	Part II: Code of Ordinances Chapter 28: Signs Section 28-1: Definitions	Gasoline Filling Station means a space, structure, or building or part of a building for the retail sale or supply of motor fuels, lubricants, air, water and other customary facilities and service for the installation of such commodities in or on such motor vehicle, but not including special facilities for the painting, repair, or similar services thereof.
		Part II: Code of Ordinances Chapter 15: Fire Prevention and Protections Article 4 : Self-Service Gas Stations Section 15-66: Definitions	<p><i>Full self-service gas station</i> shall mean any service station where more than fifty (50) percent or more than three (3) of its motor fuel dispensing devices may be operated by persons other than the owner, lessee, operator or an authorized employee.</p> <p><i>Self-service gas station</i> shall mean any service station where persons other than the owner, lessee, operator or an authorized employee are permitted to use or operate any motor fuel dispensing equipment.</p>